

SPECIAL CITY COUNCIL MEETING

MONDAY, APRIL 21, 1997 AT 6:00 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
 - A. Continued Public Hearing re Comprehensive Land Use Plan
4. Adjournment

Date: April 21, 1997
Subject: Comprehensive Land Use Plan
Prepared by: Max Ruppeck, Planner III

Introduction

City Council will continue the public hearing of April 14, 1997 regarding the proposed Comprehensive Land Use Plan.

Summary

On April 14, 1997, the Comprehensive Land Use Plan was presented by Ben Herman of Balloffet and Associates and Planning Manager Larry Hulse. The public hearing was opened and individuals addressed City Council. All of the persons who signed up to speak at the hearing had an opportunity to present their comments at the hearing. The hearing was continued to April 21 when further comments will be heard. The public comment portion of the hearing will then be closed.

Council is scheduled to meet in study session on May 5, 1997 to review input from the public hearing and to discuss the Comprehensive Land Use Plan. In preparation for this Study Session, Staff will prepare a summary table of the comments and letters of concern, as well as maps to show existing land uses, requested land uses, and the proposed land uses. Staff will also prepare recommendations and alternatives for Council's consideration. Staff will then schedule a subsequent date for Council to adopt the plan.

Background Information

The City has taken extraordinary measures to communicate with and review input from Westminster's citizens, business community, and property owners. Prior to the adoption hearings, three series of community meetings were held: four meetings in April 1996, four meetings in June 1996, and two in September 1996. Prior to these meetings, announcements were placed in City Edition, City Link, and the Westminster Window. A Comprehensive Land Use Plan "hot-line" was established and all callers leaving their names and addresses were put on a mailing list. All callers to the "hot line" were sent individual announcements of all future meetings. Prior to the presentation of the draft plan in September, announcements were mailed to all property owners of vacant land over five acres in area, and prior to the Planning Commission hearings in March 1997, announcements were mailed to all property owners of vacant property regardless of size. All of the above attempts to involve citizens and property owners were well in excess of what is required by State statutes.

In spite of these efforts, however, a few of the property owners appearing at the Planning Commission and City Council public hearings claimed they received insufficient information or late notification of the hearing.

One of the owners, Lula Eppinger, said she did not receive announcement of the Planning Commission hearing until a few days before the hearing, even though she owned over six acres of vacant land. The reason she did not receive the announcement prior to the September 1996 meetings (mailed to owners of vacant property over five acres) was that the six acres she owns was divided into smaller lots and the computer mailing list did not aggregate smaller parcels.

In summary, Staff believes that the City made a conscientious effort, well beyond the minimum requirement, to both notify and meet with land owners with regard to the Comprehensive Land Use Plan.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

TO: The Mayor and Members of the City Council
DATE: April 18, 1997
SUBJECT: Exhibits from Comprehensive Land Use Public Hearing
PREPARED BY: Michele Kelley, City Clerk

Summary

Attached are copies of the Exhibits entered into the public record as part of the first City Council Public Hearing regarding the Comprehensive Land Use Plan held on Monday, April 14, 1997.

The following is a list of the persons entering the exhibits and a brief description of each exhibit:

- | Exhibit | Name & Description |
|---------|---|
| #1 | Lula Eppinger, 5800 E. 112th Ave, property located at NWC Federal Blvd and 97th Ave |
| #2 | Carl Tessler, Attorney, 4582 S. Ulster St Pkwy #902, re 18.8 acres at the SWC of 120th & Federal Blvd |
| #3 | Bill Kearney, representing Hewit-Hawn, re property on the west side of US 36 between 100th and 104th Avenues |
| #4 | Art Bruchez, 3640 W. 112th Ave, re property at 120th Avenue east of Sheridan Boulevard |
| #5 | Michael Pharo, 2835 W. Oxford Ave #6, re SWC of 136th Avenue and Huron Street |
| #6 | Russell Henson, 1406 S. York St, re 29.52 acre site Westcliff Mixed Use Parcel |
| #7 | Art Bruchez, 3640 W. 112th Ave; and Paula Wilson, 10897 Legacy Ridge Wy, re NWC of Wadsworth Parkway and Independence Street |
| #8 | Art Bruchez, 3640 W. 112th Ave; and Paula Wilson, 10897 Legacy Ridge Wy, re NWC of Wadsworth Parkway and Independence Street; letter from Ron Carlson |
| #9 | Art Bruchez, 3640 W. 112th Ave; and Paula Wilson, 10897 Legacy Ridge Wy, re NWC of Wadsworth Parkway and Independence Street, map of the area |

Respectfully Submitted,

Matt Lutkus
Acting City Manager

Attachments

**PROCEDURE FOR PUBLIC HEARING PRIOR TO INTRODUCTION OF LEGISLATION
ADOPTING A COMPREHENSIVE LAND USE PLAN**

1. Introduction by Mayor.

The City of Westminster would like to thank you for attending tonight's public hearing on the City's Comprehensive Land Use Plan and sharing with City Council your views regarding the Plan. I hope you can appreciate the need for a Comprehensive Land Use Plan.

The Plan is an important tool for the City, its current and future citizens, and its landowners and developers, to have a vision of the future of our City. The Plan must balance the sometime competing interests of the general citizenry and the landowners.

The City's Comprehensive Land Use Plan will set higher standards for future development and will call for added efforts on the part of the City administration and all its citizens to accomplish its vision. The Plan's major goals are a general reduction in residential densities, greater amounts of open space, limitations on retail development, and an emphasis on quality employment opportunities within our community. I believe the quality of Westminster that has been achieved to date through the joint effort of the City, the development community, and the citizens of Westminster has made our City the highly desirable place it is to live, work and play.

The City Council will review all comments received during the public hearings in their consideration of a final land use plan. Again, thank you for your concern and participating in the planning process.

We are now considering the introduction of an ordinance adopting a Comprehensive Land Use Plan for the City of Westminster. The Comprehensive Plan has been drafted after numerous meetings in which the public participated, and the draft Plan has been made available for all those interested in reviewing it. It has also been considered by the Planning Commission which has recommended its adoption. Because the adoption of a comprehensive plan will apply generally to all the citizens, property owners and businesses of Westminster for the indefinite future, and requires balancing of the many interests and objectives of the City and its residents, City Council has decided that it is appropriate to conduct a public hearing to further obtain the views of interested parties before voting on this legislative matter.

**PROCEDURE FOR PUBLIC HEARING PRIOR TO INTRODUCTION OF LEGISLATION
ADOPTING A COMPREHENSIVE LAND USE PLAN**

1. Mayor Opens Public Hearing and Reviews Procedures to be Followed as Follows:

A. The hearing shall be informal and conducted in such manner as to provide for a reasonable opportunity for all interested persons to express their opinions, as long as the presentation being given is reasonably related to the subject of the proposed Comprehensive Plan. In order to encourage participation by all who are interested in the Plan, each speaker is requested to limit his/her presentation to five minutes. If the presentation will require more than five minutes, the speaker is requested to submit it in writing prior to the hearing, and the Council will consider it prior to making a decision. The hearing will be held on two evenings and will be continued to Monday, April 21. The hearing will extend to approximately 10:00 P.M. if needed.

B. Formal rules of evidence shall not apply. There will be no cross-examination. Presentations shall be made in the order below, and Council shall vote on the ordinance after motion and discussion as described below sometime in May. At the request of legal counsel, all questions and comments shall be directed through the Chair.

C. Councillors not present at the hearing may vote on the ordinance if they listen to the tape recording of the hearings prior to voting.

2. Order of Presentations:

A. City Staff shall present the proposed Comprehensive Plan and answer questions from the Councillors.

B. Interested persons shall present their opinions or questions. A sign-up sheet will be available and persons shall speak in the order that their names appear on the list. Councillors may ask questions of the speakers.

C. The Mayor shall request that any person who has not spoken and wishes to do so, speak at this time.

D. City Staff shall answer any questions or present further information not previously addressed or address items in need of clarification.

3. Close the Public Hearing:

CITY OF WESTMINSTER, COLORADO
SPECIAL CITY COUNCIL MEETING
MONDAY, APRIL 21, 1997 AT 6:00 P.M.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Absent was Councillor Allen. Councillor Allen arrived at 6:43 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

PURPOSE OF SPECIAL MEETING:

The Mayor stated that the purpose of the special City Council meeting is to continue the public hearing of April 14, 1997 regarding the proposed Comprehensive Land Use Plan.

CONTINUED PUBLIC HEARING ON COMPREHENSIVE LAND USE PLAN:

At 6:05 P.M. the meeting was opened to a continued public hearing regarding the proposed Comprehensive Land Use Plan. Planning Manager Larry Hulse and City Consultant Ben Herman of Balloffet and Associates gave a brief overview of the proposed Comprehensive Land Use Plan. The following people addressed Council: Tom Davenport of Davenport and Company, 1855 S. Linden Way, re property at the NEC of 128th Avenue and Zuni Street; Scott Krob, 8400 E. Prentice Ave, representing M&L Properties, re Park Centre property and Ron Johnson, 6511 N. Village Rd, re Park Centre property.

Councillor Allen arrived at 6:43 P.M.

The following people continued with comments concerning the Comprehensive Land Use Plan: James Gregory, 1600 Broadway #2600, Witkin Development Group re Cedarbridge at 112th Ave and Federal Blvd; Dan Winters, 1181 Quinn Ave, re property at 9985 Harlan Street; Dale Verdoorn, Celebrity Development Corp, 2525 16th St #225, re SEC 104th Ave and Sheridan Blvd; Greg Perczak, 2322 S. Countryclub Lp and George Herbst, 2420 Countryclub Lp, spoke in favor of the Plan for development at the NEC of 112th Ave and Federal Blvd; David Plasters, 1024 8th St, 2 acre parcel located at 120th Ave and Lowell Blvd; B.J. McShane, 6620 W. 111th Ave, re Westminster Blvd - Pierce Street alignment at 112th Avenue; John Vandermoer, 8791 Circle Dr, re 120th Ave and Federal Blvd property; Carol Grudis, 11309 Quivas Wy, in support of low density for NEC 110th Ave and Federal Blvd; Wayne Forman, Attorney for U.S. Homes, re 2 parcels in Westcliff PUD, entered Exhibit #10, a letter from City Manager Bill Christopher to U.S. Homes dated April 14, 1997, Exhibit #11, letter from Wayne Forman and Mark Mathews, attorneys representing U.S. Homes, dated April 15, 1997, Exhibit #12, Planning Commission Agenda Memorandum dated August 5, 1986, and Exhibit #13, sheets 1 through 4 of 4 of the Third Amended Preliminary Development Plan for Westcliff Subdivision PUD; Mike Shriver, 390 Grant St, 11 acre site at NWC of 100th Avenue and Simms St; Charlie McKay, 10050 Wadsworth Blvd, re Church Ranch PUD; Larry Ackerman, 8245 W. 81st Dr, re 2 1/2 acre parcel at 9327 Olde Wadsworth; Bob June, 7500 Wilson Ct, re Cemetery within the City; Will Thompson, 8980 Grove St, re development along Federal Blvd; Scott Perriman, MetroNorth Chamber of Commerce Executive Director; Janet Eppinger, 11130 Holly St; and Eric White, Developer, 6311 E. Orchard Rd, re 60 acre site at 144th Avenue and I-25. At 8:02 P.M. the public hearing was declared closed.

Mayor Heil stated there would be an Executive Session concerning a WEDA Update, Amendments to Countrydale Golf Course Land Use Negotiations, El Fugitivo and an update on the Ice Arena project.

ADJOURNMENT:

The meeting was adjourned at 8:05 P.M.

ATTEST:

Mayor

City Clerk