

## **SECTION 13-600 TECHNICAL AMENDMENT**

### **13-601 INTENT**

- A. To provide a rapid administrative process for approval of minor technical changes to Preliminary Development Plans, Final Development Plans, Location and Extent Plans, Administrative Site Plans, and Subdivision Development Plans. All Technical Amendment plans must comply with the spirit and intent of the original plan that it modifies. The intent of this section is to act on such amendments within 10 working days after submittal. However, the time necessary to review and act on a proposed technical amendment will depend upon the circumstances of each case.
- B. Technical Amendments may include, but are not limited to minor changes to: building facades, location and type of landscape material, location of light poles or fixtures that do not affect light levels at the property line, the location of interior pedestrian walks and trails, the relocation of public transportation facilities if accompanied by an approval letter from the appropriate authority, or a minor revision to public improvements as approved by the Engineering Services Division manager or designee.
- C. The Technical Amendment process also applies when changes to a development plan are of such a limited nature or scope that a formal amendment process or Administrative Amendment would be unnecessary.
- D. Amendments regarding issues specifically reviewed or addressed by the Planning Commission, Board of Adjustment, or Board of County Commissioners do not qualify for the Technical Amendment process.

### **13-602 CRITERIA FOR APPROVAL OF A TECHNICAL AMENDMENT**

The criteria used by the Planning Division Manager and the Engineering Services Division Manager for approval of an application shall include, but not be limited to, the following:

#### **13-602.01**

The proposed amendment conforms to existing zoning regulations and adheres to the conditions of approval as stated by the Board of County Commissioners, Planning Commission, or Board of Adjustment.

#### **13-602.02**

The proposed amendment does not fall within the criteria listed for a formal PUD plan Amendment or Administrative Amendment as specified in these regulations.

#### **13-602.03**

The proposed Technical Amendment does not violate existing zoning regulations, is in keeping with the spirit and intent of such regulations, and will not weaken the purposes of these regulations.

#### **13-602.04**

The proposed amendment does not relate to any site, building, or sign detail, etc. that was subject to a condition of approval through the public hearing process.

#### **13-602.05**

The proposed amendment does not affect the overall architectural character, style, or general layout of buildings on the approved development plan. A change in building color, building

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materials, or building height that was included in any condition of approval does not qualify for the Technical Amendment process.

### **13-602.06**

The proposed amendment does not affect parking areas to the extent that a drainage report or traffic study is required. Minor adjustments to parking areas and/or other impervious areas may be eligible for a Technical Amendment if approved by the Engineering Services Division Manager or designee. Any change that reduces the parking lot setback, reduces the minimum number and size of parking stalls, or reduces the setback from property line for an access drive does not qualify for the Technical Amendment process.

### **13-602.07**

The proposed amendment does not affect the lighting plan to the extent that a photometric study is required. Minor adjustments to the location of light poles or other building exterior illumination are eligible for the Technical Amendment process.

### **13-602.08**

The proposed amendment does not affect the landscape plan to the extent that it reduces the minimum number or size of plant material required by zoning. Adjustments to the location or type of plant material may be processed as a Technical Amendment if such changes do not involve review and approval of a drainage report. Adjustments to landscaping within easements or public rights of way may be processed as a Technical Amendment if approved by the Engineering Services Division Manager or a designee and if a drainage letter of conformance, certified by a Colorado Professional Engineer, is submitted for review and approval with fees as authorized by the Engineering Services Division fee schedule.

### **13-602.09**

The proposed amendment to site conditions, such as the location and size of trash enclosures, earthen berms, pedestrian walks or trails, or public transportation facilities may be eligible for the Technical Amendment process if such changes are approved by the Engineering Services Division Manager and meet the criteria outlined in this section. The Engineering Services Division Manager may also request that the appropriate engineering documents be submitted for review and approval with fees as authorized by the Engineering Services Division fee schedule.

### **13-602.10**

The Technical Amendment ensures the efficient development and preservation of the underlying development plan;

### **13-602.11**

The proposed Technical Amendment does not adversely affect the applicant's reasonable development expectations, the adjacent property owner's use and enjoyment of their property, or the public interest;

### **13-602.12**

The proposed Technical Amendment does not adversely affect the public health, safety, and welfare.

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### **13-602.13**

The proposed Technical Amendment does not reduce the amount of open space shown on the approved plan.

## **13-603 PUBLIC IMPROVEMENTS**

Revisions to the scope of public improvements may be processed as a Technical Amendment depending on the nature of the revision. The Engineering Services Division Manager shall make this determination.

## **13-604 TECHNICAL AMENDMENT PROCESS DETERMINATION**

### **13-604.01**

The applicant shall submit all pre-submittal materials, in accordance with department requirements, to the Planning Division, along with a Letter of Intent which details how the proposed amendment meets the applicable amendment criteria contained in Chapter 13.

### **13-604.02**

Upon the Planning Division's acceptance of the pre-submittal materials, the applicant will be scheduled, and must attend a pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Technical Amendment. During the pre-submittal meeting the Planner and Engineer will make an initial determination as to the proposal's eligibility to be processed as a Technical Amendment.

### **13-604.03**

At the next regularly scheduled staff meeting following the pre-submittal meeting, the proposal will be presented to the Planning Division Manager and Engineering Services Division Manager or their respective designee for final determination as to whether the proposal can be processed as a Technical Amendment. The applicant will be notified by the case planner of the determination to approve or deny the request for Technical Amendment processing as soon as practical.

### **13-604.04**

The Planning Division Manager and/or the Engineering Services Division Manager or their respective designee reserves the right to deny any request for a Technical Amendment if the extent of the proposed changes appears to exceed the scope and intent of the Technical Amendment process.

### **13-604.05**

Upon a determination that the application can be processed as a Technical Amendment, the applicant must submit the formal application within sixty (60) working days of the determination that a Technical Amendment is allowed. Failure to submit within sixty (60) working days of the determination, in writing, will render the decision voidable.

### **13-604.06**

The applicant may request that the pre-submittal meeting be waived by submitting a completed waiver request form to the Planning Division. The decision to accept or deny the pre-submittal meeting waiver request will be made by the Planning Division Manager and the Engineering Services Division Manager or their respective designee.

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### 13-605 REVIEW PROCESS

#### 13-605.01

Upon receipt of all required information, the Planning Division Manger or designee shall review the submittal and prepare comments.

#### 13-605.02

The applicant will be notified of any outstanding issues upon completion of a 14 day staff review and referral process.

#### 13-605.03

The applicant shall submit a final mylar for signature after resolving all outstanding issues raised through the review process.

#### 13-605.04

The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

#### 13-605.05

Upon acceptance of the final mylar by the PWD Department, the Planning Division Manager or designee will approve the amendment.

#### 13-605.06

After the Planning Division Manager signs the mylar, building permits may be applied for and/or obtained.

### 13-606 SUBMITTAL REQUIREMENTS

Submittal requirements for a Technical Amendment include the following:

- A. Completed Land Use Application. (Application is available from the Planning Division office)
- B. Application fees in the amount indicated on the Planning Fee Schedule with the possibility of an additional application fee as indicated on the Engineering Review Fee Schedule if an Engineering Services Division review is determined to be necessary. Fee Schedules are available at the Public Works and Development Department office.
- C. Other fees as necessary for review of engineering documents as determined by the Engineering Services Division Manager or designee and as authorized by the Engineering Services Division fee schedule.
- D. A Letter of Intent that explains, justifies, and validates the request, stating all facts relied upon and providing documentation where possible.
- E. A notarized letter of authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party's consent is required.
- F. A blueline plan exhibit, (typically a copy of the approved development plan mylars or permit documents) or amendment to the approved mylar if appropriate. No plans shall include copyright restrictions.
- G. The Technical Amendment note should be placed on each sheet of the submitted plan exhibit.
- H. Portions of the plan exhibit that are being amended should be bubbled on the plan exhibit.

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- I. A drainage letter of conformance as determined by the ESD staff.
- J. Construction drawing addendums as determined by the ESD staff.

**13-607 TECHNICAL AMENDMENT NOTE AND CERTIFICATION**

THIS PLAN WAS REVISED AS A TECHNICAL AMENDMENT ON \_\_\_\_\_ (TAXX-  
XXX) \_\_\_\_\_,  
(Month/Day) (Year) (Planning Division Manager) (Case No.)

THE MODIFICATIONS DEPICTED ON (*LIST SHEETS*) COMPLY WITH ALL APPLICABLE STANDARDS. THE MODIFICATIONS APPROVED HEREIN INCLUDE (*EXAMPLE: REVISION TO THE LANDSCAPING PLAN, REPLACING RETAINING WALL FINISH MATERIAL FROM UNFINISHED CONCRETE TO A MAROON STUCCO*)

ALL OTHER ORIGINAL TERMS, CONDITIONS AND NOTES OF THE (*ASP, PDP, SDP, L&E, MDP, FDP, OR SDP*) APPROVED ON (*DATE*) WILL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY EXECUTED BY OWNER AND ARAPAHOE COUNTY.

**CERTIFICATE OF OWNERSHIP**

I \_\_\_\_\_ HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS (*PROJECT NAME AND ORIGINAL CASE NUMBER*).