

SPECIAL CITY COUNCIL MEETING

MONDAY, MAY 6, 1996 AT 6:30 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
 - A. Proclamation re Pride Day
 - B. Resolution No. 20 re Jack Swigert Statue
 - C. Concrete Path along Sheridan Green Greenbelt
 - D. Councillor's Bill 26 re Land Use Moratorium/WEDA Moratorium
4. Adjournment

May 1, 1996

To All Members of City Council

A special meeting of the City Council has been set for Monday, May 6, 1996 at 6:30 P.M. for the following purpose:

- A. Proclamation re Pride Day
- B. Resolution re Jack Swigert Statue
- C. Concrete Path along Sheridan Green Greenbelt
- D. Councillor's Bill re Land Use Moratorium/WEDA Moratorium

Sincerely,

Michele Gallegos, CMC
City Clerk

April 30, 1996

Michele Gallegos, City Clerk
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80030

Dear Michele:

Please call a special meeting of the City Council for Monday, May 6, 1996 at 6:30 P.M. for the following purpose:

Proclamation re Pride Day

Resolution re Jack Swigert Statue

Concrete Path along Sheridan Green Greenbelt

Councillor's Bill re Land Use Moratorium/WEDA Moratorium

Sincerely,

Nancy M. Heil
Mayor

Date: May 6, 1996
Subject: Proclamation re Westminster Pride Day
Prepared by: Nancy Winter, Fire Department Clerk Typist II

Introduction

The City Council is requested to proclaim the date of May 11, 1996 as "Westminster Pride Day".

Summary

An annual event for the City of Westminster will be marked by the declaration of May 11, 1996, as Westminster Pride Day. This day is usually a part of April's national event, "Keep America Beautiful Month", but as weather has been inclement during April the past couple of years, the date has been moved to May for 1996. Westminster Pride Day activities will include litter pickup along 20 miles of right-of-ways, greenbelts, and open space sites throughout the City. This litter pickup program will be conducted by Boy and Girl Scout volunteers as well as representatives from homeowners associations, schools, and church groups. The event will conclude with a picnic sponsored by area businesses at City Hall. All cleanup participants will be given the opportunity to win door prizes at the picnic. Business sponsors will be recognized in the local newspaper. Frank Grasmugg, Fleet Manager for the City of Westminster, is this year's chairperson.

Staff Recommendation

Proclaim May 11, 1996 as "Westminster Pride Day".

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

WHEREAS, The goal of the Westminster Pride Day is to bring together youth, government, business and community leaders to help cleanup and share pride in Westminster; and

WHEREAS, Westminster has organized a cleanup program in keeping with the spirit of April's Keep America Beautiful Month; and

WHEREAS, The cleanliness of the Westminster community will be enhanced by these efforts.

NOW, THEREFORE, The City Council of the City of Westminster, Colorado does hereby proclaim May 11th

Westminster Pride Day

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster a clean place to live.

Signed this 6th day of May, 1996.

Date: May 6, 1996
Subject: Resolution No. re John L. "Jack" Swigert, Jr.
Prepared by: Heather Balsler

Introduction

City Council is requested to adopt the attached resolution supporting the State House of Representatives Joint Resolution 96-1000 honoring John L. "Jack" Swigert, Jr. with a statue in the U.S. Capitol.

Summary

The purpose of this resolution is to urge the Senate of the Colorado General Assembly and the Governor of the State of Colorado to support the resolution and honor John L. "Jack" Swigert, Jr., Colorado hero, with a statue in the U.S. Capitol.

Staff Recommendation

Adopt Resolution No. supporting a statue of Jack Swigert in Statuary Hall at the U.S. Capitol.

Background Information

Jack Swigert was born and raised in Denver, attended East High and went to the University of Colorado. He was a U.S. Air Force pilot who served and flew missions in Korea and Japan from 1953 to 1956 in support of the United States and Allied forces.

He later became an astronaut and in 1970, Jack Swigert served as command module pilot of Apollo XIII. When an explosion damaged the service module, Swigert was called upon to behave with exemplary courage and professionalism. The explosion threatened to maroon the spacecraft and astronauts in outer space, requiring Swigert to execute a maneuver around the moon that forced the spacecraft into a new flight path. Swigert was able to guide the damaged spacecraft safely back to earth.

Upon his return to Colorado, Jack Swigert was elected to the U.S. Congress representing the Sixth Congressional District, and died of cancer before he was sworn into office.

The House of Representatives of the Colorado General Assembly adopted Joint Resolution 96-1000 to name Jack Swigert to represent the state in Statuary Hall and forwarded the joint resolution to the Senate of the Colorado General Assembly. The City of Westminster also supports this resolution.

Respectfully submitted,

William M. Christopher, City Manager
Attachment: Resolution

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

IN SUPPORT OF COLORADO MEMORIAL IN STATUARY HALL
HONORING JACK SWIGERT

WHEREAS, the late John L. "Jack" Swigert, Jr. was a Colorado native and a U.S. Air Force pilot who later became an astronaut; and

WHEREAS, Jack Swigert symbolized bravery, dedication, and patriotism and deserves to be honored as a Colorado hero; and

WHEREAS, as command module pilot of Apollo XIII in 1970, Jack Swigert demonstrated exemplary courage and professionalism when an explosion damaged the service module, threatening to maroon the spacecraft and astronauts in outer space, requiring Commander Swigert to execute a maneuver around the moon that forced the spacecraft into a new flight path, guiding the damaged spacecraft back to earth; and

WHEREAS, upon his retirement from aviation, Jack Swigert returned to Colorado and was elected to the U. S. Congress representing the Sixth Congressional District before succumbing to cancer; and

WHEREAS, the House of Representatives of the Colorado General Assembly adopted joint resolution 96-1000 on February 26, 1996 and forwarded the joint resolution to the Senate of the Colorado General Assembly; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, State of Colorado, that the City of Westminster supports Colorado House Joint Resolution 96-1000 and urges the Senate of the Colorado General Assembly and the Governor of the State of Colorado to support the resolution and honor John L. "Jack" Swigert, Jr., Colorado hero, with a statue in the U.S. Capitol.

Passed and adopted this 6th day of May, 1996.

ATTEST:

Mayor

City Clerk

Date: May 6, 1996
Subject: Sheridan Green Sidewalk
Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to authorize the City Manager to enter into a contract with L & M Enterprises, Inc. in the amount of \$75,000 for the installation of approximately 2,000 linear feet of an eight-foot wide concrete path along Airport Creek within Sheridan Green Subdivision (see attached vicinity map). The path would run from 112th Avenue (just east of Harlan Street) to along the greenbelt to Eaton Street between 110th Avenue and Gray Circle. Funds for this expense are available within the Sidewalk Connection and Drainage/Greenbelt Improvements Projects of the General Capital Improvement Project Fund.

Summary

- > L & M Enterprises, Inc., under contract with the Urban Drainage and Flood Control District (UDFCD) is currently constructing a channel improvement project to a portion of Airport Creek within Sheridan Green Subdivision (see attached map). This \$420,000 drainage project is totally funded by the District under their Maintenance Program.
- > During the course of construction of the channel improvements, the previously existing asphalt path along the Creek had to be removed due to the necessary grading of the channel over-bank area. Because of a shortage of funding available for this project, the UDFCD has requested that the City assume the responsibility for the replacement of this sidewalk (if one is desired).
- > Staff believes that such a path along the improved greenbelt area would offer a wonderful amenity to the residents of Sheridan Green Subdivision. In consideration of the sizable contribution that the District is making toward the channel improvements, Staff recommends that the City agree to funding the estimated \$75,000 cost of the sidewalk. Funds for this expense are available within the Sidewalk Connection and Drainage/Greenbelt Improvement Projects of the General Capital Improvement Project Fund.

Staff Recommendation

Authorize the City Manager to enter into a contract with L & M Enterprises, Inc. in the amount of \$75,000 for the construction of a concrete path along Airport Creek within Sheridan Green Subdivision; and charge the expense to the appropriate project account in the General Capital Improvement Project Fund.

Background Information

One of the methods by which the Urban Drainage and Flood Control District (UDFCD) returns tax dollars to the public is through the construction of drainage facilities under their Maintenance Program. The District provides 100% of the funding for projects that qualify for construction through this program. Over the years, the City of Westminster has been highly successful in obtaining Maintenance Program projects such as channel improvements to Middle Hylands Creek (Hyland Greens Greenbelt), Middle Cotton Creek (Cotton Creek Greenbelt) and others.

In 1994, the City was again successful in receiving District approval of a Maintenance Program project for a portion of Airport Creek within the City boundaries. This creek runs through that portion of the Sheridan Green greenbelt located between 112th Avenue and Eaton Street. Like most of the previous Maintenance Program projects within Westminster, this project originated from numerous requests for such assistance from area residents. In this case, Sheridan Green residents were concerned about the poor drainage characteristics of their greenbelt. Many portions of the channel and over-bank areas were extremely flat, thus increasing the likelihood of flooding damage to adjacent lots. It should be noted that Sheridan Green residents take great pride in their greenbelt; planning meetings for the District's project drew large audiences of interested citizens of the subdivision. Many of these homeowners mentioned how much they enjoy strolling along the asphalt path that paralleled the Creek.

Once the design process for this Airport Creek project was completed, the District discovered that they did not have enough funding to provide all of the amenities (e.g., stone-faced headwalls, boulder-lined low-flow channel) desired by the neighborhood and the designers of the project. In order to overcome this shortage, the UDFCD has requested that the City cover the cost of replacing the previously existing asphalt path along the Creek with a new concrete sidewalk. Considering the sizable expenditure of funds that the District is contributing toward this enhancement of the greenbelt, City Staff believes that it would be appropriate for the City to offer the requested assistance. It is recommended that the City offer to fund the \$75,000 expense for the installation of this new path.

Respectfully submitted,

William Christopher
City Manager

Attachment

Date: May 6, 1996
Subject: Councillor's Bill No. re Limited Land Use Moratorium
Prepared by: Larry Hulse, Planning Manager

Introduction

City Council is requested to pass the attached Councillor's Bill on first reading imposing a temporary 90-day moratorium on any uses needing a special use or license in the Urban Renewal District, and on any processing of building permits for certain uses currently specifically not allowed in the Urban Renewal District. Additionally, the Councillor's Bill would impose a Citywide moratorium on business licenses and/or building permits for certain uses within 1,000 feet of any residential use or district until December 31, 1996 or when the Comprehensive Plan process is complete, whichever comes first.

Summary

The issue of permitted land uses within the City has received increased attention in recent months for two reasons. First, a number of new businesses have located in the Westminster Plaza Shopping Center and the surrounding urban renewal area. Staff believes that some of these businesses could create further blight and other negative impacts on the Plaza and the surrounding community, and could compromise the City's efforts to revitalize the south Westminster area. Second, a number of land uses are currently allowed throughout the City by existing zoning, which may not be compatible with residential uses. Staff believes these uses should be reviewed now, while the City is in the process of developing its Comprehensive Land Use Plan. The final Plan will largely determine how the City's remaining undeveloped lands are to be used.

With these general concerns in mind, Staff is recommending a limited temporary moratorium which affects land uses in the Westminster Economic Development Authority (WEDA) Urban Renewal District to allow time to review and amend the Urban Renewal Plan; and, a Citywide limited moratorium on certain uses within 1,000 feet of residential areas until December 31, 1996. This will allow Staff time to review use compatibility and bring recommendations to the Comprehensive Plan process. Staff is recommending:

WEDA Urban Renewal District

1. A 90-day limited moratorium on the processing of new building permits for any uses listed as "conditional uses" which are currently prohibited in the urban renewal area except upon special City Council approval. These include such uses as massage parlors, pawn shops, and vehicle dealers (see Background section of this memo).

2. A 90-day limited moratorium on any uses which require a special permit or license from the Special Permit and License Board. These "special uses" would include liquor licensed establishments such as taverns and liquor stores, as well as dance halls, cabarets and amusement centers.

Staff believes such "conditional" and special uses present special and unique land use impacts by their very nature, and could have negative consequences when not implemented as part of a comprehensive redevelopment plan such as that which was previously negotiated with, but later abandoned by, Trammel Crow. During the moratorium, a comprehensive review of the Urban Renewal Plan for this area will be completed which will address the appropriate uses to be allowed in the Urban Renewal Area.

Citywide

A temporary moratorium on limited uses is recommended throughout the City prohibiting any business license or building permit issuance if the business or site is within 1,000 feet of any residential use or residentially-zoned property. The Citywide moratorium is related to the Comprehensive Land Use Plan which will identify inappropriate or incompatible land uses with existing and future residential neighborhoods. This moratorium would be in effect during the comprehensive planning process and remain in effect until December 31, 1996, or until such time as the Comprehensive Land Use Plan is adopted and implemented, whichever comes first.

Both the Urban Renewal District and the Citywide moratoriums would become effective with the first reading of the Ordinance anticipated on May 6th. second reading will be scheduled for the May 13th City Council meeting. Any project which, already has an Official Development Plan (ODP) no more than 3 years old, has applied for an ODP, or has applied for a Special Use or license, would not be affected by this recommended moratorium.

Staff Recommendation

Pass Councillor's Bill No. on first reading imposing a temporary moratorium affecting certain uses in the Westminster Economic Development Authority Urban Renewal District for 90 days, and affecting certain uses Citywide effective May 6, 1996 until December 31, 1996 or until the Comprehensive Land Use Plan is adopted and implemented by City Council, whichever comes first.

Background Information

Urban Renewal Moratorium

The City's first urban renewal area was established in 1987 as part of the formation of the Westminster Economic Development Authority (WEDA). The original urban renewal area (Phase I) included roughly 120 acres of land in the vicinity of the Westminster Plaza Shopping Center. The urban renewal area was expanded in 1992 to include a large part of the commercial and industrial area along 72nd Avenue to the west of Federal Boulevard (Phase II).

By State statute, the Urban Renewal Plan, which was originally written in 1987 and revised in 1992, is the governing document for land usage within the urban renewal area.

Section V.f. of the City's Urban Renewal Plan outlines permitted land uses, prohibited land uses, and conditionally permitted land uses in the urban renewal area. This section of the plan was written in 1987 when the urban renewal area was originally formed but has not been revised since that time.

Staff believes that a comprehensive review of the Urban Renewal Plan should be conducted as soon as possible. Recently, the City received a number of requests from businesses interested in locating at the Westminster Plaza. These included uses such as a billiard hall and a pawn shop, which Staff believes are uses which are incompatible with the redevelopment goals of the City in this area. Staff believes it is important to review the uses allowed in the urban renewal area to ensure that certain land uses that may contribute to the area's blighted condition are not allowed. Staff believes the uses allowed under the Urban Renewal Plan must reflect the City's intent with regard to the area revitalization, and the generation of sales and property tax increment for the financing of the redevelopment-related improvements.

As the Urban Renewal Plan now reads, the following commercial uses are specifically prohibited in the urban renewal area unless otherwise approved on a Preliminary and/or Official Development Plan. Staff refers to these as "conditional uses" and are recommended to be placed under the moratorium:

- > Ambulance Service
- > Automotive and Heavy Equipment Rental
- > Bulk Fuel Sales
- > Bingo Establishments, Social Gaming Outlets
- > Funeral Homes/Mortuaries
- > Greenhouses
- > Massage Parlors
- > Motor Vehicle, Recreational Vehicle, and Commercial Equipment Dealers including Auto, Aircraft, Boats, Campers, Mobile Homes, Trucks, Trailers, Heavy Equipment, Construction Equipment, and Farm Implements
- > Outdoor Entertainment Establishments
- > Pawn Shops
- > Used Merchandise--All Types

The moratorium would also affect any "special permit or special license" use in the Urban Renewal Area as well. This moratorium would effect any special use or license which requires approval by the Special Permit and License Board as outlined in the WMC, 2-5-2, "Powers and Duties." Included are those uses which require, by City Code, the issuance of a special permit or license. As with the "conditional uses" noted above, during the 90-day moratorium, this list would be carefully examined and expanded as appropriate to include other types of uses which could reflect negatively upon the redevelopment of the area. This recommended action would not affect any project which already has an Official Development Plan (ODP) or ODP Waiver approved after January 1, 1993, but before May 6, 1996, has submitted an application for an ODP or ODP Waiver, or has completed an application for a Special Use Permit or License.

Citywide Moratorium

In 1995, the City began a Comprehensive Land Use Planning effort which, when completed, will serve as a "road map" for future land use actions in the City.

While developing the plan, concerns have risen about uses which may not be compatible with residentially-zoned or existing residential areas. During the first round of public meetings on the Comprehensive Land Use Plan, it became very evident that neighborhoods are concerned with issues of compatibility with residential areas. As such, Staff is requesting that Council place a Citywide moratorium on selected uses which warrant more specific review during the comprehensive planning process.

A review of the City's non-residential uses-by-right in conventional zoning districts found that there are several concerns that should be addressed. These relate to some of the standard uses allowed in the zoning categories in the Westminster Municipal Code, the zoning designations as applied to various locations in the City, and a number of existing PUDs (Planned Unit Developments) which may contain uses which are not compatible with surrounding neighborhoods. Some examples which warrant further review include:

- > Boarding homes
- > Cash-checking outlets
- > Shooting ranges and gun shops
- > Sand & Gravel extraction and storage
- > Microwave and radio transmission towers
- > Billiard halls, video or other arcades
- > Pawn shops
- > Thrift stores
- > Auction houses
- > Massage parlors
- > Off-track betting
- > Used merchandise sales
- > Tattoo parlors
- > Outdoor storage facilities as a primary use

This list of uses are those which, in the opinion of the Planning Division Staff, are questionable as to their location near residential areas. Staff finds that these uses may be objectionable near residential uses, and for that reason would request a 1,000 foot buffer from residential areas as an interim measure while the Comprehensive Land Use Plan reviews this use compatibility issue in more detail.

Staff is also concerned that, since most of the City is zoned Planned Unit Development, there is not an easy way to inventory allowed uses. Planned Unit Development zoning in Westminster started as an overlay district in the early 1970's, and a review of some of the existing PUDs has revealed that the list of permitted uses is often vague and open to interpretation; for example, "any retail use for the daily needs of the community."

This Citywide moratorium would not allow any building permits or business licenses for any of the above listed uses within 1,000 feet of any residential area (see map). The moratorium is proposed to be effective as of the first reading on May 6 and will remain in effect until December 31, 1996 or at the adoption and implementation of the Comprehensive Land Use Plan, whichever comes first. Both the Citywide moratorium and the Urban Renewal area moratorium will not affect any project which meets any one of the following criteria:

1. Has an existing ODP prior to May 6, 1996, but after January 1, 1993.
2. Has made an application for an ODP prior to May 6, 1996; or
3. Has made an application for a Special Use or license to the Special Use and License Board prior to May 6, 1996.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE ISSUANCE OF BUILDING PERMITS AND LICENSES FOR CERTAIN LAND USES PENDING COMPLETION OF THE COMPREHENSIVE PLANNING PROCESS AND THE DEVELOPMENT OF RECOMMENDED AMENDMENTS TO THE WESTMINSTER URBAN RENEWAL PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds as follows:

- a. The City of Westminster is a home-rule municipality organized and existing under the provisions of the Colorado Constitution Article XX.
- b. As set forth in section 4.16 of the City Charter, the City Council by ordinance may establish procedures and requirements for the use, division and development of land, the pattern, location and rate of growth of the community, all for the general purpose of protecting the public health, safety and welfare.
- c. As set forth in Chapter XI.V of the City Charter, the citizens of the City of Westminster have previously determined that the City Council shall take appropriate action to mitigate the adverse effects of land development and that the City Council shall promote coordinated, innovative, high-quality planning to produce a well-balanced, technologically advanced City.
- d. Approximately thirty (30) percent of the City's current undeveloped land area remains available for development and the City is concerned about the ultimate land use mix of the City at buildout.
- e. The City Council has previously initiated a comprehensive planning effort for the purpose of developing a comprehensive plan for the ultimate buildout of the City.
- f. The City Council has previously engaged the services of experts in the area of comprehensive planning through its award of the contract for the City's comprehensive planning effort to Balloffet and Associates.
- g. As development pressures continue within the City, the lack of a comprehensive plan has led to a growing number of potentially conflicting land uses that have been issued building permits pursuant to existing land use and development approvals which, in some cases, were considered and approved as much as ten to twenty years ago.
- h. Staff estimates that the anticipated completion date of the comprehensive plan for the City and its implementation through appropriate ordinances and other actions by City Council will not occur until December 31, 1996.
- i. City Council is particularly concerned about possible conflicts arising from certain types of land uses seeking building permits and licenses under vaguely-defined zoning categories such as "commercial," "industrial," and "retail," to the extent such uses are adjacent to residentially-zoned property and to the extent such uses may later be determined as warranting special, different, or additional consideration under the City's final comprehensive plan.

j. The Westminster Urban Renewal Plan sets forth the following goals and objectives for the Urban Renewal Area:

1. To eliminate existing conditions of blight; and

2. To provide for the redevelopment and rehabilitation of commercial and light industrial uses to conform with current City standards and requirements and in a manner that is compatible with and complementary to existing development and uses in the general area.

k. The land uses previously approved under the Urban Renewal Plan for the Westminster Urban Renewal Area have not been significantly amended since the Plan's original adoption in 1988 when the City was then working towards an agreement with the Trammel-Crow company, which effort was ultimately abandoned by Trammel-Crow in the early 1990's.

l. The revitalization of south Westminster through the City's Urban Renewal Authority is a high priority of the City Council as reflected in Council's goals and objectives for 1996, the City's \$10 million 72nd Avenue Street improvement project, and the City's more recent engagement of community development planning consultants to determine the financial feasibility of a comprehensive redevelopment of the Westminster Plaza Shopping Center.

m. City Council finds that it is highly probable that the Urban Renewal Plan will need to be amended to reflect the recommendations of the City's redevelopment planning consultants and it is highly probable that the ultimate redevelopment project approved by City Council will be significantly different in its scope and direction compared to the project reflected in the current Urban Renewal Plan that was approved at the time the City was negotiating a redevelopment project with the Trammel-Crow Company.

n. City Planning Staff has presented to City Council a list of land uses that the City Planning Staff is recommending be made the subject of a temporary moratorium for the purpose of protecting the interface between these uses and the City's residential districts until the City's comprehensive plan can be developed and implemented.

o. City Staff has also identified the need for a temporary moratorium on certain uses within the Westminster Urban Renewal Area until such time as the Westminster Urban Renewal Plan can be reviewed by City Staff and any recommended amendments be presented to the Authority and City Council.

p. The enactment of the proposed moratorium is necessary to preserve the City Council's and the Westminster Economic Development Authority's options in the City's comprehensive planning process and the ongoing revitalization of the Westminster Urban Renewal Area.

q. City Staff has set forth in further detail the need and justification for this ordinance in the City Council Agenda Memorandum dated May 6, 1996, which accompanies this ordinance, and the contents of which are incorporated herein by this reference.

Section 3. Unless terminated earlier by City Council by ordinance, for a period of time commencing May 6, 1996, and continuing through and including December 31, 1996, no building permits nor business licenses shall be issued for any of the following uses anywhere within the boundaries of the City of Westminster, including the Westminster Urban Renewal Area, to the extent such uses are located within 1000 feet of a residentially occupied or zoned residential lot, as measured by a direct line from the closest point on the boundary of the parcel on which such restricted use is located to the closest point on the nearest boundary of any such residentially occupied or zoned lot:

- > Boarding Homes
- > Cash-Checking Outlets
- > Shooting Ranges and Gun Shops
- > Sand & Gravel Extraction and Storage
- > Microwave and Radio Transmission Towers
- > Billiard Halls, Video, or Other Arcades
- > Pawn Shops
- > Thrift Stores
- > Auction Houses
- > Massage Parlors
- > Off-Track Betting
- > Used Merchandise Sales
- > Tattoo Parlors
 - > Storage Facilities in which Outdoor Storage is the Primary Use

Section 4. For a period of 90 days to commence on May 6, 1996, no building permits, special use permits, business licenses or any other required license pursuant to Title V of the Westminster Municipal Code shall be issued for any of the following uses within the boundaries of the Westminster Urban Renewal Authority:

- >> Ambulance Service
- > Automotive and Heavy Equipment Rental
- > Bulk Fuel Sales
- > Bingo Establishments, Social Gaming Outlets
- > Funeral Homes/Mortuaries
- > Greenhouses
- > Massage Parlors
 - > Motor Vehicle, Recreational Vehicle, and Commercial Equipment Dealers including Auto, Aircraft, Boats, Campers, Mobile Homes, Trucks, Trailers, Heavy Equipment, Construction Equipment, and Farm Implements
- > Outdoor Entertainment Establishments
- > Pawn Shops
- > Used Merchandise--All Types
 - > Storage Facilities in which Outdoor Storage is the Primary Use
 - > Any use requiring a special permit or license pursuant to the following provisions of Title V of the Westminster Municipal Code; Chapter 9 (amusement centers); Chapter 14 (fermented malt beverages, alcoholic beverages and special events); Chapter 15 (massage parlors); Chapter 16 (dance halls and cabarets), and Chapter 19 (escort services)
 - > Those special uses specified in W.M.C. Section 12-8-8 (child care centers, residential care facilities, semi-private uses, and used merchandise/thrift stores)

Section 5. The provisions of this ordinance shall not apply to any proposed use which meets any one of the following criteria:

1. An Official Development Plan, or Official Development Plan Waiver, was approved for the proposed use after January 1, 1993, but before May 6, 1996.
2. A completed application for approval of an Official Development Plan, or Official Development Plan Waiver, was submitted to the City on or before May 6, 1996;
3. A completed application for a special use permit or license for the proposed use was submitted to the City on or before May 6, 1996.

Section 6. Nothing in this ordinance shall be construed as affecting any vested rights to complete specific development projects which were commenced prior to the effective date of this ordinance pursuant to a duly issued building permit.

Section 7. The provisions of this ordinance are temporary in nature and are intended to be replaced by subsequent legislative enactment.

Section 8. During the moratoria time-periods established by Sections 3 and 4 of this ordinance, City Staff is directed to develop appropriate recommendations to City Council concerning appropriate treatment of the land uses covered by this ordinance as part of a comprehensive land use and zoning plan for the City, as well as potential modifications to the Westminster Urban Renewal Plan consistent with the recommendations of the City's redevelopment planning consultants.

Section 9. This ordinance shall take effect upon its passage after second reading.

Section 10. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 6th day of May, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of May, 1996.

ATTEST: Mayor _____

City Clerk