



**MINUTES OF THE ARAPAHOE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Tuesday, July 21, 2009**

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>Susan Beckman, Chair</b>	<b>Present</b>
<b>Rod Bockenfeld, Commissioner</b>	<b>Absent &amp; Excused</b>
<b>Pat Noonan, Commissioner</b>	<b>Present</b>
<b>Jim Dyer, 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, Assistant Clerk to the Board</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 presented a request from the Airport Authority Board for the Board of County Commissioners to sign an FAA Grant agreement in the amount of \$1.5 million for the installation of a noise monitoring system at Centennial Airport. He said the Board has to sign this agreement because the airport authority does not have general taxing authority and the FAA requires a government entity with taxing authority to be a co-sponsor.

**The motion was made by Commissioner Dyer and duly seconded by Commissioner Weddig to adopt the Agenda as amended.**

**The motion passed 4-0, Commissioner Bockenfeld absent and excused.**

**ADOPTION OF THE MINUTES**

**The motion was made by Commissioner Dyer and duly seconded by Commissioner Noonan to adopt the minutes of the July 7, 2009 Public Hearing.**

**The motion passed 4-0, Commissioner Bockenfeld, Absent and Excused.**

## **CEREMONIES**

There were no ceremonies.

## **CITIZEN COMMENTS**

There were no citizen comments.

## **CONSENT AGENDA**

**The motion was made by Commissioner Dyer and duly seconded by Commissioner Noonan to approve the Consent Agenda.**

**The motion passed 4-0, Commissioner Bockenfeld, Absent and Excused.**

## **GENERAL BUSINESS AGENDA**

### **Item A – Public Hearing: Case No. W09-001, Land Development Code Revisions**

Assistant County Attorney Tom McNish established jurisdiction.

Tammy King, Zoning Administrator, said this case is a conglomeration of proposed changes by staff. She reviewed the proposed changes to the Land Development Code (LDC) which were read into the record. She said there have been a lot of changes to the landscape designs.

Bill Skinner said ornamental grasses were added to the list of approved plants. He said another change is regarding the requirement that all four sides of a lot be landscaped. He said this is problematic if there are attached townhomes or if there is a main street-style development like the one in Strasburg, where the buildings abut directly. He said the bulk of the changes are just wording changes to give the developer more options.

Ms. King said the next change is to propose an increase in building height that could be processed administratively providing that the existing approved height is no greater than three stories and does not exceed 45 feet. She said the building height may be approved provided that the increase is no more than 10% of the existing approved building height and the proposed building height increase does not exceed the maximum building height allowed in the underlying zoning or associated Preliminary Development Plan.

Commissioner Weddig asked for an explanation.

Sherman Feher explained that currently there is no administrative amendment process for a height variation. He said this is more applicable to an FDP than a PDP (preliminary development plan). If the FDP is under the limit, but the developer wanted to raise that building by 10%, that could be done through an administrative amendment. He said the height could not exceed the PDP amount and if the proposed increase is over 10%, then the applicant would have to go through the formal amendment process.

Commissioner Weddig asked if this would work in a case where the actual measurements were one foot above what is shown on the plan but is still 10 feet below the maximum.

Mr. Feher said yes.

Ms. King said the next changes were recommended by the Mapping Division and are just word changes that will match the language from the State Board of Registration and Professional Engineering. The proposed changes were read into the record. She said these are technical terms.

Ms. King said the next change is adding the stormwater maintenance note. She said the drawing from the building height definition would be added so that the way the County measures building height is clear to the applicants.

Ms. King stated that the biggest change was the definition of pets. She said potbellied pigs were added because those were approved by the Board of Adjustment as an acceptable pet; pets that are kept indoors in a cage, terrarium or aquarium or confined in a pond would not be counted, and exotic animals were defined based on the State Division of Wildlife. She said the keeping of any poisonous animal is prohibited in Arapahoe County. She said constrictors, snakes or reptiles with a length greater than three feet are also prohibited. She said that applies to the residentially zoned categories. She said fowl over the age of six months is being removed and no chickens will be allowed in a residential area.

Ms. King commented that the proposed changes were heard by the Planning Commission on July 16, 2009 and the Planning Commission unanimously recommended the changes.

**The motion was made by Commissioner Dyer in the case of W09-001, Land Development Code Update, that the Board of County Commissioners finds itself in agreement with staff findings including all attachments as set forth in the staff report dated June 27, 2009 and recommend approval.**

**Duly seconded by Commissioner Weddig.**

**The motion passes 4-0, Commissioner Bockenfeld, Absent and Excused.**

### **Item B – Public Hearing: Case No. W09-002, Land Development Code Revisions**

Tom McNish established jurisdiction.

Carol Kuhn stated that this is an addition to what Ms. King was working on. She said these revisions cover engineering issues. She said this case was heard by the Planning Commission on June 16, 2009. She said one citizen voiced concern about the RTIF (Regional Transportation Improvement Fee) which has been in existence since the 1990's but has been on hold since November of 2008. She said after the citizen found that out, he was no longer concerned. She said the RTIF was not in the Standard Notes section and staff is asking to add that note to that section. She said the Stormwater Management Manual was included in the Drainage Master Plan Note. She further stated that staff always requests an easement chart, but there was no where to reference that in the code, so staff wants to make sure developers include that in their plans.

**The motion was made by Commissioner Dyer in the case of W09-002, Land Development Code Revisions, the Board of County Commissioners finds itself in agreement with staff findings one (1) through three (3) including all plans and attachments as set forth in the staff report dated July 7, 2009, and approve the case subject to the following condition:**

- 1. All minor modifications to the text are required prior to incorporation into the original documents.**

**Duly seconded by Commissioner Noonan.**

**The motion passed 4-0, Commissioner Bockenfeld absent and excused.**

**COMMISSIONER COMMENTS**

Commissioner Beckman reminded everyone that the Board would not be meeting next week but will meet the following week.

**There being no other business before the Board, the Chair adjourned the hearing at 9:45 a.m.**

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

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