



**ARAPAHOE COUNTY
PLANNING COMMISSION
December 18, 2007**

Members

Paul Rosenberg
Mark Brummel
Dr. Niels Martin
Brian Weiss
Arnold Hayutin

OTHERS PRESENT

Jan Yeckes
Ron Hovland
Carol Kuhn
Sherman Feher
Chuck Haskins
Bill Skinner
Sue Liu
Stacey Thompson
Gail Stumpo

Chair Paul Rosenberg thanked Dr. Niels Martin for serving on the Planning Commission. He said Dr. Martin was a very important and valuable member of the Board and would be missed. This is Dr. Martin's last meeting.

APPROVAL OF MINUTES

The motion to approve the minutes from the October 2, 2007 and October 16, 2007 Planning Commission hearings was made by Mr. Hayutin, duly seconded by Mr. Weiss.

The motion passed unanimously.

CONSENT AGENDA

There were no Consent Agenda items.

PLANNING DIVISION MANAGER COMENTS

Ron Hovland said Dr. Martin would be receiving a plaque thanking him for his service to the County. He said the first meeting of 2008 would be held on the 3rd Tuesday in January. He said two cases would be heard this evening and wished the Commission a happy holiday season and thanked the members for their service.

REGULAR AGENDA ITEMS

Item 1 – P07-001, Centennial E. Corporate Center/Lot 16/Final Development Plan (Continued from November 20, 2007)

Bill Skinner, Planner II, established jurisdiction. He distributed copies of the Engineers Report for Phase II related to this case. He said there are no issues with the Centennial East Corporate Center Lot 16 FDP and the Planning Department recommendation has not changed. He said this application is for a single story light industrial office warehouse building in the Centennial East Corporate Center. He said the development is targeted towards industrial uses. He said staff agrees with the application with some minor discrepancies related to the Joint Planning Agreement and the applicant has met with the City of Centennial to resolve those discrepancies. He said emails received from the City of Centennial indicate that a resolution has been reached on three issues, which include the percentage of parking in front of the building, the four sided architecture and a conflict in the Joint Planning Agreement (JPA) code requirement that was discovered by staff for second story windows. He said the emails were received from Wayne Reed, Director of Planning and Development and Rita McConnell, Deputy Director of Planning and Development for the City of Centennial.

Mr. Rosenberg asked Mr. Skinner to read into the record a statement from the emails received from Centennial indicating what has been resolved. Mr. Skinner said the first email explains the problems verbatim and the follow up email from the applicant to Wayne Reed and Rita McConnell of the City of Centennial reads, "Our project is located at 14158 E. Easter Place. In the letter, you were concerned over several issues that might be nonconforming to the Joint Planning Agreement. We discussed three main topics. Parking 70% being located at the rear of the building per section 13402A.02.03 – Off Street Parking Areas, it states that 70% of the parking needs to be behind or to the side of the building. In our discussions, it was stated that the reason for this stipulation was to minimize the visual impact of parking from the street. Since our project has a relatively small amount of parking, 19 spaces, it was decided that we could keep our parking spaces where they are currently located even though it is in front of the building." Mr. Skinner summarized saying that the City reviewed their plan and realized that the parking behind the building was not sufficient and are now comfortable with parking in front of the building.

Mr. Skinner continued reading the email saying, "Point two - Four Sided Architecture per section 1-3402A.02.01 paragraph A, it states that there should be a "similar level of architectural detailing on all sides subject to public view for adjacent properties." It was decided that since the rear of the building is within a fenced area it cannot really be viewed by the public and it was decided that the elevations could remain as they are currently designed. It should be noted, however, in our discussions with Arapahoe County, we are going to paint a bottom band across the back of the building to match the color of the stone veneer, which is on the front of the building. This will help create the appearance of a similar architectural detail of the stone wains coat on the front of the building." Mr. Skinner noted that per Centennial code, different colors are part of the horizontal and vertical articulation requirement. "Point 3 – Horizontal Articulation per section 1-3402A.02.01 paragraph B states, we should divide the building into a series of smaller components through two or more of the examples given. It was decided that we have changed two of the components, number one of which is a variation to the roof form, two feet or more, and number four, which is a change in texture of material or surface colors due to the roof variation and material textures it was decided we could keep our elevations as currently designed."

Mr. Skinner said that the City of Centennial responded to the applicant saying, "The points summarize our discussion and agreement. Regarding the parking, berming and landscaping must still be provided in the front landscaped area to minimize the view of the parking from the right-of-way." Mr. Skinner said the plan is considerably landscaped around the parking area with adequate paving, outdoor storage lot and parking lot and the site is not overloaded. He said the building and the use are appropriate for the East Centennial Corporate Center PDP and staff recommends approval.

Kris Belter, Intergroup Architects, representing the applicant, said the main concern of the City of Centennial was that parking must not impact the front of the building. He said this building has little parking in front and would not be an issue. He said street trees along Blackhawk Street are part of the landscaping and evergreens will screen year round. He said the JPA does not relate very well to the window issue. He referred to a rendering showing an expansive wall on the building where windows could be accommodated. He said the building is an office warehouse and could accommodate indoor storage. He said the front of the building has nine-foot ceilings and the City of Centennial agreed that windows would not be appropriate for this project. He said he is in agreement with staff regarding the engineering issues.

The motion was made by Mr. Hayutin in Case No. P07-001, Centennial E. Corporate Center/Lot 16/Final Development Plan, that the Planning Commission has read the staff report and received testimony at the public hearing. The Planning Commission finds itself in agreement with staff findings 1 through 2 including all plans and attachments as set forth in the staff report dated December 10, 2007, and recommend this case favorably to the Board of County Commissioners subject to the following two (2) conditions:

1. Prior to signature of the final mylar copy of these plan, all minor modifications shall be made as required by the Arapahoe County Public Works & Development Department.
2. Prior to signature of the final mylar copy of these plans, the applicant agrees to address the Division of Engineering's comments and concerns as identified within the engineering Staff report.

Second by Dr. Martin.

Mr. Rosenberg asked Planning staff to address conflicts in the JPA to avoid further issues.

Mr. Hovland commented that the JPA regulations would be reviewed by Bill Campy, consultant for the JPA Land Use Plan. He said when the City of Centennial adopted their JPA Zoning Regulations the regulations did not require 70% parking behind buildings because the City decided that would not be appropriate. He said a year ago Clarion Associates insisted on placing parking behind the building. He said clarification of the appropriate land uses would be discussed in 2008. He said the City of Centennial and the County have a difference of opinion regarding industrial land uses. The County believes there is and will continue to be a place for industrial land uses in the area and have gathered supporting documentation from various sources. He said the issue has not been put to rest. He supported the plan presented this evening and said it is appropriate for the Centennial East Corporate Center.

Vote:

For: Brummel, Martin, Weiss, Hayutin, Rosenberg
Against: None
Absent: Herzfeldt, Gentry

Item 2 – L07-005, Parker & Florida Library/Location & Extent

Carol Kuhn, Planner, said jurisdiction has been established. She said this site is located at the northwest corner of S. Parker Road and E. Florida Avenue. The property is located in Commission District No. 4. She said the owner and applicant, Arapahoe Library District, is requesting approval of a Location and Extent application known as the Parker & Florida Library. She said the site is 3.379 acres and is the proposed location of the newest Arapahoe Library facility. She said a replat application to combine a portion of the Glendale Heights Subdivision, Plot 4 and a portion of Plot 5 was approved this morning by the BOCC on the consent agenda. She said the current zoning is RA – Residential Agricultural which was zoned with the original County zoning. She said the applicant is proposing to construct a 15,758-square foot library, with an additional 12,137-square feet in the basement. She said the RA zoning sets a minimum lot size of 105,000 square feet and a maximum building height of 35 feet. She said the Location and Extent (L and E) does conform to the requirements and Residential Agricultural zoning does not have a minimum open space requirement. As this is more of a commercial type use, the applicant has been asked to provide the minimum open space of 20% and they have provided 38.8% open space, with 67 trees and 746 shrubs and additional street trees along S. Parker Road. She said staff recommends approval of this case. She said the applicant is concerned with one condition of approval, which is the naming of the library. She said during the referral period several of the residents expressed concern regarding naming the library after the Four-Square Mile Area. Staff added a condition of approval that the library district should name the library, Four-Square Mile Area Library, however the applicant has indicated that the library board is looking for a donor, and might consider naming the library after that person. The applicant is requesting that the condition be removed.

Dr. Martin asked if the Planning Commission has jurisdiction in naming the library.

Ms. Kuhn answered that the library board would decide on the name of the library.

Mei Sundarapura, Bennett Wagner & Brody Architects, representing the library district, presented renderings of the site plan. She pointed out a fire access from E. Florida Ave. and Parker Road. She stated that Parker Road will be right-in right-out, which CDOT has approved as a shared access between three parties and the Florida access would be full movement; the west and south side of the site are residential. She said the main entrance can be seen from Parker Road and there is an off hour entrance for the community room. The staff entrance is on the north side. She said the floor plan has four community rooms that can be opened into one large room and the basement is for district storage. She described the architecture and elevations of the building.

Mr. Hayutin asked the number of spaces for parking.

Ms. Sundarapura said there are 104 parking spaces.

Mr. Rosenberg asked about the number of people that the large community room could hold.

Ms. Sundarapura answered 300 people.

Mr. Rosenberg asked about parking for 300 people.

Mr. Hayutin expressed concern regarding the parking ratio.

Ms. Kuhn said it was anticipated that all the rooms would not be used at once. She said increased parking would result in losing some of the open space.

Mr. Weiss asked if the County has specific parking regulations.

Ms. Kuhn said the applicant believes that the potential for parking for 300 people at one time would be unusual.

Ms. Sundarapura explained that a dance and performance area is planned for two of the rooms and would accommodate 150 people. She said the County parking ratio of 3 to 300 square feet has been increased to a ratio of 7 per 1,000.

Mr. Hayutin said parking availability must be based on the usage. He said it is a beautiful facility but he is concerned with parking.

Mr. Rosenberg asked about the parking ratio at the Smoky Hill Library.

Paul Wember, 7525 S. Jasmine Ct., owners representative for the Arapahoe Library District said the parking ratio for the proposed library does exceed the requirements and is at 7 per 1,000. He said the typical library ratio for Arapahoe County is 5 per 1,000. He said the regular code standard was increased to mitigate parking issues.

Mr. Hayutin asked if 7 per 1,000 would mitigate the parking issues.

Mr. Wember said it is anticipated that the increase would mitigate parking issues.

Mr. Weiss said the strip mall across the street from the library would help alleviate the parking, but a crosswalk would be required.

Mr. Wember stated that the porkchop at the intersection has been modified to make the crosswalk shorter and CDOT is reviewing the timing for the crosswalk for safe passage.

Mr. Hayutin asked about acquiring additional land.

Mr. Wember said the purchase of additional is not within the budget at this time.

Mr. Wember said he is aware of potential parking issues for large functions and the programming would take that into consideration. He said the larger functions would take place on weekends or evenings.

Mr. Weiss asked about the hours of operation for the library.

Reed Osborne, 6561 S. Ames Ct., Director of Library Operations for the Library District said the primary intention of the large meeting room facility is the ability to divide the space into four separate areas. He said that would allow the continuation of ESL classes that were offered at the Glendale Library. He said in comparison to the Smoky Hill Library, which is 40,000 square feet, there are 200 parking spaces. He said the Koeble library, which is also 40,000 square feet, has 140 parking spaces. He said parking has always been adequate at those libraries and the new library has a higher standard of parking. He said the hours of operation for the new library will be Monday, 9-9, Friday and Saturday 9-5 and Sunday 1-5.

Mr. Weiss asked about the potential for overlapping library usage and community room usage.

Mr. Osborne said that is a possibility.

Mr. Weiss asked if the library could be used as an election location.

Mr. Osborne said that would be possible and added that requests from the election authorities have always been honored by the Library District.

Mr. Weiss expressed concern regarding excessive uses once or twice a year at the library and agreed that the parking overflow could be handled at the strip mall across the street from the library.

Mr. Hayutin asked if the new library is replacing the Glendale Library.

Mr. Osborne said yes.

Mr. Weiss asked if traffic studies have been done regarding accessibility from Parker and/or Florida during rush hour periods.

Mr. Osborne said the required traffic studies were done and they comply with the recommendations.

Ms. Sundarapura said the right to park on the whole length of Parker Road was requested.

Mr. Weiss said a north turn onto Parker Road is not allowed.

Ms. Sundarapura said that Parker Road is right-in right-out only. She clarified that a meeting room would hold 37 people and the large room would accommodate 158 occupants.

Ms. Kuhn clarified that one of the meeting rooms has a suspended wooden dance floor and would not be used as a meeting area in order to protect the floor.

Don Andrews, 8351 E. Iowa Dr., said he owns the property across from Florida that borders the library. He said the project is a great use for the area and he is in support. He said there is a history of light pollution from the Albertsons located in the strip mall. He is concerned about mitigating that pollution. He said the architectural plan includes deciduous trees along the common border and he would recommend more pine trees. He said he would contribute up to \$5,000 for additional pine trees.

Rich Laws, 1534 S. Uinta Way, said he is located south of the property. He said the plan is great and he is pleased how the building is sited on the lot and the parking onto the park and road side to minimize the impact on residents to the west and the south. He said he is concerned with the landscaping buffer to the south side and that it appears that most of the pine trees are to the west. He said the grade from Florida to the building elevation is about 6-7 feet and suggested pine trees to buffer the building from the neighborhoods. He said the landscaping plan is extensive and great, but that the plantings might be reorganized. He said it is a great use and a great site plan.

Ms. Kuhn was permitted to read a statement from a member of the public saying, "Now that we are talking about the trees, we cannot have evergreen trees on the south side of the street because of snow shadow. There will be ice, slipping, falling and bad things will happen. If you want evergreen trees placed, please make a condition that they are on the north side of the sidewalk so that we do not have hazards."

David Jensen said he is a planning consultant and owns the office building directly west of the property. He said the site plan is not ready to be reviewed tonight and needs work. He said he willingly contributed the land for the second access road when it was requested and also contributed the easement. He said he understood that he was to be provided a secondary access to one of the parking lots and he agreed to pay the cost. He said that is not noted on the site plan. He said he provided Mr. Wember examples of what would work for his building. He said he has been very cooperative and his contract shows that if he is not in agreement with the solution for the access to Parker Road he could withdraw his easement. He said he does not wish for that to happen. He said he would like to see a plan that would work for the library because they need the second access. He said with the increased traffic and use it would be neighborly to provide his building with a second emergency access. He distributed two options to the Board. He described a rendering showing the existing parking. He described concept B showing a connection to the south end of the parking lot with two steel ballards that would decrease two parking stalls and would not be desirable. He recommended the second plan which is a concept that would not reduce parking and would be an extension to the existing driveway. He said he has committed to pay for the steel ballards and the extension of the asphalt. He believes that is a good solution and said he has been very cooperative and

never requested payment of the easement. He said he understood he would receive an emergency access. He said he has owned the current access since 1983. He said he suggested to Mr. Wember that the configuration of his entrance off the second entry to the library is a design that would be unsafe to his employees. He said a 90 degree turn would be safer for his employees to observe oncoming traffic upon leaving the parking area.

Mr. Weiss asked about the current access.

Mr. Jensen said his easement is the access.

Dr. Martin asked if there is a pork chop right-in right-out restriction.

Mr. Jensen said yes. He said a left turn is not allowed.

Mr. Weiss asked the number of employees in his company.

Mr. Jensen said there are 20 employees.

Lois MacPhee, 1593 S. Uinta Way, HOA President of Mountain View Gardens said the association is very excited to have a library. She agreed with Mr. Andrews and Mr. Laws regarding the light pollution. She thanked all for a very good job.

Mark Lampert, 9022 E. Colorado Dr., representing two HOA's in the Four Square Mile Area said that it will be a great loss not to see Dr. Martin at the meetings on a regular basis. He said the Four Square Mile Area HOA's have enjoyed working with Dr. Martin throughout the year watching the area grow and appreciate all the expertise he has provided. He said Dr. Martin brought a different perspective that the Planning Commission never had. He thanked Dr. Martin for that and said he would be missed and wished him the best in all his endeavors in the future.

Mr. Lampert said that the Four Square Mile library meetings had excellent attendance. He said Mr. Osborne and Donna Walker have kept the members abreast of what is happening. He said the Four Square Mile needed a library, which would not have happened except for the Four Square Mile Sub Area. He said from the very beginning of the Four Square Mile Sub Area Plan a community based operation was needed. He said there were no plans for a recreation district, because the area is not large enough. He said the community worked hard to get the library and are very proud that the library is here now. He said the relationship between the Library District and the Four Square Mile Area is appreciated. He said parking is a concern. He said Camden Park backs up to the west of the library and the residents are concerned about overflow parking and traffic. He said when the library was proposed the entire area was overwhelmed and Camden Park was not. He said making a left turn out of S. Uinta going east on Florida from Camden Park has always been treacherous because Uinta on the south and Florida on the north do not line up and it is a blind corner. The advantage to the library for Camden Park is the option to walk across Florida to the library. Camden Park would not be impacted with the traffic because their main street is not a through street. He said a sidewalk will be in place along the property line of the library and he would encourage Planning to condition that Public Works continue the sidewalk along the property line, if at all possible, to the north side of Florida.

Mr. Lampert said he understood that the meeting rooms would very seldom be used to hold 300 people and he hoped that the days of meetings totaling 300 people would no longer be necessary. He said the hope is that the meeting rooms would be used for HOA's and the Four Square Mile Area neighborhoods. He said the naming of the library is one of the biggest issues. He said he is very upset that the library suggested that the condition be withdrawn as a requirement. He urged the Planning Commission not to withdraw the requirement. He said in all due respect, the Four Square Mile Area residents have worked very hard for the library and if the library is not named after a donor then the name should remain "Four-Square Mile Area Library." He said the Library has stated that many people are not familiar with the location of the Four Square Mile Area outside of the Four Square Mile neighbors and that will change. He urged that the

requirement not be dropped as recommended by staff because the neighborhood is looking for an identifying feature and have worked very hard with the Library District and are very proud of the library.

Mr. Weiss asked about a split name.

Mr. Lampert said only if someone came forth and donated the money. He said secondary names are usually dropped in joint venture naming. He added that any money received from a donor would be used to purchase equipment. He said if there is no donor and the County requests a name for the library the choice would be the Four-Square Mile Library. He said he realizes that the Planning Commission does not have the authority to name the library, but he is concerned that the Board of Directors are not listening to the citizens.

Mr. Osborne said the light pollution issue would be addressed. He said he was pleased with Mr. Andrews generous offer and would schedule a discussion with him and others with similar concerns. He said Ms. Walker and he have tried over the past two years to be present at most of the HOA meetings to be aware of the issues and concerns. He said the light pollution issue was a concern with the Koelbel Library and the Smoky Hill Library and was mitigated by working with the neighbors. He said Mr. Hovland reminded him of the concerns when the Sub Plan was developed and the community spirit in that area. He said from the perspective of the Library Board of the Arapahoe Library District the library going in at Parker and Florida is intended to serve the Four Square Mile Area, Glendale and the Holly Hills Area. He said the Board has some concern naming the library after one of the communities. He said the "cold hard cash" that may come with the naming opportunity is of an interest. He concluded by asking the Planning Commission to reconsider or remove the recommendation that the library be named the "Four-Square Mile Area Library." He said this issue would be addressed.

Mr. Brummel asked about the easement issue.

Mr. Osborne said he was not qualified to respond to that issue. He said the Library board was not a signatory to any legal agreement with Mr. Jensen. He said the agreement with the Arapahoe Library District agreement is through Interlace Development and Mr. Arthur Raines whose property is to the west of Mr. Jensen's property.

Mr. Brummel asked that the easement issue be addressed.

Mr. Wember, project manager, said he has been in discussion with Art Raines, the neighbor to the west, and his understanding is that the easement and the property is owned by Interlace Development and that Mr. Raines granted the property to David Jensen. He said the Library District has no legal relationship with David Jensen. He said that is his understanding of the agreement.

Dr. Martin asked if this is the first time Mr. Wember has heard of the proposal for a secondary emergency access.

Mr. Wember said yes. He said he has spoken with Mr. Jensen for the past three weeks and during that time the issue was brought up. He understood that the request was previously made to the Library District and was denied. He said Mr. Jensen indicated that information was inaccurate. He said he has no documentation of that information and respects Mr. Jensen's opinion.

Dr. Martin asked why a secondary emergency access could not be constructed.

Mr. Wember said the civil engineer could address grading and water issues. He said Mr. Jensen has been a good neighbor and there have not been any issues with Interlace Development or Mr. Jensen. He said there would be further discussions with Mr. Jensen and the Cunningham Fire Protection District to confirm that their needs have been met.

Dr. Martin noted that the grade appears level and would not be a limiting factor.

Mr. Wember said that Mr. Jensen graciously offered to pay for the easement in order to have fire access.

Dr. Martin said that could be beneficial to the light pollution.

Mr. Hayutin asked if the fire department has commented on this issue.

Mr. Wember said he just received the plan today. He added that the Library District is paying for the CDOT improvements at the intersection.

Ms. Kuhn said per legal council this is a private matter and the access easement has been recorded between Interlace Development and the Library District and would be added to the plat that was approved this morning. She said this is a private matter that must be worked out between both parties and is not relevant to this case. She said she was not aware of this matter until Mr. Jensen brought the matter forward this evening.

Mr. Rosenberg said Mr. Jensen's contract states that he could withdraw the easement if his agreement does not move forward.

Ms. Kuhn said the easement was recorded between Interlace Development, Plot 3 B1-PUD parcel and the Library District. She said Mr. Jensen may have an access agreement with Mr. Raines that she is not aware of.

Mr. Rosenberg said there may not be a legal withdrawal in place.

Ms. Kuhn said she does not know the contents of the document.

Tom McNish, Assistant County Attorney said it is a private matter. If there is not a secondary access the project could move forward; if the issue cannot be resolved between both parties then the Library board would resolve the issue, not the County. That is how private easements are interpreted and resolved.

Mr. Jensen responded that he chose not to stop the access process and that he owns the easement and has cooperated with the Library Board to provide the access. He said as Mr. Wember stated, there were discussions with the previous project manager, and he never received a denial and he expected to see the access on the site plan. He said there are some configuration problems. He said he is signatory to the agreement and has the ability to withdraw the agreement, but he would prefer not to withdraw. He said his attorney notified him that he has the only contract. He asked for cooperation to provide a small access that he is willing to pay for. He said he learned today that the access was previously denied. He emphasized that the site plan is not right and the good neighbor is not right. He requested that the issue be tabled to allow further discussions with the Library board to resolve the issue.

Ms. Kuhn said if the case is continued and the applicant does not agree to the continuance the site plan would go forward as is regardless of the decision because of State Statute.

Dr. Martin asked if the Library board would be willing to cooperate with the neighbor.

Mr. Wember commented that the issue is relatively new and he would remove the Arapahoe Library District from this issue and take on the responsibility since he is the project manager. He commented that he could have researched the agreement more thoroughly with the adjacent property owners. He believed he was doing the due diligence. He agreed that there is some merit to the request and that the Arapahoe Library District has not been a bad neighbor.

Mr. Hayutin asked Mr. Wember if he would have a problem with a continuance.

Mr. Wember misunderstood the question and said Mr. Jensen has been gracious enough to offer to pay for the access.

Mr. Hayutin repeated the question.

Mr. Wember responded that would not be the preference and he would rather move forward.

Mr. Hayutin said a continuance would provide additional time to work out the differences on several issues, including the naming and the easement.

Mr. Weiss said the Planning Commission was not involved in the naming of the library.

Mr. Wember said the Library board would like an opportunity to further discuss the naming of the library. He reiterated that his preference would be to move forward and continue to be a good neighbor with Mr. Jensen. He said there is merit to his request. He said he was taken aback by the late request and that there could have been more communication on his part, but he does not see any reason not to continue discussions. He said Mr. Jensen's offer to pay for the access was very gracious, the engineering would work well, and the overflow parking could be an addition and a great benefit to the project and to the community. He said his preference would be to move forward and work out the agreement.

Mr. Rosenberg said the Library would be a great addition to the community. He said another month to resolve the issues could help make the long term relationship better and why not start with the best you can have. He said the naming issue is not within the purview of the PC and he was surprised that was listed by staff.

Mr. Hayutin asked Mr. Wember if he agreed with Mr. Rosenberg's suggestion.

Mr. Wember said he does not have the authority to make those decisions and he would take the request back to the board. He said the delay would have a financial impact and a month of construction would be lost.

Mr. Weiss asked about the photometric plan.

Mr. Wember pointed out a series of points and numbers associated with the points. He explained that cutoff light fixtures are used in parking and the requirement is a zero cutoff fixture. He said the goal is next to zero at the property line, which decreases if not eliminates light pollution to the adjacent properties.

Mr. Weiss said the height of the light is not measured.

The motion was made by Mr. Hayutin to continue Case L07-005 to a date certain.

Seconded by Mr. Rosenberg

Dr. Martin said he has been involved in construction and sympathizes with Mr. Wember's desire to move forward and not postpone the project for a month since contractors have been hired.

Mr. Weiss asked when the construction is scheduled to start.

Mr. Wember said that would depend on the recommendation this evening from the PC followed by a building permit. He said the ideal scenario would be before the end of the year.

Mr. Weiss commented that obtaining a building permit would take two weeks.

Mr. Wember said that the building permit process is taking place. He said referral comments have been received and have been replied to and the final check off regarding the responses is in progress. He said the project could begin during the holidays.

Mr. Brummel commented that both parties are willing to work together and there is no reason to hold up the project.

Mr. Hayutin said the project could proceed without approval from the PC because it is a L and E hearing.

Mr. Rosenberg wondered how ground breaking could begin before the issues are resolved.

Mr. Wember responded that the grading corresponds well with what is being proposed. He said grading would take some time and work must be done with CDOT along the right-of-way areas. The foundations would begin first and the final grade would not start for a couple of months.

Mr. Rosenberg wondered about a delay in the project if the applicant were sued.

Mr. Hovland said only legal counsel could respond to that questions. He said the potential of lawsuits between private parties is not the purview of the PC in consideration of an L and E. He said only the site plan, elevations, landscape plans and lighting plans are being reviewed this evening. He said the purview of the PC is reviewing and approving the L and E or review and denial; if the applicant would agree to a continuance the case could be continued and if the applicant is not agreeable the applicant could still move ahead. He said the PC is not to theorize about the potential of lawsuits.

Mr. Hayutin withdrew his motion for a continuance and suggested that both parties work out the easement situation.

Mr. Weiss said both parties have shown good faith this evening and that they will work out the issues.

The motion was made by Dr. Martin in Case No. L07-005 – Parker and Florida Library Location and Extent, that the Planning Commission has read the staff report and received testimony at the public hearing. The Planning Commission finds itself in agreement with staff findings a. and b. including all plans and attachments as set forth in the staff report dated December 10, 2007, and recommend this case favorably to the Board of County Commissioners subject to the following conditions:

- a. That the applicant shall make any modifications to plans and plats, as requested by the Public Works and Development Department.
- b. The applicant agrees to address all Division of Engineering comments and concerns as identified within the attached report.

Seconded by Mr. Herzfeldt

Vote:

For: Brummel, Martin, Weiss, Hayutin, Rosenberg

Against: None

The motion passed 5-0, Mr. Herzfeldt and Ms. Gentry absent and excused.

Mr. Wember said the Arapahoe Library District concurs with the request for additional landscaping. He said the donation made by the gracious neighbor will be taken into consideration after meeting with the landscape engineer to work out the irrigation and modifications. He said there are no issues with the request.

Mr. Rosenberg said the library is a great addition to the neighborhood and that the library has met with many neighborhoods and communities to attempt to have the best library possible.

Jan Yeckes thanked the Planning Commission and gave a special thanks to Dr. Martin for all of his years of service. She said she has not been in her position for very long, but for the short time she has been here she has very much enjoyed working with Dr. Martin and wished him the very best of luck.

Adjourned at 8:16 PM.

Paul Rosenberg, Chairman

Gail Stumpo, Recording Secretary