



WESTMINSTER
COLORADO

May 21, 2001
7:00 P.M.
AGENDA

Please turn OFF cell phones and pagers during meetings

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. Consent Agenda
 - A. April, 2001 Financial Report
 - B. Councillor's Bill No. 23 re Bruchez Farmhouse CLUP Amendment (Merkel-Atchison)
 - C. Councillor's Bill No. 24 re 136th Avenue GID Amendment (Hicks-Atchison)
 - D. Councillor's Bill No. 26 re Storm Water Utility (Dixion-Hicks)
9. Appointments and Resignations
 - A. Resolution No. 31 re Appointment to Personnel Board
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 27 re Sign Code Revisions re Monument Signs
 - B. Public Hearing re Dedication of Land Use for Public School Sites
 - C. Councillor's Bill No. 28 re Dedication of Land Use for Public School Sites
 - D. Public Hearing re McKay Lake Annexation and Comprehensive Land Use Plan Amendment
 - E. Resolution No. 32 re McKay Lake Annexation Findings, located east of Zuni St south of 144th Ave
 - F. Councillor's Bill No. 29 re Annexation Agreement re McKay Lake Area
 - G. Councillor's Bill No. 30 re Annexation re McKay Lake Area
 - H. Councillor's Bill No. 31 re Zoning re McKay Lake Area
 - I. Councillor's Bill No. 32 re Comprehensive Land Use Plan Amendment re McKay Lake Area
 - J. Public Hearing re Southeast Corner 86th Avenue and Federal Boulevard CLUP Amendment
 - K. Councillor's Bill No. 33 re Comprehensive Land Use Plan Amendment re 86th Ave & Federal Blvd
 - L. Public Hearing re Retail Commercial Guidelines
 - M. Resolution No. 33 establishing Retail Commercial Guidelines
 - N. Resolution No. 34 re Webber Property Annexation located at 10227 West 102nd Avenue
 - O. Resolution No. 35 re Telleren Area Annexation located at 144th Avenue west of Lipan Street
 - P. Resolution No. 36 re Indexed Position for Tap Fee Administration & Water Conservation Program
 - Q. Resolution No. 37 re Amendments to City Council Travel Policies
 - R. Swearing in of New City Manager, J. Brent McFall

11. **Old Business and Passage of Ordinances on Second Reading**
None
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Request for Executive Session
 1. Business Assistance Package Update
 2. Negotiations on Northwest Parkway
 3. Real Estate Contract Proposal
13. **Adjournment**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B. Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J. Final comments/rebuttal received from property owner;
- K. Final comments from City Staff and Staff recommendation.
- L. Public hearing is closed.
- M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 21, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Mayor Heil, Mayor Pro Tem Dixon, Councillors Atchison, Hicks, Kauffman, Moss and Merkel were present at roll call. William Christopher, City Manager; Martin McCullough, City Attorney; and Richelle Work, Deputy City Clerk were also present. Absent none.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Merkel to accept the minutes of the meeting of May 14, 2001 with no corrections or additions. Councillor Moss requested to abstain from voting since he was not present at this meeting. The motion carried with Councillor Moss abstaining.

CITY COUNCIL COMMENTS:

Councillor Kauffman commented on the Community Pride Day Events.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: April, 2001 Financial Report; CB No. 23 re Bruchez Farmhouse CLUP Amendment; CB No. 24 re 136th Avenue GID Amendment; CB No. 26 re Storm Water Utility.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

Councillor Atchison moved, seconded by Councillor Merkel to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 31 RE APPOINTMENT TO PERSONNEL BOARD

Mayor Pro-Tem Dixon moved, seconded by Councillor Hicks to adopt Resolution No. 31 appointing David Jones as the new alternate member to the Personnel Board with the term of office to expire December 31, 2001. Upon roll call vote, the motion carried unanimously.

COUNCILLORS BILL NO. 27 SIGN CODE AMENDMENTS RE MONUMENT SIGNS

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to pass Councillors Bill No. 27 on first reading making revisions to the Sign Code.

A friendly amendment was made by Councillor Moss that 11-11-7(A)7(b)(i) be amended to read "FOR SIGNS **OVER SIXTY (60) SQUARE FEET OR GREATER: 25 FEET**"; and 11-11-7(A)7(b)(ii) be amended to read "FOR SIGNS ~~OVER~~ **THIRTY TWO (32) SQUARE FEET TO SIXTY (60) SQUARE FEET: 8 FEET.**" The maker and second accepted the friendly amendment.

A friendly amendment was made by Mayor Pro-Tem Dixon to amend 11-11-7(A)7(c) to read "AN ELECTRONIC READER BOARD COMPONENT OF AN INSTITUTION MONUMENT SIGN SHALL BE ALLOWED, WHICH COMPONENT SHALL BE NO MORE THAN ~~ONE THIRD (1/3)~~ **ONE FOURTH (1/4)** OF THE TOTAL SIGN SIZE, NOT TO EXCEED 20 SQUARE FEET. The maker and second accepted the friendly amendment.

Pastor Ed Bulkley, Life Fellowship Church, 11500 Sheridan Blvd, and Pastor Michael Ware, Victory Church, 9050 Yates St, addressed Council.

Councillor Kauffman moved, seconded by Councillor Merkel, to amend 11-11-7(A)7(c) to read “AN ELECTRONIC READER BOARD COMPONENT OF AN INSTITUTION MONUMENT SIGN SHALL BE ALLOWED, WHICH COMPONENT SHALL BE NO MORE THAN ONE THIRD (1/3) OF THE TOTAL SIGN SIZE **OR 30 SQUARE FEET, WHICHEVER IS LESS**. The amendment carried with dissenting votes by Councillor Atchison and Mayor Pro-Tem Dixon.

Upon roll call vote of the main motion with the following amendments: 11-11-7(A)7(b)(i) be amended to read “FOR SIGNS **OVER SIXTY (60) SQUARE FEET OR GREATER: 25 FEET**”; 11-11-7(A)7(b)(ii) be amended to read “FOR SIGNS ~~OVER~~ **THIRTY TWO (32) SQUARE FEET TO SIXTY (60) SQUARE FEET: 8 FEET** ; and 11-11-7(A)7(c) to read “AN ELECTRONIC READER BOARD COMPONENT OF AN INSTITUTION MONUMENT SIGN SHALL BE ALLOWED, WHICH COMPONENT SHALL BE NO MORE THAN ONE THIRD (1/3) OF THE TOTAL SIGN SIZE **OR 30 SQUARE FEET, WHICHEVER IS LESS**. The motion carried with a dissenting no vote from Mayor Pro-Tem Dixon.

PUBLIC HEARING RE DEDICATION OF LAND USE FOR PUBLIC SCHOOL SITES

At 7:47 P.M. the public hearing was opened on the Dedication of Land Use for Public Schools. Terri Hamilton, Planner III, entered a copy of the Agenda Memorandum and other related items into the record. James Ellis, Adams 12 Five Star Schools; Ed Steinbrecher, Adams County School District 50; and JJ Martinez, HBA of Metro Denver all spoke in favor of the issue. There was no opposition. The public hearing was declared closed at 7:58 P.M.

COUNCILLOR’S BILL NO. 28 DEDICATION OF LAND USE FOR PUBLIC SCHOOLS

Councillor Kauffman moved, seconded by Councillor Hicks to pass Councillor’s Bill No. 28 on first reading adding a new subsection (E) to Chapter 6, Section 8, concerning the Dedication of Land for Public School Sites, and deleting the existing reference to schools in Title XI, Chapter 6, Section 8 (A) and Title XIII, Chapter 4, Section 3 (E). Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE MCKAY LAKE ANNEXATION AND CLUP AMENDMENT

At 8:00 P.M. the public hearing was opened on the McKay Lake Annexation and Comprehensive Land Use Plan Amendment located east of Zuni and south of 144th Avenue. Dave Falconeri, Planner III entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items into the record. There was no opposition. The public hearing was declared closed at 8:04 P.M.

RESOLUTION NO. 32 RE MCKAY LAKE ANNEXATION FINDINGS

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 32 making certain findings of fact as required by Section 31-12-110 C.R.S. concerning the annexation of McKay Lake. Upon roll call vote, the motion carried unanimously.

COUNCILLORS BILL NO. 29 RE ANNEXATION AGREEMENT MCKAY LAKE AREA

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillors Bill No. 29 on first reading approving the annexation agreement with Sheila Eades and Larry and Joan Seckels, and authorizing the City Manager to sign the agreement.

Councillor Atchison moved, seconded by Councillor Hicks to change Section 4 and Section 6 of the Annexation Agreement to exclude future property owners. Larry Seckels, current property owner, addressed Council in opposition of this amendment. The amendment motion failed with a yes vote from Atchison and no votes from Dixon, Heil, Hicks, Kauffman, Merkel and Moss.

Upon roll call vote on the main motion, the motion carried with a dissenting vote from Atchison.

COUNCILLOR'S BILL NO. 30 RE ANNEXATION MCKAY LAKE AREA

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillors Bill No. 30 on first reading annexing McKay Lake to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 31 RE ZONING MCKAY LAKE AREA

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillors Bill No. 31 on first reading rezoning the McKay Lake property to O-1 (Open), and the Seckels and Eades properties to R-E, making a finding that the standards set forth in Section 11-5-3(A) Westminster Municipal Code have been met. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 32 CLUP AMENDMENT RE MCKAY LAKE AREA

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillors Bill No. 32 on first reading amending the Westminster Comprehensive Land Use Plan to include the McKay Lake area for annexation and McKay Lake be designated as Open Space, and the Seckels and Eades properties be designated as Single Family Detached Low Density. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE SEC 86TH AVENUE AND FEDERAL BLVD CLUP AMENDMENT

At 8:17 P.M. the public hearing was opened on the Southeast corner of 86th Avenue and Federal Boulevard Comprehensive Land Use Plan Amendment. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items into the record. Bryan Barnes, Discovery Place Investments, addressed Council and presented slides. There was no opposition. The public hearing was declared closed at 8:23 P.M.

COUNCILLORS BILL NO. 33 CLUP AMENDMENT 86TH AVENUE AND FEDERAL BOULEVARD

Councillor Merkel moved, seconded by Councillor Moss to pass Councillors Bill No. 33 on first reading approving the Comprehensive Land Use Plan Amendment from Retail/Commercial to Single-Family Attached Residential. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE RETAIL COMMERCIAL GUIDELINES

At 8:24 P.M. the public hearing was opened on the Retail Commercial Guidelines. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items into the record. There was no opposition. The public hearing was declared closed at 8:27 P.M.

RESOLUTION NO. 33 ESTABLISHING RETAIL COMMERCIAL GUIDELINES

Councillor Hicks moved, seconded by Councillor Merkel to adopt Resolution No. 33 providing for Retail Commercial Guidelines. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 34 RE WEBBER PROPERTY ANNEXATION

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 34 accepting the annexation petition submitted by Keith Webber and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 9, 2001, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 35 RE TELLEREN AREA ANNEXATION

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 35 accepting the annexation petitions submitted by Donald and Marietta Hedenskog, Dirk McLean, Scott and Barbara Robinson, Kelly and Sandra Robinson, Robert and Emily Robinson, Deb and Rick Granger, Ruth Gussman and Peter Poses, and Cecilia Guyllo, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 9, 2001, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 36 CONTINGENCY TRANSFER FOR WATER RESOURCES ANALYST

Mayor Pro-Tem Dixon moved, seconded by Councillor Hicks to adopt Resolution No. 36 authorizing the transfer of \$12,500 from the Utilities Fund contingency account into the Water Resources Division Regular Salaries account and authorizing the addition of a 1.0 full-time, indexed, benefited Water Resources Analyst position to the staffing levels approved as part of the 2001 Budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 37 RE AMENDMENTS TO CITY COUNCIL TRAVEL POLICIES

Mayor Pro-Tem Dixon moved, seconded by Councillor Moss to waive the prior written submittal requirement found in Part VII, Section 9 of the Council Rules and Procedures regarding the proposed changes contained in Resolution No. 37 and adopt Resolution No. 37 revising the City Council Rules and Procedures Travel Policy. Upon roll call vote, the motion carried unanimously.

SWEARING IN OF NEW CITY MANAGER, J. BRENT MCFALL

Municipal Court Judge John Stipech swore in J. Brent McFall as the new City Manager for the City of Westminster.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on: Business Assistance Package Update, Negotiations on Northwest Parkway, and Real Estate Contract Proposal.

ADJOURNMENT:

The meeting was adjourned at 8:43 P.M.

ATTEST

City Clerk

Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Financial Report for April, 2001

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements, which reflect 2001 transactions through April, 2001.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs. Appropriations
3. Sales Tax Detail

At this time, typically 33% of revenues and expenditures should be realized after the fourth month in the budget year, unless seasonal fluctuations impact revenue and expenditure streams.

General Fund revenues represent 34% of the total budget estimate while General Fund expenditures and encumbrances represent 32% of the 2001 appropriation.

Utility Fund revenues represent 39% of the total budget estimate. Proceeds received in February from the sale of water to South Adams County Water and Sanitation and East Cherry Creek Valley Water all contributed to the above average revenues. Utility fund expenditures and encumbrances represent 29% of the 2001 appropriation. Water sales are at 36% at this time. Wastewater sales are at 47% at this time.

The Sales and Use Tax Fund revenues represent 36% of the total budget estimate, while expenditures and encumbrances in that fund represent 33% of the 2001 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 10% from the same period last year and increased 6% year-to-date.

The Open Space Fund revenues represent 48% of the total budget estimate while expenditures and encumbrances in that fund represent 44% of the 2001 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 13% of the total budget estimate while operating expenditures and encumbrances represent 31% of the 2001 appropriation. Operating revenues for Heritage represent 12% of the total budget estimate while operating expenditures and encumbrances represent 32% of the 2001 appropriation. Seasonal fluctuations are the reason for revenues falling below budget.

Policy Issues

According to City Charter, Sections 4.8(i) and 9.6, City Manager is required to submit financial statements quarterly, or more often, as the Council directs. The monthly financial report is prepared by the Finance Department and presented by the City Manager to City Council for review and approval.

Staff Recommendation

Accept the report as presented.

Background

Sections 4.8(i) and 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001
Subject: Resolution No. 31 re Appointment to Personnel Board
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to appoint a new member to the Personnel Board.

Summary

Currently there is a vacancy on the Personnel Board due to the recent resignation of Nick DiTirro. Mr. DiTirro was serving as an alternate member of the Board.

Currently there are 11 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached.

Staff Recommendation

Adopt Resolution No. 31 appointing David Jones as the new alternate member to the Personnel Board with the term of office to expire December 31, 2001.

Background Information

A Resolution has been prepared for Council with the name of David Jones to be appointed.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 31

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER PERSONNEL BOARD APPOINTMENT

WHEREAS, At the May 14, 2001 City Council meeting, Council accepted the resignation of Nick DiTirro, who was serving on the Personnel Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following citizen to the Personnel Board

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
David Jones (Alternate Member)	Personnel Board	12-31-2001

Passed and adopted this 21st day of May, 2001.

ATTEST:

Mayor

City Clerk

2001 BOARD AND COMMISSION POOL

Applicants to be interviewed

County	Name	Bldg											
		Codes	BOA	Elect	Environmental	HS	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Jefferson	Vera Alexander							1					
Adams	John Brann									1			
Adams	Robert Hartley							2		3	1		
Adams	Skeet Hartman`							X		X	X		
Adams	David Jones					3		2		1			
Jefferson	Tom Kuesel Jr	1									2	3	
Jefferson	Nancy McNally							1	3				2
Adams	Paul Nilles							1					
Adams	Bill Nooning										1		
Jefferson	Scott Raypholtz							3	2		1		
Adams	Bruce Vezina							3			1		2

X indicates an interest in a Board with no priority ranking



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001
Subject: Councillor's Bill No. 27 Revisions to Sign Code re Monument Signs
Prepared by: David Falconieri, Planner III

Introduction

At the April 9, 2001 Council meeting, the City Council adopted a comprehensive revision to the City's Sign Code. However at that meeting, some members of the Westminster area clergy expressed their concerns with the proposed regulations pertaining to churches. As a result, the Council instructed Staff to work with them and present a revision to the new Code to address those concerns.

Staff has met on three separate occasions with members of the Westminster clergy to pursue resolution of their concerns. The attached proposed ordinance reflects the agreement that was acceptable to the clergy and City Staff.

Summary

The changes proposed are as follows:

1. A new use category under monument signs will be added called "Institutional Uses." This category will include churches, schools, convention centers, hospitals, civic organizations and municipal buildings.
2. The size of the monument signs permitted for institutional uses shall be the same as for commercial uses within the City. That is, 100 square feet for sites over 10 acres; 60 square feet for sites of between 2 and 10 acres; and 32 square feet for sites of less than 2 acres. The maximum permitted height for said signs is 25 feet for signs of 60 square feet or greater, 8 feet for signs over 32 square feet but less than 60 square feet, and 6 feet for signs of 32 square feet or less.
3. Electronic readerboards would be permitted as a part of the above signs as long as that component is no more than one-third (1/3) of the total sign area. However, electronic readerboards would not be permitted for non-institutional uses.
4. Any monument sign on sites of 10 acres or more must maintain a minimum of 175 feet of distance between the sign and any residentially zoned area if the sign is more than 60 square feet in size.
5. The text or verbage displayed on readerboard signs may not be changed more frequently than once every 30 minutes.

Policy Issue(s)

Should the Council adopt a separate category in the Sign Code pertaining to institutional uses?
Should electronic readerboards be permitted as proposed?
Should electronic readerboards be regulated as to the changing of the message?

Staff Recommendation

Pass Councillor's Bill No. 27 on first reading making certain revisions to the Sign Code as outlined in the Council agenda memorandum.

Alternatives

The Council may determine that any section of the proposed revisions be modified or may determine that no separate section for institutional uses is needed.

Background Information

When Council first reviewed the proposed amendments to the Sign Code and listened to the testimony given at the meeting, Council determined that some modification to the sections of the Sign Code regarding monument signs was warranted and directed Staff to develop new language in this section. In response to the concerns raised, Staff held a subsequent meeting with representatives of the Westminster clergy where agreement was reached on the attached language.

The changes as enumerated above will allow institutional uses to have monument signs similar to retail commercial uses and for institutional uses to have a portion of the sign dedicated to an electronic readerboard if the user so desires.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **27**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE SIGN CODE, BY THE ADDITION OF A NEW SECTION REGULATING INSTITUTION MONUMENT SIGNS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 11, Chapter 11, Section 2, is amended by the addition of a new definition to read as follows:

INSTITUTIONAL USES – INCLUDES CHURCH, PUBLIC OR PRIVATE SCHOOL, COLLEGE OR UNIVERSITY, FRATERNAL OR CIVIC ASSOCIATION, MUNICIPAL BUILDING, HOSPITAL, OR CONVENTION CENTER.

Section 2. Title 11, Chapter 11, Section 7 (A) 2 is hereby amended to read as follows:

2. Maximum area:

- (a) For developments ~~over~~ ten (10) acres in size OR GREATER: 100 square feet
- (b) For developments LESS THAN ten (10) acres ~~or less in size and individual structures on lots over two acres in size~~ BUT GREATER THAN 2 ACRES IN SIZE: 60 square feet
- (c) For ~~individual lots~~ DEVELOPMENTS two (2) acres in size or less: 32 square feet
- (d) ~~For individual uses over 100,000 square feet in area, signage restrictions may vary from the provisions of this Section and shall be as approved on an Official Development Plan.~~

Section 3. Title 11, Chapter 11, Section 7 (A) 6 (c) is hereby amended to read as follows:

(c) FOR PROPERTIES OF TEN ACRES OR MORE, NO MONUMENT SIGN OVER 8 FEET IN HEIGHT, OR 60 SQUARE FEET OR MORE IN SIZE, IS PERMITTED WITHIN ONE HUNDRED SEVENTY FIVE (175) FEET OF ANY RESIDENTIAL DISTRICT BOUNDARY OR RESIDENTIAL DEVELOPMENT. ~~No monument signs over eight feet (8') in height are permitted within one hundred feet (100') of any residential district boundary or residential development.~~

Section 4. Title 11, Chapter 11, Section 7 (A) is amended by addition of a new subsection 7 to read as follows:

7. INSTITUTIONAL USE MONUMENT SIGNS

(a) MAXIMUM AREA:

- (i) FOR DEVELOPMENTS 10 ACRES IN SIZE OR GREATER: 100 SQUARE FEET
- (ii) FOR DEVELOPMENTS LESS THAN 10 ACRES BUT GREATER THAN 2 ACRES IN SIZE: 60 SQUARE FEET
- (iii) FOR DEVELOPMENTS TWO ACRES IN SIZE OR LESS: 32 SQUARE FEET

(b) MAXIMUM HEIGHT

- (i) FOR SIGNS ~~OVER~~ SIXTY (60) SQUARE FEET ~~OR GREATER~~: 25 FEET
- (ii) FOR SIGNS ~~OVER~~ THIRTY TWO (32) SQUARE FEET **TO SIXTY (60) SQUARE FEET**: 8 FEET
- (iii) FOR SIGNS **LESS THAN** THIRTY TWO (32) SQUARE FEET: 6 FEET

- (c) AN ELECTRONIC READER BOARD COMPONENT OF AN INSTITUTION MONUMENT SIGN SHALL BE ALLOWED, WHICH COMPONENT SHALL BE NO MORE THAN ONE THIRD (1/3) OF THE TOTAL SIGN SIZE **OR 30 SQUARE FEET, WHICHEVER IS LESS**. THE TEXT ON AN ELECTRONIC READER BOARD MAY BE CHANGED NO MORE FREQUENTLY THAN EVERY THIRTY (30) MINUTES.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. 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 21st day of May, 2001 as amended.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2001.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Public Hearing and Councillor's Bill No. 28 re Dedication of Land for Public School Sites

Prepared by: Michele McLoughlin, Planner II and Terri Hamilton, Planner III

Introduction

City Council is requested to hold a public hearing and take action on the attached ordinance on first reading, implementing a dedication of land or cash-in-lieu for public school sites.

Summary

In December of 2000, Staff presented a proposed ordinance for establishing a land dedication requirement for public school sites. After discussion by Council, Staff was directed to work closely with the representatives from the three school districts in Westminster and the Home Builders Association of Metropolitan Denver (HBA) for their review and response to the proposed ordinance. Staff was also directed to consider the impact on the proposed ordinance of the recently passed Amendment 23 to the Colorado Constitution for school financing.

Since that time, Staff has distributed the proposed ordinance to Adams County District 50, Adams County District 12, Jefferson County School District, and met with representatives of the Home Builders Association. Staff presented a revised proposed ordinance to City Council at the April 30, 2001 Study Session and was directed to schedule the item for the May 21, 2001 City Council meeting. Comments from each of the entities affected and Staff's recommendation and/or revisions to the proposed ordinance are included in the Background Information section of this memorandum and reflected in the ordinance.

New residences place significant new demands on the school districts to provide new school facilities or to expand existing facilities. The proposed Municipal Code amendment for the dedication of land for public school sites would assist the school districts in the provision of school sites (land only) to serve new residential development. This proposed regulation as applied to new residential development would require a school land dedication or cash-in-lieu to defray a portion of the costs for new or expanded school sites to accommodate the impact of new development. The land dedication or fee in lieu of land dedication would occur either at the time of final plat for existing, unplatted properties, or for existing platted lots, at the time of issuance of a Certificate of Occupancy for each dwelling unit issued a building permit after June 30, 2001.

The City of Westminster has had an ordinance in place for more than 25 years requiring the dedication of public lands for park, open space, *school or* other public purposes. The current Code combines public land dedications that are needed for both municipal and other jurisdictions (school, other). This results in the City forfeiting the opportunity for a future neighborhood park or undeveloped open space, in order to assist the school districts in accommodating new school sites.

With the adoption of an ordinance for "Dedication of Land for Public School Sites," the existing ordinance for Public Land Dedication found in Title XIII, Chapter 4, Section 3(E) and in Title XI, Chapter 6, Section 8 (A) of the Municipal Code, would be amended to exclude any reference to schools. Title XI would also be amended to include a new subsection(E), "Dedication of Land for Public School Sites," to Chapter 6, Section 8. The proposed ordinance contains a cash-in-lieu value for each type of residential unit. This cost is now proposed as \$876/unit for Single-Family Detached, \$468/unit for Single-Family Attached, and \$112/unit for Multi-Family development.

Policy Issues

The policy issue before Council is whether to amend the existing Municipal Code regarding public land dedication resulting in school land dedication as a separate, additional requirement for new residential development.

Recommendation

Pass Councillor's Bill No. 28 on first reading amending Title XI of the Westminster Municipal Code by adding a new subsection (E) to Chapter 6, Section 8, concerning the Dedication of Land for Public School Sites, and deleting the existing reference to schools in Title XI, Chapter 6, Section 8 (A) and Title XIII, Chapter 4, Section 3 (E).

Alternatives

1. Direct Staff not to alter the existing Code addressing public land dedications. This results in no additional cost to the residential developer or future resident. However, with the frequent overcrowding of schools and increasing costs of land, maintaining the status quo does not assist the school districts in meeting the demands of new residents, and compromises the opportunity of the City to maximize lands for parks and open space.
2. Direct Staff to revise the methodology using different land values based on the type of residential unit that is constructed. Alternatives to the proposal recommended by Staff, which uses a land value of \$60,000/acre for Single-Family Detached land and would require a cash-in-lieu amount of \$876 per unit include: a land value of \$90,000/acre for Single-Family Attached land and would require the cash-in-lieu amount to be \$701 per unit and land value of \$150,000/acre for Multi-Family land would require the cash-in-lieu amount to be \$281 per unit. These alternatives are not recommended by Staff since most school sites occur on land zoned for single-family residential and therefore has a value of about \$60,000 per acre.

Background Information

New residential development within Westminster has resulted in significant growth of student enrollment within the three respective school districts in Westminster. Adams County District 12 and Jefferson County School District have experienced more growth than Adams County District 50, although there are some large parcels of undeveloped residentially-zoned properties within District 50. City Staff has estimated approximately 1,800 new residential units will be constructed in Westminster in 2001 and over 1,600 new residential units in 2002. City Staff, with the assistance of a consultant that specializes in education planning, has prepared an ordinance for the "Dedication of Land for Public School Sites." The ordinance would require that new residential development dedicate land, or pay cash in lieu of land dedication, in proportion to the number of students being generated by the new development. Funds would be used for the acquisition, development, or expansion of public school sites or for capital facilities planning, site acquisition, or capital outlay purposes for school sites or facilities that benefit the property for which the contribution was paid.

If the ordinance is adopted, City Staff would work with the individual school districts to set up intergovernmental agreements (IGA's) to implement the ordinance and address details of school site coordination and development referrals, the methodology of collecting and dispersing the funds, conveyance of land, accounting and reports, etc.

In the case of School District 12, the District is interested in two sites (one elementary and one middle school), which are located in Westminster and owned by the City. The cash-in-lieu fee would be helpful to reimburse the City for the sites that the City purchased previously.

The City's consultant, Mr. Denny Hill of Western Education & Public Planning Inc., has held discussions with Staff members of each school district regarding aspects of facilities planning information and methodology. Each school district was provided with a copy of the ordinance. Comments returned to City Staff and response to these comments are included in this agenda memorandum.

The methodology that is proposed for generation of land dedication of cash-in-lieu amounts, uses "student generation rate" and "facility requirements" criteria from Adams County School District 12, as District 12 had the most up-to-date analysis of this information. Also, District 12 is the school district that will be most impacted from land dedication for public school sites, since that is where most of the residential growth in Westminster is now occurring and projected to occur.

Land values for residential zoned properties in Westminster were researched, and \$60,000 per acre was determined to be the value of property zoned and platted for single family detached development. This figure is used in the calculation of cash-in-lieu of land dedication in the proposed ordinance. This land value is also applicable to attached or multi-family developments because the locations where the school district would typically locate/purchase school sites are those zoned for single-family detached development.

The Denver Home Builder's Association (HBA) has reviewed the proposed ordinance, met with City Staff, and also met with Adams County School District 12. Comments received by City Staff and responses are included later in this report.

Westminster Staff participated in a meeting hosted by School District 12 with the other cities in their school district to discuss the land dedication/cash-in-lieu for school sites. District 12 is seeking assistance from all the cities within their District in procuring school sites. District 12 Staff is projecting the need for an additional 13 elementary school sites, two/three middle school sites and one high school site for the build out of the District.

Another issue is whether the City has the legal ability to require a land dedication for use by a school district. The City Attorneys Office has analyzed this issue. The Public School Finance Act of 1994, which addresses the statewide applicability of intergovernmental agreements concerning the financing of public schools, states that the limitations on impact fees or development changes imposed by the Act "shall not be construed to restrict the authority of any local government to require the reservation or dedication of sites and land areas for schools or the payment of moneys in lieu thereof if such local government otherwise has such authority granted by law."

A number of Colorado local governments have enacted specific Code requirements for new residential development to dedicate land for schools. (See attachment) Also, the current Westminster Municipal Code that requires public land dedication for residential development specifically allows the use of such lands for schools.

Comments from the school districts and Home Builders Association, along with City Staff response to the comments, are as follows:

Home Builders Association:

1. The HBA does not support the language in the ordinance that prohibits dedication and development of school sites in the 100-year floodplain. The HBA would also want the option of dedication of school sites to include other ineligible land such as rights-of-way and/or easements of irrigation ditches or aqueducts: greenbelts, walkways, bikepaths, or equestrian trails; lakes, detention ponds, boggy lands or other bodies of water; steep or rugged land areas and those areas which exceed a five percent (5%) slope; and land areas that are hazardous for geological or environmental reasons, or sensitive wildlife areas.

City Staff response: The ordinance has been amended to allow City Council to make exceptions to the general prohibition of development within streams, gulches and lands within the 100 year floodplain; steep or rugged land areas and those areas which exceed five percent (5%) slope; and land areas that are hazardous for geological or environmental reasons, or sensitive wildlife areas; on a case by case basis. However, the ordinance was not revised to consider exceptions in these other lands considered ineligible. The proposed language regarding ineligible lands was taken from the ordinance adopted by the City of Lakewood regarding school land dedications. Although City Staff believes the consideration for development in floodplains (such as for play fields, etc.) may be reasonable, and that circumstances for acceptance of land that contains steeper slopes or other sensitive areas may also be reasonable, on a case by case basis, however, consideration for development in these otherwise prohibited areas is not believed to be in the best interest of school site development.

2. The HBA would like a credit or reduction of fees for a developer or builder that is already involved in dedication and improving a school at the time of subdivision.

City Staff response: The ordinance has been amended to reflect this circumstance.

3. The HBA had questions specific to Adams County District 12 related to student generation numbers, growth and impact on the school district's financial situation. The HBA also met separately with District 12 Staff to discuss their questions. A copy of their letter is attached to this Staff Report.

City Staff response: Based upon revised student generation numbers provided to the HBA by District 12, the proposed ordinance was also revised to reflect this data. This resulted in a reduced cash-in-lieu amount as compared to previous data. (Single-Family Detached reduced by \$191, Single-Family Attached reduced by \$55, and Multi-Family reduced by \$1)

4. The HBA requested the School District report to the City their financial resources available to meet their need.

City Staff response: An Intergovernmental Agreement between the City and each School District will be prepared and implemented upon adoption of the proposed ordinance. The City will request a copy on an annual auditing by the School District regarding use of these funds. This information is typical of other IGAs on this subject.

5. The HBA requested that the land dedication or fees in lieu thereof apply only to those properties submitting an application for final plat approval after the effective date of this ordinance.

City Staff response: This requested change to the proposed ordinance was partially accommodated by not requiring the fees to be paid until issuance of Certificates of Occupancy for building permits issued after June 30, 2001. This would give the Homebuilding community advance notice in order to make adjustments to the selling price of homes. The ordinance as proposed would apply to new subdivisions and existing platted, but undeveloped single-family lots, and single family attached or multi-family buildings at the time of Certificate of Occupancy for each lot or building, but would not apply to building permits issued prior to June 30, 2001. (The City of Lakewood School Land Dedication Ordinance implemented the collection of fees for existing, platted but undeveloped properties at the time of building permit, immediately upon passage of their Ordinance.)

6. The HBA requested that the fee not increase annually in accordance with the Consumer Price index, but proposes that an annual increase be determined by City Council.

City Staff response: Staff concurs with the HBA and the ordinance has been revised to reflect this. City Staff believes the Consumer Price Index is not a viable method to establish annual increases in fees. The existing City Code uses the CPI for annual park development fee increases and has noted the significant short fall in keeping up with escalating park development costs. However, annual adjustments will be needed to keep pace with the real estate market.

7. The HBA would like the School District to respond to the City regarding the voter approved and statutory bonding capacity of the District, at the time of development referrals.

City Staff response: City Staff did not accommodate this proposed revision, primarily because this is outside the specific scope of the proposed ordinance.

Copies of letters from the HBA are attached to this report.

Adams County School District 50:

1. District 50 is in general agreement with the proposed ordinance and supports this effort as proposed with one area of concern. The ordinance exempted family care homes and group care homes. District 50 noted that these facilities can potentially add students to an attendance area, and often these students have special needs.

City Staff response: The ordinance has been amended to not exclude family care homes or group care homes where residents can potentially be of school age. Because these facilities do not have statistical data as to average student generation rates, the cash-in-lieu amount is proposed to be determined on a case by case basis.

2. District 50 responded to the issue of the impact of Amendment 23. They do not foresee any funding for site acquisition from this source of revenue. A copy of their letter is attached to this Staff Report.

City Staff response: None needed.

3. District 50 questioned how the funds would be distributed.

City Staff response: The specifics of collection and distribution of the funds will be established with individual Intergovernmental Agreements between each of the School Districts and the City.

Adams County School District 12:

1. City Staff has received a formal response letter from District 12 in support of the proposed ordinance. A copy of this letter has been attached to this report.

At the request of the Home Builders Association, District 12 has met with the HBA to provide additional information regarding student generation rates. This data indicated lower student generation rates than the data adopted for all of Adams County. However, the School District indicated the data was more representative of Westminster households.

City Staff response: The proposed ordinance has been revised to indicate revised student generation rates and resulting cash-in-lieu fees.

Jefferson County School District:

1. City Staff has received a formal response letter from Jefferson County School District, indicating their support for adoption of the ordinance. A copy of this letter is attached to this memorandum.

City Staff response: None needed.

Amendment 23 School Funding Issue:

The question raised by City Council in December regarding the possible impact of Amendment 23 is not one that City Staff, or anyone, can address accurately at this time. The State Legislature has passed legislation determining how funds from Amendment 23 can be utilized. However, there is concern that funds generated will not cover expenses necessary to implement State mandates (See attached letter from Adams County School District 50). The proposed ordinance will still provide needed relief to the School Districts from the impact of new residential development, even with the adoption of Amendment 23.

Representatives from the HBA, the three school districts, along with appropriate City Staff, will be present at the Monday evening City Council meeting to respond to any questions that Council may have regarding the proposed ordinance.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ENACTING TITLE XI, CHAPTER 6, SECTION 8(E) OF THE WESTMINSTER MUNICIPAL CODE RELATING TO DEDICATION OF LAND FOR PUBLIC SCHOOL SITES

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City Council of the City of Westminster, Colorado, wishes to provide for the dedication of school land or fees in lieu thereof to help meet the infrastructure demands placed upon the City of Westminster and the Jefferson County School District R-1, Adams County School District 50, and Adams County School District 12 ("School Districts") to adequately serve new residential development;

WHEREAS, the increased rate of residential development within the City of Westminster causes significant growth in the corresponding School Districts' student enrollment, which condition is projected to continue into the future;

WHEREAS, new residences place significant new demands on the School Districts to provide new school facilities or to expand existing facilities for the education of the children residing within those residences;

WHEREAS, the enrollment has already exceeded the revised designed capacity at some of the School Districts' schools;

WHEREAS, in order to promote and protect the public health, safety, and welfare, and accommodate the needs created by new development, the School Districts must expand their educational facilities in order to maintain current and acceptable levels of educational service to its students;

WHEREAS, the City of Westminster believes that the regulation of residential development requires school land dedication or the imposition of a fee in lieu thereof to defray at least part of the costs of new or expanded school facilities made necessary by new residences; and

WHEREAS, a methodology has been developed which results in a formula that provides a correlation between new residential development and impacts on school facilities; the City Council finds that there is a direct nexus and relationship between the amount of land to be dedicated and the number of residential units in a development, as set forth in the methodology. Additionally, the City Council finds that the exaction of the land for school purposes or a fee in lieu thereof is roughly proportional to the demand created by the development. The City Council specifically adopts the methodology that is the basis for the formula of dedication set forth in the ordinance.

NOW, THEREFORE:

Section 1. Title XI of the Westminster Municipal Code is hereby amended by the addition of a new Chapter 6, Section 8 (E) to read as follows:

CHAPTER 6, SECTION 8(E)

(E) LAND DEDICATION FOR PUBLIC SCHOOL SITES

1. SCOPE AND APPLICATION. IN ORDER TO MEET THE INFRASTRUCTURE DEMANDS PLACED UPON THE CITY AND THE SCHOOL DISTRICTS TO ADEQUATELY SERVE NEW RESIDENTIAL DEVELOPMENT, THE OWNER OF UNPLATTED RESIDENTIAL LOTS; THE OWNER OF EXISTING PLATTED BUT UNDEVELOPED RESIDENTIAL LOTS; AND THE

OWNER OF UNDEVELOPED ATTACHED OR MULTI-FAMILY DWELLING UNITS FOR WHICH BUILDING PERMITS ARE ISSUED AFTER THE ENACTMENT OF THIS ORDINANCE, SHALL PROVIDE PUBLIC SCHOOL SITES OR FEES IN LIEU THEREOF TO REASONABLY SERVE THE PROPOSED SUBDIVISION OR RESIDENTIAL DEVELOPMENT.

A. THE CITY MANAGER, IN CONSULTATION WITH THE SPECIFIC SCHOOL DISTRICT, SHALL DECIDE IF THE OWNER OF UNPLATTED RESIDENTIAL PROPERTY SHALL DEDICATE LAND OR PROVIDE CASH-IN-LIEU THEREOF. THE CITY MANAGER, IN CONSULTATION WITH THE SCHOOL DISTRICT, SHALL DETERMINE THE LOCATION OF THE LAND TO BE DEDICATED. ON ANY PRELIMINARY DEVELOPMENT PLAN AND ANY OFFICIAL DEVELOPMENT PLAN, LAND TO BE DEDICATED OR CASH-IN-LIEU OF LAND DEDICATION, SHALL BE IDENTIFIED. FOR ANY RESIDENTIAL PROPERTIES WITH APPROVED OFFICIAL DEVELOPMENT PLANS OR FINAL PLATS ON THE EFFECTIVE DATE OF THIS ORDINANCE, A CASH-IN-LIEU OF LAND DEDICATION WILL BE REQUIRED, BASED UPON THE METHODOLOGY HEREIN. FOR ANY BUILDING PERMIT FOR A NEW RESIDENTIAL UNIT ISSUED AFTER JUNE 30, 2001 THE FEE WILL BE COLLECTED BY THE CITY AT TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR EACH UNIT OR BUILDING CONSISTING OF MULTIPLE UNITS.

B. EXEMPTIONS FROM REQUIREMENT OF AND DEDICATION FOR PUBLIC SCHOOL SITES:

THE FOLLOWING USES WITHIN THE CITY SHALL BE EXEMPTED FROM THE REQUIREMENT OF DEDICATION FOR PUBLIC SCHOOL SITES:

1. CONSTRUCTION OF ANY NONRESIDENTIAL BUILDING OR STRUCTURE;
2. ALTERATION, REPLACEMENT, OR EXPANSION OF ANY LEGALLY EXISTING BUILDING OR STRUCTURE WITH A COMPARABLE NEW BUILDING OR STRUCTURE WHICH DOES NOT INCREASE THE NUMBER OF RESIDENTIAL DWELLING UNITS;
3. CONSTRUCTION OF ANY BUILDING OR STRUCTURE FOR LIMITED TERM STAY OR FOR LONG-TERM ASSISTED LIVING, INCLUDING, BUT NOT LIMITED TO, BED AND BREAKFAST ESTABLISHMENTS, BOARDING OR ROOMING HOUSES, FAMILY-CARE OR GROUP-CARE HOMES WITHOUT STUDENTS IN PUBLIC SCHOOLS, HALFWAY HOUSES, HOTELS, MOTELS, NURSING HOMES, OR HOSPICES; AND
4. CONSTRUCTION OF ANY RESIDENTIAL BUILDING OR STRUCTURE CLASSIFIED AS HOUSING FOR OLDER PERSONS, PURSUANT TO THE FEDERAL FAIR HOUSING ACT THEN IN EFFECT.

2. METHODOLOGY FOR DETERMINING DEDICATION.

A. THE METHODOLOGY FOR DETERMINING DEDICATION OF LAND OR CASH-IN-LIEU THEREOF AND ITS SUPPLEMENTARY BACKGROUND MATERIALS SHALL BE AS FOLLOWS:

	STUDENT GENERATION RATE PER DWELLING UNIT			
	(ELEMENTARY K-5)	(MIDDLE 6-8)	(SENIOR HIGH 9-12)	TOTAL
SINGLE-FAMILY DETACHED:	0.29	0.14	0.19	.62
SINGLE-FAMILY ATTACHED:	0.15	0.08	0.1	.33
MULTI-FAMILY:	0.04	0.02	0.02	.08
GROUP OR FAMILY CARE WITH STUDENTS:	TO BE DETERMINED ON AN INDIVIDUAL BASIS			

SCHOOL FACILITIES REQUIREMENTS (SITE SIZE IN ACRES AND FACILITY CAPACITY)

	<u>ACRES</u>	<u>CAPACITY</u>
ELEMENTARY SCHOOL:	10	480
MIDDLE SCHOOL:	25	950
SENIOR HIGH SCHOOL:	49	1,912

LAND COSTS PER ACRE (FINAL PLATTED BUT UNDEVELOPED)

SINGLE-FAMILY DETACHED	\$60,000
SINGLE-FAMILY ATTACHED	\$60,000
MULTI-FAMILY	\$60,000

OF UNITS X STUDENT GENERATION RATE = NUMBER OF STUDENTS

OF STUDENTS ÷ CURRENT FACILITY CAPACITY = PROPORTION OF FACILITY CAPACITY

PROPORTION OF FACILITY CAPACITY X SITE SIZE IN ACRES = ACREAGE

ACREAGE X LAND COST PER ACRE = PROJECT CASH-IN-LIEU AMOUNT

PROJECT CASH-IN-LIEU AMOUNT ÷ NUMBER OF UNITS = CASH-IN-LIEU PER UNIT

B. THE CASH-IN-LIEU PER UNIT IS A FIXED AMOUNT BASED ON THE TYPE OF UNIT:

SINGLE-FAMILY DETACHED	\$876
SINGLE-FAMILY ATTACHED	\$468
MULTI-FAMILY	\$112

C. THE ABOVE FEES AND LAND VALUES WILL BE SUBJECT TO ANNUAL ADJUSTMENTS TO KEEP PACE WITH THE REAL ESTATE MARKET AND LAND VALUES.

3: CONVEYANCE OF DEDICATED LAND/CASH-IN-LIEU.

A. ANY PERSON OR ENTITY PROPOSING RESIDENTIAL ZONING OR DEVELOPMENT SHALL DEDICATE OR CONVEY LAND FOR A PUBLIC SCHOOL SITE. IN THE EVENT THAT LAND IS NOT DEEMED FEASIBLE OR IN THE BEST INTERESTS OF THE CITY OR SCHOOL DISTRICT, AS DETERMINED BY THE CITY OR SCHOOL DISTRICT, THE CITY MAY REQUIRE A PAYMENT IN LIEU OF LAND DEDICATION OR A COMBINATION OF BOTH DEDICATION AND PAYMENT. THE MANNER OF DEDICATION OR PAYMENT (LAND DEDICATION OR PAYMENT IN LIEU) SHALL BE AS STATED IN THIS ORDINANCE AND THE INCORPORATED METHODOLOGY. THIS SHALL NOT PRECLUDE THE CITY AND SCHOOL DISTRICT, AND ANY PERSON OR ENTITY, FROM MUTUALLY AGREEING TO RESOLVE THE ISSUE OF DEDICATION FOR PUBLIC SCHOOL SITES IN A MANNER OTHER THAN AS STATED ABOVE. A CREDIT OR REDUCTION OF FEE ADJUSTMENT CAN BE AGREED UPON FOR A DEVELOPER OR BUILDER THAT IS ALREADY INVOLVED IN DEDICATION AND IMPROVING A SCHOOL SITE AT THE TIME OF SUBDIVISION.

B. THE CITY SHALL REFER TO THE SCHOOL DISTRICTS ALL RESIDENTIAL LAND DEVELOPMENT APPLICATIONS FOR REVIEW AND COMMENT CONCERNING THE NUMBER OF STUDENTS GENERATED AND THE ADEQUACY OF PUBLIC SCHOOL SITES AND FACILITIES. LAND DEDICATIONS FOR SCHOOL SITES SHALL BE CONVEYED TO THE CITY OF WESTMINSTER ANY TIME AFTER PRELIMINARY DEVELOPMENT PLAN APPROVAL, BY GENERAL OR SPECIAL WARRANTY DEED, OR BY DEDICATION ON THE FINAL PLAT, AS DETERMINED BY THE CITY. FEES PAID AS CASH-IN-LIEU OF LAND DEDICATION FOR UNPLATTED RESIDENTIAL PROPERTIES SHALL BE PAID TO THE CITY OF WESTMINSTER AT TIME OF FINAL PLAT.

- C. THE CITY WILL BEGIN COLLECTION OF CASH-IN-LIEU FOR EXISTING PLATTED BUT UNDEVELOPED SINGLE-FAMILY LOTS, AND SINGLE-FAMILY ATTACHED OR MULTI-FAMILY BUILDINGS AT THE TIME OF CERTIFICATE OF OCCUPANCY (C.O.)FOR EACH LOT OR BUILDING. COLLECTION WILL BEGIN FOR THESE LOTS OR BUILDINGS THAT OBTAIN A BUILDING PERMIT AFTER JUNE 30, 2001. THE CITY WILL IDENTIFY THE COLLECTION OF THE CASH IN LIEU, BY SCHOOL DISTRICT AND LOT ADDRESS.
- D. AN INTERGOVERNMENTAL AGREEMENT WITH EACH SCHOOL DISTRICT WILL BE REQUIRED, ADDRESSING DETAILS OF SCHOOL SITE COORDINATION AND DEVELOPMENT REFERRALS, THE METHODOLOGY OF COLLECTING AND DISPERSING THE FUNDS, CONVEYANCE OF LAND, ACCOUNTING AND REPORTS, AND OTHER MATTERS, PRIOR TO RELEASE OF LAND DEDICATIONS OR CASH-IN-LIEU TO THE APPROPRIATE SCHOOL DISTRICT.

4: CRITERIA FOR ELIGIBLE AND INELIGIBLE LAND: PRIOR TO DEDICATION CONVEYANCE OF LAND, THE CITY SHALL DETERMINE IF ANY GEOLOGICAL, ENVIRONMENTAL, OR OTHER STUDIES ARE TO BE CONDUCTED BY THE OWNER. SUCH REQUIRED STUDIES MUST BE REVIEWED AND ACCEPTED BY THE CITY. LAND DEDICATED FOR SCHOOL SITES SHALL MEET THE STANDARDS OF BOTH THE SCHOOL DISTRICT AND THE CITY, BUT IN NO EVENT SHALL THE FOLLOWING LAND AREAS BE CONSIDERED TO FULFILL THE REQUIREMENTS OF THE PROVISION FOR PUBLIC SCHOOL SITES:

STREAMS, GULCHES AND LANDS WITHIN THE 100-YEAR FLOODPLAIN (CITY COUNCIL MAY MAKE EXCEPTIONS TO THIS REQUIREMENT ON A CASE BY CASE BASIS);

RIGHTS-OF-WAY AND/OR EASEMENTS OF IRRIGATION DITCHES OR AQUEDUCTS;

GREENBELTS, WALKWAYS, BIKEPATHS, OR EQUESTRIAN TRAILS;

LAKES, DETENTION PONDS, BOGGY LANDS OR OTHER BODIES OF WATER;

STEEP OR RUGGED LAND AREAS AND THOSE AREAS WHICH EXCEED A FIVE PERCENT (5%) SLOPE (CITY COUNCIL MAY MAKE EXCEPTIONS TO THIS REQUIREMENT ON A CASE BY CASE BASIS); AND

LAND AREAS THAT ARE HAZARDOUS FOR GEOLOGICAL OR ENVIRONMENTAL REASONS, OR SENSITIVE WILDLIFE AREAS (CITY COUNCIL MAY MAKE EXCEPTIONS TOT HIS REQUIREMENT ON A CASE BY CASE BASIS).

5: APPEALS: APPEALS PERTAINING TO THE CALCULATION OF LAND DEDICATION FOR SCHOOL SITES OR CASH-IN-LIEU THEREOF SHALL BE MADE TO THE PLANNING COMMISSION OF THE CITY OF WESTMINSTER.

Section 2. Title XI, Chapter 6, Section 8(A) is hereby amended as follows:

11-6-8: DEDICATION OF PROPERTY FOR PUBLIC PURPOSES: (2534)

(A) PUBLIC LAND DEDICAITON.

1. No land development containing proposed or potential residential uses shall be approved by the City unless the applicant for such development provides for the dedication of public lands to the City for park, open space, ~~school~~, and other public purposes as determined by the City in accordance with this section.

Section 3. Title XIII, Chapter 4, Section 3 (E) is hereby amended as follows:

(E) Public Land Dedication: (1274 1383 1485 2256)

1. No major land development containing proposed or potential residential uses shall be approved by the City unless the applicant for such development provides for the dedication of public lands to the City for park, open space, ~~school~~, and other public purposes as determined by the City in accordance with this section.

Section 4. 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 21st day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of June, 2001.

ATTEST:

Mayor

City Clerk

**Cash-in-Lieu of Land Dedication for Schools
Fee Per Unit Comparison**

City or County	Fee Single Family Detached (Dollars)	Date of Fee Information
Westminster	876	2001
Adams County	834	1999
Arapahoe County	1,007.5	1999
Arvada	(1) 4 acres/1,000 Population	2000
Aurora	333	1998
Avon	1,450	1998
Bennett	Varies (8% of Land Value)	1998
Berthoud	750	2000
Brighton	668	1999
Broomfield	Varies (Negotiated between City and School District)	1999
Castle Rock	650	1995
Commerce City	(1)	2000
Colorado Springs	640	1998
Dacono	446	1997
Douglas County	650	1995
Durango	150	1998
Eaton	681	1998
Erie	427	1998
Firestone	427	1998
Fort Collins	446	1997
Fraser	Varies (.0346 Acre/Square Foot of Unit)	1998
Frederick	427	1998
Golden	Varies (Up to 4 acre/1,000 Population)	1998
Gypsum	362	1998
Hudson	2,000	1998
Jefferson	Varies (4 acres/1,000 Population)	2000
Johnstown	750	2000
Lakewood	Varies (4 acres/1,000 Population)	2000
Longmont	615	2000
Loveland	446	1998
Mead	427	1998
Meeker	Negotiated	1998
Milliken	750	2000
Monument	291	1998
New Castle	Varies (5% of Market Valuation)	1998
Northglenn	Varies (10% Combined School & Park Dedication)	1998
Parker	650 +	1995
Superior	Varies (.0147 acre/unit)	1998
Thornton	(1)	2000
Windsor	1,214	2000
(1) School Land Dedication/Fee Under Consideration		

Methodology for Calculating Land Dedication/Cash-in-Lieu Payments for Schools by Type or Unit

A. Student Generation Estimates		Elementary (K-5)		Middle (6-8)		Senior High (9-12)		Total Students
Unit Type	Number of Dwelling Units	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	
Single Family-Detached	100	0.29	29	0.14	14	0.19	19	62

B. Facilities Requirements		Project Requirements				Project		
School Type	Students (From Part A)	Current Facility Capacity	Site Size (in Acres)	Proportion of Facility Capacity	Acreage	Land Cost Per Acre*	Cash-in-Lieu Amount to Request	Cash-in-Lieu Per Unit
Elementary	29	480	10	0.06	0.6	\$60,000	\$36,250	\$363
Middle	14	950	25	0.015	0.375	\$60,000	\$22,500	\$221
Senior High	19	1,912	49	0.01	0.49	\$60,000	\$29,400	\$292
Total	62				1.465		\$88,150	\$876

A. Student Generation Estimates		Elementary (K-5)		Middle (6-8)		Senior High (9-12)		Total Students
Unit Type	Number of Dwelling Units	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	
Single-Family-Attached	100	0.15	15	0.08	8	0.1	10	33

B. Facilities Requirements		Project Requirements				Project		
School Type	Students (From Part A)	Current Facility Capacity	Site Size (in Acres)	Proportion of Facility Capacity	Acreage	Land Cost Per Acre*	Cash-in-Lieu Amount to Request	Cash-in-Lieu Per Unit
Elementary	15	480	10	0.031	0.31	\$60,000	\$18,600	\$188
Middle	8	950	25	0.008	0.2	\$60,000	\$12,000	\$126
Senior High	10	1,912	49	0.005	0.25	\$60,000	\$15,000	\$154
Total	33				0.76		\$45,600	\$468

A. Student Generation Estimates		Elementary (K-5)		Middle (6-8)		Senior High (9-12)		Total Students
Unit Type	Number of Dwelling Units	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	Student Generation Rate*	Number of Students	
Multi-Family	100	0.04	4	0.02	2	0.02	2	8

B. Facilities Requirements			Project Requirements			Project		
School Type	Students (From Part A)	Current Facility Capacity	Site Size (in Acres)	Proportion of Facility Capacity	Acreage	Land Cost Per Acre*	Cash-in-Lieu Amount to Request	Cash-in-Lieu Per Unit
Elementary	4	480	10	0.008	0.008	\$60,000	\$5,000	\$50
Middle	2	950	25	0.002	0.053	\$60,000	\$3,158	\$32
Senior High	2	1,912	49	0.001	0.05	\$60,000	\$3,000	\$30
Total	8				0.111		\$11,158	\$112

* Assume most recent student generation rates available. Land costs are at final platted but undeveloped stage.

Notes: Acreage and facility capacity requirements are based upon current district experience. Totals may not add because of rounding.

FORMULA

of units x student generation rate = number of students

of students ÷ Current Facility Capacity = Proportion of Facility Capacity

Proportion of Facility Capacity x Site Size in Acres = Acreage

Acreage x Land Cost Per Acre = Project Cash-in=Lieu Amount



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Public Hearing re McKay Lake Annexation, Annexation Agreement, Zoning and Comprehensive Land Use Plan Amendment

Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to hold a public hearing and take action regarding the following:

1. The City initiated annexation of the McKay Lake property and two privately owned parcels;
2. The proposed annexation agreement.
3. The proposed rezoning from A-2 in Adams County to O-1 and R-E; and
4. A proposed revision to the Comprehensive Land Use Plan (CLUP) to Open Space and Single Family Detached – Low Density.

Summary

Applicant/Property Owner

City of Westminster (McKay Lake)
Larry and Joan Seckels
Sheila Eades

Location

East of Zuni Street and south of 144th Avenue, except for the two private lots that are on the north side of 144th Avenue.

Size of Site

105 Acres

Description of Proposed Use

The lake and surrounding area were purchased with open space funds and will be used for that purpose. The private lots will remain single-family residential.

Comprehensive Land Use Plan (CLUP) Designation

There is no current designation. The proposed designation will be “Open Space” for the City owned open space lake area and “Single-Family Detached – Low Density” for the lots on the north side of 144th Avenue.

Major Issues

1. The two single-family lots on the north side of 144th Avenue were originally included in the annexation without their consent. They were added to the area to be annexed in order to create a logical boundary between Westminster and the City of Broomfield. (Please refer to the attached vicinity map.) This is permitted under section 31-12-107 (1) Colorado Revised Statutes that states that a petition for annexation is valid if 50 percent (50%) of the area to be annexed is owned by the signers of the petition. Since that time, however, the staff has been negotiating with the property owners affected and, given certain incentives, they have now both agreed to the annexation of their properties. The incentives include a five year rebate of sales tax for any vehicle purchases including cars and motorcycles, provision of water and sewer service lines to the properties within 3 years, and water and sewer tap fees frozen at 2001 rates.

2. McKay Lake was purchased by the City in 2000 with open space funds and has since been opened to the public for that purpose. Staff considers it to be imperative to have such publicly owned lands within the City in order to provide emergency services and in order to apply City codes and laws.

Policy Issue

Should all City owned property be annexed to the City when possible? Should incentives be offered to certain strategically located properties in order to create logical boundaries for the City?

Planning Commission Recommendation

The Planning Commission reviewed this case at their May 8th hearing. Two residents of Lexington Shores appeared to ask about future plans for the development of McKay Lake as an open space amenity. They were concerned that their privacy may be disturbed if a trail is constructed between their properties and the lake. The Commission made a unanimous recommendation that the City Council approve the annexation of the lake and the two properties north of 144th Avenue, that the lake property be zoned O-1, and the properties to the north of 144th be zoned R-E. They also recommended that the Comprehensive Land Use Plan be amended to designate the lake as Open Space and the properties north of 144th Avenue be designated as Single Family Detached – Low Density.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. 32 making certain findings of fact as required by Section 31-12-110 C.R.S. concerning the annexation of McKay Lake.
3. Pass Councillor's Bill No. 29 on first reading approving the annexation agreement with Sheila Eades and with Larry and Joan Seckles, and authorizing the City Manager to sign the agreement.
4. Pass Councillor's Bill No. 30 on first reading annexing McKay Lake to the City.
5. Pass Councillor's Bill No. 31 rezoning the McKay Lake property to O-1 (Open), and the Seckels and Eades properties to R-E, making a finding that the standards set forth in Section 11-5-3 (A) Westminster Municipal Code have been met.
6. Pass Councillor's Bill No. 32 amending the Westminster Comprehensive Land Use Plan to include that area proposed for annexation and that McKay Lake be designated as Open Space, and that the Seckels and Eads properties be designated as Single Family Detached Low Density.

Alternative(s)

1. Approve the annexation of McKay Lake, but make a finding that the privately owned parcels be excluded, due to a lack of a community of interest.
2. Make a finding that none of the proposed property be annexed at this time due to lack of a community of interest and take no further action.

Background Information

Discussion of Major Issues

1. At the beginning of this year, City Staff sent invitations to annex to several unincorporated properties in the vicinity of McKay Lake. This was done knowing that the lake itself would soon be annexed as open space, and other properties could be annexed at that time. Enclaves and irregular City boundaries create confusion for emergency service providers and when planning for future City services. As a result of the invitations sent out, eight (8) property owners have asked to be annexed, but since none of them were adjacent to the lake, Staff has decided to include those in a separate annexation. The two property owners that Staff is recommending be annexed to the City in order to create a logical boundary, did not initially agree to the annexation but given the incentives recommended by staff, are now willing to be annexed.

There is currently a water line located at Pecos Street and 144th Avenue. A sewer line will be constructed to the same location as part of the Huntington Trails development. The annexation agreement obligates the City to extend those lines the rest of way to the Seckels and Eades properties within three years of the date of the annexation. The proposed City sales tax rebate would apply only to purchases of cars and motorcycles for a period of 5 years from the date of the annexation.

2. Staff is recommending that the residential properties proposed for annexation be zoned R-E which is the closest City zone designation to the current use of the properties. This district has been used for small lot annexations before when a Planned Unit Development (PUD) zone is not practical. Staff is recommending that the CLUP designation for those properties be Single-Family – Low Density that matches the existing uses. It is important to note that all legal current uses that are allowed in Adams County will continue to be permitted if the properties are annexed.

Surrounding Land Use and Comprehensive Land Use Plan Designation

North of the property to be annexed is largely unincorporated Adams County and is developed as low density residential and agricultural uses. To the east of the lake is the still undeveloped Huntington Trails Planned Unit Development in the City. To the west of the lake is the City of Broomfield that is currently developing a higher density residential subdivision. To the south is an undeveloped parcel in the City of Broomfield (the Lambertson property) and finally to the southeast is the Lexington subdivision, with low density residential.

Respectfully submitted,

William Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTIONS 16, 20 AND 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 22 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THAT:

1. The City Council finds:
 - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
 - b. A community of interest exists between the area proposed to be annexed and the City;
 - c. The area is urban or will be urbanized in the near future; and
 - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
 - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
 - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 21st day of May, 2001.

ATTEST:

Mayor

City Clerk

McKay Lake Annexation

ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2001, by and between the CITY OF WESTMINSTER (“City”) and LARRY SECKELS, JOAN SECKELS AND SHEILA EADES (Property Owners).

WHEREAS, the Seckels are the owners of the property known as 1891 West 144th Avenue, and the Eades are the owners of the property known as 1805 144th Avenue (the “Properties”), and

WHEREAS, the Property Owners have agreed to be annexed to the City; and

WHEREAS, the City and the Property Owners agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and

WHEREAS, the City and Property Owners wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Annexation.

Except as otherwise specifically modified by this agreement, the annexation and subsequent development of the Property shall be subject to all City ordinances, rules, regulation and policies. The annexation of the Property will not be deemed effective until its final approval by the City Council, recording of the Annexation Map and Annexation Ordinance with the Adams County Clerk and Recorder, and the execution and recording of this Annexation Agreement. The City shall pay all expenses associated with the preparation of the annexation map and necessary materials and the recordation of any of the said materials.

2. Water and Sewer Services.

The City at its sole expense shall be required to extend water and sanitary sewer lines to the Property Owners’ properties within three years of the date of annexation of the Properties. The Property Owners may thereafter purchase water and sanitary sewer taps at their discretion after making application to the City in accordance with City Codes and policies regulating provision of water and sanitary sewer taps. When said application is made, the Property Owners agree to pay the appropriate tap fees as were applicable as of the date of this agreement.

3. Zoning.

It is the intent of the Property Owners to continue the use of their properties as single family detached residences, and the City agrees to rezone the property accordingly. Nothing in this agreement, however shall be interpreted to restrict the Property Owners from any use which is legally permitted in the Adams County A-1 zone district. The City Staff shall recommend to the City Planning Commission and the City Council that the Property be zoned “R-E Zone District” dated 9/97. The City shall adopt the zoning ordinance for the Properties prior to final annexation of the property. In the event that the City Council fails to rezone the Properties as contemplated by this agreement, the Property Owners may withdraw their properties from the area to be annexed in which case the City Council shall repeal the zoning ordinance and defeat the annexation ordinance on second reading.

4. Sales Tax

For a period of Five (5) years from the date of this agreement, the City agrees to refund to the Property Owners any sales tax charged for the purchase of any automotive vehicle or motorcycle which would be

charged as a result of the properties having been annexed. This provision does not apply to any sales tax charged by the State of Colorado or any other public agency.

5. Annexation Fees.

Annexation fees for said Properties shall be waived.

6. Recording and Annexation Agreement.

This Annexation Agreement shall be recorded with the Adams County Clerk and Recorder. The terms and conditions to this Annexation Agreement shall inure to the benefit of and be binding upon the successors in interest or the legal representatives of the parties, including all heirs, transferees, successors, assigns, purchasers, lessors, and subsequent owners of any lot or parcel within the Property, and all such provisions and conditions shall be deemed as covenants running with the Property.

7. No Waiver.

Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or negation of the City's legislative, governmental, or police powers to promote and protect the health, safety or general welfare of the City and its citizens. Nor shall this Agreement prohibit the enactment by the City of any fee which is uniform or of general application.

8. Severability.

The fact that any portion of this Agreement may be held unenforceable shall not affect the enforceability of the remaining portions hereof, it being the intent of the parties that any such unenforceable provisions shall be deemed severable from the remaining provisions of this Agreement. No waiver of any provision hereof in any circumstance shall constitute a waiver of such provision in other instances.

9. Entire Agreement.

This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. Except as specifically modified herein, this Agreement shall be construed in a manner which makes it consistent with the City Code and City Charter. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may not be modified except in writing and executed with the same formalities as this Agreement.

CITY OF WESTMINSTER

By _____
J. Brent McFall
City Manager

ATTEST:

City Clerk

PROPERTY OWNERS

Larry Seckels _____

Date of signing: _____

STATE OF
COUNTY OF

Subscribed and sworn to before me this ____ day of _____, 2001. Witness my hand and Official Seal. My Commission expires: _____

Notary Public

Joan Seckels _____

Date of signing: _____

STATE OF
COUNTY OF

Subscribed and sworn to before me this ____ day of _____, 2001. Witness my hand and Official Seal. My Commission expires: _____

Notary Public

Sheila Eades _____

Date of signing: _____

STATE OF
COUNTY OF

Subscribed and sworn to before me this ____ day of _____, 2001. Witness my hand and Official Seal. My Commission expires: _____

Notary Public

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **29**

SERIES OF 2001

INTRODUCED BY COUNCILORS

A BILL

FOR AN ORDINANCE APPROVING AN AGREEMENT FOR THE ANNEXATION OF THE PROPERTIES KNOWN AS 1805 AND 1891 WEST 144th AVENUE

WHEREAS, the final form of the terms and conditions for the annexation and development of the Eades and Seckels property on 144th Avenue to the City of Westminster has been agreed to by the parties; and

WHEREAS, the City of Westminster and the property owners agree that it would be mutually beneficial to annex the property into the City.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The agreement between the City and the Eades and Seckels setting forth the terms and conditions for the annexation of the properties located at 1805 and 1891 West 144th Avenue is approved in substantially the same form as the attached Annexation Agreement and the City Manager is hereby authorized to execute the same on behalf of the City.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 21st day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **30**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 16, 20 AND 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

A parcel of land located in the West ½ of Section 21, the Northeast ¼ of Section 20, and in the Southwest ¼ of Section 16, Township 1 south, range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the NW Corner of said Section 21; thence N89°57'11"E a distance of 1309.80 feet along the north line of the NW-¼ of said Section 21 to the True Point of Beginning; thence N00°02'49"W a distance of 30.00 feet to the North right-of-way line of West 144th Avenue; thence N89°57'11"E a distance of 283.85 feet along said right-of-way line to the SW corner of a parcel of land as described in Book 3257 at Page 844; thence along the boundary of said parcel the following two courses:

1. N00°41'55"W, 420.94 feet
2. N89°52'54"E, 239.00 feet to the Northeast corner of said parcel; N00°41'55"W a distance of 208.87 feet parallel with the East line of Lot 59, Wilcox Subdivision to the North line of said Lot 59; thence S89°57'24" a distance of 132.02 feet along said north line of the NE corner of

said lot; thence S00°41'55"E a distance of 659.58 feet along the east line of said lot to the Southeast corner thereof, also being on the North line of the NW-¼ of said Section 21; thence S89°57'11"W a distance of 179.61 feet; thence S29°23'18"E a distance of 34.41 feet to the south right-of-way line of W. 144th Avenue; thence S29°23'09"E a distance of 1482.05 feet along the southwesterly line of the parcels described in Book 5106 at Page 686 to the northerly line of City of Westminster Annexation Map as described in File 17 at page 65; thence along the boundary of said annexation map the following two courses:

1. S89°30'10"W, 127.78 feet
2. S07°04'13"E, 71.44 feet to the northwesterly line of City of Westminster Annexation Map as described in File 17, at Page 359; thence along said annexation map, S46°37'22"W a distance of 80.13 feet to the northwesterly line of City of Westminster Annexation Map as described in File 17 at Page 65; thence along said annexation map the following eight courses:

1. S81°21'19"E, 133.25 feet
2. S43°25'09"W, 110.90 feet
3. S03°01'07"E, 306.44 feet
4. S37°41'55"W, 134.45 feet
5. S86°41'55"W, 418.53 feet
6. S56°07'52"W, 140.44 feet
7. S23°23'29"W, 260.35 feet
8. S49°24'57"W, 153.95 feet to the West line of the SE-¼ of the NW-¼ of said Section 21; thence N00°28'40"W a distance of 56.65 feet along said line; thence along the southerly boundary of McKay Lake the following eight courses:

1. S46°30'39"W, 161.98 feet
2. S51°08'08"W, 310.59 feet
3. S51°08'08"W, 44.72 feet
4. S48°15'43"W, 47.05 feet
5. N69°38'25"W, 223.68 feet
6. N58°45'36"W, 407.71 feet
7. N57°39'06"W, 340.10 feet
8. N39°01'49"W, 59.82 feet to the west line of the NW-¼ of said Section 21; thence along an existing fence which follows the approximate east right-of-way line of Zuni Street as described in City of Broomfield Annexation Map as described in File 17 at Map 782, the following eight courses:

1. N37°47'18"W, 60.77 feet
2. N44°30'17"W, 323.31 feet
3. N32°14'48"W, 130.87 feet
4. N03°04'52"E, 100.59 feet
5. N18°11'11"E, 386.94 feet
6. N31°17'31"E, 393.53 feet
7. N26°37'22"E, 60.34 feet
8. N24°10'31"E, 7.78 feet to the Northwesterly boundary of McKay Lake; thence along said boundary the following seven courses:

1. N77°13'03"E, 924.91 feet
2. N58°42'52"E, 211.80 feet
3. N11°01'49"W, 89.56 feet
4. N23°43'47"E, 188.33 feet
5. N10°52'15"E, 117.20 feet
6. N35°19'56"E, 188.08 feet
7. N00°14'53"W, 50.15 feet to the south right-of-way line of West 144th Avenue; thence N00°30'11"W a distance of 29.89 feet to the True Point of Beginning, containing an area of 102.76 acres more or less.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 21st day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk

McKay Lake Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **31**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 16, 20 and 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below as Parcel #1 from Adams County A-1 to City of Westminster O-1 zoning, and for the properties known as 1805 West 144th Avenue and 1891 West 144th Avenue from Adams County A-1 to City of Westminster R-E, has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described as Parcel #1 herein from Adams County A-1 to City of Westminster O-1. A parcel of land located in Sections 16, 20 and 21, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

PARCEL #1

A parcel of land located in the northwest ¼ and the southwest ¼ of Section 21 and the northeast ¼ of Section 22, T1S, R68W, 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northwest corner of said Section 21; thence N89°57'11"E along the north line of the northwest ¼ of said Section 21, a distance of 1785.19 feet;

Thence S29°23'18"E, a distance of 34.41 feet to the true point of beginning.

Thence continuing S29°23'18"E and along the westerly line of those parcels recorded in book at page and book at page, a distance of 1482.41 feet to a point on the north line of Lexington Subdivision, Seventh Filing as recorded in File 17 at Map 639; thence along the northerly and westerly lines of Lexington

Subdivision Seventh Filing and Lexington Subdivision Eighth Filing as recorded in file at map, and Lexington Subdivision Sixth Filing as recorded in File 17 at Map 631, the following fourteen courses.

1. S89°30'10"W, a distance of 128.11 feet;
2. S07°04'13"E, a distance of 71.44 feet;
3. S46°37'36"W, a distance of 153.54 feet;
4. S23°57'13"W, a distance of 98.79 feet;
5. S04°25'05"E, a distance of 84.70 feet;
6. S29°34'42"W, a distance of 175.57 feet;
7. S35°56'57"W, a distance of 64.40 feet;
8. S38°27'10"W, a distance of 73.43 feet;
9. S80°03'02"W, a distance of 166.54 feet;
10. N88°51'51"W, a distance of 261.38 feet;
11. S46°13'04"W, a distance of 163.74 feet;
12. S00°36'02"E, a distance of 141.69 feet;
13. S33°12'36"W, a distance of 65.75 feet;
14. S58°40'38"W, a distance of 226.43 feet;

Thence N00°28'26"W, a distance of 83.18 feet; thence S48°31'11"W, a distance of 577.70 feet; thence S89°44'11"W, a distance of 84.85 feet; thence N60°28'58"W, a distance of 139.66 feet; thence N58°32'49"W, a distance of 772.31 feet; thence N23°42'56"W, a distance of 36.01 feet to a point on the west line of the northwest ¼ of said Section 21; thence N48°30'24"W, a distance of 511.90 feet; thence N22°54'38"E, a distance of 433.60 feet; thence N00°50'24"W, a distance of 233.90 feet; thence N42°52'36"E, a distance of 281.00 feet; thence N62°48'36"E, a distance of 60.96 feet; thence N69°30'04"E, a distance of 31.97 feet; thence N50°16'37"E, a distance of 17.25 feet; thence N75°09'14"E, a distance of 17.23 feet; thence S00°16'01"E, a distance of 16.97 feet; thence S87°25'11"E, a distance of 16.57 feet; thence N77°13'03"E, a distance of 924.91 feet; thence N58°42'52"E, a distance of 211.80 feet; thence N10°09'40"W, a distance of 85.81 feet; thence N23°43'47"E, a distance of 188.33 feet; thence N10°52'15"E, a distance of 117.20 feet; thence N34°08'58"E, a distance of 169.54 feet; thence N74°27'14"E, a distance of 206.88 feet; thence N89°57'11"E, a distance of 479.32 feet to the point of beginning. Said described parcel of land containing 101.703 acres, more or less except roadway of Zuni Street annexed by the City of Broomfield.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the property known as 1805 West 144th Avenue and 1891 West 144th Avenue from Adams County A-1 to City of Westminster R-E

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. 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 21st day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk

McKay Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the McKay Lake property and two residentially zoned properties. The McKay Lake property shall be changed from Unincorporated Adams County, to Open Space, and the properties north of 144th Avenue shall be changed from Unincorporated Adams County to Single Family Detached, Low Density, as shown graphically on Exhibit A, attached.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 21st day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk



Agenda Item 10 J & K

WESTMINSTER COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Southeast Corner of 86th Ave and Federal Blvd CLUP Amendment Public Hearing

Prepared by: Margo Schultz, Planner II

Introduction

City Council is requested to hold a Public Hearing and take action on the request for a change in land use designation to the Westminster Comprehensive Land Use Plan (CLUP) for the property located on the southeast corner of 86th Avenue and Federal Boulevard. The attached site plan and elevations are informational sketch plans only, and have not been submitted for review (Exhibit A).

Summary

Bryan Barnes, of Discovery Place Investments (applicant for the property owner), is requesting a Comprehensive Land Use Plan amendment to change the land use designation for the six acre site located at the southeast corner of 86th Avenue and Federal Boulevard from Retail Commercial to Single-Family Attached Residential. Staff supports the requested change.

Applicant

Bryan Barnes
Discovery Place Investments
2245 Blake Street
Denver, CO 80205

Property Owner

Bruce Maleki
Behrooz Hadgi-Maleki Company
128 West 11th Street
Denver, CO 80204

Location

The property is located at the southeast corner of W. 86th Avenue and Federal Boulevard as shown on the attached map.

Size of Site

The property is approximately 6 acres in size.

Description of Proposed Use

The Westminster Comprehensive Land Use Plan currently designates this property as Retail Commercial. The owner is requesting a Comprehensive Land Use Plan amendment to Single-Family Attached Residential in order to be eligible to compete for service commitments in the Single-Family Attached Residential Competition for the year 2002. Should the project be awarded Service Commitments, it would be the applicants' intention to construct single-family attached condominium units at a net density of 10 or fewer dwelling units per acre on the six acre site.

Major Issues

There are no major issues concerning this request. The applicants are aware that a change in the land use designation in the Comprehensive Land Use Plan, does not guarantee that service commitments will be awarded for the project. The applicants are also aware that the proposed development would be subject to the review and approval of a rezoning from C-1 to Planned Unit Development, and approval of Preliminary and Official Development Plans. The attached "Exhibit A" site plan and elevations are informational sketch plans only, and have not been submitted for review.

The undeveloped six acre site is located directly to the north of the existing Summit Square (Safeway) Shopping Center that is located at the northeast corner of 84th Avenue and Federal Boulevard. The City Staff has had several discussions with the owners/managers of the shopping center over the last several years, and there are no plans for renovating or expanding the shopping center. The owners and managers of the shopping center have expressed a desire for more residential development in the immediate area, stating that additional residents would provide more of a demand for the existing commercial center. The City Staff is in agreement with this assessment.

Policy Issues

Should the City Council amend the CLUP to change the designation from Retail Commercial to Single-Family Attached Residential?

Planning Commission Recommendation

This request was heard by the Planning Commission on May 8, 2001. The Planning Commission voted unanimously to forward a recommendation of approval to City Council on the proposed Comprehensive Land Use Plan Amendment for the subject property from Retail/Commercial to Single-Family Attached Residential. The recommendation was based on the following findings:

- The proposed amendment is justified and the Comprehensive Land Use Plan is in need of revision as proposed.
 - The proposed amendment is in conformance with the overall purposes and intent, and the goals and policies of the Comprehensive Land Use Plan.
 - The proposed amendment is compatible with existing and planned surrounding land uses.
 - The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code (WMC).

At the hearing one person expressed concerns about future development on the site blocking the views of the front range from his residence and other residences that are located to the east of the subject property. City Staff members explained that the maximum building height that could be allowed under the current (C-1) zoning would be 65 feet. If the Comprehensive Land Use Plan is changed, and the property is rezoned to allow a Single-Family Attached residential development, the maximum height of the building allowed would be two stories. City Staff also explained that should the project proceed to the Official Development Plan stage, neighborhood meetings would be held to solicit input on views and other site planning issues.

Staff Recommendation

1. Hold a Public Hearing.
2. Pass Councillors Bill No. 33 on first reading approving the Comprehensive Land Use Plan Amendment for the subject property from Retail/Commercial to Single-Family Attached Residential. This amendment is based upon the following findings:
 - The proposed amendment is justified and the Plan is in need of revision as proposed;
 - The proposed amendment is in conformance with the overall purposes and intent, and the goals and policies of the Plan;
 - The proposed amendment is compatible with existing and planned surrounding land uses;
 - The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and
 - The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code (WMC).

Alternative

City Council may determine that the proposed plan does not meet the criteria for approval and not approve the CLUP amendment. Staff believes the proposal does meet City criteria and supports the proposed change.

Background Information

The Comprehensive Land Use Plan sets forth specific criteria that must be met before any change to the plan is approved. These criteria and Staff's discussion of how the criteria are being met are discussed below.

- A. Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed.

One of the primary goals identified in the executive summary of the Comprehensive Land Use Plan is a "Balanced, Quality Approach to Retail Development," which includes limiting retail development at intersections, and emphasizing coordinated architecture, landscaping and pedestrian orientation. With the Westminster Plaza revitalization effort, business has been drawn away from the Summit Square Shopping Center that is located at the northeast corner of W. 84th Avenue and Federal Boulevard, immediately south of the subject site. Although the owners and tenants of the Summit Square Center have indicated that they are committed to staying at that location, they have also expressed the desire for more residential development in the area in order to create a greater demand for the existing retail center. If a townhome or condominium project is carefully planned for location directly to the north of the existing shopping center, it could provide an opportunity for pedestrian links to the center, a possible vehicular link to the center, and enhanced landscaping and other improvements that would complement and improve the appearance and function of the retail center.

- B. Be in conformance with the overall purpose and intent and the goals and policies of the Plan.
Goal B2: “Preserve existing neighborhoods and develop new neighborhoods that are safe and attractive, and served by public facilities and convenient commercial uses”.

The proposed development would need to compete in the Single-Family Attached Competition, and as such would need to meet and probably exceed all of the minimum site planning and building appearance criteria in order to be awarded Service Commitments. The development would be easily served by public transit, and would have convenient commercial services available to the south.

Goal C1: “Housing in many forms for all incomes, lifestyles, and age groups will be included within the City”.

The proposed single-family attached housing development would be an appropriate use adjacent to Federal Boulevard, and in close proximity to public transit, the commercial center and the medical offices and hospital on W. 84th Avenue. Housing could be provided at this location for a variety of age groups and income levels.

- C. Be compatible with existing and planned surrounding land uses.

The proposed single-family attached housing type would be compatible with the existing condominium project to the west, and would be complementary to the existing retail center to the south. The development would also be compatible with the Single-Family Detached residential land use shown on the Comprehensive Land Use Plan for the undeveloped land on the west side of Federal Boulevard, and the Office-Residential land use shown for the undeveloped land to the north of the subject property.

- D. Not result in excessive detrimental impacts to the City’s existing or planned infrastructure system or provide measures to mitigate such impacts.

The proposed development could be serviced by existing water and sewer lines. The project would need to compete in the Single-Family Attached Residential Competition in order to be awarded Service Commitments to develop. The proposed development would not result in a detrimental impact to the City’s planned infrastructure system.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The land uses surrounding the subject property are as follows: To the north is undeveloped land of approximately 20 acres, with an Office/Residential Comprehensive Plan Land Use designation (residential uses not to exceed 10 dwelling units per acre). To the south is the existing 10 acre Summit Square Shopping Center with a mixture of restaurant, office and retail commercial uses. To the east is the existing Prospector’s Point condominium development. To the west is Federal Boulevard. To the west of Federal is undeveloped land, with a Single-Family Detached Residential Comprehensive Plan Land Use designation (maximum density of 3.5 dwelling units per acre).

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2001

COUNCILLOR'S BILL NO. **33**
INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the proposed amendment is justified and the Comprehensive Land Use Plan is in need of revision as proposed; and

WHEREAS, the proposed amendment is in conformance with the overall purposes and intent, and the goals and policies of the Comprehensive Land Use Plan; and

WHEREAS, the proposed amendment is compatible with existing and planned surrounding land uses; and

WHEREAS, the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the six acre site at the Southeast corner of W. 86th Avenue and Federal Boulevard (the Maleki property). The Comprehensive Land Use Plan shall be changed from a Retail land use designation to a Single-Family Attached Residential land use designation for the six acre site.

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 21ST day of May, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 11th day of June, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Public Hearing and Resolution No. 33 re Retail Commercial Guidelines

Prepared by: Terri Hamilton, Planner III

Introduction

City Council is requested to hold a public hearing and take action on a resolution to adopt Retail Commercial Guidelines to serve as a guide in the development of retail commercial properties.

Summary

City Staff has prepared updated Retail Commercial Guidelines to be used by City Staff and the development community in the preparation and review of plans for proposed retail/commercial development. The previous Retail Commercial Guidelines were initially prepared five years ago as an internal working document to promote consistency in the review of development proposals, and as a customer service tool for the development community who expressed the desire to know “up-front” what the City Staff looks for in the review of retail/commercial projects.

Over the years, the Guidelines have been a useful tool to provide early design assistance and communication of typical review comments made by City Staff during the review process of a proposed retail/commercial development. Existing retail commercial developments in recent years exhibit the results of using these Guidelines. City Staff recommends the updated Guidelines be adopted by City Council to acknowledge and support the direction provided in the Guidelines. The Guidelines would be adopted by resolution instead of being included in the City Code (via ordinance). This would provide on-going flexibility and creativity in accomplishing quality design. Prior to discussing the Guidelines with City Council, City Staff solicited input of the updated Guidelines from the development community and Planning Commission.

City Staff has presented the Guidelines to the Metro North Chamber of Commerce Developers’ Forum, the City of Westminster Business Advisory Group, and mailed copies to ten developers and realtors who specialize in retail/commercial properties and are familiar with Westminster. Responses received have been primarily favorable and are noted in the Background section of this Agenda Memorandum.

Planning Commission discussed the Guidelines with City Staff at their regular meeting April 10, 2001. At that time Planning Commission recommended approval of the Guidelines with modifications. These modifications will be noted in the Background section of this Agenda Memorandum.

City Staff made several minor modifications to the Guidelines after discussion with City Council at the April 30th study session. These modifications will be noted in the Background section of this Agenda Memorandum.

Policy Issue

Whether or not to recommend approval of the City of Westminster Retail Commercial Guidelines.

Planning Commission Recommendation

Planning Commission recommended formal approval of the Retail Commercial Guidelines based upon recommendations to City Staff to review the Guidelines and modify language to present a more positive tone; and to note which items in the Guidelines reflect existing City Code requirements.

City Staff has made revisions to the Guidelines as suggested by the Planning Commission. Copies of the revised Guidelines were provided to the Planning Commission and no further comments from Planning Commission have been received.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. 33 providing for Retail Commercial Guidelines.

Alternatives

1. Adopt the attached guidelines by a resolution. This approach would adopt these design criteria as regulations rather than guidelines. This alternative would mean that any of the criteria that are called out as required or prohibited in the Guidelines, would require Planning Commission approval for variance. Staff does not think this approach provides the flexibility needed in addressing different development circumstances.
2. Instruct City Staff to continue the use of the Guidelines as an internal working document and customer service tool, but no take further City Council action adopting the Guidelines. This alternative maintains the status quo. The Guidelines would continue to serve City Staff and the Development Community in their current capacity. However, without adoption of a resolution by City Council the support of the guidelines would be diminished.

Background

The Retail Commercial Design Guidelines have been prepared to provide the design criteria for retail/commercial development within the City of Westminster. These Guidelines are intended to enhance Westminster's character, image, and "sense of place" by:

- Specifying the use of high quality building materials
- Identifying and using design elements that contribute to quality, sound design, good design in site planning, architecture, landscaping, and signage
- Creating a consistent, cohesive character within a development that is also compatible to its surroundings

High quality design solutions deviating from the strict interpretation of the Guidelines may be considered and approved by the City, when the resulting design is determined to be desirable. Proposed design elements will be established under the guidelines for review of Preliminary and Official Development Plans. The City may also vary these Guidelines for existing development, properties within the urban renewal area, or properties of a small size or unusual shape, where it is deemed impractical or undesirable to apply these Guidelines.

"Big box" retail development may require increased setbacks and other additional development criteria, in addition to the development criteria within the Guidelines.

Mixed-use retail development that includes residential, office, light industrial or a main street theme as a significant component of the development may also vary from the development criteria, as approved by the City.

The Guidelines reflect much of what already exists in recent retail/commercial development in Westminster. City Staff made modifications based upon the Planning Commission recommendations and discussion by City Council.

Changes have been identified by italicized font, so that City Council can readily identify where the revisions are proposed. Research of design guidelines from other communities was conducted for additional background, ideas, and solutions. The more significant design criteria in the Guidelines have been summarized in this memorandum and City Staff will be prepared to discuss these and any other items of interest. The Guidelines are attached to this memorandum, as well as a copy of a letter received from a member of the Developers' Forum from the Metro North Chamber of Commerce and City Staff response.

Following is a summary of referrals and responses.

Planning Commission

Planning Commission discussed the Guidelines at their regular meeting April 10, 2001. Planning Commission had questions for City Staff on applicability for new development compared to re-development of existing properties, and opportunities for a development to vary from the Guidelines. Planning Commission discussed proposed limitations regarding outside display and storage and limitations on pad site development. Planning Commission requested that the Guidelines be modified to present a more positive, encouraging tone and to identify which items reflect existing City Code requirements. With the proposed modifications, Planning Commission voted to recommend adoption of the Guidelines by City Council.

Staff Response

City Staff noted that the design criteria in the Guidelines are more easily applied to new development, where nothing exists, than to existing re-development, where the criteria is often modified to take into account existing non-conforming design elements and investment. City Staff cited specific examples of limitations on the number of pad sites within shopping centers and the positive benefits of maintaining views into the center and the need to take into account the traffic impacts from auto related pad sites. City Staff made language modifications to the Guidelines, as requested by the Planning Commission, to present a more positive, encouraging tone. Revised copies of the Guidelines were provided to Planning Commission and no further comments from Planning Commission have been received.

Developers Forum of the Metro North Chamber of Commerce

City Staff met with the Developers Forum on February 7, 2001. City Staff discussed how the Guidelines are used and some of the more significant design criteria, such as use of brick, matching design and building materials within a retail center, and limitations on number of pads. City Staff explained the development review process to this group and received a variety of comments. One member expressed appreciation for the effort of preparing this document and providing this information to the development community in an early and open manner. Another member, a residential developer outside of Westminster, expressed frustration with various Planning Commissions and citizen groups in their concerns about details such as lighting levels in their review of proposed projects. City Staff received one letter from a member with specific comments on the Guidelines.

Staff Response

At the meeting, City Staff responded to specific questions and offered members the opportunity for additional contact with City Staff, should they desire to provide suggestions or questions by writing, e-mail or phone. City Staff responded in writing to Mr. Ed Johnson, who later sent a letter with specific comments. Mr. Johnson's letter and City Staff's response are attached to this memorandum.

Business Advisory Group

City Staff met with the Westminster Business Advisory Group (BAG) at their regular March meeting. The discussion with the BAG members involved the overall intent of the Guidelines, how the Guidelines are used, the ability to vary from strict interpretation of the Guidelines, and examples of specific design criteria within the community. The overall response from this group was positive.

Staff Response

Staff answered specific questions and offered to respond to any follow up suggestions or comments from the members. There has been no additional contact from this group.

Commercial Developers and Realtors

City Staff mailed copies of the Guidelines to ten developers and realtors who are very familiar with Westminster and specialize in commercial properties. Several members of this group are familiar with the Guidelines as well. There were no responses from this group.

Staff Response

None necessary

Other

City Staff provided a copy of the Guidelines to the Westminster Window, at their request. A concern was raised regarding the possible regulation of newspaper vending machines, which would be considered within the context of outside display, storage or sale of merchandise. (Page 5 of the Guidelines) The Window did not support any regulation of this type of vending machine.

Staff Response

City Staff proposed a modification that would exempt regulation of smaller vending machines such as newspaper vending machines. The Planning Commission discussed this language and decided to support the exemption.

City Council discussion at Study Session

Design items discussed by members of City Council were as follows: use of plastic fencing, outside display, trash compactor location, container storage limitations, and use of tilt-up concrete panels.

Staff Response:

- Text has been added to consider plastic fencing in limited applications. (Pages 6 and 12)
- Text on outside display, storage, or sale of merchandise remains as proposed. (Page 5)
- Text on outdoor trash compactors has been modified slightly. (Page 9)
- Text on storage in outdoor containers has been modified. (Page 8)
- Text regarding tilt-up concrete panels has been modified. (Page 10)

Major Issues

Significant design criteria specified in the Guidelines, which City Staff would like to highlight for Council, includes the following:

- 1) Convenience grocery stores or other businesses with gasoline sales, drive through restaurants, car washes, and automobile repair/service, are limited in location and number. (See Page 4 of the Guidelines) This language has been added to the updated version of the Guidelines. At least one city, Fort Collins, regulates these uses in a more restrictive manner than the proposed Westminster Guidelines. The reasons for these design criteria are:
 - To assure that City Staff is equitable when reviewing development proposals for these uses and;

- To disburse auto related uses between commercial developments and mitigate traffic impact of auto related uses internal to the property and on adjacent public streets.
- 2) Developments greater than 5 acres in area are required to provide publicly accessible outdoor spaces with amenities such as street furniture, specialty lighting and paving. (See Page 5 of the Guidelines) This is new language is included because of the positive reaction City Staff has received regarding recent retail/commercial developments that have incorporated “public” spaces with amenities as part of the development. Making the shopping experience more pleasant by providing these types of spaces is becoming more important in the increased competition to attract shoppers.
 - 3) Developments greater than 10 acres are required to provide public art. (See Page 5 of the Guidelines) This language has also been added as a result of the positive response City Staff has received regarding recent retail centers that have provided public art (Westminster City Center Marketplace and Standley Lake Marketplace). Both of these retail centers received financial assistance to provide for public art. However, the new criteria would require a minimum level of participation by the developer.
 - 4) Masonry walls, or an acceptable alternative, will be required between retail/commercial development and residential or public property. (See Pages 6 and 11) This language has been added, again as a result of recent retail/commercial development in Westminster. Masonry walls have been incorporated either as the result of public input at neighborhood meetings, or by the developer at the request of City Staff (Westminster City Center Marketplace, Northpark Plaza, Sheridan Crossing, Westminster Plaza, Willow Run Plaza). The masonry walls minimize views and noise of service and loading areas, are aesthetically pleasing, and enhance the back-side of the retail centers.
 - 5) The requirement for the use of brick and other acceptable building materials. (See Page 10) This language has been added to the Guidelines to reflect the current high level of quality building materials that are being used in Westminster. (Westfield, Westminster City Center Marketplace, Northpark Plaza, Sheridan Crossing, Westminster Plaza) Each of these commercial centers has created their own unique look with the use of brick as a primary building material. The use of brick, or other acceptable alternatives, has promoted the high quality appearance of retail commercial centers in Westminster.
 - 6) Limitations on the use of color have been added. (See Page 10) Although negotiations related to color has typically not been highly controversial, it sometimes can be, and the Guidelines need to address this important element of design. Research of other design guidelines and review of architectural covenants for the Westminster Promenade aided in the development of the proposed language addressing color. Colors used in retail/ commercial development will need to complement those of the natural environment of Westminster and Colorado. The use of accent colors will provide additional interest and variety.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **33**

INTRODUCED BY COUNCILLOR

SERIES OF 2001

WHEREAS, the City Council desires to enhance and strengthen Westminster's character and community image; and

WHEREAS, the City Council desires to further establish a sense of place in retail commercial development by specifying the use of high quality building materials; by identification and consistent use of design elements which contribute to quality and good design in site planning, architecture, landscaping, and signage; and by creating a cohesive character that is also compatible to its surroundings; and

WHEREAS, the City Council wishes to provide minimum design criteria for retail commercial development; and

WHEREAS, in order to promote the public health, safety, and welfare of Westminster residents and to provide high quality retail commercial development.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Council hereby adopts the Retail Commercial Guidelines.
2. It shall be the policy of the City that retail commercial development within the City of Westminster be of high quality and implement the design criteria established in the Retail Commercial Guidelines, unless determined otherwise by the City.
3. The Retail Commercial Guidelines be used as a guideline for development of a retail commercial nature, and for development of office or industrial properties, until such time that office or industrial guidelines are developed and adopted by the City.
4. The Retail Commercial Guidelines shall be reviewed and revised when necessary.

PASSED AND ADOPTED this 21st day of May, 2001.

Mayor

ATTEST:

City Clerk

CITY OF WESTMINSTER
RETAIL COMMERCIAL DESIGN GUIDELINES

INDEX

I.	PURPOSE AND INTENT	Page 1
II.	APPLICABILITY	Page 1
III.	IMPLEMENTATION PROCEDURES	Pages 1-2
	Properties or Plans that Qualify	
	Other Reference Sources for Retail Development	
	Approval Process	
IV.	SITE PLANNING	Pages 2-9
	Site Orientation	
	Grading	
	Views	
	Natural Amenities/Wetlands	
	Flood Corridors/Floodplains	
	Endangered/Threatened Plants or Animals	
	General Project Layout and Design	
	Unified Project	
	Linear “Strip” Development	
	Pad Development/Construction Phasing	
	Number of Pad Sites	
	Limitations on Gasoline Sales, Restaurants with Drive Through etc.	
	Sense of Entry	
	Enhanced Corner at Intersection of Arterial Streets	
	Grades of Pavement	
	Undergrounding Utilities	
	Lighting	
	Building Elements	
	Variation in Size and Mass	
	Public Spaces, Plazas, Art	
	Outdoor Display, Storage of Merchandise	
	Building and Parking Setbacks	
	Building Height Relationship to Setbacks	
	Location of Drive-ins, Liquor, Auto Wash	
	Masonry Screen Wall Requirements	
	Location/View of Drive Through Windows	
	Car Wash Facility Siting	
	Automotive and Pedestrian Circulation	
	Connections Involving Multiple Buildings or Lots	
	Access Points, Driveways, Parking Restrictions	
	Emergency/Fire Access	
	Design of Drive Through	
	Bicycle Parking Requirements	
	Handicap Access	
	Bus Stops	
	Sidewalk Widths	
	Specialty Paving	
	Site Planning of Service and Trash Areas	
	Limitations on Trucks and Trailers	
	Masonry Screen Wall Requirement	
	Location of Service Areas	

V.	ARCHITECTURAL DESIGN	Pages 9-12
	Community Image	
	Neighborhood Character	
	Linear, “Strip” Development	
	360 Degree Architecture	
	Consistent Architectural Theme	
	Large Buildings Adjacent to Small Buildings	
	Variation in Roof Form, Building Height, Wall Planes	
	Base of Building	
	Entrances	
	“Franchise” Architecture	
	Building Materials	
	Color	
	Prohibited or Restricted Elements	
	Top of Building	
	Roofline	
	Roofing Materials	
	Windows	
	Glass	
	Site Furniture	
	Mechanical Equipment	
	Accessory Structures	
	Screen Walls	
	Trash Enclosures	
VI.	LANDSCAPING	Pages 12-13
	Landscape Regulations	
	Unity of Design	
	Grouping of Plants	
	Use of Planting	
	Parking Lot Screening	
	Landscape Islands in Parking Lots	
	Sight Triangles	
	Landscaping Adjacent to Buildings	
	Detention Ponds	
	Reclaimed Water	
	Phasing	
	Right-of-Way Maintenance	
	Rock	
	Retaining Walls	
	Lighting	
VII.	SIGNAGE	Pages 14
	General	
	Coordination of Design	
	Individual Letter Requirement	
	Maximum Height	
	Limitations on the Back of Buildings	
	Prohibitions	
	Raceways	
	Awnings	
	Flags	
	Sight Triangles	

CITY OF WESTMINSTER

RETAIL COMMERCIAL DESIGN GUIDELINES

I. PURPOSE AND INTENT

The Retail Commercial Design Guidelines have been prepared to provide the minimum design criteria for retail commercial development within the City of Westminster. These guidelines are intended to result in the enhancement of Westminster's character and image, as well as further the establishment of sense of place by the following:

- Specifying the use of high quality building materials.
- Identification and consistent use of design elements which contribute to quality and good design in site planning, architecture, landscaping, and signage.
- Creating a consistent, cohesive character within a development that is also compatible to its surroundings.

High quality design solutions deviating from strict interpretation of guidelines noted herein may be considered and approved by the City only when the resulting design is one which is determined to be desirable by the City.

The Retail Commercial Design Guidelines include three general categories: Site Planning, Architectural Design and Landscape Design.

II. APPLICABILITY

These guidelines adopted by the Westminster City Council are intended to be used as a guideline for development of a retail commercial nature, and for development of office or industrial properties until such time that office or industrial standards are developed and adopted by the City.

Non-compliance to these guidelines may be grounds for denial of a project.

III. IMPLEMENTATION PROCEDURES

A. Properties or Plans that Qualify

All properties designated as the "Retail Commercial" land use category by the Westminster Comprehensive Land Use Plan (CLUP); or

Retail commercial development within the district center or business park land use category as designated by the Comprehensive Land Use Plan; or

All existing, future or redevelopment of a retail commercial nature within the Business, Commercial, Heavy Commercial, and Planned Unit Development zone districts.

All new Official Development Plans (ODP) and new Official Development Plan waivers, indicating retail commercial development are required to incorporate these guidelines - or provide an alternative acceptable to the City.

All amendments to ODPs and existing ODP waivers are required to incorporate these guidelines. The City of Westminster may vary these standards for existing development or properties within the urban renewal area or properties of a small size or unusual shape where it is deemed impractical or undesirable by the City to apply these guidelines.

Big Box retail development may require increased setbacks and other additional development criteria in addition to the development criteria herein, specific to each development as required by the City.

Mixed-use retail development that includes residential, office, light industrial or a main street theme as a significant component of the development may vary from the development criteria as approved by the City.

B. Other Reference Sources for Retail Development

Westminster Municipal Code – for zoning, site development standards, parking standards, sign regulations.

Preliminary Development Plan (PDP) – for zoning, site development standards.

Westminster Comprehensive Land Use Plan (CLUP) – for conformance with land use, development standards and general policies of the City.

Urban Renewal Plan – for conformance with land use standards and general policies for the City.

Plan Submittal Document Guidelines – for procedures for project review.

City of Westminster Landscape Regulations.

Standard & Specifications for the Design and Construction of Public Improvements.

Right-of-Way Standards.

Arterial Streets and Highways Buffering Standards.

C. Approval Process

The Westminster Municipal Code (Section 11-5-5) requires that an Official Development Plan (ODP) or ODP Waiver be approved prior to use, improvement or development of property. Section 11-5-5(C) of the Code indicates that the City shall have the option to require that the application shall be for the entire property ownership rather than just a portion of the property. An Amended ODP is required for changes to an existing ODP.

IV. SITE PLANNING

Purpose and Intent: Site planning is the design process for development of land. Site planning takes into account external (off-site) and internal (on-site) compatibility and the relationship of how land is to be used. Numerous factors such as physical and natural features of the land; building placement; vehicular access, circulation and parking; pedestrian access, circulation and parking; preservation and buffering of views; surrounding development; community character; are many, but not all, of the factors that are evaluated and accommodated in good site planning.

A. Site Orientation

Site planning must take into consideration the existing grade and slope of the site as well as existing grades and building elevations off-site. Grading of property must be sensitive and compatible with surrounding properties and public streets. Commercial properties adjacent to existing or future residential properties will be restricted in raising the elevation of the commercial site unless approved by the City. Site planning must consider the relationship of buildings and detention areas to natural grades and visibility from adjacent roads and properties. Final grades within landscape areas cannot exceed

25% (4:1), as required by the Landscape Regulations. The use of terraced parking lots, stepped building pads, retaining walls and larger setbacks may be necessary. The use of landscaped, sloped areas is preferable to retaining walls. Retaining wall heights are limited to a maximum height of 4-feet. (Landscape Regulations)

The City has an abundance of panoramic views. The Comprehensive Land Use Plan identifies view corridors that are intended to be preserved. (CLUP)

Natural site amenities such as mature trees, creeks, riparian corridors and other features unique to the site must be identified and considered for preservation. All wetlands shall be identified as determined by a qualified wetland consultant. The Corps of Engineers shall approve the delineation of wetlands. Any impact to a wetland shall be mitigated in accordance with the Corps of Engineers regulations. (Federal regulation)

Flood corridors are located within the 100-year floodplain. Flood corridor areas should remain undeveloped to prevent flood damage and to preserve the riparian habitat and wildlife associated with the area. The filling in of flood plains will generally be prohibited (CLUP, page 50).

All endangered or threatened species of plants or animals should be identified and habitat of such species should be considered for preservation as determined by the United States Fish and Game Service or other appropriate agencies. This responsibility is that of the property owner/developer.

B. General Project Layout and Design

Retail commercial development must be designed in a manner to create the impression of a unified project and overall sense of a unique or identifiable place.

Linear “strip” development is discouraged. This type of development is characterized by uses that are only one store deep and buildings are arranged in a linear fashion rather than clustered. This type of design also does not promote interaction between people and places. If this approach is used, the development should incorporate design elements that significantly mitigate the linear effect.

A minimum of 50% of the overall property (acres or gross floor area, whichever is greater) should be within the initial first phase of construction. Pad sites should not be developed until at least 50% of the non-pad portion of the property has begun construction. Construction phasing must be indicated on the ODP. The timing of construction of pad sites or individual lots may be subject to further restrictions.

The number of pad sites (freestanding, unconnected buildings) or the number of lots (for freestanding buildings) is limited to a maximum of one pad site or lot per 5 acres of the total development.

Convenience grocery stores with gasoline sales or any other business with gasoline sales should meet the following locational standards, unless specifically approved by the City of the Official Development Plan:

1. Only one such business within a commercial development (must not exceed the requirement noted below *); and
2. No more than two such businesses within a ¼ mile proximity to any 4-way intersection (measured from edge of right-of-way); and

3. Other locations (not within a 4-way intersection) are limited to a minimum ½ mile distance (measured along street frontage) from another such use.

* The number of restaurants with a drive through, car washes, automobile repair/service, or gasoline sales (combined or not combined with a car wash or restaurant), is limited in number to a total of one per 10 acres or portion thereof. (One business for an overall development of up to 10 acres; two for up to 20 acres; three for up to 30 acres, etc.)

A sense of entry or arrival must be created at primary entryways into the development. Building placement, landscaping, gates, entry monuments, specialty lighting and other design elements can be used to create this design effect.

In projects over 10 acres, the development area immediately adjacent to the intersection of two arterial streets should be free from a building location in order to maintain public views into the development from the intersection. This area must be enhanced with landscaping, however some parking may be acceptable. This area is generally the size of a pad site and the length along each stretch of arterial street frontage should be about equal. The design approach to creating open space and maintaining views at the corner will be evaluated on a site by site basis.

Pavement grades should not exceed 5% longitudinal slope within a parking area and 8% longitudinal slope in drive aisles that do not have parking stalls along the aisles. Site entry/exit aisles shall not exceed 3% longitudinal slope from the public street to 50-feet into the site. The 50-feet shall be measured from the property line. (Standard Specifications for Design and Construction of Public Improvements) Sidewalk cross slopes shall not exceed 2%. Sidewalk longitudinal slopes shall comply with the American Disability Association requirements.

Westminster City Code requires that existing and new utility lines and services be placed underground both within and adjacent to the development, including adjacent right-of-way. (WMC 11-6-3)

An exterior lighting plan indicating site and building light fixtures and lighting levels should be prepared by a qualified consultant and submitted to the City for review and approval in conjunction with the ODP. Illumination levels should be designed to average 1-foot candle in parking lots and other similar areas (measured 4/5-feet above the ground surface). Parking lot lighting should be with metal halide or other type of white lighting. Off-site glare onto adjacent properties or right-of-way is not permitted. Over-lighting areas and high contrast between properties should be avoided. Concealment of the light source must be a design consideration. Parking lot lights should not exceed 30-feet in height.

C. Building Elements

Multiple buildings in single projects should be varied in size and mass. A transition from low buildings at the site perimeter to larger and taller structures on the interior of the site is generally encouraged.

Development of a project of greater than 5 acres must include a publicly accessible outdoor space such as a pedestrian plaza, park, pavilion or courtyard. A water feature, fountain, sculpture, or other art feature may be considered in lieu of a larger outdoor space. Amenities such as specialty paving, specialty lighting and street furniture are required throughout the development. The location of freestanding, thematic lighting should occur in the pedestrian area between buildings and parking areas and along primary access drives.

Development of a project greater than 10 acres must include public art at a minimum cost of \$1,000 per acre, in a manner and design acceptable to the City. This must occur in addition to the above requirements for public outdoor space. The perpetual maintenance of any art, fountain or other amenities will be the responsibility of the owner, and noted as such in the ODP.

Outside display, storage, or sale of merchandise on a permanent, temporary, or seasonal basis is generally discouraged in retail commercial development. If any outside display, storage or sale of merchandise is proposed by the ODP, limitations must be indicated regarding time, type of merchandise, location and size of the area, signage, fencing and maintenance of minimum pedestrian walkway widths when located adjacent to a pedestrian walkway. Outside storage areas for shopping carts should also be indicated in a similar manner. Soda, water and other vending machines of a similar size should be placed within a building. Smaller vending machines, such as newspaper machines, are exempt from these criteria.

Minimum Building and Parking Lot Setbacks

Building and parking lot setbacks are measured from property lines after dedication of all required future right-of-way.

Building setbacks are based on a maximum building height of 25-feet (as defined by the Uniform Building Code). Buildings in excess of 25-feet may require additional setback.

Landscaping is required in parking lot setback areas.
 Parking setbacks apply to all parking, access drives, loading and trash areas.

Where any of these setbacks conflict, the more stringent will generally apply.

	SETBACK	SETBACK
Arterial and Collector Streets	Bldg.: 50-ft.	Parking: 25-ft.
or	Bldg.: 40-ft with 100% landscaping between property line and building (no parking or pavement in this area)	
Local Streets	Bldg.: 35-ft.	Parking: 25-ft.
Internal Access Drives (3)	Bldg.: 20-ft.	Parking: 20-ft.
Interior Property within the Commercial Development (1)	Bldg.: 20-ft.	Parking: 10-ft.
Other Property Line adjacent to Non-residential Property	Bldg.: 20-ft.	Parking: 10-ft.
Other Property Line Adjacent to Residential Property or Public Property (2,4)	Bldg.: 50-ft.	Parking: 25-ft.

(1) These setbacks may vary depending on the overall site plan. Setbacks are measured from property lines.

- (2) No wall of any drive-in business, liquor store, automobile wash facility, or automobile service station is permitted within 100-feet of any residential district boundary (11-4-6(G) of the City Code). If public streets occur between districts, measurement of district boundaries shall be from centerline of street.
- (3) Internal access drives are primary, private, access drives that connect to the public street. Sidewalks may occur in these setbacks. Measurement is from the face of the nearest curb along the drive.
- (4) At a minimum, a masonry wall of no less than 8-feet in height is required within the setback area adjacent to residential property or public property. This wall should be constructed in accordance with the Arterial Streets and Highways Buffering Standards. Additional buffering such as increased wall height, berming and intensive landscaping may be required. Berming, used in conjunction with intensive landscaping and increased setback may be considered in lieu of the masonry wall or reduce the height requirements of the masonry wall, as determined by the City. Plastic fencing may also be considered in limited applications, in conjunction with berming, increased setback and intensive landscaping, as determined by the City.

Drive through windows shall not face the street unless the view of the lower portion of the automobile (tires) are mitigated with grade (berm or slope downward), or landscaping as approved by the City.

The solid wall of car wash facility should be sited parallel to any public street. The open side of car wash bays must be totally screened if visible from a public street.

D. Automotive and Pedestrian Circulation

The internal vehicular and pedestrian circulation within a development involving multiple buildings or lots must interconnect in an obvious and consistent manner.

There must be a clear and carefully planned hierarchy in the vehicular circulation design. Access points along major driveway/access routes must be limited in number and location. Parking along major driveway/access routes should be prohibited or severely restricted. The design must incorporate a generous area for the stacking of cars along driveway routes where they intersect with public streets. Access points and driveways should line up across from other access points or driveways, and adequate separation between access points must be provided for safe and convenient internal circulation.

Access points and driveways must be planned and shared between properties, and access easements must be noted on the ODP and final plats.

Site planning must provide for the Fire Department/Emergency access. Access roads and drives must be a minimum of 20-feet in width and comply with current Fire Code standards. When parking control is necessary along required access, such access shall be labeled on the ODP as "Fire Lane", and fire lane signs stating "No Parking" must be installed at the time of development.

Cross access and parking easements must be noted on the ODP and final plat when applicable.

Major access drives in excess of 500-feet should incorporate elements in the design such as a change in the direction of travel (angle/offset), traffic circle, or other acceptable form of speed deterrent.

Compact parking spaces are not allowed. (WMC 11-7-4C)

Drive through uses must be designed for exclusive drive through lanes that allow for stacking of multiple vehicles in front of the order board, and between the order area and pick-up window(s). This drive through lane must not block access to parking stalls or pedestrian access to the building. Stacking of cars must be sufficient to prevent spill over into circulation aisles, parking or streets.

The use of parking bumpers is prohibited. Parking areas must be separated from pedestrian walkways and landscape areas by poured in place concrete curb and gutter.

Bicycle parking is required by City Code (WMC 11-7-4E) and must be shown on the ODP.

Handicap access is required per the Westminster Municipal Code Section 11-9-1, and Chapter 11 of the Uniform Building Code. The CABO-ANSI Standards for handicap accessibility shall be followed.

All existing and planned bus stops must be shown on the ODP. Additional bus benches and shelters, of a design approved by the City, may be required to be installed by the developer of the retail project and maintained by the developer/owner or owner's association. Sidewalk linkages from bus stops to the pedestrian circulation system, will be required.

Site planning must provide for pedestrian circulation. Pedestrian circulation must be provided from the perimeter of the site to all buildings. Primary pedestrian or bicycle connections must be not less than 8-feet in width. Secondary interior sidewalks must be no less than 5-feet in width. Parking stall overhang into any sidewalk or landscape area will require an increase in the minimum sidewalk or landscape area by the depth of the overhang (2-foot for each overhang).

Sidewalk areas in front of buildings shall be designated to accommodate pedestrian activity. Sidewalks in front of or directly adjacent to singular, freestanding buildings less than 10,000 square feet should not be less than 7-feet in width (exclusive of auto overhang). Sidewalks in front of buildings in excess of 10,000 square feet should be no less than 15-feet in width and must average 25-feet in width. Landscaping must occur within or adjacent to these areas as approved by the City. Raised planters are encouraged. The use of specialty paving as an accent paving material in pedestrian areas may be required. This can consist of brick, pavers, or integral colored concrete.

To enhance pedestrian safety and attractiveness of the walkway, internal pedestrian walkways within a parking lot or drive area must be distinguished from the driving surface by use of pavers, bricks, integrally colored, scored concrete, or other acceptable methods as determined by the City.

E. Site Planning of Service and Trash Areas

Accessory buildings or structures, which are not compatible and consistent with the material and design of the main building, are not allowed.

The parking or storage of trucks, trailers, or containers is prohibited. Trucks or trailers should be in an active state of loading or unloading. Accessory outdoor storage cannot occur within trucks or trailers. (This note must be added to all retail commercial ODPs.) Accessory, temporary outdoor storage of retail goods in containers may be considered in limited applications, and only when the following items are addressed:

- landscape setbacks are maintained,
- parking is maintained,
- views are blocked with walls or other acceptable method to the City,

- noise and fire concerns are addressed,
- access is maintained,
- the type of container is acceptable to the City.

Masonry screen walls are generally required to buffer views of loading, service and trash areas from other properties or public streets. See note 4, Page 6. Landscape berms and plantings are required to minimize views of these areas where service and trash areas occur.

Service areas and docking facilities should be located away from public streets and main circulation and drives when possible. Continuous, linear, loading and rear service drives are discouraged.

Trash enclosures should be clustered and where site planning permits, made to appear as an extension of the building. Trash areas within the building itself are encouraged.

Outdoor trash compactors are generally prohibited, due to concerns of noise, smell, fire and access.

V. ARCHITECTURAL DESIGN

Purpose and Intent: The architectural design of retail commercial buildings must consider and accommodate the overall desire of the City of Westminster to create and enhance community image. Westminster's identity and livability will be strengthened through thoughtful design and development. The identification and application of architectural design requirements will assist Westminster in achieving a strong community image.

Architectural design shall create or contribute to uniqueness or sense of a specific place.

Building elevations must consider the character of the surrounding architecture and neighborhood, and incorporate design elements to further enhance community character.

Linear "strip" development must incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of linear "strip" development. In some instances a physical separation of one building into two or more buildings may be required. Particular attention should be made to building design when the building is adjacent to residential property or within any public view.

"360 degree" architecture is generally required. All sides of all buildings are to be treated with the same architectural style, use of materials, and details as the front elevation of the building, as determined by the City.

A single building or development or multiple buildings within a development must maintain a consistent style/architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design. This includes all "pads" within a retail development as well as gasoline pump canopies or other accessory structures.

Large buildings adjacent to small buildings should consider and incorporate architectural design elements and details such that the scale of the large building appears compatible with that of the smaller building.

Any building over 4,000 square feet should have variation in roof form, building height and wall planes.

The base of a building should be weightier in appearance than the rest of the building. This can be accomplished with use of heavier, larger, or darker building materials.

Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, higher rooflines, changes in building material or color are some of the methods that can be used to create this effect.

Building elements must not function as signage. The appearance of “franchise architecture”, where the building functions as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic of particular business must be inobtrusive and secondary to the overall architectural design.

The use of brick as a primary material is required unless determined otherwise by the City. Quality finish materials that can be used in conjunction with brick include stone, integrally tinted textured masonry block; pre-cast concrete, tilt-up concrete panels with brick or stone facing, stucco and external insulation finish system that simulates a stucco appearance. Wood siding may be considered for use in limited applications and not as a primary building material. Smooth faced concrete block, tilt-up concrete panels, or metal siding is prohibited as a predominant exterior building material. Precast concrete must have integral color, contain other materials embedded within, and be articulated with design detailing or have application of other building materials to create detailed design interest. The City will consider a variance from the requirement to use brick as the primary building material only when the design and use of an alternate acceptable building material is incorporated into a set of overall design guidelines that are determined by the City to be exemplary of outstanding design and desirable by the City.

The color and intensity of color of all building materials is subject to City approval. In general, subdued colors typical of the muted native grasses, wood, rocks, and soil of the high Colorado plains and Westminster’s natural setting are to be used as the primary color(s). The use of warm and darker tones with low reflectivity is recommended. Soft browns, ambers, muted greens and golds, buffs, terra cottas and taupes are examples of earth and rock colors that are indigenous to this general area. Accent and trim colors must complement and enhance the effect of the primary building color. Bold, brash, intense, bright, fluorescent, black or metallic accent colors are prohibited unless approved by the City in very limited application. Darker colors are recommended for roofs, with the exception of flat roofs where lighter colors will reduce the effect of solar gain. The color of flat roofs must be visually harmonious and inobtrusive. The use of any strong or intense color is limited to signage.

The following items are prohibited or highly restricted: design elements that may function as signage, roof lights, exposed neon lighting, exposed neon signage, illuminated trim of buildings or building elements, translucent awnings or illumination of translucent awnings, or any other undesirable design element, as determined by the City.

The nighttime illumination of architectural features of a building or accent lighting with the use of decorative lights that are consistent with the architectural character is desirable. Colored lights are discouraged and subject to City approval.

Buildings should have a defined top. This can be accomplished with cornices, caps, parapets or roofs.

Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings. Parapets must conceal flat roofs. Pedestrian entries into buildings should be further emphasized. Overhanging eaves, sloped roofs, and three or more roof planes may be required.

Flat canopies (such as those associated with convenience stores with gasoline sales) must be designed in such a manner to create a strong association with the building itself. A strong impression of three-dimensional roofs and supporting columns must be incorporated into the

design. Columns must be primarily masonry to incorporate the primary building material and provide a visual appearance of substance.

Sloped roofs or canopies shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), or high profile, three dimensional asphalt/fiberglass shingles, as determined by the City. Metal roofs shall have a low gloss finish to reduce glare.

The use of windows is required in areas where there is significant pedestrian activity or to assist in breaking up the appearance of blank walls, as determined by the City. Windows should be for display purposes or allow viewing both into and out of the interior of the building. Windows may be required to be recessed into the building wall to create shadow. Windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. An exception to this requirement may be considered for individual tenants in excess of 20,000 square feet gross floor area or the rear elevation of a building that backs up to a public street.

Reflective glass or mirrored glass is prohibited, unless determined otherwise by the City. Clear glass shall be used for storefronts, windows and doors. Window painting or view blocking techniques are generally not permitted.

Site furniture is required. This includes bicycle racks, trash receptacles and benches in an amount to be determined by the City. The style of the site furniture must complement the overall design theme and be of high quality.

All mechanical equipment such as compressors, air conditioners, antennas, pumps, heating and ventilating equipment, emergency generators, chillers, elevator penthouses, water tanks, stand pipes, solar collectors, satellite dishes and communications equipment, and any other type of mechanical equipment for the building must be indicated on the ODP architectural drawings. All rooftop mechanical equipment must be screened on all sides to full height by building parapet walls or other building elements that appear as integral elements of the overall building design, unless approved otherwise by the City. Mechanical equipment should not be located on the roof of a structure unless the equipment can be screened. The mechanical equipment should be clustered as much as possible. All rooftop equipment must be painted to match the surrounding rooftop color, if anticipated to be visible from any existing or future surrounding building, property or street.

The details of the screening are to be reviewed at the time of the ODP and may include additional restrictions.

The location of building mounted equipment (mechanical, electrical, gutters, downspouts, etc.) must result in these elements being hidden or screened so they are unobtrusive. All building mounted elements must be painted to match the color of the surrounding building material unless approved otherwise by the City.

Ground level mechanical equipment shall be screened with landscaping, berms and architectural walls using materials compatible with the building. Fencing materials are not allowed.

Accessory structures must incorporate matching design and materials of the primary building.

Loading, service and trash areas must be screened with walls that match the building materials and colors. Screen walls must be a minimum of 8-feet above the highest adjacent grade, and above 8-feet in height as determined necessary by the City. Berming, used in conjunction with intensive landscaping and increased setback may be considered in lieu of the masonry wall, or reduce the height requirements of the masonry wall as determined by the City. Plastic fencing may be considered in limited applications, when used in conjunction with berming, increased

setback and intensive landscaping, as approved by the City. Roofed enclosures may be required for screening on a case by case basis. Gates are required and must be opaque. Dumpsters and trash cannot be visible above the height of the surrounding enclosure. Unroofed enclosure walls shall be a minimum of 8-feet.

Trash enclosures visible over the 8-foot walls from residential areas or public streets should be roofed.

VI. LANDSCAPING

Purpose and Intent: The City of Westminster recognizes that landscaping is an important component of quality development and that enhancing the appearance of the City with landscaping increases the desirability of living and working in Westminster. Landscaping serves multiple purposes both aesthetic and functional. Landscaping in retail commercial development is intended, but not limited to making the environment physically more comfortable to the user, buffering or enhancing views, reducing noise, creating seasonal interest, assisting in water quality efforts and storm management, enhancing the public street appearance and enhancing the commercial retail development.

Refer to the City of Westminster Landscape Regulations regarding general landscape requirements.

Unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent landscaping where appropriate (including existing right-of-way streetscape designs).

In general, formal, stand-alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances.

The choices, placement and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, to accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.

Landscape berms and/or continuous rows of shrubs to screen parking from adjacent developments or public streets are required. Masonry walls are required as previously noted in the description of setback requirements.

Parking lot landscaping shall include landscape islands at the ends of each parking row, sized and landscaped according to the Landscape Regulations.

Landscaping that grows in excess of 30 inches in height is prohibited in sight triangles. (Landscape Regulations)

Landscaping must be incorporated in the design of pedestrian areas along the building fronts. The use of raised planters at least 12 inches in height for landscaping is strongly encouraged in retail centers where there are multiple tenants or large singular tenants.

Detention ponds should be contained within a lot or parcel that includes a building site. One detention area may be required to serve several lots versus individual detention ponds for each lot.

Detention ponds should be landscaped with a bluegrass blend sod. These ponds must be maintained by the owner or business association. (Landscape Regulations) Trees and shrubs should not occur below the five-year water surface. Trickle channels should be designed to look natural such as using cobble or boulders with an underdrain.

The use of reclaimed water for landscape areas is encouraged, when available.

The first phase of construction should include perimeter landscaping, entry drives and detention ponds. Future phases must indicate interim landscaping. Irrigated sod may be required for pad sites that remain undeveloped for over twelve months after the first Certificate of Occupancy for the overall development.

Developers are responsible for the installation and maintenance of landscaping in the right-of-way of all streets. Automatic sprinkler systems are required. (Landscape Regulations) The continual maintenance of all right-of-way improvements adjacent to each lot identified on an ODP will be the responsibility of the respective lot owner. This includes, but is not limited to, the repair, replacement and maintenance of all landscaping and associated improvements, street furniture and sidewalks. Sidewalks will be cleared of snow, gravel and grit, and of sand as required by City Code. (WMC 9-3-3)

Rock when used as a mulch or non-living ground cover should be inobtrusive and generally darker in tone. River rock is not encouraged as it is prone to roll out of place.

Retaining walls must be constructed of a high quality material such as stone, masonry block with an integral color and exterior texture, or concrete with stone, brick or stucco facing, which takes into account the character and materials of the buildings as well as the landscape theme. The maximum height is 4-feet. A minimum landscape area of 7-feet in width must be provided between adjacent retaining walls. All walls in excess of 4-feet require a separate building permit. Treated timber walls are prohibited unless exemplary design is demonstrated, and are prohibited for walls over 3-feet in height. Railroad tie walls are prohibited. (Landscape Regulations)

Up-lighting and accent lighting are encouraged within the landscape areas but shall not be directed toward a public or private street or drive aisle.

VII. SIGNAGE

Purpose and Intent: Signage in retail commercial centers is generally intended to identify to the user the location of a specific business or retail center. All signage is not necessarily intended to be viewed from a public street; however if signs are visible from a public street, they must not compromise public safety by attracting undue attention, as determined by the City. Signage must be subservient to the overall design and impression of the architecture.

All signage shall be coordinated throughout a retail commercial center to give the appearance of a unified, cohesive center, and to contribute to the overall design theme of the center. All signs should be similar in size, materials, etc. The details of an overall sign program shall be submitted at the time of ODP.

Individually raised letters are generally required for wall signage. Cabinet ("Can") signs are not allowed except for logos or other features which must be secondary to lettered signage. (WMC 11-11-7B3b)

The maximum height of a letter or symbol should not exceed 4-feet, unless specifically approved by the City on an ODP, or further restriction by the Sign Code. This limitation does not preclude further height restriction.

Tenant signage may be prohibited on the back/rear elevation of buildings that are visible from other non-retail commercial properties or public streets, with the exception of signage necessary for delivery or door identification that will not exceed 2 square feet and be non-illuminated. An exception to this may be considered for signage that is viewed from public right-of-way where speed limits are at or in excess of 55-miles per hour.

Exposed neon signage is not permitted. Trimming of buildings with neon or other types of strip style lighting is not permitted. (WMC 11-11-5)

If lettering on wall signage is included on a raceway, the raceway should match or be camouflaged by building colors.

Illumination of awnings which are translucent is not permitted. Lettering (advertising) on awnings is generally prohibited. (WMC 11-11-5)

Flag locations and limitations thereof must be in compliance with the Westminster Sign Code and indicated on the ODP. (WMC 11-11-7H)

Monument signs shall not be placed within the sight triangle of any intersection or access drive with a public street. Monument signs must incorporate design and materials that match the architecture of the development.

City of Westminster Retail Commercial Guidelines

The Guidelines have been re-written and re-formatted, incorporating typical development review comments and criteria. Changes that are more significant in nature are identified below.

Grading of commercial properties adjacent to existing or future residential properties will be restricted in raising the elevation of the commercial site, unless approved by the City. (Page 3)

Identification of endangered animals and habitat by the property owner/developer has been added. (Page 3)

Retail development must be designed in a manner to create the impression of an overall sense of a unique or identifiable place. (Page 3)

Convenience grocery stores with gasoline sales, any business with gasoline sales and the number of restaurants with drive through, car washes, automobile repair/service, is limited in location and number. Refer to further description in text. (Page 4)

Development of greater than 5 acres is required to provide a publicly accessible outdoor spaces with amenities such as street furniture, specialty lighting and paving. (Page 5)

Development of greater than 10 acres is required to provide public art. (Page 5)

Masonry walls of a minimum 8-foot height are required between commercial development and residential or public property. (Page 6)

Requirements regarding sidewalks in front of retail buildings have been revised, including the use of specialty paving. (Page 8)

The requirement for the use of brick and other acceptable building materials has been further explained. (Page 10)

Limitations in the use of color have been added. (Page 10)

Restrictions in design elements that may function as signage have been added. (Page 10)

The requirement for screen walls and minimum height has been added. (Page 11)

Limitations on signage on the rear of a building have been added. (Page 14)



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001
Subject: Resolution No. 34 re Webber Property Annexation
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petition requesting annexation of the property located at 10227 102nd Avenue, and establishing a hearing date. The proposed annexation consists of approximately ½ acre. (See attached vicinity map.)

Summary

The Webber property is located north of Church Ranch Boulevard on the west side of Wadsworth Boulevard and is currently vacant. The applicant intends to develop the site with an office building and associated parking. This property is located within and the allowed land uses are governed by the Northeast Comprehensive Development Plan, Sub-Area I. The proposed office building would comply with the provisions of that plan.

Policy Issues

When the Northeast Comprehensive Development Plan was adopted by City Council in 1996, a policy stating that it was desirable to annex all of the lands within the Plan area was approved.

Alternative

Determine that the property should not be annexed at this time and take no further action. The reasons for this could include unwillingness to provide City services to this property.

Staff Recommendation

Adopt Resolution No. 34 accepting the annexation petition submitted by Keith Webber and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 9, 2001, for the annexation hearing.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case, East Bay, signer of the petition, owns 100 percent of the property.)

4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation. The resolution sets that date for July 9, 2001.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **34**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

WHEREAS, the City Council has been advised by the City Attorney and the City Manager that the petition and accompanying map are in substantial compliance with Sections 31-12-101, et.seq., Colorado Revised Statutes, as amended;

NOW, THEREFORE, be it resolved that by City Council of the City of Westminster that:

1. City Council finds the said petition and annexation map to be in substantial compliance with all State Statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes July 9, 2001, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 21st day of May, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001
Subject: Resolution No. 35 re The Telleren Area Annexation Compliance Hearing
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petitions requesting annexation of the property located on the north side of 144th Avenue, west of Lipan Street and establishing an annexation compliance hearing date. The proposed annexation consists of approximately 23.2 acres.

Summary

In January of this year, City Staff invited property owners in the McKay Lake area to annex to the City. As a result of that invitation, eight separate property owners have submitted petitions for annexation. (Please see attached vicinity map). The properties are contiguous to each other and to the existing City boundaries east of Cheyenne Ridge and south of Quail Hill. Staff has met with all of the property owners and they have agreed to apply for a Planned Unit Development (PUD) zone district which would allow similar uses to those that are currently permitted in Adams County.

Staff is including the remaining unincorporated portion of the 144th Avenue right-of-way. The southern half of the right-of-way was annexed with the Huntington Trails property, and this would therefore place the entire right-of-way in the City.

Staff Recommendation

Adopt Resolution No. 35 accepting the annexation petitions submitted by Donald and Marietta Hedenskog, Dirk McLean, Scott and Barbara Robinson, Kelly and Sandra Robinson, Robert and Emily Robinson, Deb and Rick Granger, Ruth Gussman and Peter Poses, and Cecilia Guylo, and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of July 9, 2001, for the annexation hearing.

Alternative

Make a finding that there is no community of interest between these properties and the City and take no further action. Staff believes that a community of interest does exist, and that City Council should move forward with the annexation.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case, the signers of the petitions, own 100 percent of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petitions are in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **35**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

WHEREAS, there has been filed with the City Clerk of the City of Westminster, petitions, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

WHEREAS, the City Council has been advised by the City Attorney and the City Manager that the petition and accompanying map are in substantial compliance with Sections 31-12-101, et.seq., Colorado Revised Statutes, as amended;

NOW, THEREFORE, be it resolved that by City Council of the City of Westminster that:

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes July 9th, 2001, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 21st day of May, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Resolution No. 36 re Contingency Transfer for Water Resources and Treatment Staffing

Prepared by: Robert Krugmire, Water Resources Engineer

Introduction

City Council action is requested to approve the attached resolution authorizing a transfer of \$12,500 from the Utility Fund contingency account to the Department of Public Works, Water Resources and Treatment Division Regular Salaries account and to amend the 2001 Budget allocation of authorized personnel by adding a 1.0 full time equivalent (FTE) Water Resources Analyst indexed position in the Department of Public Works and Utilities, Water Resources and Treatment Division. Funding for this position will be for September 1 through the end of the year. This position is being established to accomplish the implementation of the revised Tap Fee and Water Conservation Programs. The position will be indexed to additional revenues realized from the modified application of tap fees as well as savings realized through conservation efforts in the Industrial, Commercial and Irrigation (ICI) customer sector. Funds for this transfer are available in the Utility Fund contingency account.

Summary

Staff is recommending an allocation of staffing in the Department of Public Works and Utilities, Water Resources & Treatment Division in order to implement the revised Tap Fee and Water Conservation Programs. The creation of one 1.0 FTE indexed position would be split between Tap Fee Administration and the implementation of an ICI Water Conservation Program within Public Works and Utilities, Water Resources and Treatment Division. Two half-time (0.5) FTE positions would be combined with the primary responsibilities split between tap fee administration and related customer service (50%) and implementation of the Water Conservation Program (50%) as noted in the Tap Fee Structure Modifications and Council Follow-Up on Water Conservation Staff Reports.

Policy Issues

- Should the City add a 1.0 FTE position of Water Resources Analyst indexed to the estimated cost recovery realized through the revised administration of tap fees as well as the water savings estimated through the formal institution of an ICI Water Conservation Program?
- What level of priority should water conservation hold in the overall planning process? Water supply planning estimates previously presented to City Council assumed a 500 to 750 acre-feet reduction in build out water demands as a result of future water conservation efforts.
- Given that initial results from the pilot water conservation program show the potential for measurable water demand savings, should the City pursue an increased level of water conservation education and program development for the ICI sector?

Recommendation

Adopt Resolution No. 36 authorizing the transfer of \$12,500 from the Utilities Fund contingency account into the Water Resources Division Regular Salaries account and authorizing the addition of a 1.0 full-time, indexed, benefited Water Resources Analyst position to the staffing levels approved as part of the 2001 Budget.

Alternatives

- Leave the staffing levels and allocations as they currently exist in Public Works and Utilities, Water Resources and Treatment Division. Administration and determination of tap fees would continue being shared through several departments and there would be no formal Water Conservation Program.
- Outsource administration of the City's tap fee administration and water conservation programs. Staff projects that this approach would be more costly and less responsive than the proposed in-house approach.

Background Information

While Industrial, Commercial and Irrigation (ICI) water use in the City in 1999 was just under 17 percent of the total billed consumption, this percentage has been steadily growing. In 1984, the ICI sector accounted for 12.6 percent of total demand in the City. By 1998, ICI use had climbed to 17.1 percent of total demand. As a whole, the ICI users place a heavier seasonal demand on the system. Approximately 43 percent of the City's total water goes for seasonal demand while 57 percent is for non-seasonal purposes. In the ICI sector these percentages are reversed: 57 percent of the demand from ICI use is seasonal in nature while 43 percent is for non-seasonal purposes. Because irrigation accounts are included in the ICI sector and these accounts are typically only active from May through October, it is not surprising that seasonal exceeds non-seasonal demand.

The increasing demand from ICI customers directly translates to a growing need for Westminster to purchase or develop and treat additional water supplies. Water savings realized through ICI conservation would have direct, positive financial impacts to the City, providing a reduction in the amount of additional water supplies required for future growth. Similarly, ICI customers would realize savings through a decrease in their overall consumption. In addition, an overall reduction in ICI consumption realized from conservation would directly equate to a reduction in the overall treatment demand and associated costs.

Currently, three Divisions, in two Departments, share the responsibility of assessing tap fees. Public Works and Utilities Department's Water Resources and Treatment Division reviews and updates the water use assumptions, the Planning Division assigns the service commitments, and the Building Division reviews the tap sizes and collects the tap fees. The consolidation of these duties under a single staff person would streamline the process, improve customer service, and facilitate the complete archival of information for future analysis. The City does not currently have a Water Conservation Program in place for their ICI customers, except for the ICI block rate structure.

Research shows that current ICI tap fees do not recover the actual cost of raw water acquisitions, treatment costs, or delivery and storage. In contrast, residential tap fees have been established that ensure recovery of 100% of the capital costs. Revisions to the existing tap fee calculations would create an equitable solution by using historical consumption in future tap size and fee calculations.

In response to the growing water demand impacts from Westminster's ICI sector, which reflects the changing new development patterns in the City, Water Resources Staff recently initiated a pilot Water Conservation Program specifically geared toward the ICI customer. This pilot program, initiated in 2000, currently consists of generalized water audits and research into historical and projected water use. Staff hopes to enhance the existing pilot program to include not only expansion and continuation of the water audit program, but institution of a more formalized conservation program as well as incorporation of the revised tap sizing/fee schedule program.

Duties associated with administration of the revised Tap Fee Administration would include meeting with developers to review development plans, research into historical water consumption on a per-development basis and completion of tap sizing calculations for each submitted development. Tasks associated with the ICI Water Conservation Program would include, but not be limited to, performance of field audits for the City's ICI customers, development of site-specific conservation methods and development of various educational materials associated with overall program implementation.

The City's policy has been to provide an advance lead time before implementing major changes in tap fees, since payment of tap fees are not due until certificate of occupancy and developers will have financing secured well before payment of the tap fees. Staff recommends that the new tap fee methodology be effective January 1, 2002. A notice will be given to ICI developers this summer that changes will be effective January 1, 2002. In addition, informational meetings will be scheduled with developers. Bringing the new person onboard September 1 allows calculations of tap fees to be provided to developers in advance of payment of the tap fees. The first indexing review on this position will be performed in the first quarter of 2003 for program results in 2002. An ordinance revising tap fee assessments will be prepared for City Council consideration and reviewed in the next few months.

The current balance in the Water portion of the Utility Fund contingency account is \$600,000.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

TRANSFER OF \$12,500 FROM CONTINGENCY FUNDS FOR
DIVISION OF WATER RESOURCES STAFFING

WHEREAS, transfers from the Utilities Fund contingency account may be required occasionally to balance various expenditure accounts due to unanticipated or additional costs; and

WHEREAS, Council finds that creating a 1.0 FTE indexed position to staff the implementation of the ICI Water Conservation Program as well as administration of the revised tap fee program would be in the best interest of the City; and

WHEREAS, the Water portion of the Utilities Fund Contingency balance prior to the transfer is \$600,000; and

WHEREAS, Section 1-24-3 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, the budget including the staffing summary for the 2001 year were adopted by City Council by Resolution No. 78, Series of 2000; and

WHEREAS, the City Council now wishes to add this indexed position to assist with the administration of the Water Resources Tap Fee Program and the Water Resources Conservation Program;

NOW, THEREFORE, be it resolved that the Westminster City Council resolves:

1. That \$12,500 be transferred from the Water portion of the Utility Fund contingency to the appropriate Operating Budget account as follows:

20-35-48-100-000	Water Resources Salaries	\$12,500
UTILITIES FUND TOTAL		\$12,500

2. That the Westminster City Council hereby authorizes the staffing summary for the 2001 year to be amended by modifying the position allocation with the addition of the position listed below:

<u>Job Grade</u>	<u>FTE</u>	<u>Position</u>	<u>2001 Authorized Range</u>
50	1.0	Water Resources Analyst	\$36,669 – \$46,778

Passed and adopted this 21st day of May, 2001

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 21, 2001

Subject: Resolution No. 37 re Revisions to City Council Rules and Procedures on City Council Travel Policies

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested to adopt the attached Resolution which amends the Council rules and procedures pertaining to the Council travel policy.

Summary

At the May 7th City Council Study Session, City Council discussed several possible changes to the existing travel policy relevant to City Council. From these discussions, City Council agreed to modify the existing written policies to clarify and tighten up present practices.

One of the procedural changes calls for City Council members being required to be current in their travel expense report submittals without any balance due the City or others before they may travel again at City expense. The rationale behind this policy is to assure compliance with timely travel report submittals and that all balances due have been resolved.

The second policy that was discussed, addresses the use of City issued credit cards to City Councilmembers and states that the credit card cannot be used by any Councilmembers who are not current in their travel expense reports and have a balance due to the City.

The third policy identified change calls for City staff providing a monthly report to the entire City Council regarding the status of travel reports for each of the seven member Council. This procedural change is to address concerns expressed by some Council members regarding the lack of knowledge of Mayor Pro Tem Dixon's travel expense report delinquencies.

Policy Issue

Does City Council wish to modify its formal travel policy to reflect the above changes that were discussed at the May 7th Study Session?

Staff Recommendation

Waive the prior written submittal requirement found in Part VII, Section 9 of the Council Rules and Procedures regarding the proposed changes contained in Resolution No. 37 and Adopt Resolution No. 37 revising the City Council Rules and Procedures Travel Policy as outlined in this City Council Agenda Memorandum.

Alternative(s)

Council could adopt any of these three policy changes or maintain the status quo. None of these alternatives are suggested.

Background Information

With the recent issue of Mayor Pro Tem Dixon's delinquent travel expenditure reports, City Council discussed several possible policy and procedural changes to tighten future travel procedures for all Council members. City staff was directed to prepare the necessary document to accomplish the desired changes as outlined above in the Summary section of this Agenda Memorandum.

The appropriate Resolution has been prepared for City Council's consideration and is attached.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

A RESOLUTION AMENDING THE CITY COUNCIL TRAVEL POLICY

WHEREAS, Chapter VII of the City Charter provides for the procedure and miscellaneous powers and duties of the City Council; and

WHEREAS, The City Council is entrusted with conducting the business of the City in a manner which will be most advantageous to the citizens and voters thereof; and

WHEREAS, City Council has reviewed and discussed possible revisions to the stated City Council travel policy with the intent of clarifying and tightening procedures.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster, hereby adopts the following revision to the Council Rules and Regulations.

26. WESTMINSTER CITY COUNCIL TRAVEL POLICY

The Travel Policy of the Westminster City Council, as it relates to Councillors and their spouses, is hereby updated to read as follows:

EXPENSE COVERAGE

City Council will establish out of state travel expenses for all Council members as part of the budget adoption each year.

Transportation: Normally, out-of-City travel shall be by commercial airline. Air coach and special rates shall be utilized whenever possible. If driving to a conference, using your personal car, Councillors can be reimbursed at the per mile rate in effect for employees. However, the total reimbursement shall not exceed the amount that would have been expended if the Councillors had used available airline service and economical ground transportation to the conference. Full reimbursement shall be made for round trip transportation for the Councillors' travel expense.

Lodging: Lodging shall be fully reimbursable. If attending a formal conference, lodging will normally be at the conference or headquarters hotel, or comparable facilities, which are nearby. If the Councillor's spouse is attending the conference, the Councillors shall be responsible for the differential on the daily room rate for double occupancy.

Meals: All meal expenses shall be fully reimbursable for the Councillor during the conference or out-of-town meeting.

Miscellaneous Expenses: Generally, any reasonable business expense incurred because a Councillor is traveling for the City shall be fully reimbursable.

Travel With Spouse: If Councillors are attending a conference where it is common for the spouse to accompany, and which has a program for the spouse, the spouse conference registration will be reimbursable. All other expenses of the spouse will be the personal expense of the Councillor.

ADVANCES

Council members may draw a cash advance from the City in anticipation of expenses to be incurred , or, as an alternative, Councillors may charge the expense to their City issued credit card. No cash advance will exceed \$200 per individual request. No cash advances will be processed unless expense reports from all previous trips involving cash advances and credit card purchases have been cleared. Any outstanding expense advance/credit card purchases not cleared before the Councillor's term expires will be withheld from the final paycheck of the Councillor.

EXPENSE REPORTS

Councillors shall file a report for all trip related expenses within one week upon return from the trip. The completed expense report shall be submitted to the City Manager's Office for processing. Receipts for expenses of \$25.00 and greater shall be attached to the form.

CITY COUNCILLORS SHALL FILE THEIR TRAVEL EXPENDITURE REPORTS IN A TIMELY FASHION WITHIN ONE WEEK UPON RETURN FROM THE RESPECTIVE TRIP. IF COMPLIANCE IS NOT REALIZED, THE SUBJECT CITY COUNCILLOR SHALL NOT BE ALLOWED TO TRAVEL AT CITY EXPENSE ON FUTURE TRIPS UNTIL SUCH TIME AS ALL REPORTS ARE FILED, RECONCILED AND ANY BALANCES ARE RECTIFIED WHERE EITHER THE COUNCILMEMBER OWES THE CITY OR THE CITY COUNCILMEMBER IS OWED REIMBURSEMENT BY THE CITY.

CITY COUNCILLORS WHO USE CITY ISSUED CREDIT CARDS SHALL NOT BE ALLOWED TO MAKE CHARGES AGAINST SAID CREDIT CARD WHEN THERE ARE ANY OUTSTANDING CITY TRAVEL EXPENDITURE REPORTS FROM THE SUBJECT CITY COUNCILLOR. USE OF SUCH CITY CREDIT CARDS SHALL BE HELD IN ABEYANCE UNTIL ALL TRAVEL EXPENDITURE REPORTS HAVE BEEN SUBMITTED, AUDITED AND ANY BALANCE DUE THE CITY BY THE CITY COUNCILLOR IS RESOLVED.

CITY STAFF SHALL PROVIDE A MONTHLY SUMMARY TO ALL MEMBERS OF CITY COUNCIL REFLECTING THE STATUS OF TRAVEL EXPENDITURE REPORTS WHICH ARE DUE AS WELL AS INDICATING THE STATUS OF AUDITS CONDUCTED BY FINANCE DEPARTMENT STAFF WITH ANY DEFICIENCIES IN DOCUMENTATION SO NOTED.

The Mayor shall approve expense reports of Councillors. The Finance Department shall audit the expense report for mathematical accuracy.

In the event Coucillors travel as a group, occupy the same hotel and/or have meals together, a claim covering all expenses for all members may be filed in lieu of individual accounting.

PASSED AND ADOPTED THIS 21st day of May, 2001.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO
Agenda Memorandum

Date: May 21, 2001
Subject: Swearing in of New City Manager
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested pertaining to the swearing in of the newly appointed City Manager, Brent McFall by Municipal Court Judge John Stipech.

Summary

On March 26, City Council approved the appointment of J. Brent McFall as the new Westminster City Manager, and on April 23rd, City Council approved the employee agreement with Mr. McFall. His first day of work will be Monday, May 21st. Given the importance of this appointment, City Staff believes that the City Council meeting is the appropriate venue for this swearing in ceremony.

Presiding Judge John Stipech has agreed to swear in Mr. McFall and will be present at Monday night's meeting.

Policy Issues

There are no policy issues pertaining to this matter.

Staff Recommendation

Have Municipal Court Judge John Stipech administer the oath of office to Brent McFall to serve in the capacity of Westminster's Brent McFall, City Manager.

Background Information

The Westminster City Charter Section 5.9 requires that the City Manager shall take the oath of office prescribed by Section 7, of Article XII of the Constitution of the State.

In March, Council concluded a four-month recruitment and selection process, with the hiring of Brent McFall. He has extensive experience as a local government professional. His positions include serving as a staff assistant in Lawrence, Kansas, and as city manager or city administrator positions in Merriam, Kansas; Emporia, Kansas; Federal Way, Washington; and Kent, Washington.

The City Staff has been coordinating with Mr. McFall since his appointment on providing the weekly Council packets as well as a wealth of background information. Initial appointments with each Councilmember and employees have been set.

Respectfully submitted,

William M. Christopher
City Manager

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, May 21, 2001.

Present at roll call were Mayor Heil, Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, Kauffman, Moss, and Merkel.

The minutes of the May 14, 2001 meeting were approved.

Council approved the following: May, 2001 Financial Report.

Judge John Stipech swore in J. Brent McFall as the new City Manager.

The following public hearings were held: Dedication of Land Use for Public School Sites; McKay Lake Annexation and Comprehensive Land Use Plan Amendment; Southeast Corner 86th Avenue and Federal Boulevard Comprehensive Land Use Amendment; Retail Commercial Guidelines.

The following Councillor's Bills were introduced on first reading:

A BILL FOR AN ORDINANCE AMENDING THE SIGN CODE, BY THE ADDITION OF A NEW SECTION REGULATING INSTITUTION MONUMENT SIGNS purpose: Sign code revision re monument signs

A BILL FOR AN ORDINANCE ENACTING TITLE XI, CHAPTER 6, SECTION 8(E) OF THE WESTMINSTER MUNICIPAL CODE RELATING TO DEDICATION OF LAND FOR PUBLIC SCHOOL SITES purpose: assists school districts in the provision of school sites (land only) to serve new residential development.

A BILL FOR AN ORDINANCE APPROVING AN AGREEMENT FOR THE ANNEXATION OF THE PROPERTIES KNOWN AS 1805 AND 1891 WEST 144TH AVENUE purpose: annexing two properties north of 144th Avenue

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 16, 20 AND 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: annexing McKay Lake property

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 16, 20 AND 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: rezoning McKay Lake property and two properties North of 144th Ave

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: to include McKay Lake property and designate McKay Lake as Open Space, and designate two properties Single Family Detached Low Density.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: change the designation from Retail Commercial to Single-Family Attached Residential at 86th Ave and Federal Boulevard

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2803, SERIES OF 2000, WHICH CREATED THE CITY OF WESTMINSTER 136th AVENUE GENERAL IMPROVEMENT DISTRICT

A BILL FOR AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT PROGRAM; ESTABLISHING A STORMWATER SERVICE FEE; SETTING FORTH DEFINITIONS; PROVIDING FOR THE USE OF THE STORMWATER SERVICE FEE; PROVIDING FOR ADMINISTRATIVE AND JUDICIAL REVIEW; AND PROVIDING FOR ENFORCEMENT THEREOF

The following Resolutions were adopted:

Resolution No. 31 Appointing David Jones as alternate member to the Personnel Board

Resolution No. 32 Making certain findings of fact as required concerning the annexation of McKay Lake

Resolution No. 33 Providing for Retail Commercial Guidelines

Resolution No. 34 Accepting annexation petition for Webber Property

Resolution No. 35 Accepting annexation petitions for Telleren Area

Resolution No. 36 Authorizing transfer of \$12,500 from Utilities Fund to Water Resources Salaries Account; and authorizing full-time, indexed, benefited Water Resources Analyst position

Resolution No. 37 Revising City Council Rules and Procedures Travel policy

At 8:43 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on May 31, 2001