



Denver City Council

Public Amenities Committee Meeting Summary

Date: February 6, 2007 **Time:** 11:00 a.m. **Location:** Council Conference Room

Committee Members Present: Lehmann, Montero, Johnson, Robb, Rodriguez

Committee Members Absent:

Other Council Present: Brown, Hancock, MacKenzie, Garcia

Agenda:

- Aqua Golf Contract
 - Tree Preservation Ordinance
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1. Aqua Golf Contract

Committee Action

The Committee approved filing a bill to approve a contract with White Construction in the amount of \$1,743,000 to construct a new miniature golf course and clubhouse facility at the existing Aqua Golf site located at 501 West Florida Ave.

Summary of Discussion

Scott Rethlake, Director of Golf; Kay Krebs, General Services; and Greg Cieciek, Golf Planner presented an overview of the new Aqua Golf facility. The project includes a 2,024 square foot single story clubhouse building, a ball dispenser shed, parking lot, miniature golf course and infilling of approximately 18,000 square feet of Overland Lake.

Councilmember MacKenzie noted the unique riparian quality of the Overland Lake area and questioned how the plan to link the Platte River trail to the new facility will be accomplished. Planner Cieciek noted that there will be connectivity to the park and trail with sidewalks on Florida Ave., and a 12 foot concrete sidewalk to the Platte River Trail, about a quarter mile away. She also noted that that the connection to the east is still missing which was funded in the 1998 bond project.

Council member MacKenzie asked for information on the water quality of the project which will be tested periodically, according to Parks personnel. She also noted that the project itself is exciting and reiterated the need to integrate the facility into the area should be continually emphasized.

The funding for the project is from a \$7.3 million Golf Bond passed in 2005. The Parks and Recreation Department will be the manager and owner of the project. Council member Rodriguez noted that there is a desire to determine costs for these types of linkages for purposes of the Infrastructure Task Force as well.

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Committee Action

The Committee recommended that the staff continue work on the ordinance, specifically: 1) setback definitions; 2) Heritage and Landmark Tree definitions; and 3) closing the loopholes that currently exist on tree removal. Continue conversations with the community, neighborhoods, developers, contractors and the Parks and Recreation Board were strongly encouraged.

Summary of Discussion

Jude O'Connor, Director of Natural Resources; Kerry Buckey, City Attorney's Office; and Pete Zoschg, City Arborist, presented information on the proposed tree preservation ordinance. Ms. O'Connor noted that the current ordinance contains loopholes which prevent the preservation of the City's tree infrastructure and necessitates a modification of the existing Vegetation Ordinance (Chapter 57) to improve tree protection standards, to clarify the circumstances under which trees are afforded "protected" status, and makes numerous other corresponding changes.

The ordinance is proposed to proactively approach tree protection in a fair manner while emphasizing damage prevention, rather than mitigation. The most critical change proposed will define protected trees, redefine the definition of setback related to tree preservation, requirement of a "tree protection plan" from developers prior to issuance of a permit, and give the City the ability to quarantine and remove trees when needed to protect the urban forest from disease.

Peter Zoschg noted that today, the only trees protected are in parks, in the public right-of-way, and those in the currently defined "front setback" and then during construction only. This results in a significant loss and potential damage to the City's tree inventory.

Because there are a significant amount of the City's tree's that are on private property, the proposal would create new two categories of protected trees, the Heritage tree or the Landmark tree. The Heritage tree would meet one of the following criteria and the landmark tree would meet three of the criteria: 1) One of the five oldest or largest trees of its species in Denver; 2) Documents historical or cultural interest; 3) Distinctive in form for its species; 4) Distinctive significance for its location; 5) was planted in recognition of Arbor Day or for a person or event; and 6) Rare or unique species in Denver.

Council member Robb noted that citizens, for the most part, do not realize that they must get a permit to remove a tree currently, and it would be beneficial to the public to create a public document that outlines regulations for removing a tree on private property. Additionally, the formula for protection, as proposed is most difficult to interpret and need to be simplified. Additionally, she asked about the location of the proposed ordinance in the parks code and how citizens are supposed to know which definition of "setback" they are supposed use in which circumstance. Mr. Buckey related that "setback" is a term that is generally understood by the public, and introduction of an additional term to regulate tree placement and protection could be confusing.

Councilmember Johnson raised issues regarding how a developer would now be required to get a permit to remove a tree that may be in the way of a proposed residential expansion. The current process allows for a plan review before a tree is removed, but the new process will require a review before a permit can be issued. Additionally, the proposed regulations may unintentionally limit new expansion or redevelopment due to the requirements related to root span and protections needed based upon the size of the tree.

Councilmember Garcia agreed that multiple definitions for setbacks may be confusing for residents and that there should be some recognition of regulatory differences around property owners trying to maintain their property vs. regulations geared towards redevelopment efforts.

Council member Robb noted that the review of this ordinance was welcomed; how she does favor protection of the tree inventory within the City, and the way that the proposal extends protection to all zone districts, not just R1 or R2 areas is an improvement from current Quick Wins regulations. However, the items that need future discussion included input from the development community, and a better understanding of the Heritage/Landmark tree definitions; and whether or not parts of the ordinance can be parsed out in the process.

Kent Olsen, from Inter Neighborhood Cooperation was asked to comment on their review of the proposed ordinance. He noted that in the June 2006 report on Residential Zoning and Construction issued by the group, all of the concerns noted in the report regarding tree preservation are addressed, with the exception of an increase in the forestry staff and budget. The items addressed by the proposed ordinance include bringing trees under one agency; eliminating the setback loophole; adding fines and correcting drafting errors in the ordinance.

Council member Robb inquired about the level of enforcement around the ordinance as it exists today or as it is planned to be with the changes to the ordinance. Ms. O'Connor related that staffing levels in the City are comparatively low, and that there is some thought being given to an expansion request for more inspectors which could perhaps be supported financially with the institution of fees for the services the agency provides, which are currently non-existent.

Committee Chair Lehmann noted the items that need to be brought back to a future committee meeting include the setback definitions, the heritage and landmark tree definition and feedback from the development, neighborhood and community regarding the proposed amendments. Her preference would be that the ordinance is brought forward together, rather than in separate ordinances. She also noted that Council would like a map of the City with arboreal inspectors. Member Garcia asked about information on an inventory of the City's trees. Staff noted that there is not an existing tree inventory, but the five inspectors, could probably anecdotally provide a good start to such a list.

*Summary: Lauri Dannemiller
2. 26. 07*

S:committees/public amenities/summary