

MINUTES OF PROCEEDINGS
LITTLETON CITY PLANNING BOARD
MARCH 10, 2014

The Littleton City Planning Board met on Monday, March 10, 2014 in the Council Chambers of the Littleton City Center, 2255 West Berry Avenue. The meeting convened at 7:00 p.m.

1. ROLL CALL

Board Member LaDonna Baertlein, Alt. 1
Board Member David Bolt
Chair Randy Duzan
Chair Pro Tem Karina Elrod
Board Member Andrew Graham
Board Member Carrie Moore
Board Member Mark Rudnicki
Board Member Curt Samuelson
Board Member Edward Schroeder, Alt. 2

ALSO PRESENT:

Glen Van Nimwegen, Community Development Director
Kristin Schledorn, Deputy City Attorney
Jan Dickinson, Principal Planner
Anne Cecilione, Recording Secretary

2. AGENDA

No changes to the Agenda.

3. MINUTES

a. Approval of January 27, 2014 minutes as amended per Board Member Bolt's request.

Motion to Approve January 27, 2014 minutes. Moved by Board Member Moore, seconded by Board Member Bolt.

Motion Carried 6-0

4. SCHEDULED/UNSCHEDULED APPEARANCES

Chair Duzan opened up the floor to the public for any unscheduled appearances.

Pam Chadbourne resides at Nevada and Crestline, District I. She expressed that the minutes from January 27, 2014 were great minutes from her point of view. The things that she said were

in there; it made her feel acknowledged as a citizen. It provided a searchable record for other people to look at. She addressed the Planning Board about the process for public engagement and all of us. The Planning Board has the latitude to set the schedule, the requirements, the level of which you want to see staff work done.

5. PUBLIC HEARING

a. An Ordinance of the City of Littleton, Colorado, Amending Chapter 4 Title 8 of the City Code concerning trees and shrubs

Glen Van Nimwegen, Director of Community Development, introduced David Flaig, who was responsible for implementing the tree ordinance in Title 8. Mr. Van Nimwegen stated that the Board is charged with making a recommendation on changes to Title 10 which is the Zoning Code. It is a small portion of the proposed ordinance. Mr. Van Nimwegen referenced Section 4 of the draft Ordinance to change the wording to read: *The owner or developer shall, to the extent possible, incorporate existing healthy mature trees into the landscape design. Existing trees and other plants in reasonably healthy condition may be removed only if the owner or developer has satisfactorily demonstrated to the city that site design restrictions necessitate their removal. An evaluation of the existing landscaping proposed to be removed may be required. If development requires removal of healthy mature trees, THE OWNER OR DEVELOPER SHALL, TO THE EXTENT POSSIBLE, INSTALL new trees of not less than the minimum caliper size specified in subsection 10-5-8(E) of this chapter AND GENERALLY CONSISTENT WITH THE NUMBER OF THOSE REMOVED.* This language replaces the standard language that if you have existing trees on a site and you have to because of the reuse of the property take out some of the existing trees, you are mandated by our code to strictly provide trees back at a 2:1 ratio. What staff has struggled with in a few cases is there are other considerations for the number of trees such as the size of the site; will the trees fit on the property. If there's too much density of trees, their chance of survival is greatly reduced. Perhaps putting a total maximum number of trees based on what was there is not the best criteria to use in landscaping a site. Some of the other things that might need to take into account are land uses; the types of trees that are going in; the proper spacing of the trees. We also have additional standards that come on top of this. We require a minimum of 5% of a parking lot to be landscaped and there are minimum standards for the site as well. When you add all these requirements together, you almost wind up with a site that is difficult to utilize. This is one of the reasons why we are recommending that this portion of the code be reviewed and allow a little more flexibility in the design discretion on the part of staff to make a good landscape or site design. There are also standards as to when you can remove a diseased tree and what your licensing requirements are for removing those trees. He reiterated that he is asking the Planning Board to weigh in on Section 4 of the Code. Staff believes that it would be a good idea to have more flexibility than a standard of 2:1 trees if you take them out. Mr. Van Nimwegen opened up the floor to questions from the Planning Board.

Chair Duzan opened it up to the Board to ask questions of Mr. Van Nimwegen and David Flaig.

Board Member Elrod asked for clarification on what was being voted on.

Mr. Van Nimwegen responded that the Board was voting on all of Section 4 of which the only amendments were shown in the highlighted area. He clarified that there was a section where the word arborist was being deleted; only Section 4 deals with Chapter 10, which is the Zoning Code, and which the Planning Board needed to weigh in on.

Board Member Bolt questioned how the request for this change came about.

Mr. Van Nimwegen provided an example of a particular green site that has a lot of existing trees and is for retail use only and with the requirements, it was like a forest. He stated that this issue has been dealt with over time and perhaps worked around it, but there were other changes that needed to be made as well.

Board Member Bolt stated that by reducing the number of trees, it would increase the amount of carbon in the atmosphere. He asked if there was any possibility of having them plant trees offsite or have them use shrubs instead of trees? Also, the other issue is native plants versus non-native plants because there's a lot of noninvasive species out there as well.

Mr. Van Nimwegen stated that the city is trying to get away from dictating shrubs and primarily focusing on trees which provide shade and help the most with our carbon footprints. Certainly that's an option that the Board can discuss. He thought the recommendation was to keep the trees at a 2:1 ratio and in a bank somewhere else.

Board Member Bolt made a suggestion for the developer to plant trees elsewhere where they're needed or contribute money so other areas can be improved.

David Flaig, City Arborist, informed the Board that all of the developers in the City have to do a site development plan in addition to a landscape plan. There are not any specific quantity requirements except for tree replacements and street trees planted at one tree for every 40 feet of frontage. In most cases, a lot more trees are planted than are being taken out. Littleton Commons East is one example. In this project, they are putting in four times as many trees as they're taking out when those apartments are built. Another good example is the King Soopers that is being remodeled on Littleton Blvd. In this project, they weren't actually taking out a lot of trees; however, it was difficult to find spots to put them back in when they were done. If there's a little leeway, there are still attempts to meet the code. We are not lenient on allowing people to not plant the specific required amount of trees. Every site is unique. Specifically the reason this topic is being addressed is because the original landscape code was passed in 1991/1992 which required two 2" trees for everything that was removed which is in Chapter 10, the part that you're being requested to review. In 1994, Title 4, Chapter 8, the tree code, was addressing specifically tree removal and putting in specific things. At that point, that code required a 3" tree for every tree that has been taken out. So for almost 20 years, this procedure has been followed. We are

requesting to amend the code to ensure that those two things correspond correctly, in terms of the quantity.

Board Member Bolt asked if the City was still requiring the trees along the frontage even with this change? Mr. Flaig responded that yes, this was still a City requirement.

Board Member Elrod requested Mr. Flaig to provide an example of where this method did not work. Mr. Flaig provided an example of an electrical contractor on a Belleview site, which is zoned as industrial and was covered with broken concrete and about 43 volunteer cottonwood trees. They were required to put in 10% open space with the rest of the site is covered by the building and parking. The City allowed them to plant trees along the river adjacent to the site. Those extremes do not come up that often, but it allows us to be given a little leeway.

Board Member Rudnicki asked Mr. Flaig if the City has the right to say that the addition cannot be built on a side of the building because they want to save a tree and force the client to move the addition? Or does the owner have the right to put the addition where he would like to?

Mr. Flaig replied that an individual can appeal to the Board of Adjustment.

Mr. Flaig responded that they are technically removing the Office of the Arborist which has always been essentially appointed by the city manager. So essentially, the city manager will appoint someone who's best in the position.

Board Member Moore asked if there would still be someone available who is certified on trees?

Mr. Flaig responded that he is a certified landscape architect as well as a certified arborist.

Board Member Moore requested that this comment be made for the record.

Chair Duzan opened up the floor for Public Hearing.

Pam Chadbourne, 5402 S. Nevada St., stated that she was impressed by the items that the Planning Board brought up; they are very good issues. She encouraged the Board to pursue the idea of putting money into a fund for the replacement of trees. However, the question she had for the Planning Board was if they had enough time to figure out what that information is and is the public engaged in that decision. She requested the Planning Board to table this matter to a later date.

Carol Brzeczek, 2000 W. Arapahoe Rd., 4th District, stated that tonight's information was not available on the website so that is why she decided to attend tonight's public hearing. She asked the Planning Board to not consider any ordinance or any action unless it has been submitted to the public in a timely fashion so that the public can comment in a way that's relevant.

Chair Duzan closed the Public Hearing and opened it up for discussion from the Board.

Board Member Rudnicki asked the question as it was brought up by several members of the Board, what is "Owner"? Is it "Residential Owner"; does this ordinance cover anything in a residential district?

Mr. Van Nimwegen replied that the ordinance only applies to development or a redevelopment which requires a Site Development Plan. Further, clarified that the ordinance does not apply to Single Family residential.

Board Members commented on the following:

- Overall flexibility. This ordinance provided staff working with developers to create a quality landscape possibility of collecting fees in lieu of replacing the trees on site for a “tree bank”.

Board Member Elrod stated that the City has had the benefit of good negotiations because there was a need to negotiate. It was required that for every tree removed, it needed to be replaced. She believes that we lose that negotiating power by removing that now. She would like the City to consider adding language to allow for either a funding mechanism, meaning funding be set aside, or a set number of trees be considered in other parts of the city limits.

Chair Duzan asked Board Member Elrod if she wanted to amend the motion.

Board Member Elrod stated that she wanted the City to propose language around that. She was not prepared to give language on that front.

Board Member Rudnicki stated that he did not hear an amendment; he was only hearing a recommendation.

Motion to Approve an Ordinance of the City of Littleton, Colorado, recommending approval of amendments to Littleton City Code Subsections (E) and (G) of Section 7 of Chapter 5 of Title 10 revising the landscape design criteria. Moved by Board Member Rudnicki, seconded by Board Member Graham.

Motion carried with a 5-2 vote with Board Members Bolt and Elrod voting no.

6. GENERAL BUSINESS

a. Littleton Village Subdivision Preliminary Plat, 7400 S. Broadway (Case No. MAJ13-0002)

Ms. Dickinson presented the city staff report and described the proposed preliminary plat and associated improvements.

Chair Duzan asked the Board for questions.

Board Member Rudnicki stated that back in 2004/2005 there was a concern about a lot more water winding up in Lee's Gulch. All the water is going south now which brings up the concerns of the citizens. Are you retaining more water on site?

Pat Horn, Martin & Martin, stated that previous presentations had an outfall going to the north in Broadway to Little's Creek. According to Urban Drainage and the City there are conveyance issues to the north because there has been additional flooding in Little's Creek. Lee Gulch to the south doesn't have the flooding issues, but there are erosion concerns. Since the 2004 Lowe's proposal, the City along with Urban Drainage commissioned a study to evaluate the erosion issues on Lee Gulch. This study discovered that minor flows were causing erosion and degradation of the channel. Improvements have been implemented over time to address the erosion problems. The revised plan to take the flows to the south where the erosion issues have been addressed provides a better solution than conveying the water to the north where there are still flooding issues. In addition, the proposed design is increasing the detention volume from what was previously proposed so that more water is being stored and released at slower rates.

Board Member Rudnicki directed his question to staff asking for verification that staff (engineering) had reviewed and approved this change.

Mr. Van Nimwegen responded that this was approved by engineering staff.

Board Member Duzan asked if the water was placed in another basin and if so who approved it?

Mr. Horn responded that this was a regional concern so it goes through the Urban Drainage process. In their mind, it's a safety issue and dealing with Urban Drainage directly, this redirection, while it's a basin adjustment, it's not significant enough to have any other ramifications other than to just improve the local drainage improvements.

Ms. Dickinson explained in detail the proposed changes in the sidewalk widths for Sherman Street and Village Drive.

Board Member Elrod stated that the purpose of this village is that it's walkable. You can ride your bike, it feels safe, assume the speed of traffic is going to be extremely slow there. How do we feel confident that we have reduced those areas that people are going to either be walking or riding their bikes are in a safe and comfortable environment to do that?

Ms. Dickinson responded that the sidewalks are still fairly wide and they are still 6' or wider in the other portions and separated with a fairly decent tree lawn. Staff felt that the plan still meets the requirements.

Chair Duzan followed up on Board Member Elrod's comment by stating that he had a concern regarding the sidewalk width essentially being reduced to 9'6".

A discussion followed concerning the sidewalk widths of downtown Littleton versus this proposal.

Board Member Elrod asked how does staff get back to 14' or a little bit closer to that?

Mr. Van Nimwegen responded that that could be your recommendation of approval.

Motion to Approve Planning Board Resolution No. 14-03 approving the Littleton Village Subdivision preliminary plat. Moved by Board Member Moore, seconded by Board Member Elrod.

Motion to Amend the original motion requiring Section B of Village Park Drive private road to have a minimum sidewalk width of 12' from back of curb. Moved by Board Member Samuelson, seconded by Board Member Elrod. Motion carried with a 6-1 vote with Board Member Elrod voting no.

Motion to Amend Resolution No. 14-03 approving the Littleton Village Subdivision preliminary plat be modified from the current 12' width to 14'.5" for the sidewalk width. Moved by Board Member Elrod. The motion died for lack of a second.

7. COMMENTS/REPORTS

a. Staff

Glen Van Nimwegen informed the Board that staff is gearing up for the study on Mineral Station. One of the pre-steps that staff is taking is working with the Urban Land Institute to do a Technical Advisory panel on the site which is a group of development and planning professionals participating in a one day charette and determining what potentially could happen on the Mineral and RTD site. This is scheduled for April 22 at the Littleton Museum. It will be a joint study session between the city council and the planning board. The panel from ULI will work for about 36 hours, study the site and recommend potential uses for the property. Potentially what the ULI will look at is how the current RTD site interacts with the adjacent retail and the potential development on the Ensor site south of it. There are some traffic impacts that they will potentially look at as well.

Board Member Rudnicki stated that a previous Urban Land Institute study had been done on the site and requested that this study be disbursed to everyone on the Board well before hand so it can be reviewed.

b. Board Members

c. Chair

8. ADJOURN

Motion to Adjourn at 9:33 p.m. Moved by Board Member Samuelson, seconded by Board Member Duzan.

Glen Van Nimwegen, Secretary
to the Planning Board

Anne E. Cecilione, Recording Secretary