

APPROVED AS CORRECTED ON FEBRUARY 20, 2007

Legend: ■ Inserted Language
— Deleted Language

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

January 23, 2007

The Littleton City Council met in special session on Tuesday, January 23, 2007, in the Council Chambers of the Littleton Center, 2255 West Berry Avenue. The special meeting convened at 7:00 p.m.

THOSE PRESENT:

JAMES A. TAYLOR
Mayor
REBECCA KAST
Mayor Pro Tem
DOUG CLARK
Council Member
AMY S. CONKLIN
Council Member
PAT CRONENBERGER
Council Member
TOM MULVEY
Council Member
JOHN OSTERMILLER
Council Member

THOSE ABSENT: None

ALSO PRESENT:

Jim Woods
City Manager
Larry Berkowitz
City Attorney
Julie K. Bower
City Clerk

1. **ROLL CALL**

Upon a call of the roll, seven members were present. The following business was transacted.

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA**
ACTION: APPROVED

**4. (a) SECOND AND FINAL READING ON ORDINANCES AND PUBLIC HEARINGS
– ORDINANCE ON SECOND READING TO APPROVE REZONING OF THE
PROPERTY LOCATED AT 6775, 6855, 6885 SOUTH SANTA FE DRIVE**

ACTION: PUBLIC HEARING CONTINUED TO JANUARY 30, 2007

Mr. Berkowitz read the ordinance by title.

Kevin Wrede, Senior Planner, entered the following exhibits into the record:

- Exhibit A - Staff report and attachments
- Exhibit B - Application
- Exhibit C - Area reference map
- Exhibit D - COMPLAN (by reference)
- Exhibit E - Zoning Ordinance (by reference)
- Exhibit F - Official zoning maps (by reference)
- Exhibit G - Proof of posting
- Exhibit H - Proof of publication
- Exhibit I - Public hearing roster
- Exhibit J - Public comment binders

Mr. Wrede explained the applicant, Wal-Mart Stores, Inc., was requesting to rezone property which was located at 6775, 6855 and 6885 South Santa Fe Drive. The property was approximately 23.58 acres and was presently zoned Residential Suburban Agricultural District (R-S). The proposal was to rezone the property to Planned Development Commercial (PD-C) allowing for the future development of a Wal-Mart Supercenter, associated accessory uses and parking area.

The proposed ordinance would approve the rezoning and general planned development (PD) plan. The rezoning and general PD plan established the requirements for use, floor area ratio, building height, building setbacks, unobstructed open space, parking, signage and landscaping. The general PD plan would also establish the access points to the property and provide the general and illustrative location of the building, street, parking areas and landscape design. In addition, general architectural and site design standards were included on the general PD plan under which all future site plans must be approved.

The proposed general PD plan allowed for the development of a general merchandise use, including a grocery store. Accessory uses to be operated within the main structure would include: a pharmacy, a financial institution, a restaurant, health related services and drive-thru services.

All but one of the proposed land use standards, as well as the design standards, met or exceeded the standards cited within the city's zoning code. The applicant was requesting approval of modified signage requirements.

The topography of the site was predominately east to west towards the South Platte River. The intent of the development was to capture the existing Rangeview Gulch drainage and convey the drainage across the site to an open channel that would carry the water to the South Platte River. The applicant had agreed to create a regional type water quality pond to capture drainage created from South Santa Fe Drive which provided the possibility of eliminating the visually unappealing CDOT detention pond located adjacent to South Santa Fe Drive at the ~~western~~ eastern edge of the proposed site.

The site would be accessed from an improved Briarwood Avenue located just south of the joint access drive to the Meadowood Village Mobile Home Park. The proposed development would finance and construct the future street and fully signalized intersection.

The proposed PD plan showed a pedestrian connection to the Wolhurst Landing development to the south. Pedestrian access to the Meadowood Village Mobile Home Park would be provided through the ingress and egress drives linked to the new Briarwood Avenue roadway.

The applicant had included architectural requirements that achieved the quality and character of development depicted in the South Platte River Corridor Development Design Objectives (SPDO). The objectives were to create an architectural theme described as “rural vernacular”. The intent was to use forms, massing and materials that represented rural themes exemplified by pitched and shed type roof elements, materials consistent with those stated in the SPDO such as board and batten siding, masonry, corrugated metal and earth tone hues as a color palette.

The general PD plan allowed for 177,000 square feet of building area with 879 parking spaces. The design requirements placed the structure at the rear of the site to provide room for front load parking and to help screen the parking lot and cars from the west and the Mary Carter Greenway Trail. The plan proposed to screen three sides (west, south and north) with landscaping and a 10’ screen wall designed to match the building materials and colors. The plan also met the code requirement of a 50’ landscape buffer between commercial sites and adjacent residential uses.

The proposed general PD plan was requesting a maximum square footage allowance for signage of 700 square feet. No single sign would exceed 200 square feet (100 square feet per side). The DRC reviewed the applicant’s initial signage request of 1,050 square feet and worked with the applicant to reduce the amount to what was being proposed. The DRC was recommending approval of the requested maximum signage allowance.

Mr. Wrede entered Exhibit K, additional letters received, into the record. He had received 1,314 letters in support of the rezone. Of those, 1,249 resided within the city and 65 outside the city. He had received 151 letters opposed to the rezone and of those 137 resided within the city and 14 outside the city.

The Planning Commission held public hearings on November 27th, December 4th and December 11th and approved a resolution forwarding a favorable recommendation to Council with the following conditions:

- The accessory use described as “auto service” be placed into a conditional use category
- The accessory use described as “outdoor specialty events” and “gasoline sales” be deleted from the general PD plan
- The landscaping requirements be amended to include a requirement to provide landscaping with trees along the pedestrian walk on the east facing side of any proposed structure
- The screen wall requirements be revised to require articulation in the form of reveals, projecting ribs or offsets in the wall plane and materials and colors related to the scale and style of the adjacent buildings and site improvements
- The general PD plan be revised to include the statement: “Development of this property requires approval of a final plat, subdivision improvement agreement and a site development plan.”
- The slogan “We sell for less” not be allowed with any subsequent signage permit request (The city attorney has advised staff that this condition should not be considered due to legal issues involving free speech)
- The future water quality pond improvements to be placed west of the subject property be completed at the expense of the developer for both soft and hard costs
- The text and site plan illustration requiring a pedestrian connection to the Wolhurst community be deleted from the plan
- The maximum height requirement be changed from 35 feet to 41 feet
- A glossary of terms be added to the PD plan for clarification of outdoor sales, storage and display

The proposed ordinance did not include the conditions since they were recommendations by the Planning Commission.

The DRC concluded that the proposed rezoning was justified due to the conditions in the area which had changed since the property was zoned for residential and agricultural use as allowed under the R-S zoning. The South Santa Fe Corridor Plan recognized these changing conditions and designated this site BP, Business Park, on the Suggested Land Use Categories Map that was included in the plan when it was revised and updated in 2000. Changed conditions in the area were also evidenced by the increasing commercial nature of the area and the fact that Santa Fe Drive had few parcels that could accommodate viable retail uses which were an important source of sustaining revenue for city services. The 2005 City Council workshop recognized the changed circumstances of the city and Santa Fe Drive in particular identifying this site as a priority within the city’s long term economic development strategy. The approval of the proposed rezoning was further justified because the rezoning plan met the pertinent criteria specified in Sections 10-2-23(A) and (B).

Council Member Clark said in the minutes of the Planning Commission meeting of November 27th, Mr. Bailey said staff's position was that the proposed amendment was not consistent with the COMPLAN. Was that staff's position?

Mr. Wrede said that was correct.

Council Member Clark was having a hard time figuring out what was being approved here. There was a general plan with three different columns of land use. There was a column for accessory use and at least 3 different sizes for the building. There was a column for the proposed site development plan which was not part of the zoning process. His understanding was that Council was approving the general plan and not the proposed site development plan criteria.

Mr. Wrede said that was correct. The second sheet of the plan showed the existing R-S standards and the proposed PD standards. The third sheet of the plan was an illustrative depiction of just one example of what the development would look like with the proposed standards but was not what was being approved.

Mayor Pro Tem Kast was unclear, with regard to the landscaping plans, what was being required.

Mr. Wrede said the first page of the plan set up the landscaping requirements.

Mayor Pro Tem Kast asked if the design was meeting the architectural standards?

Mr. Wrede said the architectural standards of the Corridor Plan were being met.

CAROLYNNE WHITE
LEGAL COUNSEL
WAL-MART STORES, INC.

Ms. White entered Applicant's Exhibit A, a PowerPoint presentation, into the record.

Ms. White said the proposed site was identified for a large format retail use in the Business/Industry Affairs Advisory Committee's 2004 Annual Report. Wal-Mart agreed and concluded it would be a terrific site for a Wal-Mart Supercenter. There were existing large volumes of traffic, easy accessibility, great visibility and a large enough parcel to accommodate the development.

Wal-Mart underwent an extensive community outreach process. There had been four DRC reviews and numerous meetings with staff. Three neighborhood meetings had been conducted as well as individual meetings with community groups. More than 1,000 neighborhood notices were sent out per meeting along with two informational mailings. Comment cards were provided for people to indicate whether they were for or against the proposal plus any comments they wished to make. Wal-Mart did not censor any of the comment cards.

Ms. White said Wal-Mart had listened to and responded to the concerns raised. Things that had changed included:

- Architectural changes – Santa Fe Corridor Guidelines “Rural Vernacular”
- Reversed building layout to move tire and lube express (TLE) away from Wolhurst Landing and ultimately it was eliminated
- 10-foot masonry screen walls on south and west sides; 8-foot wooden fence on north side
- Reduction in pole height for parking lot lighting to 25 feet pole height
- 50-foot landscaped buffer on south side
- Superchi buffer on west side
- Landscaping on Superchi buffer
- Artificial wetland / regional detention pond on city property / water quality enhancement
- Sustainable components – a dozen or more components would be incorporated in this store which included light harvesting, heat recycling and biodegradable plastic

Ms. White said the rezone was consistent with the goals and policies of the Comprehensive Plan. The only place where it deviated from the COMPLAN was that the property was zoned BP, business park. The site was given BP zoning during a time when it was believed the corridor could not sustain significant retail. Obviously that had proved not to be the case with the development of Aspen Grove, Home Depot and the development along the corridor.

The project supported the following goals of the COMPLAN: encouraged use of PD zoning; emphasized new development in the vacant areas within existing development; encouraged energy and environmental concerns be taken into consideration; developed in accordance with the Santa Fe Corridor Study; and improved transportation facilities and traffic control facilities. It also promoted the general welfare by meeting the retail needs of citizens, reversed sales tax leakage, financed traffic plans and improved drainage and pedestrian connectivity.

FRED BANFIELD
APPLICANT’S ENGINEER

Mr. Banfield said it was important for Council to have an idea of how the site would be used. The proposal included a minimum lot area of 5 acres; minimum lot width of 600 feet and a minimum FAR of .5. Open space proposed was twenty percent with a minimum 50-foot buffer adjacent to residential. Set back requirements were 400 feet for front and 600 feet for rear with north and west 60 80 feet and south and east 200 feet. Compared to the existing RS standards, the proposed were significantly higher. The maximum height of the structure would be 30 feet. The proposed parking generally met the Code requirements.

CURTIS ROWE
APPLICANT’S TRAFFIC ENGINEER

Mr. Rowe said a traffic impact study was prepared in accordance with both city and CDOT standards. There were 3 accesses proposed along Briarwood Avenue with one access onto Santa Fe Drive with a traffic signal. CDOT had previously identified it as a future signalized intersection. There would be two left turn lanes onto northbound Santa Fe and one southbound acceleration lane along with one southbound deceleration lane onto Briarwood Avenue.

Ms. White said the applicant agreed with the conditions set by the Planning Commission. She said the question was not – was this the best site for large format retail. Nor was it - was Wal-Mart the best business to select. The question was - was large format retail the best use for this site regardless of who it was. The city had already answered that question in the affirmative because of the planning exercises it had undertaken over the last several years. Large format retail was an appropriate use for the site. The application met all of the requirements of the Zoning Code and she requested the application be approved.

Mayor Pro Tem Kast asked if the 10-foot wall was in response to neighborhood concerns?

Ms. White said it was partly neighborhood concerns, but was mostly in response to South Suburban Parks & Recreation. South Suburban wanted to block access to the park and also to contain trash and wildlife.

Mayor Pro Tem Kast asked if there was pedestrian access between the trail and the Wal-Mart site?

Ms. White said there would be some form of access at the termination of Briarwood Avenue but it had not yet been designed. South Suburban had some long range plans and the applicant was working with them.

Mayor Pro Tem Kast asked who decided the wall would be right on the property line and the landscape buffer was inside wall?

Ms. White said it was typical for Wal-Mart to put the wall on the property line. It would be difficult to police the area if landscaping was on the outside of the wall. It would be hard to monitor and maintain the buffer on the far side of the wall.

Council Member Clark said it looked like the only criteria regarding building size was a .5 FAR which was a 500,000 square foot building.

Ms. White said there was a height restriction. There was also a required ratio for parking.

Council Member Conklin asked what kind of habitat would be created by the water quality pond and how it would improve water quality?

DAVID JOHNSON
ECOLOGIST

Mr. Johnson said wetlands and water quality went hand in hand. A variety of wetland plants could be established. It was an opportunity to make it a bio-engineering structure that would improve water quality and provide a habitat for wildlife.

Council Member Conklin asked if the water across the site would be undergrounded or channeled?

Mr. Johnson said there would be an underground pipe.

Council Member Conklin asked what should happen with quantity of species?

Mr. Johnson said there would be more plant species and a lot more wildlife from the river. It would enhance the diversity of vegetation and wildlife. There would be different levels of plants for the wildlife.

Council Member Conklin asked if the pond would improve the habitat for wildlife?

Mr. Johnson said it would provide additional habitat and good riparian habitat.

Council Member Clark said the ecological report indicated the wetland plants in the existing CDOT wetland area were dead for lack of water. How would the new vegetation be kept alive?

Mr. Johnson said the CDOT pond had cattails. The area described in the report was a small old basin along the south boundary that was used for ponding and had wetland plants. A water quality pond would have a lot of water coming through it and it would be designed to take advantage of the storm run-off. The technology existed to design it to live on what was received from storm water run-off.

Council Member Conklin asked how the water exited the pond and how did it impact the water quality entering the pond?

Mr. Banfield said the design of the discharge would be into an open ditch from a control structure.

Council Member Conklin asked if the concept was that many of the pollutant-laden sediments would settle out before being discharged?

Mr. Johnson said the plants slowed the water down and the pollutants settled to the bottom of the pond where they could be absorbed by plants.

Council Member Ostermiller said the South Suburban property was to be a parking area for access to river. He asked if Briarwood was being designed to have that continue to happen or would the fence prohibit access to the South Suburban property?

Ms. White said the fence would stop it but the applicant would work with South Suburban.

Mayor Taylor said there was a private home and there would always be access to the west.

Council Member Mulvey asked if the restaurant inside the store would be a McDonald's?

Ms. White said that would not be decided until closer to the opening of the store.

Council Member Cronenberger chaired an open space taskforce in 1996 and found the staff report sketchy on the information derived from the taskforce. She asked Mr. Woods to refresh Council's memory about why the taskforce was formed and the justification for the buffers.

Mr. Woods said since the early '90s and the concept of a mixed use corridor, the premise was the buffers were needed because there would be commercial development along the corridor. The taskforce looked at what opportunities there were to buffer the park in anticipation of commercial development. The taskforce looked at opportunities such as the Newton Trust property, the Ensor property on the east side and Kewit mining operation on the west side. The Kewit property was outside the city limits and the Centennial Water & Sanitation District proposed making it into a reservoir and asked the city to annex the property. The taskforce endorsed the concept. The Superchi property was added later because of the commercial use of the property. The Tuck property had a substantial flood easement across the property so acquisition was not pursued.

Council Member Cronenberger said the park staff had done the initial study about what would be the ideal buffer and the Superchi property was not part of that and was added at the request of South Suburban. It was the visual impact to the river and that South Suburban needed access for boating.

Council Member Clark asked if there were traffic figures for 500,000 square feet of retail space and how were the figures derived?

Mr. Rowe had figures for the proposed site. He said the figures were based on the proposal for the site and based on city and CDOT standards and the standards of the Institute of Transportation Engineers. The trip generation was based on what was proposed for the site which was 176,000 square feet of a discount superstore.

Council Member Clark said page 3 indicated a building footprint of 197,000 square feet plus a note that there would 20,000 square feet of accessory use.

Mr. Rowe said the site was 176,311 square feet relative to trip generation.

Council Member Clark said the zoning criteria did not call out 176,000 square feet.

Mr. Banfield said it was strictly based on the FAR. He said the 176,000 square feet was the interior heated and cooled area and did not include exterior garden center.

Council Member Ostermiller asked why the automotive use was dropped from the proposal?

Ms. White said it was the most significant noise generating component of the store. The store could meet the noise standards with the TLE added but during the public input process, noise was a significant concern. Wal-Mart re-evaluated and decided to remove it from the proposal.

Council Member Ostermiller said it was still a conditional use.

Ms. White said should the program change in the future or was no longer owned by Wal-Mart, it was still a conditional use that would require an additional review by the Planning Commission.

Council Member Ostermiller asked if it was an issue whether it was a conditional use or a plan amendment?

Ms. White said the idea was to maintain maximum flexibility through the conditional use process.

Mayor Pro Tem Kast said the South Platte River Corridor Design Objectives talked about the roof as a 5th façade and discouraged flat roofs. Was it possible to put a pitched roof on the property?

Ms. White said after several lengthy discussions with staff and a series of sight line studies from the homes on the east ridge, Wal-Mart was proposing a 3-dimensional roof that extended back about 25 feet from the front of the building.

Mayor Pro Tem Kast said the eastern façade looked good but the western façade was totally flat. It was important to have an appealing building on all sides as well as the aesthetic appeal from the trail.

Ms. White had conducted sight line studies from the trail and there was a significant grade difference to the trail. The features proposed for the rear of the building would serve the same purpose without having to create a 3-dimensional feature.

MARY KELL
APPLICANT'S ARCHITECT

Ms. Kell said the elevation was twenty feet lower on the trail. The articulated 10-foot wall would screen about half of the building.

Mayor Taylor asked if there was landscaping between the trail and the wall?

Ms. Kell said there was existing landscaping and additional landscaping would be added.

Ms. White said it was also an issue of running out of space to put HVAC on the roof and the space created that needed to be heated and cooled. South Suburban had also asked to keep the decorative features to a minimum so as not to create attractive spaces for birds.

Mayor Pro Tem Kast asked if the HVAC equipment would be screened?

Ms. Kell said the roof top units were spaced out across the roof and would be almost completely screened from Santa Fe and would not be visible from the trail because of the lower elevation.

Council Member Conklin said the Planning Commission had recommended the height be changed to 41 feet instead of 35 feet. She asked for an explanation.

Ms. Kell said it went back to the sight lines from across Santa Fe and trying to screen the HVAC units and provide varied roof heights.

Council Member Clark said there was a requirement for a 50-foot unobstructed open space buffer on each side of the property that was adjacent to residential properties. He asked where the buffer was on the north side?

Ms. White said on the north side the buffer was 80 feet.

Council Member Clark said unobstructed open space did not allow vehicles, roads or vehicular movement.

Ms. White was not familiar with the standard Council Member Clark was quoting that prohibited right-of-way in the open space.

Council Member Clark said it was located in the definition section of the zoning document.

Ms. White said it was not required on that side of the property because it was adjacent to a public street.

Mr. Berkowitz said the city had an easement to use the right-of-way and had acquired the rights. It was not dedicated currently as a public street but the plan would dedicate it as a public street.

Council Member Clark said the requirement was also that 20% of the total be provided as unobstructed open space plus the 50-foot buffer.

Mr. Banfield understood that the 50-foot buffer was allowed to be counted in the overall open space.

Council Member Clark said in section 10-2-23(D) it said at least 20 percent of the site area designated shall be maintained as unobstructed open space in addition there should be a 50-foot unobstructed buffer.

Mr. Banfield understood that “in addition” meant that the 50-foot buffer had to be dedicated not that it was in addition to the 20 percent.

Mayor Pro Tem Kast said the store would be a 24/7 operation. She asked about delivery hours?

Ms. White said there were no proposed restrictions for the hours of delivery. The store could not operate with delivery restrictions.

Mayor Pro Tem Kast asked if there were any restrictions in the city code?

Mr. Woods said the restrictions would be with regard to noise.

Mayor Pro Tem Kast asked how would the noise be mitigated?

Ms. White said that was one of the functions of the 10-foot screen wall and there would be additional screen walls around the docks that would help to absorb the noise. The noise level would be below the standard.

Council Member Conklin asked what ambient noise currently existed on the property and what change would the Wal-Mart have?

Ms. White said the noise study indicated the predominate noise would be from the traffic on Santa Fe even with the Wal-Mart in place. The traffic would not be due to Wal-Mart nor would the traffic be changed due to Wal-Mart. The decibels measured were 47 and 48 decibels.

Mayor Taylor asked if the outdoor storage would be other than what was in the unroofed garden center?

Mr. Banfield said there was an area designated for outdoor sales outside the garden center and an area in front of the store designated for seasonal display and sales. The area behind the store was designated for pallet and bales storage that would be screened. Those were the only areas designated.

Council Member Ostermiller asked if storage containers were allowed anywhere on the property?

Mr. Banfield said storage containers were not allowed anywhere on the property.

Council Member Ostermiller asked if the enclosure for the garden center would be chain link fence or a screening material?

Mr. Banfield did not know yet. Some places were either completely open or partially screened.

Mayor Taylor opened the public hearing.

ALAN ENGLISH
2998 W. ROWLAND

Mr. English was opposed to the ordinance. He said a vote against the zoning change was not a vote against another development producing tax revenue. His opposition was against any big box because it would ruin the area. Mr. English said there would be considerable noise from the deliveries, trash compactors, air compressors and the drive-thru pharmacy.

GREGORY IWAN
7282 S. SUNDOWN CIR.

Mr. Iwan was opposed to the ordinance. He said in every county where a Wal-Mart opened, food stamp applications doubled. There were already three Wal-Mart stores within ten minutes of the location.

BARBARA RICE
7494 S. PRINCE ST.

Ms. Rice asked Council to carefully consider the greatest good for all concerned before making a final decision.

ANTHONY SACCO
6873 S. PRESCOTT ST.

Mr. Sacco said the location was surrounded by residential, greenway and state highway. The proposal was to squeeze a big box superstore into the area. The proposal was a bad one. There would be water pollution from parking lot run-off, trash that would attract animals, light and noise pollution and crime at Wal-Mart. Mr. Sacco said section 7-3-5(E) prohibited loading and unloading during the hours of 10:00 p.m. and 7:00 a.m. within 800 feet of a residential area.

TERRENCE KEEGAN
261 W. JAMISON CIR. #10

Mr. Keegan was in favor of the ordinance and did not think this was the venue for determining whether or not the city should have a Wal-Mart. People vote with their money and their feet. Let the people of Littleton decide whether they were for or against Wal-Mart with their feet.

DAVE MITCHELL
1000 RIDGE RD.

Mr. Mitchell was opposed to the ordinance. He said there would be 9,200 cars per day which was 3,358,000 cars per year which would cause minutes of delay traveling down Santa Fe. He entered Opponent's Exhibit 1, a CD of a presentation regarding sales tax. Mr. Mitchell said the city was doing a good job in collecting sales tax revenue and leakage was a bad argument. People needed to look at how the money was spent.

PAULA SZILLARD
6217 S. HILL ST.

Ms. Szillard was opposed to the ordinance. She said the staff report omitted a response from the police department regarding the impact of policing Wal-Mart. In 2004, it cost the nation \$77 million to police the nation's 3,700 Wal-Marts. The Englewood store generated 400 police calls per year. There were an average 273 crimes per year at the Englewood store which was more than 10 times the rate at Aspen Grove.

RICHARD HERSHEY
2968 W. ROWLAND AVE.

Mr. Hershey was a member of the South Metro Land Conservancy. He read a letter from Vaughn Gardinier to Council opposing the rezone because of the impact on the park.

SOPHIE DIRKSEN
1122 CARSON DR.

Ms. Dirksen was concerned about the impact of Wal-Mart on the South Platte Park. There would be increased sales tax but also increased police calls and increased crime. There would also be displaced sales from other retail stores. She asked Council to deny the request.

DEBBIE BRINKMAN
2997 W. ROWLAND AVE.

Ms. Brinkman represented over 200 residents of Wolhurst Landing who were asking Council to deny the rezoning. She had 243 signatures of residents opposed to the ordinance. She asked that the walking path be removed from the plan. It was not a good fit for the area to have a 24/7, aggressive retailer in the area and it would decrease the quality of life. Ms. Brinkman said the ordinance prohibiting truck loading operation should apply to Wal-Mart. She asked that Council deny the commercial rezoning request for a 24/7 operation where it was not appropriate. Ms. Brinkman entered Opponent's Exhibits 2 - 14, a petition and 12 photographs.

LARRY HANAGAN
5920 W. ROWLAND AVE.

Mr. Hanagan was opposed to the ordinance. There was an issue of noise pollution directly affecting the residents of Wolhurst Landing. Wal-Mart had indicated that there was no way the delivery hours could be restricted. There was a prohibition in the City Code regarding

truck loading operations within 800 feet of residential areas between 10 p.m. and 7 a.m. Council had no choice but to reject the request.

FAYE HERSHEY
2968 W. ROWLAND AVE.

Ms. Hershey asked Council not to rezone the property and instead encourage a developer to build lots of small houses for people who want to retire. She was worried about crime, noise and the quality of life. Council needed to think long and hard about what would be given up if the Wal-Mart was allowed.

SANDRA ENSOR
5307 S. LOUTHAN ST.

Ms. Ensor was opposed to the ordinance. It would negatively impact the South Platte River, the trails and park.

CAROLINE BLISS-KANDAL
ENGLEWOOD

Ms. Bliss-Kandal was opposed to the ordinance. She was a frequent user of the Mary Carter Greenway Trail and the Wal-Mart would blight South Platte Park because it was unsuitable.

DON BRUNS
7332 S. COSTILLA ST.

Mr. Bruns was opposed to the ordinance. He said Littleton's unique character had always been its open space and its natural amenities. The site was distinctive and the city should be more proactive and go after high-end development. He entered Opponent's Exhibit 15, written comments.

JOSEPH TRUJILLO
5574 S. HURON ST.

Mr. Trujillo said the South Platte River had always been a part of his life. The rezone did not promote the general welfare of the community. With a \$42 million budget for a town the size of Littleton, it could get through it fine. He was opposed to the rezone.

HEATHER POE
1820 W. CRESTLINE DR.

Ms. Poe was opposed to the ordinance. The site was so important and she urged Council to deny any rezone request on the property until the COMPLAN update was completed. She said citizens considered open space a bigger priority.

MILLIE ROTHSTEIN

6036 S. SYCAMORE ST.

Ms. Rothstein was opposed to the ordinance. She said people had the right to the quiet enjoyment of their property. She did not want Council to be blinded by an elusive promise of millions in tax revenue and to consider the peripheral costs to the city.

VIRGINIA FRASER
6757 SOUTHBRIDGE LN

Ms. Fraser was opposed to the ordinance. She said open space was a concern as were the hours of operation.

REBECCA ROSENAU
5959 S. ELATI

Ms. Rosenau was opposed to the rezone for a Wal-Mart Superstore. It did not belong in the area. She said Wal-Mart could find a better location and the city could find a better source of revenue.

CHERYL BRUNS
7332 S. COSTILLA ST.

Ms. Bruns was opposed to the ordinance. She urged Council to consider the alternatives the city still had.

AMI HALL
2408 W. EUCLID AVE.

Ms. Hall was opposed to the ordinance. The costs were too high, such as increased crime and pollution. The proposal did not support the general welfare of the public and she asked Council to deny the request.

JERRY KOBLITZ
44 SPYGLASS DR.

Mr. Koblitz was concerned that the commercial use would not be consistent with the adjacent properties. The proposal needed further assessment regarding the drainage, water quality, ecology, traffic, noise and land uses. He asked Council to consider everything and deny the application.

CHARLES FRASER
6757 S. RIDGE LANE

Mr. Fraser read a letter in opposition to the rezone from photographer John Fielder.

STEVE HALL

2408 W. EUCLID AVE.

Mr. Hall said the character of Littleton was unique and had a small town feel. Wal-Mart did not fit into the community and would not improve it.

BOBBY SHEFFIELD
7215 HOUSTOUN WARING CIR.
SOUTH METRO LAND CONSERVANCY

Ms. Sheffield said the Conservancy had been actively working over the years to buffer the park. The Conservancy valued the park and was extremely concerned about the impact of the development on the park and its wildlife with the 24/7 operation, noise and light pollution and trash. The store would disturb the wildlife and drive some wildlife from its habitats. The Conservancy did not support rezoning.

It was moved by COUNCIL MEMBER CLARK and seconded by MAYOR PRO TEM KAST TO CONTINUE THE HEARING UNTIL JANUARY 30, 2007.

Council Member Cronenberger would vote against it because she wanted to put in a little more time this evening before stopping.

Council Member Conklin was also in favor of carrying on for awhile longer tonight.

Mayor Taylor suggested continuing for another 25 minutes.

The vote on the motion was:

Ayes: Council Members Kast and Clark.

Nays: Council Members Mulvey, Conklin, Taylor, Cronenberger and Ostermiller.

MOTION FAILED: 2 to 5

JEFF KIMES
2159 W. PINERIDGE AVE.

Mr. Kimes said the rezoning did not meet the standards of the Zoning Code. It was not consistent with the goals and policies of the COMPLAN. It did not promote the general welfare of the community. It would destroy local stores and it was the wrong land use. Wal-Mart had a terrible human and civil rights record domestically and globally.

KEVIN MILLIMAN
2282 W. BRIARWOOD

Mr. Milliman said Council was obligated to consider the COMPLAN and why it should be changed for this proposal and to consider the interest of all citizens. He was opposed to the ordinance.

PEGGY COLE
2008 W. CALEY PL.

Ms. Cole said the neighborhoods east of Santa Fe were already threatened by congestion, noise and auto pollution on Santa Fe. She urged Council to reject the proposal. Ms. Cole entered Opponent's Exhibit 16, written comments.

PAUL BINGHAM
236 W. DELAWARE CIR.

Mr. Bingham entered Opponent's Exhibit 17, written comments. He was opposed to the ordinance. He reminded Council they were the people's representatives and should act in a representative way. The proposal did not promote the general welfare and he asked Council to vote against the proposal.

DANA MORETTI
2988 W. ROWLAND AVE.

Ms. Moretti was opposed to the ordinance and asked Council to listen to everyone's comments. She did not want Wal-Mart as a neighbor.

GLORIA SHONE
7975 S. DATURA CIR.

Ms. Shone was representing the Sierra Club and was against the ordinance. She said South Platte Park had a proud history. Mitigation had always prevailed. She said there was hardly room to squeeze the big box on the property with no mitigation. Ms. Shone said there had not been much detail with regard to the water quality pond and maintenance of the pond would be a burden for the taxpayers.

BOB DAVIS
2931 W. DAVIES AVE.

Mr. Davis was opposed to the ordinance. His house overlooked the property and the value of his property would decrease by 10%.

CARLE ZIMMERMAN
2539 RIDGE CT.

Mr. Zimmerman was opposed to the ordinance. He was on Council when South Platte Park was created. Wal-Mart's efforts to mitigate the proposal ruined the whole thing. Something that was not walled, such as an office use, would be preferred.

It was moved by MAYOR PRO TEM KAST and seconded by COUNCIL MEMBER CLARK TO CONTINUE THE HEARING UNTIL JANUARY 30, 2007.

Council Member Ostermiller asked staff to be prepared to provide answers on the issues raised.

The vote on the motion was:

Ayes: Council Members Mulvey, Conklin, Kast, Taylor, Cronenberger, Ostermiller and Clark.

Nays: None.

MOTION CARRIED: 7 to 0

5. **ADJOURNMENT** - There being no further business, Mayor Taylor adjourned the meeting at 11: 57 p.m. on Tuesday, January 23, 2007.

Julie K. Bower, City Clerk/Recording Secretary

Jan Burnham, Court Reporter