

**MINUTES OF THE ARAPAHOE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
February 8, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

<b>Lynn Myers, Chair</b>	<b>Present</b>
<b>Bernard L. Zimmer, Chair Pro Tem</b>	<b>Present</b>
<b>Susan Beckman, Commissioner</b>	<b>Present</b>
<b>Rodney Bockenfeld, Commissioner</b>	<b>Present</b>
<b>Frank Weddig, Commissioner</b>	<b>Present</b>
<b>Kathryn Schroeder, County Attorney</b>	<b>Present</b>
<b>Nancy A. Doty, Clerk to the Board</b>	<b>Absent &amp; Excused</b>
<b>Joleen Sanchez, Recording Secretary</b>	<b>Present</b>

When the following proceedings, among others, were had and done, to wit:

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

Deputy County Attorney Jack Bush asked to have the following modifications made to Consent Agenda Item 6:

1. Remove the Citizen Budget committee appointment from the agenda.
2. Remove Brenda Gallagher from the Planning Commission Appointment because she has submitted a letter of resignation and indicate there is a vacancy.

**The motion was made by Commissioner Beckman and duly seconded by Commissioner Weddig to adopt the Agenda as amended with the following modifications made to Consent Agenda Item 6 regarding appointments to various County Advisory Committees:**

1. Remove the Citizen Budget committee appointment from the agenda.
2. Remove Brenda Gallagher from the Planning Commission Appointment because she has submitted a letter of resignation and indicate there is a vacancy.

**The motion passed unanimously.**

**ADOPTION OF THE MINUTES**

There were no minutes to adopt.

## **CEREMONIES**

There were no ceremonies.

## **CITIZEN COMMENTS**

There were no citizen comments.

## **CONSENT AGENDA**

**The motion was made by Commissioner Beckman and duly seconded by Commissioner Zimmer to approve the Consent Agenda as amended with the modifications to Consent Agenda Item 6.**

**The motion passed unanimously.**

## **GENERAL BUSINESS AGENDA**

**Item A – Resolution No. – 050080 - Public Hearing, Request approval of an MU-PUD (Mixed Use/Planned Unit Development), Case No. Z-4-008, for Retail, Commercial and Residential Uses**

Assistant County Attorney Tim Knapp established jurisdiction for the Board to consider this Item.

Sherman Feher distributed a letter from the applicant requesting a continuance in order to work out some outstanding issues with the neighbors.

**The motion was made by Commissioner Zimmer to continue Case No. Z04-010, Dove Valley Master Development Plan, 1<sup>st</sup> Amendment to March 1, 2005.**

**Seconded by Commissioner Bockenfeld.**

**The motion passed unanimously.**

**Item B – Resolution No. 050081 – Public Hearing, Case No. Z04-010, Dove Valley Master Development Plan 1<sup>st</sup> Amendment**

Assistant County Attorney Tim Knapp established jurisdiction for the Board to consider this item.

Sherman Feher of the Planning Division presented the staff report, a copy of which has been retained for the file. He said DAB Engineering, on behalf of Dove Valley Business Park Associates Ltd. is requesting a number of different items related to the Dove Valley Business Park Master Development Plan. He said first is to expand use

area E to include four areas as shown on sheet ten of sixteen in the master development plan that was provided. He said use area E is the only area that allows outdoor storage as a primary use. He said there are also some clarifications for definitions and requirements. He said adding a definition in Section 3A as outdoor storages as an accessory use, which clarifies the amount of storage area that could be used for outdoor storage as an accessory use and also limits the height of stored items and establishes fencing requirements to provide screen. He said another change is adding to the Use definition of outdoor storage is a primary use, which defines setbacks of outdoor storage, requires outdoor storage an enclosed area and has the enclosed area regulated by fencing requirements and directs placement of landscaping around the edges of enclosed areas. He said the last part is to revise a portion of the fencing requirements to be opaque and to clarify some of the fencing heights.

Dave Berwanger of DAB Engineering, representing Dove Valley Business Park, the owners of the property, complimented Bill Skinner, who is the County Planner for this case. He explained Bill is out of town because of a death in the family and acknowledged that Sherman has stepped in to help out with this project. He said he would like the Board to know that Bill, even though a new planner with Arapahoe County, he is very good. He explained the Master Development Plan is an extensive 15 page documents that took five consulting firms over 2.5 years to complete the project. He said is covers 570 acres of land and sets up five use areas that allow everything from retail to office to light industrial and warehouse to churches to outdoor storage. He said it sets the standards for landscaping, fencing, site lighting, open space and architecture. He said the document turned out pretty good but explained that now the MUD is in place, and there have been some projects processed, the developer believes there are several areas that should be clarified. He said Use Area definitions, accessory uses and fencing sections are some of the items. He explained all, but one of the proposed changes would have been allowed under the administrative amendment process. He said the one change that requires this formal amendment is the desire to expand Use Area E. He displayed a map depicting the different use area. He explained Use Area A is the entire park and allows offices, research and development facilities, warehouses, and other similar uses and also allow "uses, accessories/pertinent to uses above." He said use are B allows for hotels, recreational facilities, training facilities, banks, day care facilities, in addition to all of the uses in Use Area E. He said Use Area C allows all of the uses in Use Area A and some of the uses in Use Area B. He said Use Area D allows all of the uses in Use Area A, and churches and retail through a Use By Special Review process. He said Use Area E allows all of the uses within Use Area E plus outdoor storage as a primary use. He referred back to his statement regarding Use Area A, the entire park, which says "uses, accessories or pertinent to the above uses." He explained outdoor storage is a use that falls under accessory uses for many of the light industrial and warehouse operations. He said uses such as plumbers that store pipe and fixtures out side, and electricians that store wire, transformers and light poles. He said there have been several inquiries about putting up a small building on property and using the majority of it for outdoor storage and calling it an accessory use. He explained the current MDP has no limitations of definitions or guidelines on accessory use; it would be permissible and would be an administrative process. He said the developer felt that outdoor storage should be permitted in the park, but wanted to control the amount and the appearance of this use. He said this amendment would set limits on the outdoor storage as an accessory use and would be limited to 20% of the lot area, maximum height of 8 feet and must be enclosed by buildings or fences. He said the idea is that it would not be visible from the outside. He qualified there is a need for outdoor storage as a primary use. He said this proposal increases Use Area E, the area that allows outdoor storage. He again identified the existing Use Area E on the map, south of Broncos Parkway. He said all of the lots within this area are currently developed except one lot. He said the developer would like to add the lot on the north side of Broncos Parkway as well as other areas that are heavily influenced by Centennial Airport. He said those lots are adjacent to the Airport. He said changing the lots to Use Area E, would not require these lots to be outside storage, but would be one of the uses allowed. He said none of the lots that are currently developed in Use Area A are completely outdoor storage, but all have buildings and have been developed in an attractive manner. He said the Dove Valley Architectural Control Committee plans to keep the standards high. He said the proposed MDP Amendment also has controls on Outdoor storage as a principal use. He said there is a storage set back and landscape standards for use with any outdoor storage. He said there would be a minimum storage setback of 20 feet along most of the streets and 25 feet along Broncos Parkway, which is the same or more than building setbacks. He said the fence would also be put along the storage setback line and there would be extensive landscaping, particularly in front of the fence. He suggested the landscape requirements would soften the look. He said in closing the loophole for accessory uses, defining and controlling indoor storage as an accessory use and by adding these proposed requirements for outdoor storage as a primary use, the need for outdoor storage could be fulfilled and keeps the development standards for the park very high. He asked for the support of the Board for this amendment.

Commissioner Weddig said outdoor storage seems to be a tricky area. He wondered about the ability of the County to enforce the standards adopted by the Dove Valley Business Park. He wondered about that relationship as well as the comments from ACCORD.

Mr. Berwanger explained that if this amendment is approved by the County, the County has the right to enforce. He said the letter from ACCORD opposes all outdoor storage and did not reference the fact that outdoor storage is allowable now in Use Area E, but also as an accessory use. He speculated that ACCORD did not understand what this amendment was trying to accomplish. He acknowledged the amendment is addressing outdoor storage, but actually recommending limitations that do not exist anywhere else. He said he is not aware of another jurisdiction that has any kind of outdoor storage setback requirements, fencing or landscaping as restricted as proposed in this amendment. He said he did not have an opportunity to speak with ACCORD.

Commissioner Weddig said if the Park is not enforcing the standards, would the County be able to enforce this.

Mr. Berwanger said he would defer to the County Attorney, but he understood the County's Code enforcement would have the right would have the authority to take action if something was not being done in accordance with the County's approved plans, which would have to be in compliance with the MDP. He said yes, the County has jurisdiction.

Assistant County Attorney Tim Knapp said the County does have the jurisdiction to enforce the re-zoning that is being proposed today, once it is approved. He explained there is a double layer as the Business Park has the ability and the County also has the ability independent of the park's ability.

Commissioner Beckman acknowledged that ACCORD might have been confused, but said some of the issues of ACCORD are legitimate and there fore she would like to dig a little deeper on the fencing. She asked about the standard district plan and wondered about the height of the wall and if the wall is masonry or wood.

Mr. Berwanger said there is nothing in the original MDP. This amendment proposes opaque fencing. He said the desire is to be a visual barrier and there would be landscaping as well. He said the standard fencing height for the park is six feet, but this proposed amendment is asks to allow for 7 feet fencing.

There were no public comments.

Mr. Feher said Planning Staff and the Planning Commission are recommending approval of the proposed MDP Amendment subject to the finding and conditions in the staff report.

**The motion was made by Commissioner Beckman to approve Case No. Z04-010, Dove Valley Master Development Plan, 1<sup>st</sup> Amendment subject to the following conditions:**

1. Prior to signature of the final mylar copy of these plans, all minor modifications shall be made as required by the Arapahoe County Public Works and 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.

**Seconded by Commissioner Zimmer.**

**The motion passed unanimously.**

**Item C – Resolution No. 050082 – Public Hearing, Discuss the 2005 Annual Plan including proposed Community Development Block Grant (CDBG) and HOME projects and the**

## **approval of 2005 annual Plan for submittal to the U.S. Department of Housing and Urban Development (HUD)**

Ron Carl established jurisdiction for the Board to consider this item.

Jim Taylor, of the Community Services Department said he is here today to get public comment on the Annual Plan for use of the 2005 CDBG Funds and HOME Funds for Arapahoe County. He said the Annual Plan identifies the intended use of the County's Community Development Block Grant Funds and HOME Funds for affordable housing projects as identified throughout the year. He commented that Arapahoe County could be very proud of the projects that it would fund for 2005. He said the most important of those projects would be the Village Early Childhood Education Project. He said the City Manager from the City of Littleton is present and might have some comments.

Littleton City Manager Jim Woods said he was unable to attend the previous study session for this item. He said the City worked very closely with Mr. Taylor and his staff on the Village School property. He said this is an infant toddler project that the City council is very supportive of. He said there is a lot of cooperation on this project including the city of Centennial and Littleton Public Schools as well as the City of Littleton and Arapahoe County. He said the bidding still needs to happen, but said the cost estimates are very conservative. He said this project fits the overall Youth Initiative and the City would be pleased to have the County as a partner on this project.

Joyce Alms, Executive Director of Rocky Mountain Housing Development Corporation, said she is pleased to be back in front of the Arapahoe County Commissioners. She said Rocky Mountain Housing Development was a successful applicant several years ago for the Arapahoe Breed Development that serves low or non-income families, some formerly homeless families in 6-10 homes on Zenia Avenue. She said they were very grateful to receive ½ million dollars in CDBG Funds awarded to the project to help with the construction of that site, which is now prospering. She said today they are requesting a grant of \$25,000 to assist the families that are living on the site, particularly their children that need some special attention. She said there are many immigrant families that might need some aid in the area of English as a second language. She said the request is for funds for computer literacy and recreational activities. She said there was a considerable donation from the builder to assist in building a community facility on the site for after school activities. She said there is staff that works with the families as well as after school a summer activities. She hoped the request for the \$25,000 would be successful in order to continue with paying for staff, salaries, and recreational and educational activities.

Commissioner Beckman said one thing that we are most proud of in Arapahoe County is the relationships with the cities. She said the County works very hard to foster a positive relationship and the CDBG is a great opportunity to work with the cities. She said a couple of years ago when Centennial came into the mix and started taking about \$400,000 of the money, there was some concern that the County would not see the money or it would go into projects that County was not aware. She qualified what has really happened is remarkable. She said the City of Centennial has given back to long standing projects and partnering with the City of Littleton and the School District as well as the House of Hope in Englewood, and Meals on Wheels in Littleton. She said the County is doing great things from Deer Trail to Sheridan in cooperation with the cities.

**The motion was made by Commissioner Beckman to adopt the 2005 Annual Plan and projects for the Community Development Block Grant that would be submitted to the U. S. Department of Housing and Urban Development.**

**Seconded by commissioner Weddig.**

**The motion passed unanimously.**

**Item D – Resolution No. 050083 – General Business Item: Action as the ex-officio Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District,**

**authorization to sign the Intergovernmental Agreement regarding the construction of a regional wastewater treatment facility with Inverness Water and Sanitation district with Arapahoe County Water and Waste Water Authority**

Deputy County Attorney Jack Bush introduced this item. He explained the Board would be acting as the governing body of the Arapahoe County Water and Wastewater Public Improvement District. He said the matter being considered is an agreement involving Arapahoe County Water and Waste water Authority, Inverness Water and Sanitation District and Arapahoe County Water and Waste Water Public Improvement District. He said at the request of Janet Kennedy, who would like to continue this item for one week. He said the item has been properly posted and the County does have jurisdiction to consider this item.

**The Motion was made to continue Continued to General Business Item: Action as the ex-officio Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, authorization to sign the Intergovernmental Agreement regarding the construction of a regional wastewater treatment facility with Inverness Water and Sanitation district with Arapahoe County Water and Waste Water Authority.**

**Seconded by Commissioner Bockenfeld.**

**The motion passed unanimously.**

**COMMISSIONER COMMENTS**

Commissioner Myers stated that today is her five-year anniversary of being an Arapahoe County Commissioner.

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

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

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**LYNN MYERS, CHAIR**

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**BERNARD L. ZIMMER, CHAIR PRO TEM**

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**SUSAN BECKMAN, COMMISSIONER**

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**RODNEY BOCKENFELD, COMMISSIONER**

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**FRANK WEDDIG, COMMISSIONER**

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**NANCY A. DOTY, CLERK TO THE BOARD  
BY JOLEEN SANCHEZ, RECORDING SECRETARY**