



## CITY COUNCIL AGENDA

**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. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

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

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Extension of Listing Agreements for City Properties near the Promenade
  - B. IGA with the City and County of Denver re the Metro Mortgage Assistance Plus Program
  - C. Barnum Printing Site Demolition Contract
  - D. Lowell Boulevard Water Main Replacement Engineering Contract
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Meeting re Potential Service Modifications for the Adopted 2014 City Budget
  - B. Continued Public Hearing re Appeal Planning Commission Sign Code Variance re Village at Standley Lake ODP
  - C. Requirements Met for Perfecting an Appeal of the Decision by the Planning Commission
  - D. Public Hearing re Appeal of Planning Commission Denial for Sign Code Variance re Village at Standley Lake ODP
  - E. Appeal of a Planning Commission Denial for a Sign Code Variance re Village at Standley Lake ODP
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
  - A. City Council
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

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**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.



WESTMINSTER  
**Strategic Plan**  
2012-2017  
Goals and Objectives

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**STRONG, BALANCED LOCAL ECONOMY**

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



**FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES**

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



**SAFE AND SECURE COMMUNITY**

- Citizens are safe anywhere in the City
- Public safety departments: well equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective stormwater management program



**VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY**

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



**BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY**

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain greenspace (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



***Mission statement: We deliver exceptional value and quality of life through SPIRIT.***

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 10, 2013, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Faith Winter, and Councillors Herb Atchison, Bob Briggs, Mark Kaiser, Mary Lindsey, and Scott Major were present at roll call. City Manager J. Brent McFall, Assistant City Attorney Jane W. Greenfield, and City Clerk Linda Yeager were also present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of May 20, 2013, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that the City's annual July 4<sup>th</sup> celebration at City Park would start with food vendors at 6 p.m., followed by a concert at 7 p.m. and the long-awaited fireworks display at 9 p.m. Shuttle services from various locations throughout the community would transport participants between their vehicles and City Park. This was a community celebration of Independence Day that was jointly sponsored by the City, Hyland Hills Parks and Recreation District, and Adams School District 50, and a special event full of fun for citizens of all ages.

COUNCIL REPORTS

Councillor Briggs reported that the second annual Jazz Festival in south Westminster over the weekend had been a big success with more vendors, more music and a larger attendance this year.

Councillor Atchison reported that the Metro North Golf Tournament had been one of the most successful held in recent memory even with all of the interruptions due to repairs along Legacy Ridge Boulevard. Participants were extremely complimentary about the condition of the golf course.

Mayor McNally reported that the Blazing Bullet Run/Walk provided an enjoyable venue for many citizens over the weekend and entry fees would help the Westminster Public Safety Recognition Foundation support first responders.

EMPLOYEE SERVICE AWARDS

Councillor Briggs presented certificates and pins to Rachel Harlow-Schalk and Lance Johnson for 20 years of service to the City. Mayor McNally expressed the Council's appreciation of City employees and their families, pointing out that employees carried out the objectives of the Strategic Plan to achieve success for the citizens of Westminster.

PROCLAMATIONS

Mayor McNally presented a proclamation to Lucas Droste to recognize achieving the rank of Eagle Scout. Lucas' community service project was done in conjunction with Parks Division staff at the Bowles House where he removed and replaced old mulch, landscaping fabric and edging and added decorative river rock to the landscaping to create a more beautiful look. The project concluded right before the Westminster Historical Society's 25<sup>th</sup> Anniversary celebration in May.

Councillor Kaiser read the Small Business Week proclamation and presented it to Ryan Johnson of the Economic Development staff. Small Business Week would be celebrated from June 17 to 21. A host of services available to Westminster businesses through the City were described.

### CITIZEN COMMUNICATION

J. R. Duncan, 10025 Hooker Street and a customer of 5 Star Pups at 8800 Sheridan Boulevard, explained that 5 Star Pups leased business space from the City and had received notice of a 90% rent increase two months before the lease term ended. The owner was able to negotiate a six-month extension to continue operations while attempting to locate another facility. Neighboring municipalities were offering her grant funding to move her business into their communities. Mr. Duncan hoped the business could remain in Westminster where it was currently located.

### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: determine that the public interest would be best served and approve Fleet Maintenance cumulative purchases in 2013 with TCI Tire Centers in an amount not to exceed \$130,000 through year end; authorize the transfer of \$216,980 from the Open Cut Sewer Capital Improvement account into the 87<sup>th</sup> Avenue and Wadsworth Boulevard Lift Station Replacement Project to provide funds necessary to complete the project; based on the City Manager's report and recommendation, determine that the public interest would best be served by accepting the sole bid from A. Moot Point Construction Company for Open Drainage Maintenance for 2013 in the amount of \$75,600, authorize a contingency of \$7,560 for a total 2013 project budget not to exceed \$83,160, and authorize the City Manager to execute a contract for 2013 with the option for two additional one-year renewals for 2014 and 2015; authorize the City Manager to execute a \$67,000 contract with the low bidder, Quick's Hoe & Landscape Service, to complete wastewater collection system repairs, and authorize a 10% contingency of \$6,700 for a total budget of \$73,700; authorize the City Manager to execute a \$113,000 contract amendment with Hatch Mott & MacDonald, Inc. for design of two new scope items, increasing the project budget from \$590,923 to \$703,923; authorize the purchase of the approximately 9.91-acre Hewit-Hawn property located south of Big Dry Creek at the southeast corner of 112<sup>th</sup> Avenue and Sheridan Boulevard for open space in the amount of \$1,215,798 plus closing costs not to exceed \$5,000 and authorize the City Manager to execute all documents required to close on the purchase of the property; authorize City staff to pursue a grant from the Colorado Brownfields Revolving Loan Fund Coalition program for asbestos removal and soil and groundwater remediation at the site of the Barnum Printing building, located within the proposed Little Dry Creek Regional Storm Water Detention area; final passage on second reading of Councillor's Bill No. 18 amending Westminster Municipal Code Section 5-14-11 by adding athletic fields to the definition of an Outdoor Sports and Recreation Facility under the optional premise liquor license; final passage on second reading of Councillor's Bill No. 20, providing for a supplemental appropriation of funds to the 2013 budget of the General, Legacy Ridge, Heritage at Westmoor, General Capital Outlay Replacement (GCORF), Parks Open Space & Trails (POST), and General Capital Improvement (GCIF) Funds; final passage on second reading of Councillor's Bill No. 20 authorizing the City Manager to enter into a two-year lease agreement with the option of a three year additional term with Top One, Inc. to operate a concession stand at Christopher Fields that sells a variety of ballpark type foods and beverages; and final passage on second reading of Councillor's Bill No. 22, authorizing the early appropriation of FY2012 carryover funds into the FY2013 budget of the General Capital Improvement Fund in the amount of \$110,721 for the Promenade Light Tower Conversion project.

Councillor Major moved, seconded by Mayor Pro Tem Winter, to approve the consent agenda as presented. The motion carried with all Council members voting favorably.

### RESOLUTION NO. 18 MAKING APPOINTMENTS TO FILL VACANCIES ON BOARDS & COMMISSIONS

Councillor Briggs moved, seconded by Councillor Atchison, to adopt Resolution No. 18 making appointments to fill vacancies on the Special Permit and License Board. On roll call vote, the motion carried unanimously.

### PUBLIC HEARING ON WANDERING VIEW AMENDED PDP AND ODP

At 7:25 p.m., Mayor McNally opened a public hearing to consider the Sixth Amended Wandering View Preliminary Development Plan (PDP) and the Tenth Amended Wandering View Filing 4, 1<sup>st</sup> Replat Official Development Plan (ODP). Michele McLoughlin, Planner, entered the agenda memorandum and its attachments, as well as the legal

notifications published, mailed, and posted into the record. The property was located at the northwest corner of 104<sup>th</sup> Avenue and Federal Boulevard and was developed as the Valle View shopping center. The applicant sought to amend the PDP and ODP to accommodate a small fitness center use and neighborhood retail and office uses. The ODP was proposed to be further amended to establish the required parking for the overall center to five spaces per thousand square feet of retail/restaurant area.

Ron Boraks, and owner of the property and one of the applicants, advised that the current ownership purchased the property in 2006 and inherited the allowed land uses that had been approved 20 years previously. They were attempting to get the right combination of approved uses to fill unoccupied space and offer the uses wanted within the neighborhood. The property owners/applicants had no objection to staff's conditions of approval and had satisfied the majority of them before this public hearing.

No others wished to speak and there were no questions from Council. Mayor McNally closed the hearing at 7:31 p.m.

#### WANDERING VIEW AMENDED PDP AND AMENDED ODP

Based on a finding that the criteria set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code had been met, it was moved by Councillor Lindsey and seconded by Councillor Kaiser to approve the Sixth Amended Wandering View Preliminary Development Plan and Tenth Amended Wandering View Filing 4, 1<sup>st</sup> Replat Official Development Plan subject to the following conditions: (a) All illegal and non-conforming signs had to be removed from rights-of-way and landscaped areas, and all illegal, non-permitted banners had to be removed; (b) All dead and missing plant materials will be replaced; and (c) Both of these conditions had to be met prior to the issuance of any business license, building permits, or certificates of occupancy, required after the adoption date of this approval. This recommendation is based on a finding that the criteria set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code have been met. The motion carried with all Council members voting affirmatively.

#### COUNCILLOR'S BILL NO. 23 – HOUSKEEPING AMENDMENTS TO TITLE VIII, W.M.C.

It was moved by Mayor Pro Tem Winter and seconded by Councillor Major to pass on first reading Councillor's Bill No. 23 adopting housekeeping amendments to specific Chapter Sections in Title VIII of the Westminster Municipal Code, Health and Sanitation. The motion passed unanimously on roll call vote.

#### COUNCILLOR'S BILL NO. 24 – PROPOSED EDA WITH BRADBURN NORTHERN ASSOCIATES

Councillor Atchison moved to pass on first reading Councillor's Bill No. 24 authorizing the City Manager to enter into an Economic Development Agreement with Bradburn Northern Associates, LLC (aka Continuum Partners) for the purpose of facilitating a Whole Foods Market in Bradburn Village. Councillor Major seconded the motion, and it passed by a 6:1 margin with Mayor Pro Tem Winter voting no on roll call vote.

#### RESOLUTION NO. 19 DESIGNATING THE OFFICIAL NEWSPAPER OF THE CITY

Upon a motion by Councillor Briggs, seconded by Mayor Pro Tem Winter, the Council voted unanimously on roll call vote to adopt Resolution No. 19 designating the Westminster Window as the official newspaper of the City and providing for alternative publication of legal notices, when necessary.

ADJOURNMENT

With no further business to come before the City Council, it was moved by Councillor Kaiser, seconded by Councillor Major, to adjourn. The motion passed and the Mayor adjourned the meeting at 7:35 p.m.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Agenda Memorandum**

City Council Meeting  
July 8, 2013



**SUBJECT:** Approval of Extension of Listing Agreements for City Properties near the Promenade

**Prepared By:** Susan Grafton, Economic Development Director

**Recommended City Council Action**

Authorize the City Manager to execute the Second Amendment to the Exclusive Listing Agreement with the Laramie Company for the sale of the 14-acre parcel referred to as Promenade North and to execute the Fifth Amendment to the Exclusive Listing Agreement with The Laramie Company for the sale of the 6-acre parcel at the north east corner of Westminster Boulevard and 104<sup>th</sup> Avenue referred to as Promenade East.

**Summary Statement**

- The City acquired the parcels known as The Promenade North Parcel (approximately 14 acres) and the Promenade East Parcel (approximately 6 acres) in the late 1990's.
- The Laramie Company currently represents the city in marketing the two parcels for sale.
- The listing agreements expired on June 15, 2013.
- Staff desires to extend the two listing agreements for 12 months.

**Expenditure Required:** 6% of Sale Price

**Source of Funds:** Proceeds from Land Sale

**Policy Issue**

Does Council desire to continue marketing for sale the Promenade North parcel and the Promenade East parcel?

**Alternatives**

- Do not extend the listing agreements for the two parcels; but change the real estate firm representing the properties for the City. However, since the Promenade North parcel is currently under contract for sale and The Laramie Company is the broker of record on the transaction such an action would simply result in more real estate brokers at the closing.
- Extend the listing agreements for a shorter period of time; and later list the property with a new brokerage company.

**Background Information**

The 14-acre parcel known as Promenade North is currently under contract by Urban Pacific Properties for the development of a high density apartment project. It is expected to receive entitlements and close within the next 12 months.

The Promenade East parcel just south of the Westin has garnered a lot of attention by potential users; but it has been the City's desire to hold on to the parcel for a more exclusive, "white-table-cloth" type restaurant. It is expected that attention to that site will increase as the economy improves and job growth continues along the US 36 corridor.

The Laramie Company was chosen to represent these two parcels because of their rapport with higher end restaurateurs and their understanding of The Promenade area. They have done a very good job of weeding out buyers with whom the City is not interested in working and of presenting viable projects for both sites.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments:**

- Second Amendment to the Exclusive Listing Agreement for the Promenade North property
- Fifth Amendment to the Exclusive Listing Agreement for the Promenade East property

**SECOND AMENDMENT TO  
EXCLUSIVE LISTING AGREEMENT**

THE SECOND AMENDMENT TO EXCLUSIVE RIGHT-TO-SELL LISTING CONTRACT dated November 1, 2010 is attached hereto and between City of Westminster hereinafter referred to as "Owner" and The Laramie Company LLC, exclusive agent, to assist Owner with the marketing of Promenade North ("Project"), of approximately 15.636 acres of land, located between Westminster Promenade and Circle Point Office Buildings, Westminster, Colorado.

WHEREAS, Owner and Broker desire to further amend said Listing Contract;

NOW THEREFORE, Owner and Broker desire to further amend said Listing Contract and Amendment shall remain in full force and effect except:

1. Effective June 14, 2013, the following changes shall be made to the Listing Contract:

A. Item 3 shall be amended as follows:

2. LISTING PERIOD –The listing period shall be extended from June 14, 2013 until December 31, 2013, and then shall continue on a month-to-month basis until termination with thirty (30) days prior written notice by either Owner or The Laramie Company, LLC. However, this Agreement shall automatically terminate on June 15, 2014.

All other terms and conditions of the Listing Contract will remain in full force and effect as originally intended.

IN WITNESS WHEREOF, Owner and Broker have executed this instrument by proper persons thereunto duly authorized to do so the day and year hereinabove written.

**"OWNER"**

**"BROKER"**

**CITY OF WESTMINSTER**

**THE LARAMIE COMPANY, LLC**

AGREED AND ACCEPTED

AGREED AND ACCEPTED

On this \_\_\_ day of \_\_\_\_, 2013

On this \_\_\_ day of \_\_\_\_\_, 2013

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: J. Brent McFall  
City Manager

Name: Mary Beth Jenkins  
President

**FIFTH AMENDMENT TO  
EXCLUSIVE LISTING AGREEMENT**

THE FIFTH AMENDMENT TO EXCLUSIVE RIGHT-TO-SELL LISTING CONTRACT dated June 15, 2004 is attached hereto and between City of Westminster hereinafter referred to as "Owner" and The Laramie Company LLC, exclusive agent, to assist Owner with the marketing of Promenade East ("Project"), of approximately 9.75 acres of land, located at the north east corner of 104<sup>th</sup> and Westminster Blvd. in Jefferson County, Colorado.

WHEREAS, Owner and Broker desire to further amend said Listing Contract;

NOW THEREFORE, Owner and Broker desire to further amend said Listing Contract and Amendment shall remain in full force and effect except:

1. Effective June 14, 2013, the following changes shall be made to the Listing Contract:

A. Item 3 shall be amended as follows:

2. LISTING PERIOD –The listing period shall be extended from June 14, 2013 until December 31, 2013, and then shall continue on a month-to-month basis until termination with thirty (30) days prior written notice by either Owner or The Laramie Company, LLC. However, this Agreement shall automatically terminate on June 15, 2014.

All other terms and conditions of the Listing Contract will remain in full force and effect as originally intended.

IN WITNESS WHEREOF, Owner and Broker have executed this instrument by proper persons thereunto duly authorized to do so the day and year hereinabove written.

**"OWNER"**

**"BROKER"**

**CITY OF WESTMINSTER**

**THE LARAMIE COMPANY, LLC**

AGREED AND ACCEPTED

AGREED AND ACCEPTED

On this \_\_\_ day of \_\_\_\_, 2013

On this \_\_\_ day of \_\_\_\_, 2013

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: J. Brent McFall  
City Manager

Name: Mary Beth Jenkins  
President



**Agenda Memorandum**

City Council Meeting  
July 8, 2013



**SUBJECT:** Intergovernmental Agreement with the City and County of Denver re the Metro Mortgage Assistance Plus Program

**Prepared By:** Tony Chacon, Senior Projects Coordinator

**Recommended City Council Action**

Authorize the City Manager to enter into an intergovernmental agreement with the City and County of Denver, in substantially the same form as attached, relative to participation in the Metro Mortgage Assistance Plus Program.

**Summary Statement**

- The City and County of Denver is offering local jurisdictions, being part of the Metro Mayors Caucus, the opportunity to participate in the Metro Mortgage Assistance Plus Program (MMAPP) to provide low-interest single-family housing loans to prospective homebuyers in Westminster.
- The program replaces the previous Metro Mayors Caucus Single Family Mortgage Bond Program that the City participated in through 2006. The program was suspended thereafter given competition from privately placed low-interest variable rate mortgages offered at the time.
- Given an increasing demand for long-term fixed rate loans and continuing financing challenges for lower wage households, the City and County of Denver has created a new program to meet the unmet mortgage demand.
- There is no cost to the City of Westminster to participate in this program. The current program does not follow the past practice of utilizing Private Activity Bond (PAB) capacity, thereby eliminating the necessity for the City to assign any of its PAB towards the program.
- By choosing to participate in the program, Westminster homebuyers will be eligible to access low interest mortgages and down payment assistance.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City participate in the Metro Mortgage Assistance Plus Program to make low interest mortgages and down payment assistance available to prospective Westminster homebuyers?

**Alternative**

Do not participate in the Metro Mortgage Assistance Plus Program. This alternative is not recommended because it would prevent Westminster homebuyers from accessing this well-structured low-interest mortgage program.

**Background Information**

The City of Westminster previously participated in the Metro Mayors Caucus Single Family Mortgage Program, with Denver acting as issuer, which was available to Westminster homebuyers from 1998 to 2006. The program provided fixed-rate 30-year mortgages and down-payment assistance to income-qualified low- and moderate-income first-time homebuyers. The program was funded using tax-exempt Private Activity Bonds (PAB) from participating communities, including the City of Westminster, and the State of Colorado. Because PAB are tax-exempt, the program was able to offer an interest rate below the general market rate. However, the program was then suspended given the proliferation of and competition from privately-issued low-interest, variable rate mortgages.

Now that the national housing market is rebounding, and our metro area is seeing steadily increasing housing prices and declining for sale and rental inventories, the City and County of Denver is once again poised to offer a similar program. Maintaining a stock of housing affordable to purchasers at many income levels is a critical part of maintaining our region's competitive advantage. Programs like the new MMAPP help reduce the up-front costs of homeownership for qualified low and moderate income purchasers. The City and County of Denver is offering the City of Westminster the opportunity to participate in the MMAPP, which will again provide competitive rate 30-year, fixed rate mortgages along with down payment assistance. The mortgages will be FHA and VA mortgage loans made to qualifying low and moderate income homebuyer families. In addition, homebuyers will receive a down payment assistance grant equal to four percent of the loan amount.

There is no cost or liability for a Metro Mayor's Caucus participating jurisdiction to join the program. By entering into the IGA, mortgage loans and down payment assistance will be made available for home purchases in the City of Westminster. Upon receipt of the executed Participation Agreement the City will be added to the eligible loan area for the duration of the program, unless the City chooses to withdraw prior. There is not a specific opt-in deadline for participation and, unlike the previous program, the MMAPP does not require an assignment of PAB from the City. Rather, the FHA and VA mortgage loans are originated by a participating lender, purchased by servicer US Bank, and then pooled into Government National Mortgage Association (GNMA) Certificates. These certificates in turn are sold by US Bank to the City and County of Denver and then by Denver to Raymond James & Associates. Raymond James, Denver's single family investment banker since 2006, has committed to purchase the GNMA certificates pursuant to a GNMA Purchase Agreement with Denver.

By choosing to participate in the program, eligible Westminster homebuyers will have access to a source of low interest mortgage loans and down payment assistance. Participation in the program meets the City's Strategic Goal of creating and maintaining Vibrant Neighborhoods in One Livable City by maintaining high homeownership rates in neighborhoods.

Respectfully submitted,

J. Brent McFall, City Manager

Attachment - Delegation and Participation Agreement

## DELEGATION AND PARTICIPATION AGREEMENT

This DELEGATION AND PARTICIPATION AGREEMENT, dated as of \_\_\_\_\_, 2013 (this “Delegation and Participation Agreement”), is by and between CITY OF WESTMINSTER, a legally and regularly created, established, organized and existing political subdivision under the Constitution and statutes of the State of Colorado (“Westminster”) and the CITY AND COUNTY OF DENVER, COLORADO, a legally and regularly created, established, organized and existing political subdivision under the Constitution and statutes of the State of Colorado (“Denver”);

### RECITALS:

WHEREAS, the State of Colorado (the “State”) Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State’s political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, Denver is authorized pursuant to its Charter to promote the financing of residential facilities for low and middle income persons or families or facilities intended for use as the sole place of residence by the owners or intended occupants and to promote the health, safety and general welfare of the people of Denver; and

WHEREAS, Denver has sponsored its 2013 Metro Mortgage Assistance Plus Program to provide competitive fixed rate 30-year mortgage loans that will be coupled with down payment and closing cost assistance grants in connection with financing mortgage loans for residential facilities, intended for use as the sole place of residence by the owners thereof, for low–and middle–income families (the “Program”); and

WHEREAS, Denver has invited the Westminster to participate in the Program; and

WHEREAS, Westminster has the full legal authority to participate in the Program pursuant to its Charter pursuant to this Delegation and Participation Agreement (collectively the “Act”); and

WHEREAS, Westminster desires to delegate to Denver the authority of Westminster to take action and exercise power under the Act on behalf of Westminster with respect to the Program within the Westminster City boundaries;

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, Westminster and Denver hereby agree as follows:

**Section 1.** Westminster hereby delegates to Denver the authority of Westminster to take action and exercise power under the Act on behalf of Westminster with respect to the Program within the Westminster City boundaries.

**Section 2.** Denver hereby accepts the delegation of authority from Westminster pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation and Participation Agreement in connection with the use of such delegation. Denver agrees to make the Program available to Westminster for the origination of home mortgages within the Westminster City boundaries.

**Section 3.** The participation of Westminster in the Program, and all undertakings, obligations, duties and rights of Westminster and Denver under this Delegation and Participation Agreement, are contingent upon the implementation of the Program.

**Section 4.** In the event that the Program is not implemented by Denver or at such time as the 2013 Program ends or is discontinued by Denver, this Delegation and Participation Agreement, and all duties, obligations, and rights of Denver and Westminster hereunder, shall terminate.

**Section 5.** Westminster's participation in the 2013 Program pursuant to this Delegation and Participation Agreement shall not be construed as creating or constituting a general obligation or multiple fiscal year direct or indirect indebtedness or other financial obligation whatsoever of Westminster.

[Signatures on the following pages]

IN WITNESS WHEREOF, the City of Westminster and Denver have caused this Delegation and Participation Agreement to be executed and be effective as of \_\_\_\_\_, 2013.

CITY OF WESTMINSTER

[SEAL]

By: \_\_\_\_\_

Name: J. Brent McFall

Title: City Manager

Attest:

By: \_\_\_\_\_

Name: Linda Yeager

Title: City Clerk

CITY AND COUNTY OF DENVER,  
COLORADO

By \_\_\_\_\_  
Manager of Finance

[Signature Page to Delegation and Participation Agreement]



**Agenda Memorandum**

City Council Meeting  
July 8, 2013



**SUBJECT:** Barnum Printing Site Demolition Contract

**Prepared By:** Andrew Hawthorn, Senior Civil Engineer

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Alpine Demolition, LLC, the lowest responsible bidder, in the amount of \$188,724 for demolition services for the Barnum Printing site, and authorize a contingency in the amount of \$28,308, thus yielding a project budget of \$217,032.

**Summary Statement**

- The City acquired the Barnum Printing property in 2010 to utilize the space for the future Westminster Station, regional storm water detention pond, park and open space areas.
- The building, all outbuildings and surrounding asphalt need to be removed to comply with a voluntary clean-up of the site and to make way for these other larger projects in the immediate area.
- City staff received and reviewed three bids and recommends awarding this contract to Alpine Demolition, LLC in the amount of \$188,724. A \$28,308 contingency is also recommended to address the complexities of this project.

**Expenditure Required:** \$217,032

**Source of Funds:** Little Dry Creek Regional Detention  
Colorado Brownfields Revolving Loan Fund Coalition Grant

**Policy Issue**

Should the City enter into a contract with Alpine Demolition, LLC to perform demolition services at the Barnum Printing site?

**Alternatives**

Council could choose to not authorize the execution of the contract with this contractor. City staff recommends approval due to the time sensitive nature of other major projects occurring in this same area and due to the fact that Alpine Demolition submitted the low bid for this work.

**Background Information**

The City acquired the Barnum Printing property in 2010 with the intention to use the land as part of the larger Little Dry Creek Regional Storm Water Detention, park and open space. Also, a Voluntary Clean UP application (VCUP) was prepared, submitted to and approved by the Colorado Department of Health and Environment Brownfields Program. In this VCUP, the City has committed to cleaning up the site, which includes demolition of all structures and removal all the surrounding asphalt.

Proposals for demolition services were sent directly to a select group of six contractors having specialty experience with demolition. Bids were received and publicly opened June 17<sup>th</sup>. Three contractors submitted bids as follows:

<b><u>Contractor</u></b>	<b><u>Proposed Bid</u></b>
<b>Alpine Demolition</b>	<b>\$188,724</b>
American Demolition	\$275,402
Duran Excavating	\$773,422
Engineer's Estimate	\$275,000

In addition to being the low bidder, Alpine Demolition has committed to recycling 65% of the demolition materials thereby diverting a large volume of reusable materials from the landfill. City staff recommends that Alpine Demolition, LLC be awarded the contract for demolition on this project in the amount of \$188,724. The contingency amount of \$28,308 is approximately 15% of the cost of the services, which staff believes is necessary for the complexities and uncertainties involved. City staff is confident that Alpine Demolition, LLC has the experience and resources necessary to complete this project. With Council's approval, the contractor is anticipated to begin work on this project in late July 2013.

City Council action on this item meets elements of three goals in the City's Strategic Plan: Safe and Secure Community, Vibrant Neighborhoods in One Livable Community and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall  
City Manager



**Agenda Memorandum**

City Council Meeting  
July 8, 2013



**SUBJECT:** Lowell Boulevard Water Main Replacement Engineering Contract

**Prepared By:** Christine Gray, Management Analyst  
Stephen Grooters, Senior Projects Engineer

**Recommended City Council Action**

Based on the recommendation of the City Manager, find that public interest will best be served by authorizing the City Manager to execute a sole source contract for engineering design services with Burns and McDonnell Company, Inc. in the amount of \$73,114 for the Lowell Boulevard Water Main Replacement Project and authorize a 10 percent contingency of \$7,311 for a total project budget of \$80,425.

**Summary Statement**

- This project involves replacement of approximately 2,200 feet of 12-inch water main in Lowell Boulevard from 84<sup>th</sup> Avenue to Bradburn Boulevard, continuing down Bradburn Drive to the Gregory Hill water tanks (see attached map).
- The existing water main is a 50-year old cast iron pipe that has been prone to breaks, leaks and corrosion. Replacing this main is necessary to reduce the risk of main breaks, service interruptions and the resulting street excavation/repair activities. Timing of the pipe replacement is also important to stay ahead of planned 2014 street repairs.
- Because the pipeline is located in an area heavily congested with underground utilities, the project will include analysis of potential pipeline replacement technologies that avoid open-cutting of the roadway and the resulting risk of damage to other below grade utilities. This complicates the design of the pipeline and supports the need for a highly qualified engineering firm to implement the design.
- Staff is recommending that the contract for engineering design be sole sourced to Burns and McDonnell Company, Inc. (Burns and McDonnell) at a negotiated fee of \$71,334. Burns and McDonnell brings important continuity to the project, having provided design services for the first phase of this project under a contract awarded by a competitive proposal process. In addition, their intimate knowledge of the utilities in this area will streamline project tasks and provide the best value to the City.
- Design is expected to be completed by fall of 2013 with construction early summer 2014.
- Adequate funding for the design engineering contract is available from project savings from the first phase of the project. Funding for construction was adopted in the 2014 budget.

**Expenditure Required:** \$80,425

**Source of Funds:** Utility Fund Capital Improvement – Lowell Boulevard Water Main Replacement Account

**Policy Issue**

Should the City execute a sole source contract with Burns & McDonnell for the design services to replace the water line in Lowell Boulevard from 84<sup>th</sup> Avenue to the Gregory Hill water tanks site?

**Alternatives**

1. City Council could direct that Staff request multiple proposals for the engineering design of this project. Staff does not recommend this alternative, as Burns and McDonnell has demonstrated their familiarity with the City's infrastructure in this area and the complexities of the underground utilities in Lowell Boulevard. In addition, their team provides the City with cost-efficiency in design by leveraging their previous work in this area including reusing geotechnical, survey and utility location data. This will streamline design and provide the best value to the City.
2. City Council could choose to decline to approve the contract and place the project on hold. Staff does not recommend this alternative as the construction of this project was scheduled to be completed in advance of the Street Division's paving work on Lowell Boulevard in the summer of 2014. Delaying the project could result in increased maintenance and repair expenses, possible service impacts to the residents and/or damage to streets or other infrastructure. In addition, delaying this project will result in a delay of street work planned in Lowell Boulevard.

**Background Information**

The City owns and operates a 12-inch water main located in Lowell Boulevard that is an important part of the connection between the Sunset Ridge Subdivision and the Gregory Hill High Services Pump Station and water tanks. The water line was identified for replacement due to age, poor condition and history of multiple water breaks. The first phase of this project (completed in 2012) replaced approximately 1,700 feet of water line in Lowell Boulevard from Chestnut Lane to 84<sup>th</sup> Avenue. This project continues the water line replacement in Lowell Boulevard from 84<sup>th</sup> Avenue to Bradburn Drive and then to the Gregory Hill water tanks, approximately 2,200 feet. A project map is attached for reference.

Replacement of waterline in Lowell Boulevard is complicated by the fact that the street is heavily congested with underground utilities including water lines, sewer lines, multiple fiber optic cables, etc. Staff selected Burns and McDonnell for the first phase of the project through a competitive proposal process to recommend the most efficient and cost-effective method to replace the water line. Due to the specialized nature of this project and the corresponding engineering expertise required, Staff recommends that the design contract for continued work also be awarded to Burns and McDonnell. Burns and McDonnell provides the best value to the City based on their familiarity with the City's infrastructure and the successful completion of the first phase of this project. In addition, their scope and corresponding fee was very competitive based on their ability to leverage their recent work in this area including reusing geotechnical, survey, and utility location data. As such, their proposed design fee with contingency accounts for approximately 7% of the estimated project cost of \$1,200,000 for the new pipeline. Taking into account the relatively complex predesign and utility location phases required for the project, this fee is considered very competitive for the effort anticipated (i.e., typical design fees are 10-12%).

Following successful completion of the project design, Staff intends to negotiate a contract amendment for engineering services during construction. Costs for construction management services are estimated to be approximately 10% of the project cost. The design is anticipated to be completed by late fall 2013 and construction completion of the 84<sup>th</sup> Avenue to Bradburn Drive phase of the project by the summer of 2014, in advance of the Streets Division's planned work on Lowell Boulevard later that summer. Final segments of the project will be to replace the water line in Bradburn Drive from Lowell Boulevard to the Gregory Hill water tanks site. Construction of this final portion of the project is planned in 2015, but Staff is including its design in the contract at this time to streamline design and save on future costs.

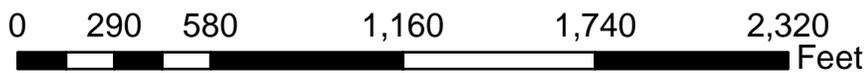
The Lowell Boulevard Water Main Replacement Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Vibrant Neighborhoods In One Livable Community" by contributing to the objectives of well-maintained City infrastructure and facilities and providing water service with reduced risk of system failures.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Project Map

# Lowell Boulevard Water Line Replacement 84th Avenue - Bradburn Drive - Gregory Hill Water Tanks





**Agenda Memorandum**

City Council Meeting  
July 8, 2013



**SUBJECT:** Public Meeting re Potential Service Modifications for the Adopted 2014 City Budget

**Prepared By:** Barbara Opie, Assistant City Manager

**Recommended City Council Action**

Hold a public meeting on potential service adjustments associated with the Adopted 2014 City Budget and receive citizen comments.

**Summary Statement**

- City Staff is currently reviewing information for the Adopted 2014 Budget, and this public meeting is intended to focus on potential service adjustments for the Adopted 2014 Budget and solicit citizen comments and suggestions. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget.
- City Council officially adopted the City's sixth two-year budget with the 2013/2014 Budget in October 2012. As part of the two-year budget process, a financial update/budget review will be conducted in the fall of 2013 to review any recommended modifications to the Adopted 2014 Budget and to review any new citizen requests. Staff conducts a mid-year review over the summer with culmination of efforts at City Council's budget review on September 16; City Council takes official action on any adjustments to the Adopted 2014 Budget in October 2013. Departments review their adopted 2014 Budgets during the summer, ensuring they reflect the current economic conditions and community needs. Proposed modifications to the Adopted 2014 Budget are distributed to City Council in early September.
- A final public meeting is scheduled for September 9 so that citizens will have another opportunity to comment and provide feedback on the Adopted 2014 City Budget and potential service modifications.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Policy Issue**

Listen to Staff's brief presentation and receive citizen comments and suggestions as they pertain to the potential service modifications for the Adopted 2014 Budget.

### **Alternative**

Council could choose to not conduct a public meeting at this time about potential service modifications. This is not recommended as providing citizens an opportunity for input early on in the budget process plays an important role in assuring that the budget reflects community needs.

### **Background Information**

In June, City Council reviewed Staff's analyses related to several services for the City of Westminster. This work was done in concert with the City Council Strategic Plan Goals identified below:

- Strong, Balanced Local Economy
- Financially Sustainable City Government Providing Exceptional Services
- Safe and Secure Community
- Vibrant Neighborhoods in One Livable Community
- Beautiful and Environmentally Sensitive City

The direction provided by City Council assists City Staff as they review the Adopted 2014 City Budget pursuant to the mid-year budget review process. The 2013/2014 Budget was adopted by City Council in October 2012. The revenue outlook for 2013 looks positive and is projected to cover operating and capital costs. Staff will continue to monitor revenues and expenditures throughout the year. The Finance Department will continue to provide City Council monthly financial reports and budget staff will provide an overview at the Budget Review in September.

The 2013/2014 Budget adopted in October 2012 is for two years; as such, the review process for the Adopted 2014 Budget will follow the standard practice of being shortened during the 2013 "off budget year." The intent of the mid-year budget review is not to completely re-develop the Adopted Budget but rather implement minor adjustments based on any updates needed due to operational needs, changes in the economy impacting the revenue picture, and address any citizen requests that might have been received since the budget was adopted.

Per City Council's objective "Institutionalize the core services process in budgeting and decision making" under the Financially Sustainable City Government Providing Exceptional Services goal, Staff has updated the service inventory documents in 2011, 2012 and again in 2013 to ensure that it remains accurate in reflecting services and programs provided by the City.

At Monday's public meeting on the budget, Staff will provide a brief presentation providing an early overview of the City's financial condition and share three programmatic areas where changes are under consideration. No final recommendations have been developed nor has Council provided direction to pursue these items; Monday's presentation is the first opportunity for the community to provide feedback to City Council and Staff about these proposals prior to Staff's recommendations being made in September and final consideration by Council in October.

City Council reviewed these potential service modifications at the June 24 Post City Council Meeting. Based on feedback received at that meeting, Staff will conduct further review and analysis, and present this information for City Council's consideration and final direction during the mid-year budget review process in September. Per Council direction, the three areas under consideration for potential changes are being shared with the public at Monday's meeting to allow time for feedback prior to final action being taken in October.

The following items are service areas with potential modifications for 2014:

1. Modifying Post-Snowstorm Street Sweeping (Public Works and Utilities): Street sweeping costs continue to present the City with budget challenges. In November of 2012, Staff requested bids for sweeping services for 2013 and only received one bid at over twice the amount of funds budgeted for this service. In response, Staff re-bid the contract and achieved better pricing, but still at \$33,846 over budget. Staff is proposing to discontinue post-snowstorm sweeping, which currently costs \$76,000. In lieu of the post-snowstorm sweeping, Staff is investigating the possibility of adding one citywide sweeping rotation, which would be performed during an appropriate time in the winter and cost an estimated \$34,250 based on the City's current contract. In contrast to the post-snowstorm sweeping that only touches primary and secondary snow routes, this citywide rotation would provide an additional benefit by sweeping all City streets, helping to improve appearance while addressing both the air and stormwater quality requirements. After factoring in the additional sweeping rotation, the City could receive a \$41,678 savings from the discontinuation of post-snowstorm sweeping, helping to address budget pressures.
2. Increasing "In-Service" Availability of the Reserve "Fifth" Ambulance (Fire Department): A "fifth" medic unit (ambulance) has been put into service for emergency response for over five years as staffing and the overtime budget has allowed, utilizing a reserve ambulance unit when not needed as an actual reserve. Measureable benefits have been realized when this "fifth" medic unit is in service, most notably a reduction in response times. Approximately 70% of all emergency calls the Fire Department responds to are EMS-related involving a medic unit. Staff is evaluating funding \$15,000-\$20,000 that would allow the Fire Department to fund approximately 21-28 full shifts of overtime and allow for the needed staffing to operate the fifth medical unit full time. No additional staffing is proposed; rather, Staff is proposing to utilize existing FTE (full-time equivalents) through strategic use of overtime throughout the year. Command staff have discussed this proposal with the firefighters and received positive feedback.
3. Enhancing Open Space Management and More Strategic Open Space Acquisitions (Parks, Recreation & Libraries and Community Development): The City is within 1% of reaching the 15% goal set in 1985 when the Westminster residents approved the first open space sales tax, making Westminster the second city in Colorado, after Boulder, to establish an open space program funded by municipal sales tax. Since 1985, the 0.25 percent sales tax has been extended by voters three times: once in 1989 with half of sales tax revenues dedicated to parks and recreation improvements; again in 1996 when voters also authorized the issuance of \$26 million of bonds to fund additional open space purchases, recreation facility construction and park development; and most recently, in 2006, voters approved an additional bond sale of up to \$20 million and authorized the use of the ongoing POST sales tax funds to also pay for maintenance of open space, parkland, trails and recreational facilities. Over the almost 28 years, the City has made significant strides in preserving natural lands in the community (over 2,953 acres) and constructing recreation amenities. Open space has been acquired to protect view corridors, provide buffers between development zones, protect sensitive wildlife habitat, preserve open rural landscapes, protect creek and irrigation canal corridors and for use as trail corridors and passive recreational opportunities.

While the City has been successful in working towards the 15% open space goal, the City has not as aggressively pursued ongoing management of this substantial community asset. As reported to City Council in December 2011, the majority of POST Fund's Park Services Division budget is utilized for returning newly acquired open space properties to their original native state, adding the signature open space signage and fencing where appropriate, coordinating open space volunteer events (which include materials for trails, bridges, Russian olive tree removal, etc.), addressing prairie dog vegetation destruction and restoring open space lands, and ongoing open space maintenance. However, efforts have been mostly focused on initial returning newly acquired properties to their

original native state and then being primarily reactive in the management of the open space properties, working to repair damaged open space areas from prairie dogs, invasive weeds or other damage occurs.

Staff is evaluating a shift in the open space program, working towards more a proactive open space management program and a more strategic land acquisition program focusing on critical corridors to help connect community and regional trails. Staff is considering the development of a comprehensive open space management plan that better addresses maintenance needs. Staff is considering focusing initially on the development of this comprehensive management plan and then returning with further recommendations during 2014 in preparation for the 2015/2016 Budget. Staff is evaluating, through the mid-year budget review process, the identification of funds to prepare a management plan and proceeding forward with this shift in the overall open space program (i.e., greater emphasis on maintenance and more strategic land acquisitions). In addition, other concepts under consideration are a future ballot measure to eliminate the sunset on the POST tax, which currently expires in 2032, as well as future consolidation of the Open Space Advisory Board with the Parks, Recreation & Libraries Advisory Board.

Final recommended modifications will be submitted to City Council in early September for review. After reviewing the recommended modifications for approximately two weeks, City Council is scheduled to conduct a Budget Review at the regularly scheduled Study Session on Monday, September 16. City Council will deliberate on final funding decisions on staffing levels, programs, services, and capital projects at this Budget Review.

The public will continue to have the opportunity to provide input at a second public meeting on the Adopted 2014 Budget that will be held in September at a regularly scheduled City Council meeting. Citizens also have the opportunity to provide input throughout the year through the following:

- Conversations with the Mayor and City Council at Mayor and Council outreach events (such as We're All Ears, Mayor/Council desserts and/or breakfasts, etc.);
- Telephone calls with the Mayor, City Council or the City Manager's Office;
- Traditional mail communications (c/o City Manager's Office, 4800 W. 92<sup>nd</sup> Avenue, Westminster, CO 80031);
- E-mail communications with the Mayor, City Council or the City Manager's Office (c/o [westycmo@cityofwestminster.us](mailto:westycmo@cityofwestminster.us)); or
- Inquiries and/or requests through WestyConnect, Access Westminster, the City's webpage and Facebook.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. City Council officially adopted the City's first two-year budget with the 2003/2004 Budget. The Adopted 2013/2014 Budget represents the sixth iteration of biennial budgeting in the City of Westminster.

Monday's public meeting was advertised in the *Westminster Window* and *The Weekly*; on Facebook, cable Channel 8 and the City's website.

City Council's action on this item addresses all five Strategic Planning Goals.

Respectfully submitted,

J. Brent McFall  
City Manager



Agenda Memorandum

City Council Public Hearing  
July 8, 2013



**SUBJECT:** Public Hearing and Action on an Appeal of a Planning Commission Denial for a Sign Variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, 1<sup>st</sup> Replat

**Prepared By:** Patrick Caldwell, Planner III

**Recommended City Council Action**

1. Open the continued public hearing from June 24, 2013.
2. Determine that the requirements have been met for perfecting an appeal of the Planning Commission decision.
3. Hold a de novo public hearing.
4. Determine that the requirements of Westminster Municipal Code (WMC) Section 11-11-8(A) have not been met and deny the appeal of a Planning Commission Denial for a sign variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, 1st Replat.

**Summary Statement**

- Variances to the City’s Sign Code in Planned Unit Development (PUD) zone districts are reviewed by making application to the Planning Commission per the Westminster Municipal Code (WMC) §11-11-8(A).
- At a public hearing held on March 12, 2013, the Planning Commission voted unanimously (7-0) to deny a variance to the City’s Sign Code to allow a monument sign for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan (ODP), Crown Point Filing No. 4, 1<sup>st</sup> Replat.
- Pursuant to Section 11-5-13(B), WMC, Mr. Jon Harbour filed a timely Notice of Appeal on March 21, 2013.
- Notice of the public hearing for the appeal was correctly posted at the property; notice was correctly published in the Westminster Window; and notice was mailed in a timely manner to properties within 300 feet.
- On April 22, 2013 the City Council opened the public hearing for an appeal of the March 12, 2013 Planning Commission decision, then continued the public hearing to June 24, 2013.
- On June 24, 2013 the City Council opened the public hearing for an appeal of the March 12, 2013 Planning Commission decision, and at the request of the applicant, continued the public hearing to July 8, 2013.
- The site of the sign variance request is on Lot 4 at the southwest corner of Wadsworth Parkway at approximately 101<sup>st</sup> Avenue in the Village at Standley Lake retail center.
- The Preliminary Development Plan (PDP) addresses location, number of monument signs (2), and the number of sign spaces on each monument sign (4) for the commercial part of the PDP.
- The ODP for the commercial part of the PDP shows the locations of the two monument signs as well as other signage for the church parcel. Each monument sign may have up to six tenant identifications.
- The variance request is to add one monument sign on Lot 4 for the exclusive use of Lot 4. No other lots in the Village at Standley Lake PDP have a monument sign for their exclusive use.

**Expenditure Required:** \$0  
**Source of Funds:** N/A

### **Planning Commission Decision**

The sign variance request for a monument sign on Lot 4 in a PUD zone district was considered by the Planning Commission on March 12, 2013. The site is on the 16<sup>th</sup> Amendment to the Village at Standley Lake ODP, Crown Point Filing No. 4, and 1st Replat. No members of the public spoke in favor or against the proposal. An adjacent property owner sent a letter stating that if this was approved he would want his own sign also. The Planning Commission voted unanimously (7-0) to deny the variance request for a monument sign on Lot 4. This was based on a finding that the criteria for a sign variance set forth in Section 11-11-8(A) of the Westminster Municipal Code had not been met.

### **Policy Issue**

This is a quasi-judicial matter. No new policy issues are presented.

### **Alternative**

Determine that the requirements of Section 11-11-8(A), W.M.C., have been met and grant the appeal of a Planning Commission denial for a sign variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, 1<sup>st</sup> Replat.

### **Background Information**

#### Nature of Request

The applicant, Arbor Colony West, LLC, is proposing a monument sign on Lot 4 and has applied for a variance to the City Sign Code to allow the monument sign.

#### Site Name

There is some confusion with the name of this property. The PDP is the zoning document for this PUD zone, and is titled as Crown Point. The ODP is the site plan, and for the commercial part of the PDP the titled is Village at Standley Lake. Lot 4 is within the Village at Standley Lake ODP. The church use part of the PDP is titled as the Christ Community Covenant Church ODP.

#### Location

Lot 4 is on the southwest corner of Wadsworth Parkway at the signalized intersection of 101<sup>st</sup> Avenue. The spine road that borders the north side of Lot 4 is a private drive referenced as "Main Street." The "Main Street" intersects with Wadsworth Parkway at 101<sup>st</sup> Avenue and wraps to the south to intersect with 100<sup>th</sup> Avenue. The address of Lot 4 is 10081 Wadsworth Parkway. The vicinity map is Attachment A.

#### Public Notification

Westminster Municipal Code §11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled for the City Council shall be published at least four (4) days prior to such hearings. Notice was published in the Westminster Window on April 11, 2013.
- **Property Posting:** Notice of public hearings shall be posted on the property at least four (4) days prior to such hearings. At least one sign shall be posted in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on April 11, 2013.
- **Written Notice:** At least ten (10) days prior to the date of the public hearing, individual notices shall be mailed by first-class mail to property owners and homeowners' associations registered with the

City within 300 feet of the subject property. The Planning Manager has certified that the required notices were mailed on April 11, 2013.

Applicant

Arbor Colony West, LLC  
10835 Dover Street, Suite 1100  
Westminster, Colorado 80021

Surrounding Land Use and Comprehensive Land Use Plan Designation

Development Name	Zoning	CLUP Designation	Use
North: Village at Standley Lake	PUD	District Center	Commercial/Retail
West: Village at Standley Lake	PUD	District Center	Commercial/Retail
East: Standley Lake Marketplace	PUD	District Center	Commercial/Retail
South: Village at Standley Lake	PUD	District Center	Commercial/Retail

Site Plan Information

The attached site plan information shows the proposed location of the sign proposed for variance highlighted in yellow, and the location of the existing tenant and development monument signs highlighted and labeled in pink. This is Attachment B.

- Traffic and Transportation: Traffic on Wadsworth Parkway and on 101st Avenue is not anticipated to be affected by the proposed new monument sign on Lot 4.
- Site Design: Primary access to the Lot 4 site is from the private “Main Street” that is aligned on an east to west axis with 101<sup>st</sup> Avenue. There is a full movement traffic signal at this intersection of “Main Street”/101<sup>st</sup> Avenue with Wadsworth Parkway. The new medical building on Lot 4 faces south, so the rear (north) of the building faces the private “Main Street.” The proposed monument sign would be at the east edge of the Lot 4 site along Wadsworth Parkway. There are existing monument signs with unused tenant identification panels at the intersections of the private “Main Street” at Wadsworth Parkway and at 100<sup>th</sup> Avenue. A site plan of Lot 4 is attached as Attachment B.
- Landscape Design: The approved ODP landscaping for the site on Lot 4 will not be revised to accommodate the proposed monument sign.
- Public Land Dedication/School Land Dedication: Not applicable.
- Architecture/Building Materials: The existing buildings are to remain as they currently exist. The applicant has a proposed sign design for the new monument sign on Lot 4, and the sign design is similar to materials and style of the new medical building on Lot 4. This sign design is attached as Attachment C. The proposed sign is shown in front of the medical building in Attachment D.
- Signage:  
Development Identification Monument style signs (see Attachment E for location and elevation/design approved as part of the ODP include:
  - There are development identification monument style signs at the private “Main Street” intersections with Wadsworth Parkway, and at 100<sup>th</sup> Avenue.
  - These development identification monument style signs identify the major land uses at the overall Crown Point PDP, and were approved with the PDP.

- For the commercial use, the development identification monument signs state “Village at Standley Lake.”
- For the church use, the monument signs will state “Christ Community Covenant Church” at the time that the church is constructed.

Monument Signs for Tenants (see Attachment E for location and elevation of these signs.):

- There is an existing monument sign for commercial tenants in the Village at Standley Lake ODP located just north of Lot 4 in the median of the private “Main Street.”
- An identical style monument sign for tenants is in the median at the private “Main Street” intersection with 100<sup>th</sup> Avenue at the south edge of the Village at Standley Lake ODP.
- Both monument signs for tenants were approved on the ODP.
- Both monument signs for tenants are allowed 4 tenant spaces per face. There are 4 faces, so there could potentially be 16 different tenants on these signs.
- At this time there are vacant tenant spaces on each face.

**Municipal Code Criteria:** Section 11-11-8 (A): Variances (see Attachment F)

*(A) SIGNS IN PLANNED UNIT DEVELOPMENTS: All signs proposed for, or within a Planned Unit Development may apply for modifications to the requirements of this sign code by making application to the Planning Commission using the procedures specified in Section 11-5-8 or 11-5-10, WMC. Such variances may be granted administratively, if the provisions of this Code are not exceeded by more than twenty percent (20%). Such variance shall consider sub-subsections (1) through (5) under subsection (B), below.*

*(1) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right of way which would substantially restrict the effectiveness of the sign in question provided; however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.*

Staff Comment: No special circumstances exist here. Harm or difficulty that may be the product of any special circumstances or conditions are speculative.

- a. The medical building first floor does not have any exclusively first floor tenants at this time, and no signage exists on the medical building first floor at this time, so it is speculative to state that the signage may be inadequate;
- b. The east side of the building faces Wadsworth Parkway, and the north and south faces of the building are very visible from Wadsworth Parkway. The ODP for this Lot 4 designates a sign area for tenant signage for the first floor tenants. The designated sign areas per the approved ODP are shown on Attachment G. There is no evidence offered to show that the designated tenant signage area is inadequate.
- c. The east side of the medical building is located only 74 feet from the Wadsworth Parkway right-of-way. This is much closer than the retail buildings in this Crown Point PDP to the north that are setback 97 feet (Starbucks) and 90 feet (Carpet Exchange) from the right-of-way line. Both of these buildings are fully tenanted at this time. Neither of these lots have an exclusive monument sign. See Attachment H.
- d. There are vacant tenant spaces on the faces of the two existing monument signs at the arterial streets of Wadsworth Parkway and West 100<sup>th</sup> Avenue. The appellant has not provided information about why they cannot use these vacant sign areas on the faces of the existing monument signs.
- e. The existing monument sign at the north side of this lot is constructed on the common property line of Lot 5, and thus the existing monument sign with the vacant spaces is partially on this Lot 4. There has been no information provided with this sign variance

application to explain any circumstances that prevent the appellant from installing signage on the currently vacant spaces on the existing monument signs that are partially on their lot. Easement documents for the north monument sign or documents of sign ownership have not been provided to the City as evidence to demonstrate inability for the first floor medical building tenants to locate on these existing tenant monument signs;

- f. At the time that this PDP was approved the City's sign code limited the number of tenants per monument sign to four tenants. The City's sign code has been revised and now allows six tenant spaces per face. The appellant has provided no evidence of working with the existing entity that owns the existing monument signs and utilizing the option to increase the number of tenant spaces on the sign face from four to six in lieu of adding a monument sign on Lot 4 for the exclusive use of Lot 4.

*(2) The variance, if authorized, will weaken neither the general purpose of the sign code nor the zoning regulations prescribed for the zoning district in which the sign is located.*

Staff Comment: The general purpose of the sign code is to coordinate the signage throughout the City and to balance the cluttering visual impacts of too much signage. The code limits monument signage number per site, the height, the setbacks, the area of the sign face, and the quantity of signs per face. Building signage is similarly regulated to avoid visual clutter, and to balance the signage impacts in the zone district. In this P.U.D. zone the signage was stated in the Crown Point PDP, approved at the same time as the master ODP's for both the church and the commercial parts of the site. Allowing an individual monument sign on an individual lot, such as is proposed here, effectively weakens both the general purpose of the sign code, and the zoning regulations for signage that were stated in the Crown Point PDP, the Village at Standley Lake Commercial ODP, and in the Christ Community Covenant Church ODP. In those documents the monument signage was approved at the major driveway accesses to benefit all lots equally.

*(3) The variance, if authorized, will not alter the essential character of the zoning district in which the sign is located.*

Staff Comment: The proposed signage will alter the character of this PUD zone district. The Crown Point PDP, the Village at Standley Lake Commercial ODP, and the Christ Community Covenant Church ODP have a coordinated and balanced monument signage system that places the monument signs at the two main access locations to the overall site. There are seven total lots in this PUD zone district and the approved monument signs are located at two entrances to benefit all lots equally. The monument signs are located on common lot lines, not on individual lots. Allowing one monument sign on one individual lot is a substantial change to the character of the site. There is no unusual circumstance to warrant this variance. If the variance is granted, many other developers may want a similar sign on their individual lot and that undermines the City Council's intent for the adopted Sign Code.

*(4) The variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property.*

Staff Comment: The proposed monument sign will not injure the adjacent commercial uses. It emits no odors, fumes, harmful lights or other items that would be harmful to adjacent conforming properties.

*(5) The Planning Commission may not grant any application for a type of sign that would not otherwise be permitted under this Code.*

Staff Comment: A monument sign is allowed by the City Code.

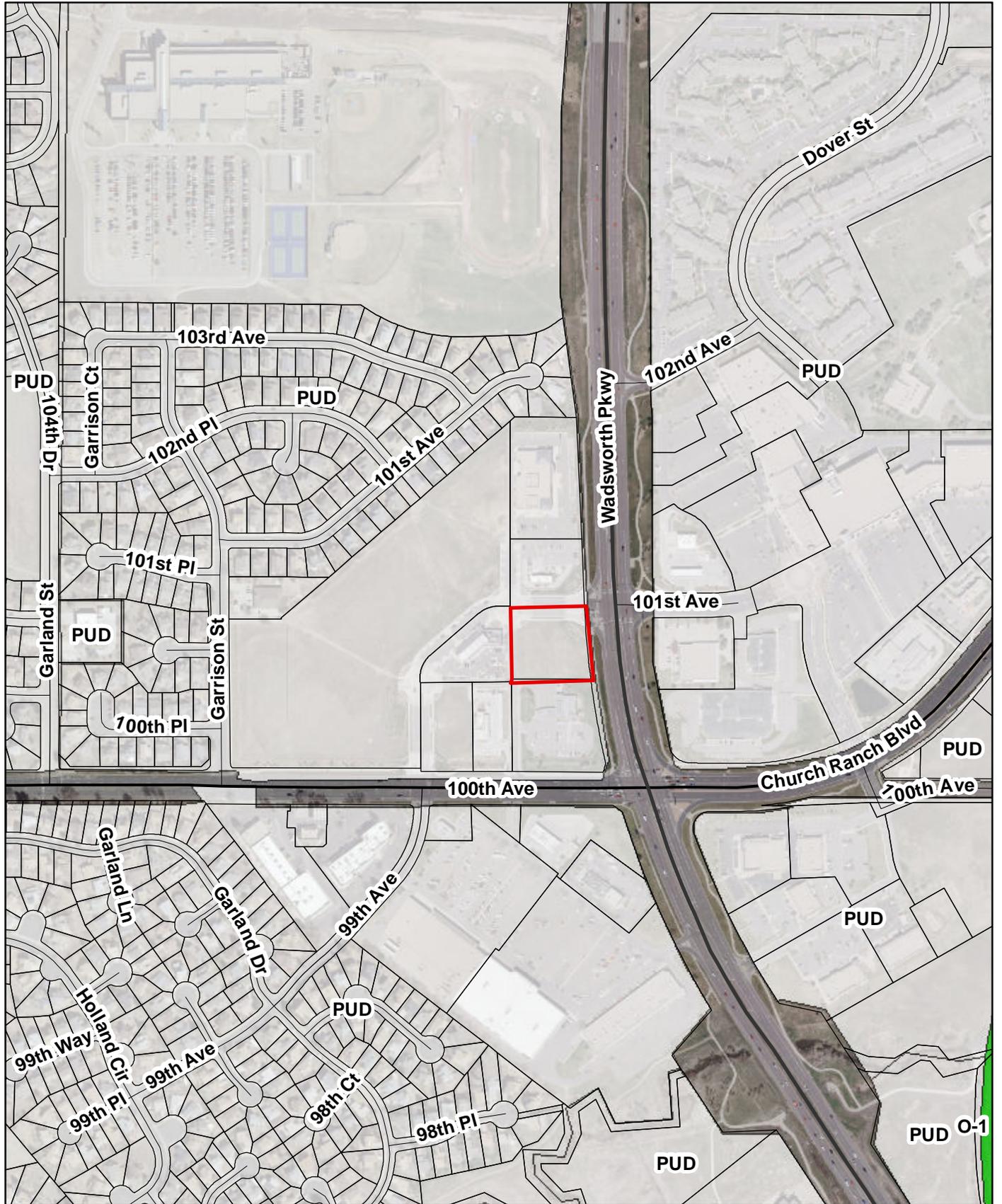
This proposed variance does not support the City Council's goal of "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Attachment A – Vicinity Map
- Attachment B – Site Plan
- Attachment C – Proposed Sign Design
- Attachment D – Proposed Sign with Medical Building in Background
- Attachment E – Monument Sign Elevations and Location per Approved Master ODP
- Attachment F – Criteria and Standards for Applications for Sign Code Variance
- Attachment G – Building Elevations
- Attachment H – Setbacks of Buildings
- Attachment I – Applicant's Request for Variance
- Attachment J – Carpet Exchange Letter



GIS-Apps\WestGIS\ArcGIS93Templates\Westminster\_Basic\_93.mxd

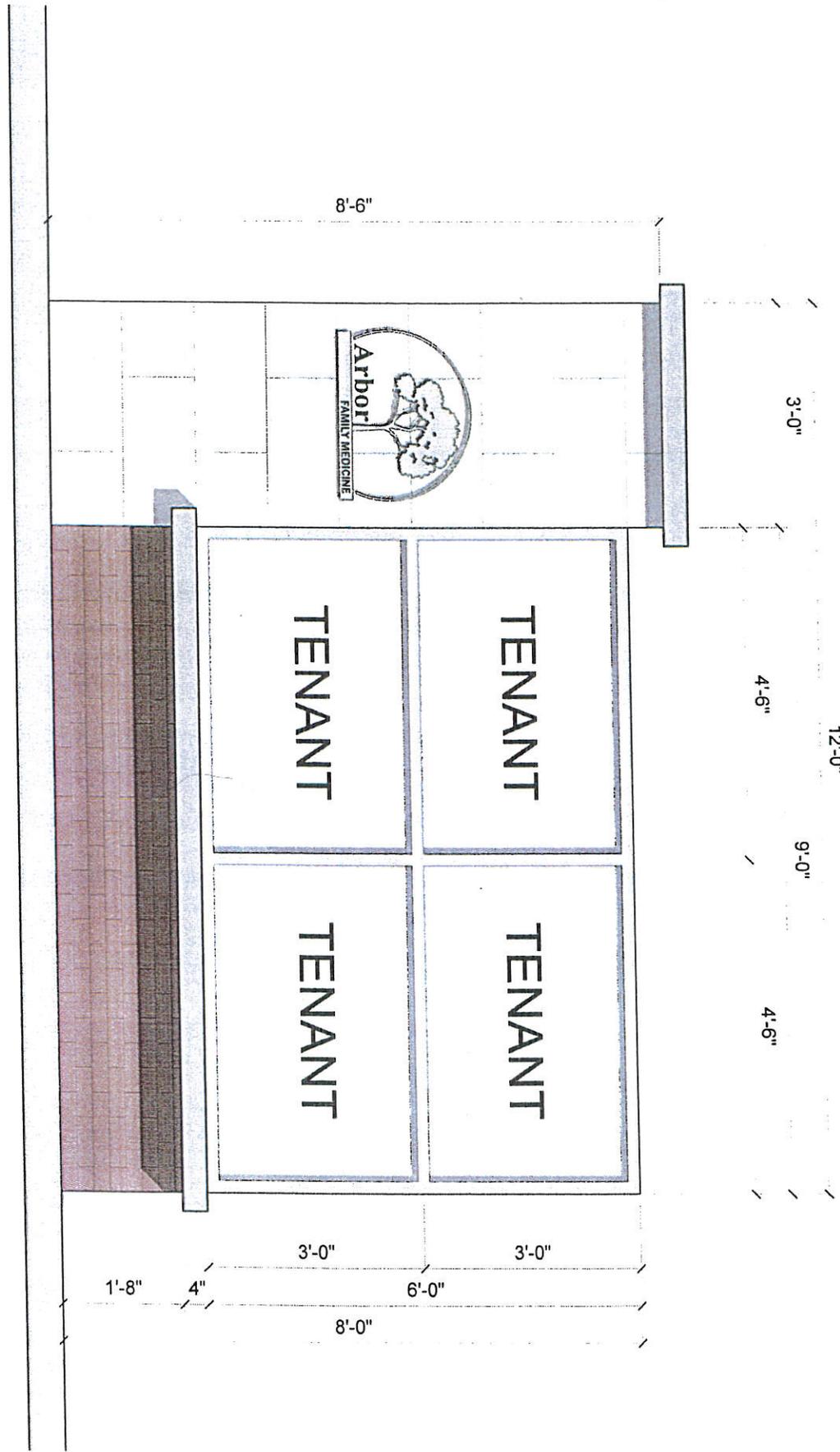
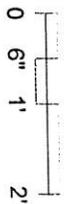


# City of Westminister





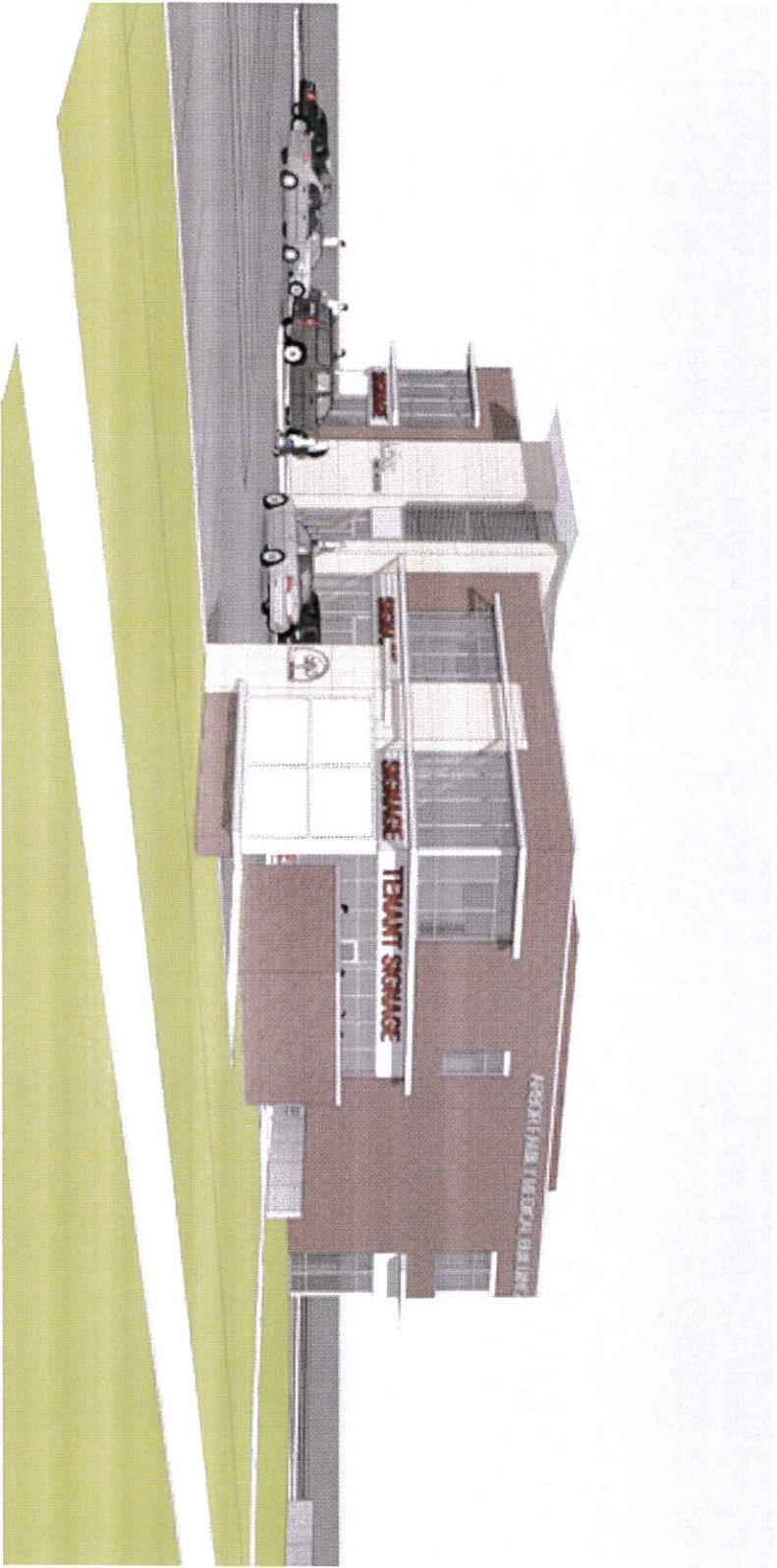
MONUMENT SIGN

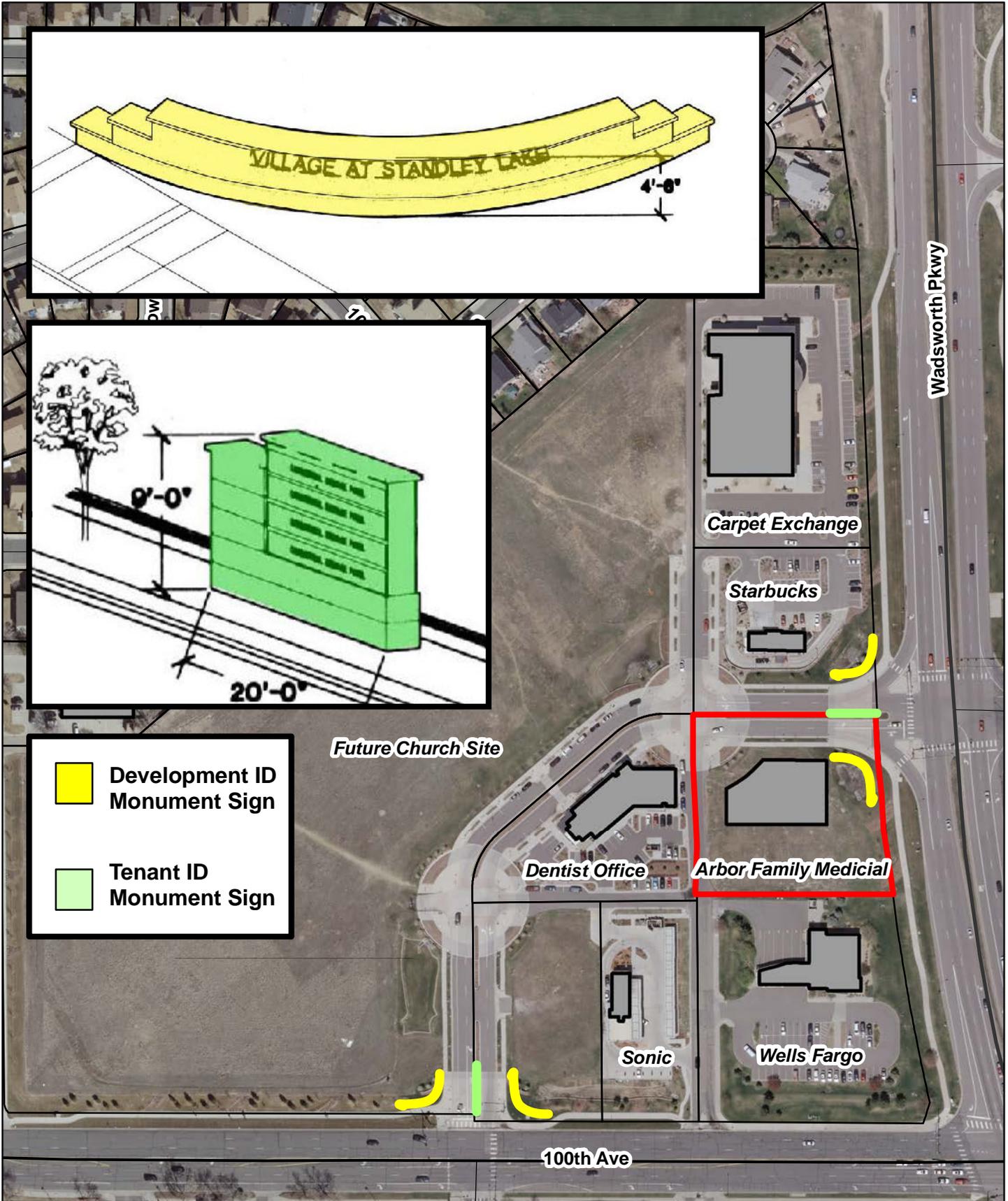


Pappas architecture design llc PROJECT: 11601  
 PHASE:  
 DATE: 27 NOVEMBER 2012

5455 East Evans Place  
 Denver, Colorado 80222  
 P. 303 733 0877 F. 303 733 3477

ARBOR FAMILY MEDICAL BUILDING  
 MONUMENT SIGN  
 10081 WADSWORTH PARKWAY  
 WESTMINSTER, COLORADO 80021





### Crown Point - Existing Monument Signs



DWG/04-03-2013



**11-11-8: VARIANCES: (2862)**

(A) Signs in Planned Unit Developments: All signs proposed for or within a Planned Unit Development may apply for modifications to the requirements of this sign code by making application to the Planning Commission using the procedures specified in Section 11-5-8 or 11-5-10, W.M.C. Such variances may be granted administratively, if the provisions of this Code are not exceeded by more than twenty percent (20%). Such variances shall consider items 1 through 5 under subsection (B), below.

(B) Signs not in planned unit developments: All signs within any zone district other than Planned Unit Development may apply for modifications to the requirements of this sign code by making application to the Planning Commission using the procedures specified in Section 2-2-8, W.M.C. In considering a request for a variance to the sign code, the Planning Commission shall determine that:

(1) There are special circumstances or conditions, such as the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.

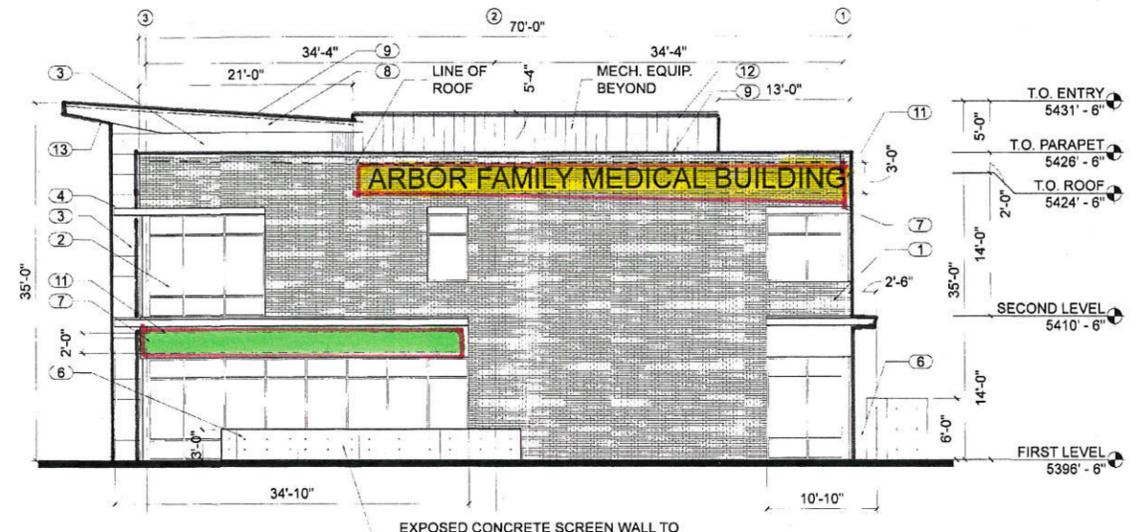
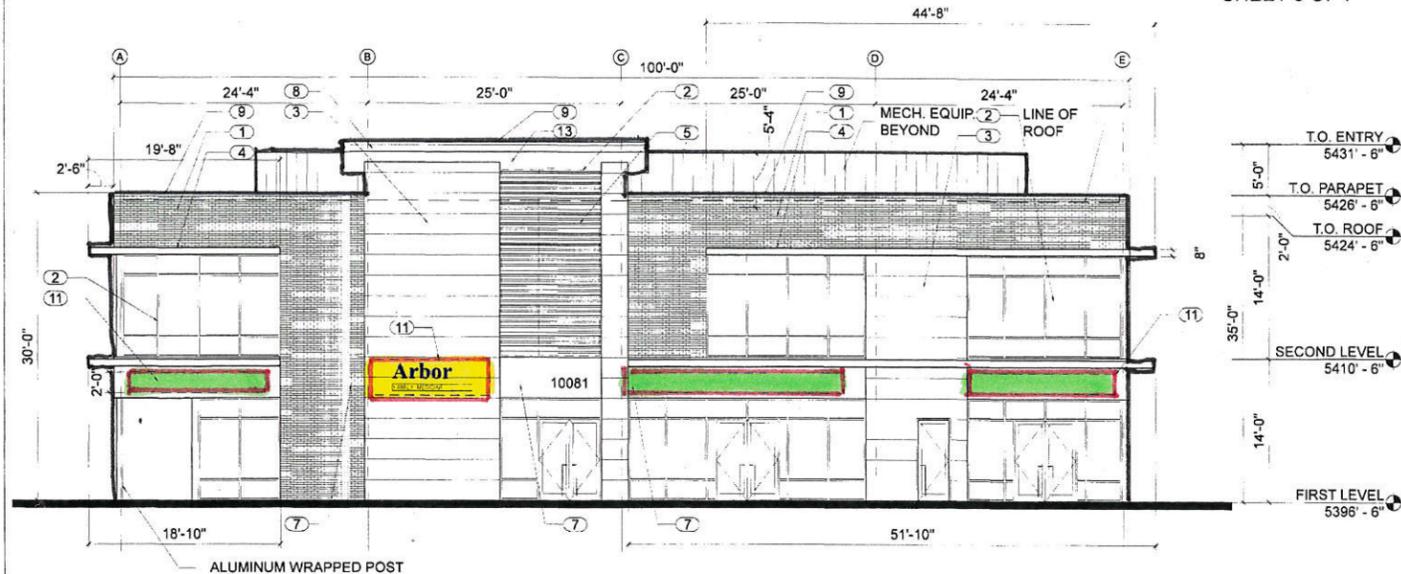
(2) The variance, if authorized, will weaken neither the general purpose of the sign code nor the zoning regulations prescribed for the zoning district in which the sign is located.

(3) The variance, if authorized, will not alter the essential character of the zoning district in which the sign is located.

(4) The variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property.

(5) The Planning Commission may not grant any application for a type of sign that would not otherwise be permitted under this Code.

16TH AMENDMENT TO THE VILLAGE AT STANDLEY LAKE  
 OFFICIAL DEVELOPMENT PLAN,  
 CROWN POINT FILING NO. 4, 1ST REPLAT,  
 A PLANNED UNIT DEVELOPMENT,  
 IN THE CITY OF WESTMINSTER,  
 COUNTY OF JEFFERSON, STATE OF COLORADO  
 SHEET 5 OF 7



MATERIAL	COLOR
1 STANDARD BRICK	BALLPARK RED
2 ANODIZED ALUMINUM STOREFRONT	CLEAR ALUMINUM
3 CUT SANDSTONE	BUFF
4 ANODIZED ALUMINUM SUNSHADE	CLEAR ALUMINUM
5 ALUMINUM LOUVERS	CLEAR ALUMINUM
6 EXPOSED CONCRETE WALL (SIMILAR TO EXISTING)	GREY
7 ALUMINUM PANEL	CLEAR ALUMINUM
8 ALUMINUM FASCIA/SOFFIT	CLEAR ALUMINUM
9 GALVANIZED METAL PARAPET CAP	CLEAR ALUMINUM
10 METAL DOOR	PAINT TO MATCH SANDSTONE
11 ALLOWABLE SIGNAGE AREA	
12 PAINTED FLUSH METAL SCREEN WALL	PAINT TO MATCH BRICK
13 PAINTED HARDBOARD SOFFIT	WHITE

SOUTH ELEVATION

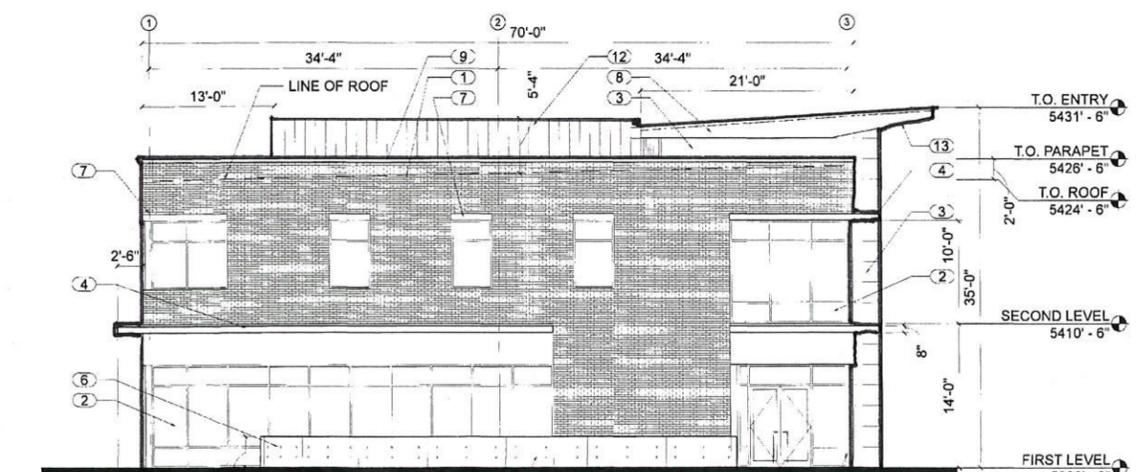
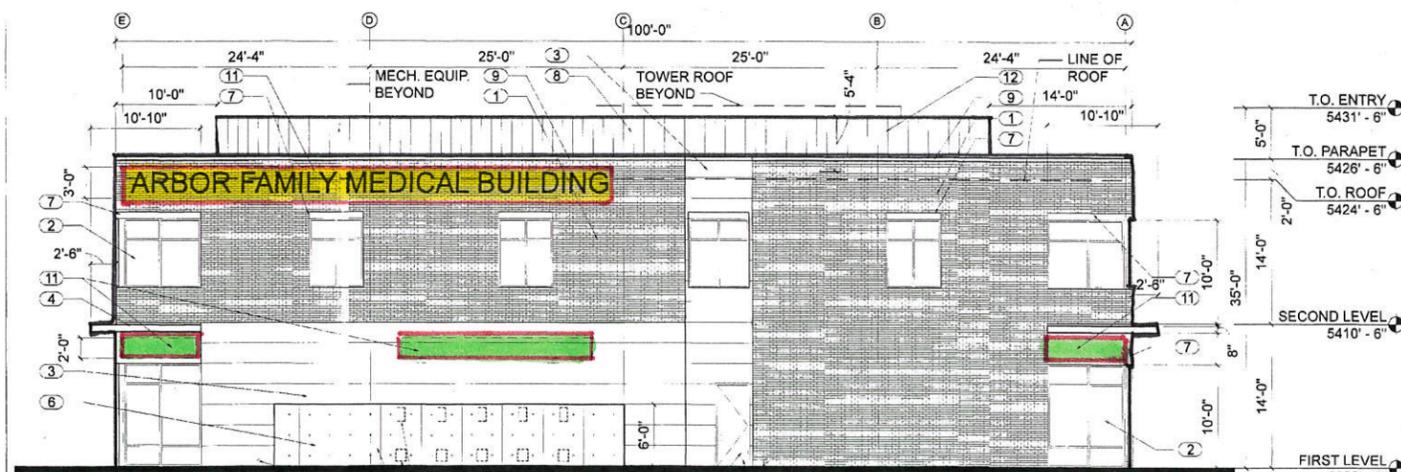
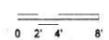
1/8" = 1'-0"



NOTE: THE SIGN BAND SHOWN IS WHERE WALL SIGNAGE FOR FIRST FLOOR TENANTS MAY BE INSTALLED. THE TOTAL SIGNAGE MAY NOT EXCEED 300 SQUARE FEET PER TENANT. THE WIDTH OF THE SIGNAGE MAY NOT EXCEED 75% OF THE TENANT'S BUILDING FRONTAGE.

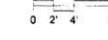
EAST ELEVATION

1/8" = 1'-0"



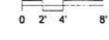
NORTH ELEVATION

1/8" = 1'-0"



WEST ELEVATION

1/8" = 1'-0"



ARBOR FAMILY MEDICAL BUILDING  
 THE VILLAGE AT STANDLEY LAKE  
 10081 WADSWORTH PARKWAY  
 WESTMINSTER, COLORADO 80021

JANUARY 16, 2012

PROJECT: 1001

Pappas architecture design, LLC  
 1000 Pine Street, Suite 100  
 Westminster, CO 80057  
 P: 303.426.8877 F: 303.426.8877  
 www.pappasarch.com



**Crown Point - Setbacks**



**Request for Variance Submittal**

Arbor Colony West, LLC  
Arbor Family Medicine Building  
The Village at Standley Lake  
Lot 4, First Replat, Crown Point, Filing #4  
10081 Wadsworth Parkway  
Westminster, CO 80021

Mr. Donald Anderson & The City of Westminster  
Planning Commission:

Arbor Family Medicine (DBA Arbor Colony West, LLC "Arbor") is a general and family medical practice currently located at 108<sup>th</sup> and Wadsworth Parkway and has been doing business in the City of Westminster for many years. This commitment to the City will continue with the March completion of their new flagship building located at 10081 Wadsworth Parkway. The building is comprised of two stories and approximately 12,944 square feet, of which Arbor will be occupying the 2<sup>nd</sup> level and leasing out space on the main level to businesses aimed at serving this busy and vibrant part of Westminster. Like many of the businesses located along Wadsworth, it is imperative that patrons be given ample time to identify and locate the proper ingress for each location. At present, there is very limited exposure along Wadsworth Parkway for the building, making it difficult for the public to properly locate these future lower level businesses. For various reasons further outlined below, we feel this situation presents an unnecessary and undue hardship on Arbor Family Medicine. As a result, Arbor Family Medicine is seeking an amendment to the Official Development Plan (ODP) as well as a variance from the City Planning Commission to allow for the placement of a monument sign along Wadsworth Parkway (Site Plan SP1). It is important to note that the placement of this sign will meet all applicable codes and design standards, and no variance to these codes and standards is currently being sought by Arbor. Additionally, the owners of Arbor Family Medicine understand that this sign is a reflection of their business within the community and have taken steps to design a sign that is very tastefully done and goes well with architecture of the building as well as the surrounding area (Monument Sign).

**Planning Commission Variance Requirements:**

- 1) Special circumstances and conditions:** The location of the drainage basin that serves the adjacent properties and the corresponding drainage and access easements (Site Plan SP1) created site constraints that necessitated the building be both oriented in the far northwest corner of the lot and have the front of the building oriented to face south, as opposed to directly along Wadsworth to the east. For

these two reasons this creates a situation where proper identification of lower level tenants is severely limited from Wadsworth Parkway.

- 2) The variance, if authorized, will weaken neither the general purpose of the sign code nor the zoning regulations prescribed for the zoning district in which the sign is located.** (See Answer Three below)
  
- 3) The variance, if authorized, will not alter the essential character of the zoning district in which the sign is located.** The site constraints explained above are very unique to Lot 4 of the Village at Standley Lake. Most, if not all of the similar surrounding commercial properties are able to face directly along Wadsworth Parkway so that businesses can be properly identified. Additionally, the majority of surrounding properties do not have constraints which also severely limit the location of a structure within their respective lots, beyond what is the standard requirement of the zoning district. Therefore, it is the opinion of Arbor that this request for variance is based on very unique circumstances that are not easily duplicated within the zoning district and would neither serve to weaken the zoning regulations or alter the character of the zoning district.
  
- 4) The variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property.** Located near 101<sup>st</sup> and Wadsworth Parkway, this busy commercial area of the City generally consists of buildings that face directly along Wadsworth with the addition of monument signage in order for the proper identification of businesses within. Therefore, should a variance be granted, the addition of a monument sign will neither alter or impair the neighborhood or injure the adjacent property, but will instead be a useful addition to the City and zoning district by allowing for the effective identification of businesses within the building.
  
- 5) The Planning Commission may not grant any application for a type of sign that would not otherwise be permitted under this Code.** Should a variance be granted by the Planning Commission the implementation of a monument sign, both located and designed as shown, would in fact conform to the provisions of the Zoning Ordinance and Code.

**Additional considerations as to why the lack of a monument sign for the Arbor Family Medicine Building represents an undue hardship and also why this monument sign will be a useful addition to the City of Westminster:**

- Lack of Existing Monument Signage - There is currently no monument signage available along Wadsworth Parkway for lot 4 of the Village at Standley Lake. There does exist a monument sign at 101<sup>st</sup> and Wadsworth however Arbor has no rights or association with this sign, and it is currently used for Christ Community Covenant Church, Sonic Burgers and Starbucks Coffee.
- Public Identification - North and Southbound traffic along this area of Wadsworth Parkway often exceeds speeds of 50mph and as a result, people have a very limited window to locate the building and safely navigate traffic without some identification along Wadsworth Parkway. Should a variance be granted, placement of a monument sign would allow for both northbound and southbound traffic to have ample time in identifying the businesses in the building, and for them to safely slow down and navigate the signalized intersection at 101st and Wadsworth.
- Site Constraints - As outlined and described above, the location of the drainage basin and various associated easements called for the building orientation so that only the side of the building (eastern elevation) faces Wadsworth Parkway. As a result, only the eastern tenant space has any direct signage along this main thoroughfare and even this exposure is severely limited due to the location of the drainage basin and associated set backs. The remaining lower level center and western tenants will have no identification along Wadsworth, making it extremely difficult if not impossible for drivers to identify these businesses. We feel that the combined effect of these site constraints represent an undue hardship to Arbor Family Medicine.
- The Building is an Amenity to the Neighborhood - This area of the Wadsworth Parkway corridor acts essentially as a gateway to the City of Westminster from neighboring Broomfield to the North, and will also serve the many local residents of Standley Lake and other surrounding neighborhoods. Arbor Family Medicine took great pride in the design and construction of this building. A tremendous amount of large, open-air patio space was created on both the east and west elevations and great care was given to ensure that there would be ample parking. As such, we feel the building represents a significant benchmark for future development and is currently attracting interest from various restaurants and other gathering places that are highly desirable to the surrounding communities. Therefore, it would be very useful to the City for the businesses on the lower level space to be easily identifiable from Wadsworth Parkway.

ADDITIONAL COMMENTS AND PHOTO ILLUSTRATIONS WILL BE GIVEN AT  
THE PRESENTATION HEARING

# BRADLEY DEVITT HAAS & WATKINS, P.C.

GOLDEN LAWYERS



2201 Ford Street  
South Mesa Professional Building  
Golden, Colorado 80401  
(303) 384-9228 Fax (303) 384-9231

Jon T. Bradley  
Jerald J. Devitt  
Andrew D. Haas  
Steven W. Watkins

Of Counsel  
David A. Strom  
Leslie M. German

March 7, 2013

Patrick Caldwell  
Planner, III  
4800 W 92<sup>nd</sup> Avenue  
Westminster, Colorado 80031



Re: *101<sup>st</sup> and Wadsworth Parkway*

Dear Mr. Caldwell:

As we discussed on March 6, 2013, this office represents Carpet Exchange. Thank you for taking the time to discuss this matter with me on March 6, 2013. Although the correspondence from the property owner was dated February 28, 2013, it was not received by the appropriate representative of my client and forwarded to me until Wednesday, March 6, 2013.

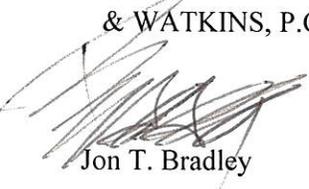
As you recall, my client had expressed a desire for a monument sign at the time the Carpet Exchange parcel was developed. At that time, my client was advised, in no uncertain terms, that staff would not recommend a monument sign. Based on the staff recommendation, my client did not go forward with the application. However, if any monument signs are to be permitted, my client feels that, because of its history as a solid, taxpaying business in the Westminster community, coupled with its previous request, that it should be permitted to develop a monument sign prior to the current applicant.

I understand that staff is going to recommend against the application. Please convey to the Planning Department that my client believes that it has a prior right to develop a monument sign, if one were to be permitted.

Thank you for your courtesies and attention to this matter.

Very truly yours,

BRADLEY DEVITT HAAS  
& WATKINS, P.C.

  
Jon T. Bradley

JTB/sg

cc: Carpet Exchange

OFFICES IN GOLDEN AND MONTROSE

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E-mail: [info@goldenlawyers.com](mailto:info@goldenlawyers.com)  
Website: [www.goldenlawyers.com](http://www.goldenlawyers.com)

# **AGENDA**

## **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY SPECIAL MEETING**

**MONDAY, July 8, 2013**

**AT 7:00 P.M.**

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (June 24, 2013)
- 3. Public Hearings and New Business**
  - A. Master Planning Professional Services Contracts for the Westminster Center Urban Reinvestment Project
- 4. Old Business**
  - A. Sale of Holly Park Parcel (Tabled 6-24-13)
- 5. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY  
MONDAY, JUNE 24, 2012, AT 7:30 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Winter and Board Members Atchison, Briggs, Kaiser, Lindsey, and Major. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Kaiser, to approve the minutes of the meeting of April 22, 2013, as written. The motion carried unanimously.

SALE OF HOLLY PARK PROPERTY

Member Atchison moved, seconded by Briggs, to table this consideration. The motion passed unanimously.

ADJOURNMENT

There was no further business for the Authority's consideration, and the Chairperson adjourned the meeting at 7:31 p.m.

ATTEST:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

# WEDA Agenda 3 A

## Agenda Memorandum

Westminster Economic Development Authority  
July 8, 2013



**SUBJECT:** Master Planning Professional Services Contract for the Westminster Urban Reinvestment Project

**Prepared By:** Mac Cummins, AICP, Planning Manager

### Recommended City Council Action

1. Based on a report of the Executive Director, find that the public interest is best served by entering into a negotiated contract with Torti Gallas and Partners for planning and architectural services; and authorize the Executive Director to execute a contract with Torti Gallas in an amount not to exceed \$375,000 for planning, architecture, transportation/traffic analysis related to the development of the Westminster Center Urban Reinvestment Project site.
2. Authorize the Executive Director to enter into such other contracts as necessary with other consultants for work related to the Westminster Center Urban Reinvestment Project in an amount not to exceed \$125,000.

### Summary Statement

- Planning and preliminary site design efforts on the Westminster Center Urban Reinvestment Project (WURP) are underway. City Staff have been working on this effort for some time and are prepared to put together a master plan that will serve the City's primary needs related to the vision and the creation of a new Downtown and skyline on the site previously occupied by the Westminster Mall bordered by 88<sup>th</sup> Avenue, Sheridan Boulevard, Harlan Street and US36.
- Torti Gallas is a nationally recognized firm with a wealth of experience related to these kinds of efforts. The firm is regularly recognized by the American Planning Association, Urban Land Institute, Railvolution, and other national organizations as being a leader in this kind of planning effort.
- This contract will allow staff to work closely with Torti Gallas and necessary sub-consultants (i.e., traffic, development feasibility, parks planning/landscape architecture, etc.) to create the master plan for the new Downtown Westminster. This plan will comprise the Preliminary Development Plan and the Official Development Plan, in 2 phases. Heavy importance will be placed on the creation of the site plan to allow for "organic" development evolving over time, on block sizes that are flexible enough to accommodate a range of uses.

**Expenditure Required:** Not to exceed \$375,000 for a contract with Torti Gallas  
Not to exceed \$125,000 for other contracts with various consultants,  
as necessary.

**Source of Funds:** WEDA – WURP Project Funds

**Policy Issue**

Should the WEDA contract for planning services with Torti Gallas relating to the creation of a master plan for the WURP site that can be used for entitlements, marketing to prospective developers, and to set the vision/framework for the next 20 years of development on the site?

**Alternative**

The alternatives in this case are to either attempt to perform this work “in house” with existing City staff or to look for another consultant to perform the work.

Neither of these alternatives is supported by staff. Staff’s skill sets and backgrounds are not sufficient to provide the necessary skills to perform the technical analysis necessary to produce the Preliminary Development Plan and Official Development Plan in house. Though staff has opinions on the general ideas and thoughts about how the project should proceed, hiring an expert planning firm and/or traffic analysis firm will give the City an additional layer of expertise in these areas and produce the publishable documents necessary to create the vision and framework for the new downtown.

In terms of possibly hiring a different consulting firm, this option is not supported as Torti Gallas is one of the most respected planning and architecture firms in the nation. Their work is regularly recognized as the top tier in their field. Even if staff were to put out a Request for Proposal (RFP) for consultant services, it is unlikely that another firm will match the skill sets of Torti Gallas for the type of work that will be performed in this case.

Recent work performed by the Los Angeles office of Torti Gallas includes:

- a) A new plan and Design Code for redevelopment area of Honolulu known as Kaka’ako;
- b) Redevelopment of a 70-acre site in the Boyle Heights area of Los Angeles, 3 miles from downtown (winner of a 2012 Charter Award from the Congress for New Urbanism);
- c) New Specific Plan for Downtown Santa Monica that incorporates a light rail transit station;
- d) A new Downtown plan for Round Rock, TX (home of Dell Computer) just outside of Austin; and
- e) A redevelopment plan for Coast Highway (Historic Hwy 101) through Downtown Oceanside, CA (winner of an Honor Award from the California Society of the American Planning Association).

**Background Information**

The contract with Torti Gallas is proposed to be divided into 2 phases. This is proposed for strategic reasons. In the first phase, proposed to be completed in October, the consultant will help staff create a master plan for the area that will include a street network, evaluate connections (both pedestrian and vehicular) and, evaluate possible land use implications. The outgrowth of this effort will be the Preliminary Development Plan.

In the July to August timeframe, staff will be working with the consultant to create a master site plan and massing model of the future vision for the Downtown. Staff is planning for a study session with the City Council sometime in August and a public open house meeting to receive input from the community toward the end of August. After receiving input from the Council and community, refinements will be made in the September time frame, with Planning Commission and City Council hearings to occur in October.

**Phase 1**

In general, the Phase 1 work will create a master plan which identifies, block size and structure, road locations, public parks and facilities locations, entrance and access points to the site, etc. In doing this, Torti Gallas will bring their wealth of experience to the table regarding urban form and downtown issues to consider, including but not limited to:

- creating the right size blocks for multiple land uses that may or may not occur on the site;
- developing land use mixes that are both flexible and prescriptive to the extent something might be important to the City at a particular location;
- developing public “realm” strategies that help create the cultural gathering places that staff has heard from the Council and residents that are very interested in.

This master plan will then need to be evaluated for traffic impacts and potential necessary mitigation as well as development feasibility of the site plan and market development concerns relative to the plan to make sure it is reasonable for the land uses the City is contemplating. Finally, production documents in a form that is acceptable to the City for approval will be produced for the public hearings in October.

Below is a list of the general categories of Phase 1 work that staff would be working with Torti Gallas (and sub-consultants):

#### Phase 1

Task 1.1: Project Management (for Phase 1)

Task 1.2: Digital 3D Massing /Town Information Model (TIM)

Existing Conditions

Proposed Buildout

Task 1.3: Site Plan

Task 1.4: Developer Feasibility Review

Task 1.5: On Site Workshop

Task 1.6: Circulation / Mobility Plan - Traffic Impacts

Task 1.7: Infrastructure Plan

Task 1.8: Marketing Materials and Plan Document

Task 1.9: Public Presentation / City Council Hearing

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#### Phase 2

Phase 2 will include a refinement of the Preliminary Development Plan and the production of a Master Official Development Plan. In so doing, the consultants and City Staff will be developing a policy framework and zoning/design guidelines to implement the vision set out in the Preliminary Development Plan. This document will also contemplate potential phasing and/or requirements to implement the vision. Below is a list of the likely Phase 2 work tasks that Staff would be working with Torti Gallas (and sub consultants) regarding:

#### Phase 2

Task 1.1: Project Management (for Phase 2)

Task 2.1: Design Standards and Guidelines

Task 2.2: Phasing and Implementation Plan

Task 2.3: Policy Framework

Task 2.4: Creation of Specific Plan Document

#### Overall Project

The overall master planning process is intended to create not just a vision, but also a framework to market to the development community. This framework will include entitlements and create a situation where any future developer that wants to purchase a “block” from the WEDA for development, would only need to produce an ODP or site plan/architectural elevations for that building only. Other analyses that usually

take time to review (i.e., traffic, etc.) would already have been evaluated as part of the master ODP. In this way, the City can create a more efficient, streamlined review process for future developers in our downtown by doing the planning work now. It will also create the kind of organic growth and development that is characteristic of an urban place as compared to a “project.”

#### Funding

The proposal is to authorize the Executive Director to enter into a contract with Torti Gallas for an amount not to exceed \$375,000. Staff believes this will be sufficient at this time to complete all of the work above. Staff is also asking the Board to authorize retaining other consultants as the need arises in an amount not to exceed an additional \$125,000; or for a total of \$500,000. At this time, staff does not have any other consultants in mind or possible work that would be needed, but a need may arise. In this situation, staff would like the opportunity to be nimble in reacting to the needs of the project and retain consultants as necessary. The source of the funds will be from WEDA – WURP Project Funding. Staff will be recommending the use of 2012 Carryover funding to supplement this project budget. 2012 Carryover will be brought before City Council in August.

Award of the contract for final design of the new Downtown Plan fulfills all of Councils strategic plan goals, including Strong Balanced Local Economy, Financially Sustainable City Government providing exceptional services, Safe and Secure Community, Vibrant Neighborhoods in One Livable Community, and Beautiful and Environmentally Sensitive City. When this plan is finished and adopted by Council, the new plan will set in motion the building blocks for the creation of a new urban cultural and community gathering place for residents and business within the Westminster.

Respectfully submitted,

J. Brent McFall  
Executive Director

Attachment A - Description of Torti Gallas Firm and Accomplishments

## Torti Gallas and Partners, Inc.

Established in 1953, Torti Gallas and Partners maintains a global practice of planning, architecture and urban design with offices Los Angeles, Silver Spring, MD, Washington, DC, and Istanbul. With a talented staff trained in multiple disciplines, Torti Gallas has helped hundreds of cities and towns develop more sustainable growth and development plans, understanding that the design of the built environment directly influences the strength of our economy, the health of our neighborhoods, and the livability of our communities. Our goal is to create vision plans, urban planning, design strategies, and codes that enhance the existing character of a community, improve the quality of life for its citizens, and provide a sustainable infrastructure for its future through grounded implementation.

With extensive experience in the public and private sectors, we take pride in balancing the diverse needs of communities with market realities and government regulations to develop design solutions that bring value to cities, government agencies, and developers with whom we work. Conceptual thinking and detailed analysis allow our plans to be both comprehensive and holistic at a variety of scales in a diversity of places.

Our team of both architects and planners is committed to providing transformative plans that are also practical and feasible - understanding that implementation is the ultimate mark of a successful plan. This dedication to full implementation of designs has been a Torti Gallas hallmark since our founding. As a result, we have been responsible for the planning and design of more than \$20 billion of construction



**Visual Simulation of La Brea Metro Station and Joint Development Opportunity**  
Los Angeles, California



**The New Wyvernwood**  
Boyle Heights, Los Angeles, California



**MacArthur Park Apartments**  
Los Angeles, California

### *Design Philosophy*

Torti Gallas' practice is grounded on the inextricable links between architecture, planning, and community - believing that great cities are created through buildings and landscapes that frame engaging and usable spaces, intelligent regulatory policies that provide both predictability and choice, and pragmatic implementation strategies. The over-arching concern of our practice is to create a "sense of place," for at the end of the day, our work is about people. We are guided by the following five principles:

- Holistic planning: Conceiving land use, design codes, planning policies, and community engagement as an integrated system rather than a sum of parts.
- Diversity of uses: Designing and planning for a diversity of uses to support and sustain jobs, housing, commerce, and civic space for a fully functioning community.
- Vibrant public realm: Planning public spaces, sidewalks, and civic structures to be accessible and flexible to support civic, cultural, and recreational activities for a wide range of ages and groups.
- Variety of housing types: Building a variety of housing types and densities that reflect the many ways of living and diverse levels of income that can be inter-mixed in a neighborhood, block or street.
- Diversity of transportation options: Supporting multi-modal transportation options (walking, bicycling, driving, riding on mass transit, etc.) to better connect neighborhoods, schools, jobs, etc, and promote healthy living.

### *Commitment to Sustainable Communities*

Torti Gallas and Partners has made a Firm-wide commitment to designs that yield economically viable and environmentally sustainable communities. Every new project begins with a Sustainable Development Workshop where we identify beneficial and feasible development options that integrate sustainable horizontal and vertical construction strategies. Our 30 LEED Accredited Professionals are supported by the entire Firm's resources in researching, designing, monitoring and implementing designs and master plans that preserve the earth's resources by creating developments that enhance the natural setting and buildings that maximize energy efficiency and indoor air quality.

### *Design Awards*

Torti Gallas has been the recipient of numerous awards for our innovative design work. We have won over 400 international, national, and local design awards for planning and design. This recognition by such prestigious groups as the American Institute of Architects, the Congress for the New Urbanism, the International Council of Shopping Centers, the American Society of Landscape Architects, and the National Association of Home Builders establishes Torti Gallas' long standing commitment to high quality design over our 59 year history.