



WESTMINSTER  
COLORADO

July 9, 2001  
7:00 P.M.  
AGENDA

**Please turn OFF cell phones and pagers during meetings**

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Recognition of Former Board and Commission Members, Nick DiTirro, James Holt and John Polston
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. Proposed City Funding for Jefferson County Senior Transit Services
  - B. 2001 Wastewater Collection System Improvements/Project WW-01-1
  - C. US 36/92<sup>nd</sup> Avenue/Sheridan Boulevard Interchange Project – IGA with the Colorado DOT
  - D. CB No. 38 Re Wadsworth Estates Easement Vacation (Merkel-Atchison)
  - E. CB No. 39 Re Storm Drainage Appropriations (Dixion-Moss)
  - F. CB No. 40 Re Big Dry Creek Watershed Grant Extension (Atchison-Merkel)
  - G. CB No. 41 Re Adding Definitions Of Public Place And Possession (Moss-Dixion)
  - H. CB No. 43 Re Appropriation Of Operating Carryover Funds (Merkel-Dixion)
9. Appointments and Resignations  
None
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 44 re Western Gas Resources, Inc. Business Assistance Package
  - B. Resolution No. 44 re Western Gas Resources, Inc.
  - C. Public Hearing on 2002 Budget
  - D. Public Hearing re Permitted Uses in the C1, C2 and M1 Zone Districts
  - E. CB No. 45 re Permitted Uses in the C1, C2 and M1 Zone Districts
  - F. Public Hearing on CLUP Amendment on Bruchez Property at SEC of Bruchez Parkway & Federal Blvd
  - G. CB No. 46 re CLUP Amendment for Bruchez Property
  - H. Public Hearing re Dry Creek Estates PUD and Village at Harmony Park ODP at NEC 128<sup>th</sup> Ave & Zuni St
  - I. First Amended PDP of Dry Creek Estates PUD and the Village at Harmony Park ODP
  - J. Councillor's Bill No. 47 re Park Development Credits for Village at Harmony Park
  - K. Purchase and Sale Agreement to VHP Development LLC in the amount of \$6,000 for Caulkins Ditch
  - L. Public Hearing re Telleren Area Annexation, Zoning, and CLUP Amendment at Lipan Street N of 144<sup>th</sup> Ave
  - M. Resolution No. 45 re findings re Telleren Area annexation
  - N. CB No. 48 annexing the eight Telleren area lots to the City
  - O. CB No. 49 zoning the Telleren area properties to Planned Unit Development
  - P. CB No. 50 CLUP amendment designating Telleren property as "Single-Family Detached-Low Density"

- Q. Public Hearing re Webber Property Annex, Zoning & PDP re 10227 Wadsworth Boulevard
- R. Resolution No. 46 re findings re Webber property
- S. Councillor's Bill No. 51 annexing the Webber property to the City
- T. Councillor's Bill No. 52 zoning the Webber property Planned Unit Development (PUD)
- U. Preliminary Development Plan for Webber property
- V. Resolution No. 47 re \$20,000 transfer of Funds for Affordable Housing Development Proposals
- W. Contractual Services re RFP for Affordable Housing Development Proposals
- X. Resolution No. 48 re City Council's Goals & Strategies for the Year 2002
- 11. Old Business and Passage of Ordinances on Second Reading**
  - A. Councillor's Bill No. 42 re Unlicensed Vehicle Definition (Merkel-Atchison)
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
  - A. City Council
  - B. Request for Executive Session
    - 1.
- 13. Adjournment**

### GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JULY 9, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Mayor Pro Tem Dixon, Councillors Atchison, Hicks, Kauffman and Moss. were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Absent were Mayor Heil and Councillor Merkel.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Hicks to accept the minutes of the meeting of June 25, 2001 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS:

Mayor Pro Tem Dixon and Matt Lutkus presented a certificate of appreciation to Nick DiTirro for his 20 years of service on the Personnel Board. Mayor Pro Tem Dixon and John Carpenter presented a certificate of appreciation to Jim Holt for his 10 years of service on the Transportation Commission. Mayor Pro Tem Dixon and Bill Walenczak presented a certificate of appreciation to John Polston for his 6 years of service on the Parks and Recreation Advisory Board.

CITIZEN COMMUNICATION:

Bill Schroer, 5595 South Zang Street, Littleton, addressed Council on CDOT and Arvada and JeffCo plans to accelerate building of the Northwest parkway.

Leonard Holtzclaw, 10115 Sheridan Boulevard requested to speak on item 11A, when this item is addressed by Council. Council advised Mr. Holtzclaw that this item will be tabled until the July 23<sup>rd</sup> Council meeting.

CITY MANAGER REPORT:

City Manager stated that agenda item 8G Councillor's Bill No. 41 Adding Definitions Of Public Place And Possession and agenda item 11A Councillor's Bill No. 42 re Unlicensed Vehicle Definition will be tabled until the July 23<sup>rd</sup> Council meeting,.

COUNCIL COMMENTS:

Councillor Moss thanked the citizens who serve on City Boards.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: City Funding of \$15,000 to the Senior Resource Center to help subsidize the cost of center transportation services to senior citizens and disabled persons in the Jefferson County portion of Westminster; 2001 Wastewater Collection System Improvements/Project WW-01-1 to Levi Contractors Inc for \$93,972.50; US 36/92<sup>nd</sup> Avenue/Sheridan Boulevard Interchange Project – IGA with the Colorado DOT; CB No. 38 Re Wadsworth Estates Easement Vacation; CB No. 39 re Storm Drainage Appropriations; CB No. 40 Re Big Dry Creek Watershed Grant Extension; CB No. 41 Re Adding Definitions Of Public Place And Possession; and CB No. 43 Re Appropriation Of Operating Carryover Funds.

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

Councillor Atchison requested to remove CB No. 41 Re Adding Definitions Of Public Place And Possession from the consent agenda.

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

Councillor Atchison moved, seconded by Councillor Moss to table CB No. 41 Re Adding Definitions Of Public Place And Possession until the July 23<sup>rd</sup> Council meeting. The motion carried unanimously.

#### CB NO. 44 RE WESTERN GAS RESOURCES, INC. BUSINESS ASSISTANCE PACKAGE

Councillor Atchison moved, seconded by Councillor Hicks to pass Councillor's Bill No. 44 on first reading, authorizing the execution and implementation of a Business Assistance Agreement with Western Gas Resources, Inc. in the amount of \$138,600. Upon roll call vote, the motion carried unanimously.

#### RESOLUTION NO. 44 RE WESTERN GAS RESOURCES, INC.

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 44 designating Western Gas Resources, Inc. officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan. Upon roll call vote, the motion carried unanimously.

#### PUBLIC HEARING ON 2002 BUDGET

At 7:28 P.M. the first public hearing was opened on the 2002 City Budget. No one spoke, and the public hearing was declared closed at 7:29 P.M.

#### PUBLIC HEARING RE PERMITTED USES IN THE C1, C2 AND M1 ZONE DISTRICTS

At 7:29 P.M. the public hearing was opened on Councillor's Bill No. 45 re permitted uses in the C1, C2, and M1 zone districts. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum and other related items into the record. Shane Madsen representing Dollar Rent A Car and Brian Cuje, representing Southwestern Properties spoke in favor of the issue. There was no opposition. The public hearing was declared closed at 7:45 P.M.

#### CB NO. 45 RE PERMITTED USES IN THE C1, C2 AND M1 ZONE DISTRICTS

Councillor Atchison moved, seconded by Councillor Moss to pass Councillor's Bill No. 45 on first reading amending section 11-4-4 to add the following uses: (a) Automotive Rental Offices (limited to 20 cars on-site, in good condition (mechanical and exterior) with no car wash, maintenance, or repair facilities, limited to one office per shopping center) to the C1, C2 and M1 districts; and (b) Audio and Visual Sales, Service, and Parts Stores to the C1, C2 and M1 districts. Upon roll call vote, the motion carried unanimously.

#### PUBLIC HEARING ON CLUP AMENDMENT ON BRUCHEZ PROPERTY:

At 7:46 P.M. the public hearing was opened on the amendment to the Comprehensive Land Use Plan by changing the land use designation from "Retail Commercial" to "Multi-Family Residential" for the Bruchez property located at the southeast corner of Bruchez Parkway (108<sup>th</sup> Avenue) and Federal Boulevard. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum and other related items into the record. Kelly McElvain, General Property Manager, 3448 W 111<sup>th</sup> Drive, addressed Council and presented slides and spoke in favor. There was no opposition. The public hearing was declared closed at 8:00 P.M.

CB NO. 46 RE CLUP AMENDMENT FOR BRUCHEZ PROPERTY

Councillor Atchison moved, seconded by Councillor Moss to pass Councillor's Bill No. 46 on first reading amending the Comprehensive Land Use Plan by changing the land use designation from "Retail Commercial" to "Multi-Family Residential" for the Bruchez property located at the southeast corner of Bruchez Parkway (108<sup>th</sup> Avenue) and Federal Boulevard, based on the following: The proposed amendment is justified and the Comprehensive Land Use Plan is in need of revisions as proposed; The proposed amendment is in conformance with the overall purpose and intent of the goals and policies of the plan; The proposed amendment is compatible with existing and planned surrounding uses; The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE DRY CREEK ESTATES PUD AND VILLAGE AT HARMONY PARK ODP

At 8:02 P.M. the public hearing was opened The First Amended Preliminary Development Plan (PDP) of Dry Creek Estates Planned Unit Development (PUD) and The Village at Harmony Park Official Development Plan (ODP); located east of Zuni Street, north and east of the Willow Run shopping center at the northeast corner of 128<sup>th</sup> Avenue and Zuni Street; and on the south side of the Amherst Subdivision. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum and other related items into the record. John Lyda, owners representative, addressed Council and presented slides and spoke in favor. There was no opposition. The public hearing was declared closed at 8:40 P.M.

Councillor Atchison requested a recess to determine if he had a conflict of interest with this development. The Mayor Pro Tem declared a recess at 8:40 P.M. and Council reconvened at 8:50 P.M.

Councillor Atchison disclosed a potential conflict of interest the fact that his wife is listed as a corporate officer of her family's electrical company that is one of two prime electrical companies that does business with Sheffield Homes. This company may or may not be asked to bid on this project. He and his wife get no financial compensation from this corporation but wanted to disclose this information to Council, and would like Council to determine if he has a conflict of interest.

Mayor Pro Tem Dixon moved, seconded by Councillor Moss to allow Councillor Atchison to vote on these matters and there is no conflict of interest. The motion carried unanimously with Councillor Atchison abstaining.

DRY CREEK ESTATES FIRST AMENDED PDP AND THE VILLAGE AT HARMONY PARK ODP:

Councillor Moss moved, seconded by Councillor Atchison to approve the First Amended Preliminary Development Plan of Dry Creek Estates Planned Unit Development and the Village at Harmony Park Official Development Plan with the following three conditions: Umatilla Street connection be completed; the park be completed no later than the completion of phase 1 and the first amended PDP and PUD are subject to the school impact fee ordinance and based upon the following findings: The plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to Standards for approval of Preliminary Development Plans; and the plans are in conformance with Section 11-5-15 of the Westminster Municipal Code pertaining to Standards for approval of Official Development Plans. The motion carried unanimously.

CB NO. 47 RE PARK DEVELOPMENT CREDITS FOR VILLAGE AT HARMONY PARK

Councillor Moss moved, seconded by Councillor Atchison to pass Councillor's Bill No. 47 on first reading, authorizing Park Development Credits as required under Section 13-4-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

PURCHASE AND SALE AGREEMENT TO VHP DEVELOPMENT LLC FOR CAULKINS DITCH

Councillor Moss moved, seconded by Councillor Atchison to authorize the City Manager to execute a Purchase and Sale Agreement with VHP Development LLC in the amount of \$6,000 for the portion of the Caulkins Ditch that crosses the Official Development Plan of the Village at Harmony Park. The motion carried unanimously.

PUBLIC HEARING RE TELLEREN ANNEXATION, ZONING, AND CLUP AMENDMENT

At 8:58 P.M. the public hearing was opened on the City initiated annexation of parcels located west of Lipan Street and north of 144<sup>th</sup> Avenue, the zoning of those parcels from Adams County A-1 to Planned Unit Development (PUD), and a Comprehensive Land Use Plan amendment designating the parcels as “Single-Family Detached - Low Density”. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum and other related items into the record. Dave Falconieri, City Planner, addressed Council and presented slides and spoke in favor. There was no opposition. The public hearing was declared closed at 9:09 P.M.

RESOLUTION NO. 45 RE FINDINGS RE TELLEREN AREA ANNEXATION

Councillor Atchison moved, seconded by Councillor Kauffman to approve Resolution No. 45 making certain findings of fact as required under Section 31-12-110 C.R.S. regarding annexation of the Telleren area parcels. Upon roll call vote, the motion carried unanimously.

CB NO. 48 ANNEXING TELLEREN AREA LOTS TO THE CITY

Councillor Atchison moved, seconded by Councillor Kauffman to pass Councillor’s Bill No. 48 on first reading annexing the Telleren area lots. Upon roll call vote, the motion carried unanimously.

CB NO. 49 ZONING THE TELLEREN AREA PROPERTIES TO PLANNED UNIT DEVELOPMENT

Councillor Atchison moved, seconded by Councillor Kauffman to pass Councillor’s Bill No. 49 on first reading zoning the Telleren area properties to Planned Unit Development making a finding that the provisions of Section 11-5-3 of the Westminster Municipal Code have been met. Upon roll call vote, the motion carried unanimously.

CB NO. 50 CLUP AMENDMENT RE TELLEREN PROPERTY:

Councillor Atchison moved, seconded by Councillor Kauffman to pass Councillor’s Bill No. 50 on first reading amending the Westminster Comprehensive Land Use Plan to add the properties within the Telleren Annexation and assign the designation “Single-Family Detached - Low Density.” Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE WEBBER PROPERTY ANNEXATION, ZONING & PDP

At 9:11 P.M. the public hearing was opened for annexation, zoning and Preliminary Development Plan approval of .5 acres located at 10227 Wadsworth Boulevard. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum and other related items into the record. Dave Falconieri, City Planner, addressed Council and presented slides and spoke in favor. There was no opposition. The public hearing was declared closed at 9:15 P.M.

RESOLUTION NO. 46 RE FINDINGS RE WEBBER PROPERTY

Councillor Kauffman moved, seconded by Councillor Atchison to adopt Resolution No. 46 making certain findings of fact as required by Section 31-12-110 C.R.S., regarding the Webber property. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 51 WEBBER PROPERTY ANNEXATION

Councillor Kauffman moved, seconded by Councillor Atchison to pass Councillor's Bill No. 51 on first reading annexing the Webber property to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 52 ZONING WEBBER PROPERTY PUD

Councillor Kauffman moved, seconded by Councillor Atchison to pass Councillor's Bill No. 52 on first reading zoning the Webber property Planned Unit Development (PUD), making a finding that the provisions of Section 11-5-3 Westminster Municipal Code have been met. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR WEBBER PROPERTY

Councillor Kauffman moved, seconded by Councillor Atchison to approve the Preliminary Development Plan (PDP) for the Webber property based upon a finding that the Preliminary Development Plan is in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to standards for approval of Preliminary Development Plans. The motion carried unanimously.

RESOLUTION NO. 47 RE FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT PROPOSALS

Councillor Hicks moved, seconded by Councillor Moss to adopt Resolution No. 47 authorizing the transfer of \$20,000 from the General Fund Contingency to the appropriate Community Development budget account for preparation of an affordable housing request for proposal. Upon roll call vote, the motion carried unanimously.

CONTRACTUAL SERVICES RE RFP FOR AFFORDABLE HOUSING DEVELOPMENT PROPOSALS

Councillor Hicks moved, seconded by Councillor Moss to authorize the City Manager to execute a contract with Rosz Development Design, Inc. in an amount not to exceed \$20,000 for the preparation of an affordable housing RFP. The motion carried unanimously.

RESOLUTION NO. 48 RE CITY COUNCIL'S GOALS & STRATEGIES FOR THE YEAR 2002

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 48 officially identifying the City's goals and strategies for 2002. Upon roll call vote, the motion carried with a dissenting vote from Moss.

EXECUTIVE SESSION:

Mayor Pro Tem Dixon stated there would be an executive session to discuss pending litigation and possible settlement.

ADJOURNMENT:

The meeting was adjourned at 9:24 P.M.

ATTEST

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

\_\_\_\_\_  
Mayor





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 9, 2001  
**Subject:** Recognition of Former Board and Commission Members  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council is requested to present Certificates of Appreciation in recognition of time dedicated to the City by several Board members whose have recently resigned.

**Summary**

During the past few months, several citizens have resigned from various City Boards. Certificates of Appreciation recognizing the time and efforts of Nick DiTirro, James Holt and John Polston. Certificates of appreciation have been prepared to be presented on behalf of the Mayor and entire Council.

**Policy Issues**

There are no policy issues with this recognition.

**Staff Recommendation**

Present certificates of appreciation for dedicated service to Nick DiTirro of the Personnel Board, James Holt of the Transportation Commission and John Polston of the Parks and Recreation Advisory Board.

**Background Information**

Nick DiTirro was originally appointed to the Personnel Board on June 23, 1980, and served continually until his resignation in May of 2001

James Holt was appointed to the Transportation Commission on June 25, 1990. His term of office expired on December 31, 2000 and he did not wish to be reappointed.

John Polston was appointed to the Parks and Recreation Advisory Board on March 6, 1995, and served continually until his recent resignation in June, 2001.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

Date: July 9, 2001

Subject: Jefferson County Senior Transit Services

Prepared by: Matt Lutkus, Deputy City Manager for Administration

**Introduction**

City Council action is requested to authorize funding to the Senior Resource Center to subsidize the costs for transportation services to senior citizens and disabled persons residing in the Jefferson County portion of Westminster. Funds are specifically allocated in the 2001 budget for this expense.

**Summary**

Earlier this year, the Seniors' Resource Center (SRC) submitted a request to the City for assistance in funding the transportation services provided to seniors and disabled persons in the Jefferson County portion of Westminster.

The transportation services available to eligible Jefferson County, Westminster, residents are similar, but in some cases more extensive than the services available through the Community Transit Program in Adams County. As Council will recall, the City was closely involved in the creation of the Adams County service that became operational in January 2000. Deputy City Manager for Administration Matt Lutkus currently serves as Chairperson for the Special Transit Policy Advisory Council for this program. The initial City contribution for the Adams County Community Transit Program was \$34,506. However, most of these funds have not yet been used by the Program because of the availability of significant grant monies from the Federal Government and RTD.

Jefferson County and the cities of Arvada, Lakewood, Edgewater, Golden, and Wheat Ridge have provided support for the Jefferson County senior transit services provided by SRC through a mix of direct financial contributions and in kind support.

SRC is a nonprofit agency located in Wheat Ridge that provides transportation services to Jefferson County seniors and disabled persons and variety of other services to seniors in Jefferson County. They also currently have the contract for providing transportation brokerage services for the Adams County Community Transit Program. A copy of the formal request from SRC to the City is attached for Council's review.

At the June 18 Study Session, Council requested that SRC and City Staff explore the idea of expanding the availability of transportation services to include serviced on Saturdays, using inkind services as a possible funding source. Two options for providing this service have been explored and Staff is recommending that such service be provided on a very limited basis. SRC Staff have stated that by using a very restrictive criteria for providing transit services on Saturday, there would be no additional expense to the City.

## **Policy Issue**

The major policy issue is whether or not the City Council wishes to have the City financially support senior transit services for eligible Westminster, Jefferson County residents, with the expectation that it will become an ongoing expense of the City's General Fund Budget. Such an action would be similar to the commitment that City Council has made to provide similar services for eligible Westminster residents living in Adams County.

## **Staff Recommendation**

Authorize a City contribution of \$15,000 to the Senior Resource Center to help subsidize the cost of Center transportation services to senior citizens and disabled persons in the Jefferson County portion of Westminster.

## **Alternatives**

1. Decide not to contribute to the funding of the Jefferson County Senior Transit Program at this time.
2. Provide a contribution to the Senior Resource Center for transportation services for Westminster residents in Jefferson County at a different funding level than is being requested.
3. Provide an additional financial contribution to the Center specifically for the purpose of extending transportation services to Saturdays.

## **Background Information**

In January 2001, Adams County and the Cities of Westminster, Arvada, Commerce City, Thornton, and Federal Heights implemented a senior transit program, which later became known as Community Transit, to address the need for low cost transportation services for the senior and disabled populations within the urban and suburban areas of Adams County. This multi-jurisdictional cooperative effort came about after unsuccessful attempts by nonprofit agencies to provide the services. The Community Transit Program was created by several intergovernmental agreements and these have recently been continued through 2001. Although contributions from both the County and the cities were required to make the program operational, it has been fortuitous that most of these funds have not been tapped because significant grant funds have been obtained from the Federal Government and RTD. The City's initial contribution to start up the program was \$34,506. It is anticipated that most of this and the other city and County contributions will not be used until 2002.

Since the Program's inception, the number of rides eligible to Adams County residents has increased steadily. It is anticipated that as many as 16,000 rides will be provided during 2001, with up to 1,800 of these being for Westminster residents. In the Adams County Community Transit Program, rides are limited to those needing transportation for grocery store visits, medical and dental visits, and transport to congregate meal sites. The transportation services for Medicaid patients have not been part of the Adams County Community Transit Program since these transportation services are provided directly by the Department of Social Services.

In Jefferson County, transportation services for eligible seniors and disabled persons have been provided by the nonprofit agency, the Seniors' Resource Center (SRC), as part of a wide range of services available to seniors in Jefferson County. Their transportation services program has been operational for more than 20 years. The transit services provided by SRC in Jefferson County are more extensive than those provided by Community Transit in Adams County mainly due to the fact that they also provide medical transportation services for Medicaid patients, adult day care and other personal trips.

As described in the attached proposal, in 2000 SRC provided approximately 2,640 rides to Westminster residents in Jefferson County. The program in Westminster is funded largely by Jefferson County contributions and also by Federal Grants obtained through the Denver Regional Council of Government and contributions from those receiving rides.

Jefferson County Commissioners have requested that SRC pursue additional funding from cities to enable them to meet the increasing costs for providing transportation and so that they can expand their senior services into the rural portions of the county. As noted in the attached proposal, several other cities in the County have been contributing annually to the SRC transportation services. These include the City of Arvada that has provided more than \$110,000 in services, Lakewood that has provided \$26,000 in in-kind donations, and Edgewater that has provided \$3,300 in fuel. Cash donations of \$9,000 and \$18,550 have come from the Cities of Golden and Wheat Ridge, respectively.

The City has previously contributed funds to SRC through its Human Services Funding in recognition of the variety of services it provides to seniors within Westminster. City contributions were \$2,500 in 2000 and \$1,000 in 2001. The proposed contribution of \$15,000 for transit services would be above and beyond the request for Human Services Funding and would be specifically earmarked for transit services to seniors and disabled persons in the Jefferson County portion of Westminster.

The request for a financial contribution for the Senior Resources Center Transit Program was anticipated during the preparation of the 2001 budget. Therefore, \$15,000 has already been set aside in this year's budget to fund this request should Council decide to do so.

During the discussion on this issue at the June 18 Study Session, Council requested that both City and SRC staffs explore the possibility of extending transportation services to include Saturdays. Specifically mentioned was the need to provide transportation for dialysis patients.

As a follow-up to Council's request, City and SRC Staff have researched alternative approaches to Saturday service. Jane Yeager, the Director of Transportation Services for SRC, contacted two firms who provide dialysis treatment to determine the weekend demand for their services. Jane found that these firms have a reduced appointment schedule on Saturdays and that they try to limit the number of patients who need the service on weekends by scheduling persons who require transportation on Monday, Wednesday, and Friday. There has not been a demand for transportation for other medical purposes since the vast majority of other medical appointments can be scheduled on weekdays.

The costs to provide a full service level on Saturdays would be significant. Ms. Yeager indicated that for SRC to implement the service for Saturdays would require funding at \$50 per hour for a minimum of six hours each Saturday. This computes to \$300 per week or \$15,600 per year for the service. Potentially, part of the expense could be reduced by providing fuel or maintenance services to SRC vehicles, but this would still represent a direct cost to the City. Also, any decision to add full-scale services on Saturday would have to be approved by the SRC Board of Directors.

Given the expense involved in extending the service to all eligible participants to include Saturdays, City Staff discussed a much more limited service approach with SRC. Currently, SRC provides transportation service for a total of seventeen Adams and Jefferson County dialysis patients each Saturday. The criteria used for these transports is restricted to preplanned urgent care. In most cases, taxicabs are used for this service and the costs are absorbed through SRC existing funding sources. SRC is agreeable to continuing to make this service available at no additional cost as long as the criteria remains very restrictive. City Staff believes that this approach is very workable especially in light of the limited demand for Saturday transportation services. It is therefore Staff's recommendation that the City contribute the amount previously requested with the understanding that SRC will provide very limited Saturday transportation services as necessary.

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** July 9, 2001  
**Subject:** 2001 Wastewater Collection System Improvements Project  
**Prepared by:** Andy Mead, Utilities Operations Coordinator

**Introduction**

City Council action is requested to award the bid for the 2001 Wastewater Collection System Improvements/Project to Levi Contractors, Inc.; authorize the City Manager to execute a contract between the City and Levi Contractors, Inc.; and authorize a budget of \$93,972.50 for construction of wastewater collection system improvements as specified in the contract documents and \$9,397 as a contingency budget. Funds are allocated in the 2001 Water/Wastewater Fund, Utility Operating Budget for this project.

**Summary**

The project consists of replacing approximately 900 feet of 6-inch sanitary sewer line, six manholes, and connecting existing sanitary sewer services. This work also includes removal and disposal of existing sanitary sewer lines, abandoning existing manholes, and street patching. The project is located on 73<sup>rd</sup> Avenue, from Orchard Court to Lowell Boulevard. This project is expected to start in mid-July and should be completed by mid-September, 2001.

The 2001 Wastewater Collection System Improvements/Project was advertised in the *Daily Journal* on May 29 and June 4, 2001. A mandatory pre-bid meeting was conducted on June 12, with eight firms being represented. Bids were received and read at the public bid opening on June 21, 2001, in the City Council Chambers. Levi Contractors, Inc., was the apparent low bidder. JR Engineering has checked their references and recommends the City award them the project.

<u>Bidder</u>	<u>Bid Amount</u>
<b>Levi Contractors, Inc.</b>	<b>\$93,972.50</b>
<b>T. Lowell Construction, Inc.</b>	<b>\$125,000.00</b>
<b>Scott Contracting, Inc.</b>	<b>\$125,460.00</b>
<b>Farner Enterprises, Inc.</b>	<b>\$137,885.00</b>
<b>Wycon Construction Co.</b>	<b>\$165,695.00</b>
<b>Concrete Works of Colorado, Inc.</b>	<b>\$199,274.00</b>
<b>New Design Construction</b>	<b>\$203,290.00</b>
<b><u>Engineers' Estimate</u></b>	<b><u>\$141,115.00</u></b>

**Policy Issues**

Should the City of Westminster utilize Utility Fund monies to complete the needed wastewater collection system improvements as specified in the contract document?

### **Staff Recommendation**

Award the contract to the low bidder, Levi Contractors, Inc., in the amount of \$93,972.50 for the 2001 Wastewater Collection System Improvements Project; authorize the City Manager to execute a contract between the City and Levi Contractors, Inc., to complete the specified work as described in the project documentation; authorize a project budget of \$93,972.50 with a 10% contingency budget of \$9,397; and charge the appropriate operating budget account in the Utilities Operations Budget.

### **Alternatives**

An alternative to replacing the sewer lines now would be to delay this project to a later date. However, if this work is delayed, the replacement would take place after the Community Development street reconstruction project and the reconstructed street would be damaged by the sewer construction. Also, additional maintenance, repairs, and customer service concerns may occur until the line is replaced.

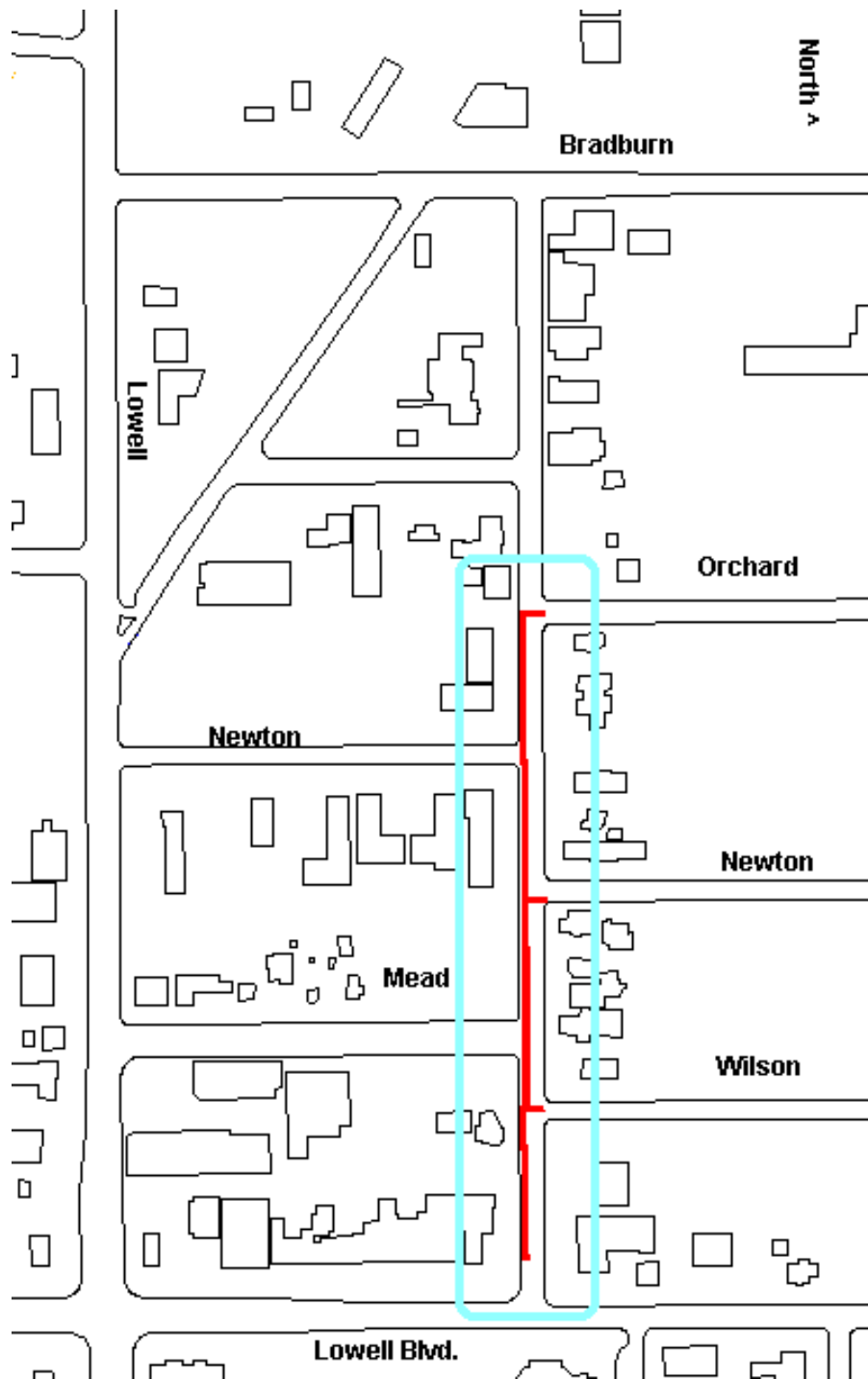
### **Background**

This project is being undertaken in advance of Community Development's project to reconstruct 73<sup>rd</sup> Avenue. The sanitary sewer in the project location for sewer line replacement has been identified as needing replacement due to the poor condition of the existing pipe. This area is not a good candidate for trenchless technology methods because of the poor condition and misalignment of the existing pipes. Trenchless technologies require an existing pipe with good grade and pipe alignments to be successful. Also, the existing pipe is not large enough to handle the current flows and should be upsized to relieve this condition. Trenchless technologies also reduce the inside diameter of the pipes; the current 6-inch diameter is the minimum that can be maintained by conventional sewer cleaning equipment.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment





### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 9, 2001

**Subject:** US 36/92<sup>nd</sup> Avenue/Sheridan Boulevard Interchange Project – Intergovernmental Agreement with the Colorado Department of Transportation

**Prepared by:** David W. Loseman, Senior Projects Engineer

#### Introduction

City Council action is requested to authorize the Mayor and other appropriate City Officials to sign the attached Intergovernmental Agreement (IGA) between the City of Westminster and the Colorado Department of Transportation (CDOT) regarding maintenance responsibilities for the US 36/92<sup>nd</sup> Avenue/Sheridan Boulevard Interchange Project.

#### Summary

- > In 1997, the City hired Felsburg, Holt & Ullevig (FHU) to perform the preliminary design of ultimate interchange improvements on US 36 at 92<sup>nd</sup> Avenue and Sheridan Boulevard. This effort also included securing the approval of the State Transportation Commission for the construction of certain interim improvements (see attached drawing).
- > On July 10, 2000, the State Transportation Commission approved the “Feasibility Report” for this project with the stipulation that the City enter into an IGA with CDOT addressing the maintenance responsibilities for this project.
- > The subject of this Agenda Memorandum is the request to authorize the Mayor and other appropriate City officials to sign the proposed IGA with CDOT. The key elements of this IGA as they apply to portions of the project being built by the City are: Snow removal, sanding and salting, pothole repairs, maintenance of drainage structures, maintenance of architectural features, maintenance of lighting, maintenance of irrigation and landscaping, and maintenance of signing and striping.

#### Policy Issue(s)

Should the City of Westminster enter into an Intergovernmental Agreement with the Colorado Department of Transportation obligating the City to certain long-term maintenance responsibilities and associated costs for this proposed Interchange Project?

#### Staff Recommendation

Authorize the Mayor and other appropriate City Officials to sign the Intergovernmental Agreement between the City of Westminster and the Colorado Department of Transportation relating to long-term maintenance responsibilities of the US 36/92<sup>nd</sup> Avenue/Sheridan Boulevard Interchange Project.



### **Alternative(s)**

Council could choose to not approve the IGA. The State Transportation Commission approved this project with the stipulation that the City would enter into this IGA. If Council chooses not to approve this IGA then the Commission's approval would be withdrawn and the project could not be constructed.

### **Background Information**

In 1991, the City prepared a Comprehensive Roadway Master Plan. This Plan, adopted by Council in 1994, provided a "big picture" look at the City's expected growth to identify areas needing roadway system improvements. It identified the Westminster Center area and the streets around the Westminster Mall as a high priority for operational improvements. Based on the results of this study, the City analyzed alternatives and identified specific improvements in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the west, 92<sup>nd</sup> Avenue on the north and 88<sup>th</sup> Avenue on the south.

One of the recommended projects that would provide significant relief to the traffic congestion within the Westminster Center area is improvement to the U.S.36/92<sup>nd</sup> Avenue/Sheridan Boulevard Interchange (see attached map). In summary, the improvements would include a loop off-ramp from westbound US 36 to westbound 92<sup>nd</sup> Avenue and an on-ramp from eastbound 92<sup>nd</sup> Avenue to eastbound US 36. These changes would relieve congestion at the Sheridan Boulevard/92<sup>nd</sup> Avenue intersection and elsewhere. Funds for the design of these improvements were included in the bond issue approved by Westminster citizens in November of 1996.

In 1997, the City hired Felsburg, Holt and Ullevig to prepare final design documents for the construction of this interchange project. As part of this effort, a project feasibility study was prepared and presented to the State Transportation Commission on July 10, 2000. This was the first step in the approval process for this project and the Commission's approval was subject to the City entering into an Intergovernmental Agreement with CDOT addressing the long-term maintenance responsibilities of the Interchange Project. The City's maintenance responsibilities would apply to all of the newly constructed features of the project and include the following:

- 1) Provide routine maintenance on a portion of the reconstructed Interchange on US 36 at Sheridan Boulevard and 92<sup>nd</sup> Avenue, to include:
  - a) Removal of snow, sanding and salting.
  - b) Repair of failing pavement and subgrade, if necessary (fill and repair potholes).
  - c) Repair of damaged surfacing or subsurface facilities (sidewalks, inlets, sewer pipes, conduit, etc.).
  - d) Maintenance of all architectural features (including electrical and lighting fixtures), retaining walls, all landscaping and irrigation equipment (including cutting weeds and grasses) and fence maintenance.
  - e) Maintenance of all drainage structures and features on the roadway (including ditch, pipe and culvert cleaning, bridge drains and approach slab inlets).
  - f) Sweeping and maintenance of pavement surfaces.
  - g) Maintenance of signing and striping (all signing within CDOT right-of-way shall be approved by CDOT).

- h) Maintenance of the traffic control devices on the roadway.
  - i) Litter removal and graffiti removal.
2. Provide major maintenance at appropriate intervals on a portion of the reconstructed interchange:
- a) Resurfacing of the roadway.
  - b) Other activities to maintain the serviceability of the new portion of the interchange.

The requirement by the State Transportation Commission that the City enter into this IGA is not unusual. When any City requests an access to a State Highway and this access is a benefit to the City and is being funded entirely by the City, it is a standard requirement that the City assume responsibility for maintenance of the new components of the project.

The portions of the new Interchange that will be the maintenance responsibility of the City are Ramp 13, Ramp 16 and a portion of Ramp 15 as shown on the attached drawing. Other “existing” elements of the project would continue to be maintained by CDOT.

Since this project is a high priority of the City’s and is funded entirely by the City, Staff believes that the responsibilities imposed by this IGA are reasonable and an appropriate tradeoff for the benefits which will be realized once the ramp improvements are made.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 9, 2001

**Subject:** Councillor's Bill No. 44 re Western Gas Resources, Inc. Business Assistance Package

**Prepared by:** Becky Johnson, Economic Development Program Coordinator

#### Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package in the amount of \$138,600 for Western Gas Resources, Inc.

#### Summary

Western Gas Resources, Inc. has out-grown its current space at 12200 Pecos Street in Park Centre Business Park. Western Gas Resources, Inc. plans to build a new 91,000 square foot corporate office immediately north of its current office building. A total of over \$615,190 in revenue is anticipated in the first five years of operation of the new Western Gas Resources facility. The recommended assistance package for this project totals \$138,600. The purpose of providing this assistance is to aid an existing Westminster business in its expansion efforts to keep it in the City. In addition, staff has also worked with Adams County Economic Development to have additional assistance provided to the project from the Adams County Board of Commissioners.

#### Policy Issue

The policy issue for City Council's consideration is whether or not to approve a business assistance package to aid an existing Westminster business in its expansion efforts in the City.

#### Staff Recommendation

Pass Councillor's Bill No. 44 on first reading, authorizing the execution and implementation of a Business Assistance Agreement with Western Gas Resources, Inc. in the amount of \$138,600.

#### Alternatives

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of "retaining quality businesses" is not supported. A positive relationship is desirable with existing business. In addition, the City would not be strategically positioned for consideration for future Western Gas Resources, Inc. expansions.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the company away, but the assistance being recommended is already considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that is 23% of the total 5-year projected revenue. There is room for additional funding; however, it is staff's opinion that additional assistance is not needed.

The assistance being proposed is 23% of the total direct general use tax and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy is issued.

**Background Information**

Western Gas Resources has been a corporate citizen of Westminster since 1991 at which time the company moved its corporate offices to Park Centre. Western Gas Resources is located at 12200 Pecos Street in Park Centre and they lease additional space in other Park Centre buildings. The company began current discussions with staff in August 2000, with the goal of building a new 91,000 square foot corporate headquarters in the City. Upon completion of the new facility, Western Gas Resources, is planning to sell the existing corporate building.

Western Gas Resources owns and operates 18 natural gas gathering, processing, and treating facilities located throughout the Rocky Mountain, mid-continent, Gulf Coast and Southwest regions of the United States. The new facility will house the accounting, marketing, engineering, production, and business development functions of the company.

The average wage of this company is \$71,234 per year, for approximately 256 employees. The annual payroll is \$20 million. Within the next 36 months of operation, Western Gas Resources projects employment to grow to 313 employees, with an annual payroll of \$25 million.

It is anticipated that Western Gas Resources will generate over \$615,190 of revenue directly to the City in the first five years of operation. This is based on constructing a new 91,000 square foot facility with a \$12 million construction valuation; and equipment purchases, at move-in and for the first 5 years of operation, totaling \$10.5 million.

**Proposed Assistance**

Based on a 5-year projection of City tax and fee revenue, Staff recommends the following assistance package:

	<u>Estimated Rebate</u>
<u>Permit-Fee Rebate</u> 30% of all building-related fees (excluding water & sewer tap fees) will be rebated (\$57,143 x 30% = \$17,142)	\$ 17,142
<u>Building Use Tax Rebate</u> 30% of the Use Tax on construction materials for this project will be rebated (\$180,000 x 30% = \$54,000)	\$ 54,000
<u>Use Tax Rebate on Furniture and Fixtures</u> For purchases of items for the Westminster facility made during the three months prior to the issuance of the Certificate of Occupancy and for the first three years of operation, the City will rebate 30% of the General Use Tax remitted to the City of Westminster by Western Gas Resources, Inc. with its use tax return up to a maximum of \$67,000 (Estimated \$3 million new equipment x 3% Use Tax x 30% = \$27,000 at move-in plus \$1.5 million new equipment x 3% Use Tax x 30% rebate = \$13,500 per year times 3 years equals \$67,500)	\$ 67,500

**Total Proposed Assistance Package                      \$138,600**

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**ASSISTANCE AGREEMENT FOR  
WESTERN GAS RESOURCES, INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2001, between the CITY OF WESTMINSTER (the "City"), and WESTERN GAS RESOURCES, INC.

WHEREAS, the City wishes to provide certain assistance to Western Gas Resources, Inc. to aid an existing Westminster business in its expansion efforts, while keeping it in the City; and

WHEREAS, Western Gas Resources, Inc. plans to construct a 91,000 square foot building in Park Centre Business Park, for its business expansion, thus providing additional primary job creation within the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Western Gas Resources, Inc. agree as follows:

1. Building Permit Fee Rebates. The City shall rebate 30% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, to Western Gas Resources, Inc. which will result in construction of a 91,000 square foot building in Park Centre Business Park, expected to be completed by December 31, 2002.

2. Use Tax Rebate - Construction. The City shall rebate 30% of the Building Use Tax on the construction materials, which are to be used in construction of the 91,000 square foot building in Park Centre Business Park, required under W.M.C. sections 4-2-9 and 4-2-3, to Western Gas Resources, Inc.

3. Use Tax Rebate - Furniture and Fixtures. For purchases of items for the Westminster facility made during 3 months prior to the issuance of the Certificate of Occupancy for the new building and during the first three years of operation of Western Gas Resources, Inc. in its new location, the City shall rebate 30% of the General Use Tax remitted to the City of Westminster with the company's use tax return. The total rebate pursuant to this paragraph shall not exceed \$67,500 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from Western Gas Resources, Inc. and attributable to the imposition against Western Gas Resources' facility, of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax). Quarterly installments equal to 30% of the Use Tax collected and received by the City from Western Gas Resources, Inc. shall be made within 20 days following the close of each calendar quarter. The first rebate installment shall occur at the close of the quarter in which the Certificate of Occupancy is issued for the new office facility in Westminster. The rebate shall stop at the end of the first three years of operation in the new facility, or at the point the rebate totals \$67,500, which ever comes first.

4. Entire Agreement. This instrument shall constitute the entire agreement between the City and Western Gas Resources, Inc. and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

5. Termination. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Western Gas Resources, Inc. has not completed construction or moved into its new building by December 31, 2002.

6. Repayment. In the event Western Gas Resources, Inc. ceases business operations within the City within three (3) years after the company begins operation in the new building, then in such event Western Gas Resources, Inc. shall pay to the City the total amount of fees and taxes which were due and payable by

Western Gas Resources to the City, but were rebated by the City, as well as reimburse the City for all funds provided to Western Gas Resources pursuant to this Agreement.

7. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

8. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

9. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado.

WESTERN GAS RESOURCES, INC.

CITY OF WESTMINSTER

\_\_\_\_\_

\_\_\_\_\_  
J. Brent McFall  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **44**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH WESTERN GAS RESOURCES, INC. FOR THE CONSTRUCTION OF OFFICE SPACE IN PARK CENTRE BUSINESS PARK

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Western Gas Resources, Inc. plans to construct a 91,000 square foot office building in Park Centre Business Park, in the City of Westminster; and

WHEREAS, a proposed Assistance Agreement between the City and Western Gas Resources, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Western Gas Resources, Inc. in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of July 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of July 2001.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 9, 2001  
**Subject:** Resolution No. 44 re Western Gas Resources, Inc.  
**Prepared by:** Becky Johnson, Economic Development Program Coordinator  
Margo Schultz, Planner II

**Introduction**

City Council action is requested to designate Western Gas Resources, Inc. as an Economic Development Project, for the purpose of allowing the Official Development Plan to receive Administrative Review per City Code subsection 11-5-8(B). The project meets the City's economic development goals and qualifies for economic development assistance.

**Summary**

The City Code permits administrative approval for an Official Development Plan (ODP), for a non-residential project under 20 acres in size, by the City Manager, if City Council determines that the project furthers the economic development goals of the City, or if it qualifies for economic development assistance. The process of Administrative Review does not guarantee approval of the Official Development Plan.

**Staff Recommendation**

Adopt Resolution No. designating Western Gas Resources, Inc. officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan.

**Background Information**

Western Gas Resources has been a corporate citizen of Westminster since 1991 at which time the company moved its corporate offices to Park Centre. The company is currently located at 12200 Pecos Street in Park Centre and lease additional space in other Park Centre buildings. Western Gas revisited previous discussions with staff in August 2000, with the goal of building a new 90,000 square foot corporate headquarters at 123<sup>rd</sup> and Pecos Street on a 10.4 acre site. Upon completion of the new facility, Western Gas Resources, is planning to sell their existing corporate building.

Western Gas Resources owns and operates 18 natural gas gathering, processing, and treating facilities located throughout the Rocky Mountain, mid-continent, Gulf Coast and Southwest regions of the United States. The new facility will house the accounting, marketing, engineering, production, and business development functions and will be the corporate headquarters for this Fortune 500 company.

Staff believes that this development meets the general criteria required by the City Code; is zoned for the use intended; conforms to the adopted Comprehensive Land Use Plan; and therefore, should be considered an economic development project. Allowing Administrative Review is key to the financing of the project and to keep it on a time sensitive construction schedule.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



A RESOLUTION

RESOLUTION NO. **44**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

DECLARING WESTERN GAS RESOURCES, INC. AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE PURPOSE OF RECEIVING ADMINISTRATIVE REVIEW OF THE OFFICIAL DEVELOPMENT PLAN

WHEREAS, the City is engaged in the expansion efforts of the Western Gas Resources, Inc., in constructing a new 91,000 square foot corporate office building; and

WHEREAS, the Western Gas Resources, Inc. will be remain a corporate citizen of Westminster, thus retaining over 260 basic jobs within the City; and,

WHEREAS, when Western Gas Resources' Official Development Plan meet staff approval, Administrative Approval will be granted; and,

WHEREAS, Western Gas Resources, Inc. site is comprised of 10.4 acres; and,

WHEREAS, Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that Western Gas Resources, Inc. be designated as an economic development project for the purposes of receiving Administrative Review as outlined in the Westminster City Code, Section 11-5-8 (B), enabling the City Manager to administratively approve the Official Development Plan for the project, upon staff recommendation.

Passed and adopted this 9th day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 9, 2001

**Subject:** First Public Hearing on 2002 City Budget

**Prepared By:** Barbara Gadecki, Assistant to the City Manager

### Introduction

City Council is scheduled to hold a public hearing to receive public input on the 2002 City Budget at Monday night's City Council meeting.

### Summary

Modification and review of the 2002 City Budget will continue through the summer and will culminate in the distribution of the 2002 Proposed Budget to City Council at the end of August.

The final public hearing is scheduled for August 27, prior to the City Council Budget Retreat scheduled for September, so that citizens will have one more opportunity to comment and provide feedback on the 2002 City Budget. In accordance with the City Charter, City Council must adopt the budget no later than the October 22 City Council meeting.

### Staff Recommendation

Hold a public hearing on the 2002 City Budget and receive citizen comments.

### Background Information

In March, City Council identified the focus areas for 2002. The following are the focus areas identified by the City Council:

- Fiscal Integrity
- Transportation
- Water
- Public Safety
- Growth Management
- Housing
- Open Space
- South Westminster

The direction provided by City Council assists City Staff as they review and modify the preliminarily approved 2002 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen/neighborhood input.

City Council preliminarily approved the 2002 Budget with the formal adoption of the 2001 Budget in October 2000. In November of 2000, Westminster voters approved a City Charter amendment that will allow the City Council to adopt a formal two-year budget. Staff has been preparing a two-year budget for the last several years; however, previously City Council could only officially adopt the first year of the two-year budget. In March 2001, City Council concurred with Staff to pursue an officially adopted two-year budget with the development of the 2003/2004 Budget to allow a transition period into a formal two-year budget and identify the details necessary to make such an official two-year budget work most effectively.

A Proposed Budget will be submitted to City Council at the end of August for review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet in September at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

The hearing on July 9<sup>th</sup> is the first of two public hearings on the 2002 Proposed City Budget to solicit citizen input. The second public hearing is scheduled for Monday, August 27.

Adoption of the 2002 Budget is scheduled for October 22 per City Charter requirements.

Respectfully submitted,

J. Brent McFall  
City Manager



### **WESTMINSTER** **COLORADO**

#### **Agenda Memorandum**

**Date:** July 9, 2001

**Subject:** Public Hearing re Councillor's Bill No. 45 on Permitted Uses in C1, C2 and M1 Zone Districts

**Prepared by:** Daniel E. Osborn, Planner I

#### **Introduction**

City Council action is requested on the City initiated additions of Automotive Rental Offices (limited to 20 cars on-site, in good condition (mechanical and exterior) with no car wash, maintenance, or repair facilities, limited to one office per shopping center) and Audio and Visual Sales, Service, and Part Stores to the "Permitted Uses" outlined in section 11-4-4 of the Westminster Municipal Code (WMC).

#### **Summary**

Major Issues: Recently, Economic Development and Planning Staff have been approached by various car rental businesses and an audio visual equipment contractor supplier to locate in Westminster's C1, commercial district. Currently, the Westminster Municipal Code, Permitted Uses sections does not allow for these uses in the C1 district. However, Planned Unit Development's (PUD's) could potentially allow these uses, if in conformance with the Comprehensive Land Use Plan (CLUP). City Staff has considered the request of the businesses and is in support of additional language within the "Permitted Uses" section of the Zoning Code to allow these uses. The proposed revisions are highlighted on the attachment.

#### **Policy Issue(s)**

Whether or not to add additional language allowing Automotive Rental Offices and Audio and Visual parts sales in C1, C2, and M1 districts.

#### **Planning Commission Recommendation**

This case was heard by the Planning Commission on June 26, 2001. The Commission voted unanimously to recommend to the City Council that the zoning changes to section 11-4-4 WMC entitled "Permitted Uses" be approved as recommended with the following addition: Limit auto rental offices to one office per shopping center and confer with the City Attorney's Office on the best way to assure that cars in disrepair are not allowed. Two individuals spoke in favor of the application.

#### **Staff Recommendation**

1. Hold a public hearing on the proposed Permitted Uses section additions.
2. Pass Councillor's Bill No. 45 on first reading amending section 11-4-4 to add the following uses:  
(a) Automotive Rental Offices (limited to 20 cars on-site, in good condition (mechanical and exterior) with no car wash, maintenance, or repair facilities, limited to one office per shopping center) to the C1, C2 and M1 districts; and (b) Audio and Visual Sales, Service, and Parts Stores to the C1, C2 and M1 districts.

**Alternative(s)**

Deny the proposed additions amendments to the "Permitted Uses" section. This action would preclude the above uses in the C1 district.

**Background Information**

The proposed changes are in response to the evolving way in which automotive rental offices are operated and to allowing audio and visual sales, service, and parts stores in more areas of the City. Adding the additional language would allow greater flexibility to accommodate the requests for businesses wanting to locate in the C1 district. Through recent policy meetings with Staff and discussions with the Development Review Committee, Staff has concluded that the additional language would benefit the City in meeting the needs of area businesses and be similar to other C1 businesses.

The C1 zone is a commercial district that allows retail and office where outside storage of merchandise is permitted. The City has not been able to accommodate Automotive Rental or Audio Visual supply uses in the C1 zone even though they are similar to many other uses allowed. Also, within the PUD zone district the same businesses could be accommodated within a similar Retail Commercial development. Many of the requests from the business community for placement in these zone districts have come with the encouragement from the Economic Development Division. With this amendment automotive rental offices limited to 20 cars on site with no car wash, maintenance or repair facilities, and audio and visual supply uses would be permitted in the C1 district.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING 11-4-4 OF THE WESTMINSTER MUNICIPAL CODE TO ALLOW AUTOMOTIVE RENTAL OFFICES AND AUDIO AND VISUAL SALES, SERVICE, AND PARTS STORES TO THE C1, C2 AND M1 DISTRICTS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-4 is hereby AMENDED as follows:

**11-4-4: PERMITTED USES:** This section lists the permitted uses in specific zoning districts. The table of permitted uses which follows lists the permitted uses within each corresponding district, excluding the Planned Unit Development District, PUD. Uses permitted pursuant to this section do not extend to that area included in the "Westminster Urban Renewal Plan." Uses permitted in that area shall be governed by the Plan. The listing of a use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district unless the use is specifically permitted in such other district. Uses are permitted only insofar as they are not prohibited or in conflict with other provisions of this Chapter or the City's Comprehensive Plan. In the event of any conflict or inconsistency between this section and the City's Comprehensive Plan, the Comprehensive Plan shall control.

BUSINESS AND COMMERCIAL USES:	RE	R1	RA	R2	R3	R4	R5	T1	B1	C1	C2	M1	O1
Antique Shop										C1	C2		
Apparel & Accessory Store									B1	C1	C2		
Artist's Studios/Art Galleries									B1	C1	C2		
Arts & Crafts/Drafting Supply									B1	C1	C2		
Assembly Halls & Event Centers for Private Functions such as Weddings, Receptions, Conferences & Meetings)										C1	C2		
<b>Audio/Visual Sales, Service, and Parts Store</b>										<b>C1</b>	<b>C2</b>	<b>M1</b>	
Automobile Accessory Store									B1	C1	C2		
Automobile, Boat, Camper & Recreational Vehicle Showrooms for the purposes of lease only, without parts, service, outdoor storage, or operational demonstrations									B1	C1	C2	M1	
Automotive & Heavy Equipment Rental											C2	M1	

<b>Automotive Rental Office (limited to 20 cars on-site in good condition (mechanical and exterior) with no car wash, maintenance, or repair facilities limited to one office per shopping center)</b>											C1	C2	M1	
Bakeries										B1	C1	C2		
Bar/Nightclub/Tavern										B1	C1	C2		
Barber & Beauty Shop										B1	C1	C2		
Beauty Supply Sales										B1	C1	C2		
Bed & Bath Shop										B1	C1	C2		
Bingo Establishment/Social Gaming Outlet												C2		
Book/Magazine/News Dealer, Excluding Dealers Selling Goods Not Available To All Ages										B1	C1	C2		
Bulk Fuel Sales												C2	M1	
<b>BUSINESS AND COMMERCIAL USES:</b>	<b>RE</b>	<b>R1</b>	<b>RA</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>T1</b>	<b>B1</b>	<b>C1</b>	<b>C2</b>	<b>M1</b>	<b>O1</b>	
Camera & Photographic Supply										B1	C1	C2		
Carpet & Rug Store										B1	C1	C2		
China & Glassware										B1	C1	C2		
Cleaning/Laundry/Tailor/Fur Storage										B1	C1	C2		
Computer Hardware, Software, and Accessories										B1	C1	C2		
Costume Sales & Rental										B1	C1	C2		
Custom Crafts/Ceramics/Stained Glass										B1	C1	C2		
Department/Variety/Catalog Store										B1	C1	C2		
Draperies & Window Coverings										B1	C1	C2		
Drug Store										B1	C1	C2		
Fabric Store										B1	C1	C2		
Fast Food Restaurant/Snacks										B1	C1	C2		
Florist & Plant Shop										B1	C1	C2		
Food Store										B1	C1	C2		
Funeral Home/Mortuary											C1	C2		
Furniture/Appliance Store										B1	C1	C2		
Furniture/Equipment Rental for Home Use Only										B1	C1	C2		
Gasoline Service Station										B1	C1	C2	M1	
General Automobile Repair												C2	M1	
General Repair Shop												C2	M1	
Gifts/Novelties/Souvenirs, Excluding Dealers Selling Goods Not Available to All Ages										B1	C1	C2		
Greenhouse												C2	M1	O1





Vehicle Parts													
Used Motor Vehicle Parts												M1	
Variety Store									B1	C1	C2		
Wholesale & Commercial Heating, Plumbing, Electrical, Lumber, & Building Equipment & Material											C2	M1	

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

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9<sup>th</sup> day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 9, 2001

**Subject:** Public Hearing and Action re Comprehensive Land Use Plan Amendment for Bruchez Property

**Prepared by:** Max Ruppeck, Senior Project Manager

**Introduction**

City Council is requested to hold a public hearing and take action on the attached Councillor's Bill regarding a proposed Comprehensive Land Use Plan (CLUP) amendment from "Retail Commercial" to "Multi-Family Residential" for a 5.3 acre parcel located at the southeast corner of Bruchez Parkway (108<sup>th</sup> Avenue) and North Federal Boulevard.

**Summary**

HB Cornerstone, LLC (Shirley Bruchez) is requesting a change in the land use designation for the subject parcel from "Retail Commercial" to "Multi-Family Residential." The "Multi-Family" Residential category allows up to 18 dwelling units per acre.

An Official Development Plan has been submitted for the site for a two-story condominium residential use at a density of approximately 12 dwelling units per acre. However, the only land use categories in the CLUP are Single-Family Attached (up to 10 dwelling units per acre) and Multi-Family (up to 18 dwelling units per acre). The applicant is therefore requesting the Multi-Family land use category. The applicant has also agreed to amend the PDP to limit the site to 64 dwelling units or approximately 12 dwelling units per acre. If this CLUP amendment is approved, the PDP amendment can be processed administratively since it is a decrease in density from the current adopted PDP and would be in conformance with the CLUP.

Applicant/Property Owner: HB Cornerstone, LLC (Shirley Bruchez), 10907 Legacy Ridge Way  
Westminster, Colorado 80031

Location: The southeast corner of Bruchez Parkway and North Federal Boulevard.

Size of Site: 5.282 acres

Description of Proposed Use: The applicant wishes to develop the property as two story residential condominiums. An Official Development Plan has been submitted for 64 condominium units and is currently under review.

Major Issues: The Comprehensive Land Use Plan designated this property as Retail Commercial in 1997. The Bruchez family has attempted to market the site as a retail project but has been unsuccessful. The Preliminary Development Plan for the property, adopted in 1992, allows for either Retail Commercial or Multiple-Family Residential. However, the Comprehensive Land Use Plan (CLUP) only allows for commercial development. Therefore, in order to build in accordance with the Preliminary Development Plan a CLUP amendment is required.

### **Policy Issue(s)**

Should the City support the conversion of commercial property to multiple-family residential at this location?

### **Planning Commission Recommendation**

At their regular meeting held on June 26, 2001, the Planning Commission voted unanimously to forward a recommendation of approval to City Council on the proposed Comprehensive Land Use Plan Amendment for the subject property from “Retail Commercial” to “Multi-Family Residential”.

At the public hearing before the Planning Commission, six individuals commented that they would rather see a density cap of 10 du/ac, but they generally support the change of land use from Retail Commercial to Residential. There was also some concern expressed regarding the quality of the development.

### **Staff Recommendation**

1. Hold a public hearing.
2. Approve the Comprehensive Land Use Plan Amendment changing the land use designation from “Retail Commercial” to “Multi-Family Residential” based on the following:
  - The proposed amendment is justified and the Comprehensive Land Use Plan is in need of revisions as proposed;
  - The proposed amendment is in conformance with the overall purpose and intent of the goals and policies of the plan;
  - The proposed amendment is compatible with existing and planned surrounding uses;
  - The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems; and
  - The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code (WMC).

### **Alternative(s)**

- Deny the proposed amendment and retain the Retail Commercial land use designation.
- Designate another land use category for the subject parcel.

### **Background Information**

When the Preliminary Development Plan (PDP) was adopted for Legacy Ridge in 1992, the Bruchez family envisioned this property to be a limited “service retail” center for the area of Legacy Ridge east of Federal Boulevard. It was anticipated that this area would primarily be housing for semi-retired or retired persons and a service retail center catering to the particular needs of an older population would be appropriate. In order to provide flexibility in development, the Preliminary Development Plan also allowed for Multiple-Family residential up to 20 dwellings per acre.

When the Comprehensive Land Use Plan (CLUP) was adopted in 1997, the Bruchez family opted for the Retail Commercial land use designation because the CLUP did not allow Retail-Residential flexibility. After unsuccessfully attempting to market the land as a retail site for nine (9) years, the current amendment for Multiple-Family Residential use has been requested.

An Official Development Plan has been submitted for the site for a two-story condominium residential use at a density of approximately 12 dwelling units per acre. However, the only land use categories in the CLUP are Single-Family Attached (up to 10 dwelling units per acre) and Multi-Family (up to 18 dwelling units per acre). The applicant is therefore requesting the Multi-Family land use category. The applicant has also agreed to amend the PDP to limit the site to 64 dwelling units or approximately 12 dwelling units per acre. If this CLUP amendment is approved, the PDP amendment can be processed administratively since it is a decrease in density from the current adopted PDP and would be in conformance with the CLUP.

#### Comprehensive Land Use Plan Evaluation

The following criteria from the Comprehensive Land Use Plan are to be used when considering an amendment to the Plan:

- A. “Demonstrate there is justification for the proposed change and that the plan is in need of the revision as proposed.” - The proposed amendment will allow an additional housing type in the City, condominiums at a density of about 12 du/ac. Currently, there is little of this product type available in the City.
- B. “Be in conformance with the overall purpose and intent of the goals and policies of the Comprehensive Land Use Plan.” - (See “A” above.)
- C. “Be compatible with existing and planned surrounding land use.” - The developments immediately adjacent to the subject parcel are Legacy Ridge Filing No. 8, a rental apartment project of 2 and 3 story buildings at a density of 17.5 du/ac; and Legacy Ridge Filing No. 7, a townhome project at 7.3 du/ac.

Policy B2b of the Comprehensive Land Use Plan states that . . .”existing neighborhoods will be protected from new development that is incompatible with residential use.” The proposed development will provide a good transition between the townhome and apartment densities.

- D. “The Proposed Amendment will not result in excessive detrimental impacts to the City’s existing or planned infrastructure system.” - The proposed area is well served by streets and utility systems.

#### Referral Agency Responses

No comments received.

#### Surrounding Land Use and Comprehensive Land Use Plan Designations

The property to the south is designated as “Multi-Family Residential” and is currently developed as apartments at a density of 17.5 du/ac. The property to the east is designated at “Single-Family Attached” residential and is developed as townhome at a density of 7.3 du/ac. The property to the west (across Federal Boulevard) is designated as “Single-Family Attached” and developed with townhomes (Autumn chase) at a density of 14 du/ac in the mid-1980’s.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE

COUNCILLOR'S BILL NO. **46**

SERIES 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City has received an application requesting a land use change for the Bruchez-Legacy Ridge property shown in "Exhibit A" and specifically described as follows:

A tract of land, being a portion of the southeast quarter of Section 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado, also being a portion of Tract SS, Boundary survey of Westminster Golf Course Community P.U.D., filed in the Adams County Clerk and Recorder's Office, being more particularly described as follows:

Basis of bearing of this description is N00°29'54"W a distance of 2643.29 feet from a 3-1/4" aluminum cap LS #10372 in range box found at the southwest corner of the southeast quarter of said Section 8, to a 2" aluminum cap LS #16109 in range box found at the northwest corner of the southeast quarter of said Section 8.

Commencing at said 3-1/4" aluminum cap LS #10372 in range box found at the southwest corner of the southeast quarter of Section 8; thence N00°29'54"W along the west line of the southeast quarter of said Section 8 a distance of 1949.02 feet; thence N89°30'06"E a distance of 50.00 feet to the easterly right-of-way line of Federal Boulevard also being the westerly line of said Tract SS, boundary survey of Westminster Golf Course Community P.U.D. and the point of beginning;

Thence N00°29'54"W along said easterly right-of-way line of Federal Boulevard also being the westerly line of said Tract SS a distance of 502.01 feet to a point of curvature; thence along a curve to the right connecting said easterly right-of-way line of Federal Boulevard with the southerly right-of-way line of Bruchez Parkway, an arc length 25.13 feet, having a radius of 16.00 feet, through a central angle of 90°00'00", and a chord which bears N44°30'06"E a distance of 22.63 feet to a point of tangency;

Thence the following three (3) courses along the southerly and westerly right-of-way line of Bruchez Parkway;

- 1) Thence N89°30'05"E a distance of 134.04 feet to a point of curvature;
- 2) Thence along a curve to the right an arc length 460.15 feet, having a radius of 350.08 feet, through a central angle of 75°18'36", and a chord which bears S52°50'36"E a distance of 427.73 feet to a point of tangency;
- 3) Thence S15°11'18"E a distance of 200.55 feet to the northerly line of final plat for Legacy Ridge Filing No. 8, filed in the Adams County Clerk and Recorder's office;

Thence the following three (3) courses along said northerly line;

- 1) Thence S74°48'24"W a distance of 122.88 feet to a point of curvature;
- 2) Thence along a curve to the right an arc length 247.42 feet, having a radius of 965.00 feet, through a central angle of 14°41'24", and a chord which bears S82°09'24"W a distance of 246.74 feet to a point of tangency;
- 3) Thence S89°30'06"W a distance of 175.96 feet to the point of beginning;

Said parcel contains 5.282 acres or 230.078 square feet, more or less.

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan for the Bruchez property, shown in "Exhibit A" attached hereto. The Bruchez property shall be designated as "Multiple Family" provided, however, that: 1) this amendment is approved with the condition that the Official Development Plan for the property shall not permit the construction of more than 64 dwelling units; and 2) an amendment to the "Westminster Golf Course Community – East Section" Preliminary Development Plan shall be administratively approved limiting the density of the subject property to not more than 12.5 dwelling units per acre.

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

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

Section 4. The title and purpose of this Ordinance shall be published prior to its consideration on second reading. The full text of this Ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of July, 2001.

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Mayor

ATTEST:

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



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 9, 2001

**Subject:** Public Hearing and Action re Dry Creek Estates PUD and Village at Harmony Park ODP

**Prepared by:** Patrick Caldwell, Planner II

#### Introduction

City Council is requested to hold a public hearing and take action on:

- The First Amended Preliminary Development Plan (PDP) of Dry Creek Estates Planned Unit Development (PUD);
- The Village at Harmony Park Official Development Plan (ODP);
- A Councillor's Bill for park development fee credit and authorizing the City Manager to enter into an agreement for the use of these credits on park development; and
- Purchase and Sale Agreement in the Amount of \$6,000 for the sale of a portion of the Caulkins Ditch.

#### Summary

##### Applicant/Property Owner

VHP Development LLC (Applicant), 520 Courtney Way, Suite A, Lafayette, Colorado 80026

Broomfield Associates (Property Owner), 2233 South Geneva Street, Denver, Colorado 80231

##### Location

The project site is located east of Zuni Street, north and east of the Willow Run shopping center at the northeast corner of 128<sup>th</sup> Avenue and Zuni Street; and on the south side of the Amherst Subdivision. (See attached location map, Exhibit A.)

##### Size of Site

The site area of the Village at Harmony Park is 109.54 acres.

Description of Proposed Use: The Village at Harmony Park ODP is proposed for 309 single-family detached dwellings on 109.54 acres. The proposed density is 2.8 dwelling units per acre. A 7.5-acre public park is proposed for improvement by the developer to City Park standards. City Council approval is being sought for application of the required park development fees to this park. Other park and open space parcels are also proposed throughout the development.

Comprehensive Land Use Plan (CLUP) Designation: The CLUP designations are Single Family Detached – Medium Density (3.5 dwelling units per acre maximum), and Flood Corridor.

Major Issues: There are no major issues to be resolved at this time.

#### Policy Issues

1. Whether or not to approve the First Amended Preliminary Development Plan (PDP) of Dry Creek Estates P.U.D.
2. Whether or not to approve the Village at Harmony Park Official Development Plan (ODP).
3. Whether or not to approve an ordinance for Park Development Fee Credits.

4. Whether or not to authorize the City Manager to execute a Purchase and Sale Agreement for a portion of the Caulkins Ditch.

### **Planning Commission Recommendation**

The Planning Commission held a public hearing on June 26, 2001 and voted unanimously (7-0) to recommend that the City Council approve:

1. The First Amended Preliminary Development Plan of Dry Creek Estates Planned Unit Development and the Village at Harmony Park Official Development Plan. The recommendation was based on the following findings:
  - A. The plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to Standards for approval of Preliminary Development Plans.
  - B. The plans are in conformance with Section 11-5-15 of the Westminster Municipal Code pertaining to Standards for approval of Official Development Plans.

### **Staff Recommendation**

1. Hold a public hearing on the proposed First Amended Preliminary Development Plan of Dry Creek Estates Planned Unit Development and the Village at Harmony Park Official Development Plan.
2. Approve the First Amended Preliminary Development Plan of Dry Creek Estates Planned Unit Development and the Village at Harmony Park Official Development Plan based upon the following findings:
  - A. The plans are in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to Standards for approval of Preliminary Development Plans.
  - B. The plans are in conformance with Section 11-5-15 of the Westminster Municipal Code pertaining to Standards for approval of Official Development Plans.
3. Pass Councillor's Bill No. 47 on first reading, authorizing Park Development Credits as required under Section 13-4-3 of the Westminster Municipal Code.
4. Authorize the City Manager to execute a Purchase and Sale Agreement to VHP Development LLC in the amount of \$6,000 for the portion of the Caulkins Ditch that crosses the Official Development Plan of the Village at Harmony Park.

### **Alternative(s)**

1. Deny the First Amended Preliminary Development Plan (PDP) of Dry Creek Estates Planned Unit Development (P.U.D.).
2. Deny the Village at Harmony Park Official Development Plan (ODP).
3. Deny the ordinance for Park Development Fee Credits.
4. Do not authorize a Purchase and Sale Agreement for the Caulkins Ditch.

### **Background Information**

Architectural/Building Materials: Two distinct neighborhoods are proposed. For the 165 A and B lots, twelve models are shown on the ODP. Each model has at least two different front elevation options. Two of the twelve models have more than two optional front elevations. In total there are twenty-nine front elevation options for the A and B lots. All units will have at least 30 percent (30%) masonry on front elevations and on elevations that face open space, trails, parks and abut public streets.

The other area proposed is the cottage lot area. The cottage lots are to the south and west of the internal parkway. All of these lots have alley access to the garages. No lots will have front access to the garage. Four models are shown on the ODP. Each of these models has three optional front elevations. In total there are twelve front elevation options for the cottage lots.



All models will have some masonry, stucco, enhanced window details, enhanced gable details, decorative brackets and columns or enhanced siding on the front elevations. The large variety of exterior detail is substituted for the 30 percent (30%) masonry requirement committed to during the competition for Service Commitments in 2000. For elevations in the cottage lot area that face open space, public streets, trails or parks these enhancement details will be required.

All of the dwellings in the ODP will have horizontal lap siding, hardboard trim and dimensional composition shingles on the roof. All homes will have at least a two-car garage. All side or rear decks will have masonry wrapped support columns.

Although not specifically an architectural theme, the fencing throughout the entire ODP will be very consistent. An open three rail vinyl, buff-colored fence for the side and rear of the A and B lots will be consistent with fencing along City owned open space. The only exceptions in the A & B lots are the rear of the lots that back onto Zuni Street and the rear of the five lots that back up to the existing Amherst Park and Arapahoe Ridge Elementary School. The fence along Zuni Street will be a solid wood 8-foot high structure insulated for sound mitigation purposes with masonry columns spaced 55 feet apart. The wood fence along the park and school will be 6-feet high. The top 2 feet will have an open lattice design, while the lower 4-feet of the fence will be solid. Masonry columns will be spaced 55 feet apart.

In the cottage lots the front vinyl wing wall fence will be the open fencing style. The side and rear outdoor space of the cottage lots will utilize the 6-foot high wood fence. The lower 4-feet will be solid and the open lattice is on the upper 2 feet. A solid 8-foot high fence for sound mitigation purposes will be installed, consistent with the A and B lots that are adjacent to Zuni Street. The Zuni Street fence will be offset by 4 foot every 200 feet to create visual interest.

An existing privacy fence at the perimeter of the adjacent Willow Run commercial site is a combination of solid wood with masonry columns and solid masonry. The Village at Harmony Park will not install any fencing adjacent to those fences. In some locations the landscaping will be enhanced along the fence.

Public Land Dedication (PLD)

Required public land dedications for the Harmony Park ODP will be satisfied as follows. The residential density is 2.8 dwellings per acre. For single-family detached residential land uses with a density up to 3 dwellings per acre, a ten percent (10%) public land dedication is required. Thus, for 109 acres 10.9 acres are required for public land dedication.

The PLD is described as follows:

<u>Big Dry Creek Area:</u>	
(3.76 acres of non-floodplain @ Full Credit)	3.76 acres
(3.96 acres of floodplain @ 1/6 Credit)	.67 acres
Park South of Existing Amherst Park	<u>7.48</u> acres
<i>Total PLD</i>	11.91 acres
<i>Total Required</i>	<u>10.90</u> acres
<b>Exceeds Required PLD by</b>	1.01 acres

A small spur of the Caulkins Ditch extends north to south through the site. The City acquired this portion of the Caulkins Ditch from the Farmers Reservoir Irrigation Company (FRICO) in 1994 with the anticipation that it would be traded or sold to a future developer. The ditch has been abandoned and has not been used for at least 15 years. There is not a legal description of the ditch except for a map with bearings and distances of the ditch location. When the Willow Run ODP, adjacent and immediately south of this site, was approved in 1999 that portion of the Caulkins Ditch within the Willow Run ODP site was appraised and sold for \$3,500. The condition of the ditch on the Willow Run site and its estimated width appears to be similar to the ditch spur on the Harmony Park site.

Staff is recommending that the Caulkins Ditch across the Village at Harmony Park be exchanged for the approximately one extra acre of public land dedication above the required 10.9 acres, plus the payment of \$6,000 to the City. The \$6,000 payment shall be deposited into the Open Space Fund to be used for other open space purchases within the City.

**Parks/Trails:** The Harmony Park site will contain a variety of public parks, trails and private parks. As noted above, a 7.72 acre parcel of land that is partially within the Big Dry Creek floodplain will be dedicated to the City. This parcel is surrounded by City owned open space and the 7.72 acres will be incorporated into the adjacent open space by removing the existing fence and a couple of small sheds. The 7.48 acres that is south of the Arapahoe Ridge Elementary School will be developed as a public park. As explained in the following section, City Staff is recommending that the required park development fees be applied to development of this park. Several small private pocket park areas will be available throughout the entire ODP site. Passive recreation activity is proposed for these private pocket parks. Tract O, a .91 acre parcel within the cottage lot area, will contain a clubhouse, an outdoor swimming pool, a tot lot and a volleyball court.

An existing regional trail follows the eastern edge of the Harmony Park ODP. Currently it is a “soft” crusher fines surface. The developer will upgrade this trail to become a 10-ft. wide concrete trail. At the south end of the trail near 128<sup>th</sup> Avenue the trail will be slightly realigned to improve the access to 128<sup>th</sup> Avenue and to improve the grade and access to the existing pedestrian crossing under the 128<sup>th</sup> Avenue Big Dry Creek bridge. At the northeast end of the ODP the trail leaves the Big Dry Creek drainage and open space and turns directly north to follow the east side of Pecos Street. A portion of this trail section will be reconstructed to accommodate the extension of Pecos Street and to provide a safe crossing of Pecos Street to the Arapahoe Ridge Elementary School. Existing trail sections wind through the Amherst Park that is to the south of the school and the safe crossing of Pecos Street will extend to this trail section.

Along the north side of the Harmony Park site and west of the school is an existing drainage ditch that is owned by the City of Westminster. A crusher fine trail runs east to west from Umatilla Court to the school and to the existing Amherst Park trails. The developer will upgrade this trail section to become a 10-ft. wide concrete trail. For safety reasons at Umatilla Court the trail will not continue west to Zuni Street where crossing at mid-block would promote an unsafe condition. Instead the trail will follow Umatilla Court south to the parkway, then continue west along the parkway to Zuni Street. Collector streets such as the parkway have an 8-ft. wide concrete walk requirement, but to accommodate the trail along Umatilla Court, a local street, the sidewalk will be increased from five to eight feet in width. The front setbacks of Lots 6 through 10 in Block 4 on the east side of Umatilla Court will be reduced from 25-ft. to 22-ft. to allow for the extra three feet of sidewalk width.

**Park Development Fees:** The City Code requires “Every person, firm or corporation applying for and obtaining any building permit for the original construction of any dwelling unit shall be required to pay, prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any Occupancy Certificate, a park development fee based upon the number of dwelling units to be constructed.” This fee is used for development of park and recreation facilities and services. The 2001 rate for single-family detached is \$1,462 per unit. For 309 dwellings the total fee is \$451,758.00. The Code allows the City to credit against the fee for park improvements when the improvements are done by a developer in conjunction with the construction of the dwellings. To qualify for such credit, all park plans shall be subject to the approval of the Department of Parks, Recreation and Libraries and shall be included in the ODP that is finally approved by the City Council. The Code lists categories for allowed credit and limits the percentage of credit for each category. Six percent of the total fee must be paid to the City. The Code states that any credit for park development fees shall be established by the City Council by ordinance and shall be formalized in a written agreement that shall be approved by Council.

For the 7.48 acre park site the developer has requested that the full amount of the park development fees be credited towards development of this park. The Department of Parks, Recreation and Libraries has approved the park proposal and the conceptual plans. The City Council is being asked to approve an ordinance authorizing a credit of Park Development Fees and authorizing the City Manager to enter into an agreement to formalize the plan and responsibility.

The ordinance will authorize credit to be granted for all units in exchange for the park improvements as shown in Exhibit A to the Agreement. The developer projects that the park will be completed by 2003.

Access and Circulation: Primary vehicular accesses to the site are from 128<sup>th</sup> Avenue at the south and from Zuni Street at the west. Both Zuni Street and 128<sup>th</sup> Avenue are collector streets. A curving parkway is proposed to connect Zuni Street to 128<sup>th</sup> Avenue. The parkway has a variable width landscaped median with detached 8-ft. sidewalks on both sides. Although there are numerous homes that face this parkway, there are no locations where a backout condition from a driveway into two-way traffic is allowed. All lots on the south and west side of the parkway will have alley access. All lots at the north and east side of the parkway will have access from a one-way street section or the access will be from the adjacent local street.

Secondary access will be available from the north via Umatilla Court and via the Pecos Street extension. Umatilla Court will cross the City owned drainage ditch at the north side of the ODP. The City will be responsible for the design and construction of the street segment that will complete this connection. At the east side of the frontage of the existing Amherst Park there is approximately 300-ft. of City owned land over which Pecos Street will be constructed. The City will be responsible for the design and construction of this 300-foot of street segment. Pecos Street will curve to the west to become West 131<sup>st</sup> Avenue. Pecos Street extended and 131<sup>st</sup> Avenue will provide the vehicular access to the 7.48 acre public park.

The Willow Run commercial center at the northeast corner of 128<sup>th</sup> Avenue and Zuni Street has only right-in/right-out access to 128<sup>th</sup> Avenue. With the completion of the south portion of the parkway, Willow Run will have an access to the Harmony Park parkway near the parkway's intersection with 128<sup>th</sup> Avenue. This access will have full turn movement onto the parkway. A traffic signal is planned for the intersection of the parkway at 128<sup>th</sup> Avenue. The shared access to the parkway combined with the restricted access of Willow Run to 128<sup>th</sup> Avenue was done so that the number of curb cuts and potential traffic signals on 128<sup>th</sup> Avenue is reduced.

Pedestrian and bicycle access is available internally on the sidewalks, alleys and streets. External connections are available to sidewalks along both Zuni Street and 128<sup>th</sup> Avenue and with trail spurs to the City owned open space in the Big Dry Creek drainageway.

Circulation within the ODP is good. Cross connections are numerous and long cul de sacs are few. The parkway serves as a strong theme road to demarcate a more typical suburban street layout from a more traditional modified grid street and alley system. Traffic circles, landscaped pocket parks and landscaped islands serve to provide landmarks and to slow traffic, all of which improve safe access within the ODP.

Site Design: The ODP is 109.54 acres in size. General location and external land conditions have been discussed previously. Also discussed previously was the curving parkway with the variable width landscaped median. This theme road separates the ODP into two very distinct housing areas. The more typical suburban style lots that are to the north and east of the parkway (the A and B lots) and the cottage lots with the alleys are to the south and west of the parkway.

Edge landscape treatment and lot layout adjacent to Zuni Street has been designed to create a varied edge along Zuni Street. Berming and deep offsets in the fence location will create an attractive streetscape on Zuni Street.

At the Zuni Street entrance wide landscaped tracts, a landscaped median and a landscaped detention area open to the Big Dry Creek open space create a pastoral and wide open entrance to the ODP. This enhanced and open landscaping theme is carried through in the design of the parkway. The parkway has a wide sweeping curve with a grand landscaped median that is 80-ft. wide at the center of the curve. The median in this location acts as a strategic connection between the A and B lots, the public park and the school to the cottage lots, the private recreation center and the vista down Shoshone Street from the recreation center to Zuni Street and the mountains beyond. Several landscaped pocket parks are adjacent to the parkway. These are intended to enhance the parkway feel of the road and also provide a means of having additional homes face the parkway without having cars backout onto the parkway, a collector street.

Homes adjacent to the commercial parcel have the garages facing the alley and privacy fence as a method of buffering. A minimum of 50-ft. will separate the habitable portion of the dwellings from the property line of Willow Run with an additional 70-ft. to the back wall of the commercial buildings.

Setbacks for the A and B lots are consistent with the City's Design Guidelines for Single-Family Detached Residential uses. A few variances have been granted for specific lots with unique conditions. These are listed in the Waivers section, #24 on Sheet 5 of 97 on the ODP.

Setbacks for the cottage lots are consistent with the City's Design Guidelines for Traditional Mixed-Use Neighborhood Development. Although this is not a mixed-use neighborhood, the guidelines were used so that a more innovative housing option would be available within the City. The guidelines were used with the caution that criteria for Single-Family Detached-Moderate Density and the overall density allowed by the Comprehensive Land Use Plan (CLUP) were not exceeded. The allowed net density is 3.5 dwellings per acre and this ODP has a density of 2.8. Required criteria for lot size averages and minimum sizes were satisfied. This is listed in Note12 on Sheet 3 of 97 in the ODP.

The cottage lots will have a private outdoor space that is a minimum of 400 square feet. This space is at the side and rear of each unit. The cottage units have been designed so that there is an "active" and a "passive" side. The lots have been paired so that two active sides are not adjacent to and in conflict with each other.

Signage: Monument signs are proposed at the primary entrances to the ODP. These signs will be at both Zuni Street and 128<sup>th</sup> Avenue. Directional signage and parking restriction signs will be placed as needed on the streets and alleys.

Service Commitment Category: Service Commitments are available from Category B-1 (New Single-Family Detached Residential). Three hundred nine (309) Service Commitments were awarded in March, 2000. They are available as follows:

Year 2000	30
Year 2001	70
Year 2002	70
Year 2003	70
Year 2004	<u>69</u>
Total	309

The Service Commitments are available for a period of two years from the date available. Thus, unused Service Commitments for this ODP would be available through the end of 2006.

Referral Agency Responses: City Staff received responses from numerous agencies. All issues have been addressed.

Public Comments: Two neighborhood meetings were held for this ODP. The first was on September 12, 2000 and was held in conjunction with the North Area COG meeting. The developer presented the proposal and answered questions. Approximately 25 residents attended the meeting. Questions and concerns focused on the density, the alleys, the access to the dwelling from the alley, the street connections at Pecos Street and Umatilla Court, the units, the parking for the guests, the price range and the square footage of the units. These items were addressed by the developer.

A second neighborhood meeting was held on February 20, 2001. Again, an estimated 25 residents attended. Similar questions and concerns were raised and addressed by the developer. The connection of Umatilla Court and concerns with increased traffic in front of the homes on Umatilla Court were discussed.

The status of the single-family residence on the .7 acre parcel that fronts on Zuni Street was discussed. The parcel is in unincorporated Adams County with an agricultural zoning and access to the site was an issue of concern for some of those in attendance. Since the neighborhood meeting, the owner of that site has agreed to sell the site to the developer of the Village at Harmony Park ODP. The developer has stated verbally that their intentions are to annex the .7 acres into the City of Westminster, and incorporate that site into the PDP of Dry Creek Estates and the Village at Harmony Park ODP.

Surrounding Land Use and Comprehensive Land Use Plan Designations: To the north of this ODP is the Amherst Subdivision that is zoned PUD. This is designated as Medium Density Single-Family Detached in the CLUP and it is used as such. To the east of the ODP and to the south of West 128<sup>th</sup> Avenue is land designated as Public Open Space in the CLUP and it is used as such. East of the open space is the Casa Estates Mobile Home Park. To the west of the ODP across Zuni Street the land use is residential (mobile home park) and is within the City of Broomfield. To the southwest of the site is the Willow Run shopping center, a commercial site that is designated as Retail-Commercial in the CLUP. Surrounded on three sides by this ODP is a .7 acre agricultural use that is within unincorporated Adams County. This site is approximately 300 feet north of the Willow Run shopping center. The site has frontage on Zuni Street.

Preliminary Development Plan Amendment: A Preliminary Development Plan Amendment (PDP) is being processed concurrently with this ODP. This is the First Amended Preliminary Development Plan of Dry Creek Estates PUD. This PDP amendment outlines the proposed land uses, densities, Planning Areas, setbacks, fencing, landscaping and architectural standards for the site. The land area of the PDP is the same area as is the Village at Harmony Park ODP.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE ALLOWING EXEMPTIONS FOR CREDIT FOR PARK DEVELOPMENT FEES IN TITLE XIII, CHAPTER 4, SECTIONS 3(A), 3(B), 3(C) AND 3(D).

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster desires to provide public recreation facilities for its residents, and;

WHEREAS, the City of Westminster desires to have additional developed park area adjacent to the existing Amherst Park, and;

WHEREAS, the developer of the Village at Harmony Park Official Development Plan (ODP) desires to obtain credit for constructing a 7.48 acre park adjacent to the existing Amherst Park, and;

WHEREAS, the City requires a fee for park development to be paid prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any occupancy certificate.

NOW THEREFORE:

Section 1. The developer of Harmony Park is required to pay a park development fee and may receive a credit against the fee for park improvement work, done by the developer at the developer's expense simultaneously with the construction of the dwelling units;

Section 2. The credit for the park development fee shall be locked in at the 2001 rate of \$1,462 per unit. For 309 dwellings the total fee is \$451,758.

Section 3. The park development fee credit shall be allowed for land leveling or earthwork incorporated into the park improvements, installation of automatic irrigation systems, finished grading, soil preparation and seeding, plant materials, park equipment, and other work as allowed by the Department of Parks, Recreation and Libraries.

Section 4. The credit shall not be categorized by percentages of total costs.

Section 5. The credit shall apply to 100% of the costs.

Section 6. To qualify for the park development fee credit, the final, 100% Parks, Recreation and Libraries approved Construction Documents shall be substituted for inclusion of the park development plans in the Official Development Plan (ODP).

Section 7. To formalize the credit for park development fees City Council is authorizing signature in substantially the same form as Attachment A.

Section 8. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9<sup>th</sup> day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

**PUBLIC/PRIVATE IMPROVEMENTS AGREEMENT  
FOR AMHERST PARK EXPANSION  
(VILLAGE AT HARMONY PARK SUBDIVISION)**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between VHP DEVELOPMENT LLC, hereinafter referred to as "Developer" and the CITY OF WESTMINSTER, a municipal corporation of the State of Colorado, hereinafter referred to as "City and "Owner".

WITNESSETH

Whereas, Developer is the owner of property with the legal description as incorporated herein by this reference (the "Property"); and

Whereas, Developer and City have agreed that Developer will construct the expansion of Amherst Park as credit for the park development fee, pursuant to Chapter 4 of Title 13, W.M.C.; and

Whereas, Developer is required to install all landscaped areas and any additional improvements as required by the Westminster Municipal Code, Section 13-4-3 and as shown on Construction Drawings and Specifications, prepared by Staller & Henry, dated. (the "Improvements"); and

Whereas, installation of said improvements will be ongoing with the construction of this development,

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

1. Construction. Developer shall furnish and install, at its own expense, the labor and material necessary to complete the improvements described and detailed on Exhibit "A" attached hereto and made a part hereof (the "Improvements").

1.1 Prior to the letting of any construction contract, Developer shall furnish to the City for its review and approval all drawings, specifications, estimates, and such other documents for landscaping and private improvements as may be required by the City. The Developer shall furnish and the City shall review the drawings at 30%, 60%, 90%, and 100% completion, and the estimates at 50%, 90%, 100% completion.

1.2 Construction of the Improvements shall be in strict conformance with the drawings and specifications approved by the City.

1.2.1 The Improvements include seeding of grass which shall be governed by this subparagraph. The Developer shall seed the grass with seed approved by the City which seeding may be delayed or modified in the construction schedule to accommodate the optimum growing season. After seeding has been successfully accomplished and accepted by the City, the City shall assume responsibility for growth and maintenance of the grass. The seeding will have a shorter warranty period, to be determined, and not subject to the one-year warranty established in Section 4 herein .for all other Improvements City responsibility for park maintenance shall not extend to installation of the sprinkler system, landscaping (except grass), concrete work, sidewalks, parking lots, picnic shelters, or other Improvements which are subject to warranty under Section 4.

1.3 At all times during construction of the Improvements, City shall have the right to inspect the materials and workmanship of the construction. All materials and work shall be in compliance with the approved drawings and specifications referenced on Exhibit "A". Any material or work not conforming to the approved plans and specifications shall be removed and replaced to the satisfaction of the City at Developer's expense. The Parties shall schedule and attend weekly site meetings



1.4 Developer shall, at its own expense, be responsible for keeping on-site streets and off-site streets used as construction routes and rights-of-way clean of mud, rocks and debris at all times during said construction. Developer's work shall conform to the requirements for erosion control as described in the Municipal Code. Should Developer fail to meet said requirements, City may take corrective action and invoice Developer for the City's costs.

1.5 The Developer shall assure that all contractors and other employers engaged in construction of the Improvements shall maintain adequate Workman's Compensation insurance and public liability insurance coverage.

1.6 Developer shall faithfully comply with the provisions of the Federal Occupational Safety and Health Act.

2. Engineering Services. Developer shall furnish all engineering services in connection with the design and construction of the Improvements. The cost of such services shall be included in estimates furnished to the City.

3. Acceptance. Upon completion of the Improvements the Developer shall submit, in writing, a request for inspection and acceptance together with a preliminary copy of the as-built drawings of the improvements for review by the City. Prior to any acceptance by the City, the Developer shall furnish the City with a complete set of final, reproducible mylar "as-built" drawings, and a disc (Autocad Version 14).

3.1 The Improvements intended for public ownership shall be conveyed to the City at no cost or expense to the City and free of any liens, charges, or encumbrances. Such Improvements shall be conveyed to the City by appropriate legal instruments in form and content acceptable to the City. All improvements including but not limited to landscaping materials, irrigation systems, walks, picnic structures and signage shall be conveyed to the City by a bill of sale which warrants title to the Improvements in the City.

3.2 The Improvements will be accepted in writing by the City when all items are satisfactorily completed in accordance with the terms of this Agreement and the construction drawings and specifications prepared by Staller & Henry, dated \_\_\_\_\_. Upon such acceptance, the Improvements will become public facilities and the property of the City, and such acceptance shall commence the warranty period and the surety amount may be reduced to 15% of the original surety amount as noted in paragraph below.

3.3 In order to be considered for inspection, the Improvements shall have been completed to allow for detailed inspection by the City.

3.4 If, in the opinion of the City, an inspection is warranted, the City shall perform the requested inspection and shall prepare an acceptance corrections list, which shall state such deficiencies, if any, that have to be corrected prior to acceptance of the Improvements. Any acceptance correction that is not completed by the Developer within 60 days following notification may be completed by the City and charged to the Developer, which costs the Developer hereby agrees to reimburse to the City. At its option, the City may elect not to complete the corrections. After 60 days, the City may then reinspect the Improvements and addend or revise the acceptance corrections list and provide it to the Developer.

3.5 If, in the opinion of the City, an inspection is not warranted, the City shall notify the Developer in writing of the reasons the requested inspection is not warranted.

3.6 Prior to the acceptance of any Improvements, the Developer shall provide to the City an affidavit satisfactory to the City stating that (a) the contractor and all consultants and subcontractors employed in connection with the design and construction of the Improvements have received payment in full for their services, and (b) there are no unresolved claims, demands or disputes between the Developer and any provider of any service, materials or labor regarding the design or construction of the Improvements.

#### 4. Warranty Maintenance.

4.1 For a period of one year following the acceptance of the Improvements (the "Warranty Period"), The Developer shall be responsible for making any repairs or replacements required due to (a) defective materials, workmanship, or design or (b) damage that may be done to the Improvements except ordinary wear and tear. Repairs or replacement will be made which, in the opinion of the City, are necessary to maintain the Improvements to the same standards applicable at the time of the City's acceptance of the Improvements. This paragraph shall not apply to seeding which is governed by subparagraph 1.2.1 above.

4.2 During the ninth month of the Warranty Period, a warranty inspection will be conducted by the City and a corrections list will be submitted to the Developer stating what repairs or replacements are necessary pursuant to this Agreement.

4.3 All such deficiencies set forth in the corrections list shall be completed by the Developer within sixty (60) days of notification. Any warranty repair or replacement that is not satisfactorily completed by the Developer within sixty (60) days following notification may be completed by the City and charged to the Developer, which costs the Developer hereby agrees to reimburse to the City, unless modified by written agreement.

4.4 The City will monitor the satisfactory completion of all correction list items and, when completed, will provide the Owner a written acknowledgement of the completion of the Warranty Period and the release of the Improvements or designated portions thereof from warranty. Upon the request of the Developer, the City shall release the surety for any portion of the Improvements released from warranty by the City.

4.5 Nothing herein shall be construed or deemed as requiring the City to finally accept and release from warranty any improvements that are defective or damaged.

#### 5. Surety.

5.1 Developer shall furnish to the City, at the Owner's expense good and sufficient guarantee satisfactory to the City, in conformance with the requirements of Section 11-2-6(G) of the Westminster Municipal Code.

5.2 The amount of any original surety provided to the City shall not be reduced in scope or amount without the express written approval of the City.

5.3 At no time shall the value of the surety be less than 100 percent of the estimated cost of the uncompleted portion of the Improvements plus 15 percent of the total cost of all the improvements. Surety shall be provided to the City prior to commencement of construction of the improvements.

5.4 At least fourteen (14) calendar days prior to the expiration date of any surety, Developer shall provide the City an amended form of surety with a term sufficient to cover the time for completing any remaining obligations of the Developer pursuant to this Agreement. The Developer's failure to provide such an extended form of surety prior to said fourteen (14) day period shall constitute a failure to perform in accordance with this Agreement and shall give the City the right to proceed immediately to liquidate the existing surety.

5.5 At least fourteen (14) days prior to any sale or transfer of the Property, a substitute surety shall be provided to the City sufficient to secure any remaining obligations under this Agreement by the Developer's successor in interest. The failure to provide such substitute surety prior to said fourteen (14) day period shall constitute a failure to perform in accordance with this Agreement and shall give the City the right to proceed immediately to liquidate the existing surety.

6. Assignment. This Agreement shall not be assigned without the prior written consent of the City. This Agreement shall be binding upon the heirs, executors, successors and assigns of the Developer and upon its recording by the City, shall be deemed a covenant running with the property herein described, and shall be binding upon the successors in ownership of said land. Developer agrees to provide the City at least fourteen (14) days advance written notice of the sale or transfer of the Property.

7. Amendment. No amendment, modification, or alteration of the terms or provisions of this Agreement shall be binding upon the City or the Developer unless the same is in writing and duly executed by both parties.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

9. Waiver. No failure by the City to enforce any provision of this Agreement shall be considered a waiver by the City of any rights to performance owed to the City pursuant to this Agreement. The City may elect to enforce any unperformed obligation owed to it by the Developer pursuant to this Agreement at any time. No waiver of any provision of this Agreement shall be effective against the City unless such waiver is set forth in a written instrument duly executed by the City. No waiver of any provision of this Agreement shall be construed as a waiver of any other provision of this Agreement.

10. Enforcement. In the event it becomes necessary for either party to bring an action to enforce any provision of this Agreement, the prevailing party in such action shall be entitled to recover all costs associated with the bringing of such an action, including reasonable attorney fees, as the same may be determined by the Court. The Developer understands that failure to comply may result in a summons issued to the Developer for violation of Westminster Municipal Code 11-2-6(G), 11-2-8, and Title XII.

11. Indemnification. Developer hereby agrees to indemnify and hold harmless the City from any and all claims, demands, suits or judgments of every nature and description in any way related to defects in the design or construction of the Improvements, and to pay any and all judgments rendered against the City on account of any such suit, action or claim, together with all reasonable expenses and attorney's fees incurred by the City in defending such suit, action or claim. Without in any way limiting the applicability or generality of the foregoing, Developer further agrees to indemnify and hold harmless the City from all claims, demands, suits or judgments of every nature and description in anyway related to any alleged act or omission concerning the maintenance of any of the Improvements.

12. No Third Party Beneficiaries. Nothing in this Agreement shall be construed as creating any third party beneficiary rights or status to any third party and the City and Developer expressly disclaim any intent to create any such third party beneficiary rights or status by this Agreement.

13. Park Development Fees.

13.1 Developer is responsible for park development fees, pursuant to Chapter 4 of Title 13, in the amount of \$451,758.00, based on \$1,462.00 per unit for 305 units. This fee is calculated at 2001 park development fee rates established by ordinance. The total fee will not change if the number of units is changed during development or if completion of the units is delayed due to market conditions or other reasons.

13.2 City Council will credit the \$451,758 park development fee to Developer for construction of the extension of Amherst Park as provided in this agreement.

LEGAL DESCRIPTION:

Tract "D", The Village at Harmony Park, City of Westminster, County of Adams, Colorado.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

VHP DEVELOPMENT, LLC

\_\_\_\_\_

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

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF WESTMINSTER, COLORADO

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

Attest: \_\_\_\_\_

City Manager

City Clerk

Approved as to legal form:

\_\_\_\_\_

City Attorney

**EXHIBIT "A"**

**SCHEDULE OF IMPROVEMENTS**

IMPROVEMENTS FOR: Amherst Park expansion (Village at Harmony Park Subdivision)

In accordance with the Public/Private Improvements Agreements by and between the CITY OF WESTMINSTER and VHP DEVELOPMENT, LLC, dated \_\_\_\_\_, 20\_\_\_\_\_.

A. "Date of Completion" shall be \_\_\_\_\_.

B. "Cost of Improvements" shall be \$451,758.00.

C. "Schedule of Improvements" shall be determined after City's review and approval of Developer submittal of all drawings and cost estimates. The Schedule of Improvements may change by additions or deletions of alternatives based on estimates or bids received during the review process. The parties anticipate that Improvements shall include some or all of the following categories:

1. Landscaping:
2. Irrigation System:
3. Sidewalks:
4. Hike/Bike Paths:
5. Fencing:
6. Signage:
7. Parking/Drives:
8. Miscellaneous Improvements:



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** July 9, 2001

**Subject:** Public Hearing and Action re Telleren Area Annexation, Zoning, and Comprehensive Land Use Plan Amendment

**Prepared by:** David Falconieri, Planner III

#### Introduction

City Council action is requested on the City initiated annexation of eight (8) privately owned parcels located west of Lipan Street and north of 144<sup>th</sup> Avenue, the zoning of those parcels from Adams County A-1 to Planned Unit Development (PUD), and a Comprehensive Land Use Plan (CLUP) amendment designating the parcels as “Single-Family Detached - Low Density”.

#### Summary

Applicant/Property Owner: Scott and Barbara Robinson, Robert and Emily Robinson, Kelly and Sandra Robinson, Deb and Rick Granger, Donald and Marietta Hedenskog, Ruth Gussman and Peter Poses, William Kolb and Cecilia Trujillo, Dirk McLean.

Location: North side of 144<sup>th</sup> Avenue, west of Lipan Street

Size of Site: 23.15 acres

Description of Proposed Use: Rural single-family detached residential

Comprehensive Land Use Plan (CLUP) Designation: This area is not currently included in the Comprehensive Land Use Plan. The proposed designation is “Single-Family Detached - Low Density.”

Major Issues: At the end of 2000, City Staff sent letters to property owners in the McKay Lake area asking if there was any interest in annexing into the City. Eight adjacent property owners responded positively and are therefore being included in a single annexation. The area is currently surrounded by the City on all sides. Cheyenne Ridge is on the east, Huntington Trails to the south, Quail Hill on the north, and a portion of the recent McKay Lake annexation to the west. (Please refer to the attached vicinity map.)

The property owners have agreed to the adoption of a single Planned Unit Development (PUD) to cover the zoning of the area. If approved by Council at a future Council meeting, the Preliminary Development Plan and Official Development Plan (PDP/ODP) for the lots would allow essentially what is currently permitted in the Adams County A-1 zone district as it pertains to lots of under 5 acres. This includes agricultural and residential type uses. Additional time is needed in order to allow the residents input into the final PDP/ODP document. Thus, this item will be readvertised when the document is ready for Planning Commission and City Council action.

No new development is contemplated for the area to be annexed at this time. The properties are proposed to be designated as “Single-Family Detached - Low Density” in the Comprehensive Land Use Plan. This is the same designation assigned to the surrounding property.

#### Policy Issue(s)

Whether to annex lands in this area at this time.

### **Planning Commission Recommendation**

This case was heard by the Planning Commission on June 26, 2001. The Planning Commission voted unanimously to recommend that the annexation be approved, that the property annexed be zoned Planned Unit Development (PUD) and that the Comprehensive Land Use Plan (CLUP) be amended to add the property and that it be designated as "Single Family Detached Residential – Low Density." Two individuals (residents of the area to be annexed) spoke in favor of the annexation and had questions regarding the proposed zoning documents. One individual (Adams County resident not included within the proposed annexation area) spoke in opposition to the proposal.

### **Staff Recommendation**

1. Hold a public hearing.
2. Approve Resolution No. 45 making certain findings of fact as required under Section 31-12-110 C.R.S. regarding annexation of the eight Telleren area parcels.
3. Pass Councillor's Bill No. 48 on first reading annexing the eight Telleren area lots.
4. Pass Councillor's Bill No. 49 on first reading zoning the Telleren area properties to Planned Unit Development making a finding that the provisions of Section 11-5-3 of the Westminster Municipal Code have been met.
5. Pass Councillor's Bill No. 50 on first reading amending the Westminster Comprehensive Land Use Plan to add the properties within the Telleren Annexation and assign the designation "Single-Family Detached - Low Density."

### **Alternative(s)**

Make a finding that the proposed annexation is not in the best interests of the City and take no further action.

### **Background Information**

Water and sanitary sewer lines have already been extended into this area, and taps would therefore be available to the property owners at any time that they would be desired in accordance with City policies and ordinances regulating said taps.

Land uses contemplated by the proposed PDP/ODP would include existing residential, and agricultural as permitted under the A-1 zone category in Adams County. This would include greenhouses, growing of crops and maintaining large animals. The latter use is regulated under the A-1 zone depending on the size of the property. A minimum of one acre is required and a maximum of four (4) animals per acre is allowed.

Surrounding Land Use and Comprehensive Land Use Plan Designation: The property is bordered on the south and east by subdivisions which are designated Single-Family Detached - Low Density (Huntington Trails and Cheyenne Ridge), and on the north by Quail Hill which is designated Single-Family Detached - Very Low Density. To the west is rural residential property in unincorporated Adams County.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **45**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

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

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

WHEREAS, City Council has previously adopted Resolution No. 35 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and



b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

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

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

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

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

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

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

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

PASSED AND ADOPTED this 9th day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

Telleren Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

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

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the southeast  $\frac{1}{4}$  and the southwest  $\frac{1}{4}$  of Section 16. Township 1 South, Range 68 west of the 6<sup>th</sup> P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the SW corner of said Section 16; thence N89°57'11"E and along the south line of the SW  $\frac{1}{4}$ , said Section 16 a distance of 1964.32 feet to the true point of beginning;

Thence continuing N89°57'11"E and along said south line a distance of 654.50 feet to the south  $\frac{1}{4}$  corner of said Section 16; thence S89°50'40"E and along the south line of the SE  $\frac{1}{4}$  said Section 16 a distance of 1331.84 feet to the west line of the east  $\frac{1}{2}$  of said SE  $\frac{1}{4}$ ; thence N00°41'23"W and along said west line a distance of 1321.31 feet to northeast corner of Telleren Subdivision as recorded in File 14 at Map 506; thence along the boundary of said Telleren Subdivision the following two (2) courses;

1. N89°57'05"W a distance of 650.37 feet;

2. S00°39'34"E a distance of 225.48 feet to the NE corner of a parcel of land as described in Book 4903 at Page 891; thence along the boundary of said parcel the following three (3) courses;

1. N89°57'06"W a distance of 325.50 feet;
2. S00°39'34"E a distance of 334.79 feet;
3. S89°57'25"E a distance of 325.50 feet to a point on the boundary of said Telleren Subdivision; thence along said boundary and along the west line of that parcel of land as described in Book 4948 at Page 90, S00°39'34"E a distance of 729.84 feet to a point on the north right-of-way line of West 144<sup>th</sup> Avenue; thence along said right-of-way line the following two (2) courses;

1. N89°50'40"W a distance of 680.38 feet;
2. S89°57'11"W a distance of 654.89 feet;

Thence S00°41'56"E a distance of 30.00 feet to the point of beginning. Said described parcel of land containing 23.149 acres, more or less.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

Telleren Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

---

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Adams County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-1 to City of Westminster PUD. A parcel of land located in Section 16, Township 1 South, Range 69 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the S  $\frac{1}{4}$  corner of said Section 16; thence S89°50'40"E and along the south line of the SE  $\frac{1}{4}$ , said section 16 a distance of 1331.84 feet to the west line of the east  $\frac{1}{2}$  of said SE  $\frac{1}{4}$ ; thence N00°41'16"W and along said west line, a distance of 30.00 feet to the true point of beginning:

Thence continuing N00°41'16"W and along said west line a distance of 1291.28 feet; thence N89°57'05"W, a distance of 650.37 feet; thence S00°39'34"E, a distance of 225.48 feet; thence N89°56'37"W, a distance of 325.21 feet; thence S00°33'41"E, a distance of 334.77 feet; thence N89°58'19"E, a distance of 325.26 feet; thence S00°52'26"E, a distance of 730.32 feet; thence S89°50'40"E, a distance of 648.81 feet to the point of beginning. Said described parcel of land containing 21.764 acres, more or less.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

Telleren Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **50**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Telleren Area annexation property. The Telleren Area annexation property shall be changed from Unincorporated Adams County, to Single Family Detached Residential-Low Density. The Telleren Area annexation property described as a parcel of land located in the southeast ¼ of Section 16, Township 1 South, Range 68 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the S ¼ corner of said Section 16; thence S89°50'40"E and along the south line of the SE ¼, said section 16 a distance of 1331.84 feet to the west line of the east ½ of said SE ¼; thence N00°41'16"W and along said west line, a distance of 30.00 feet to the true point of beginning:

Thence continuing N00°41'16"W and along said west line a distance of 1291.28 feet; thence N89°57'05"W, a distance of 650.37 feet; thence S00°39'34"E, a distance of 225.48 feet; thence N89°56'37"W, a distance of 325.21 feet; thence S00°33'41"E, a distance of 334.77 feet; thence N89°58'19"E, a distance of 325.26 feet; thence S00°52'26"E, a distance of 730.32 feet; thence S89°50'40"E, a distance of 648.81 feet to the point of beginning.

Said described parcel of land containing 21.764 acres, more or less.

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

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 23rd day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 9, 2001

**Subject:** Public Hearing and Action re Webber Property Annexation, Zoning and Preliminary Development Plan

**Prepared by:** David Falconieri, Planner III

**Introduction**

City Council action is requested on the request by Keith Webber for annexation, zoning and Preliminary Development Plan approval of .5 acres located at 10227 Wadsworth Boulevard.

**Summary**

Applicant/Property Owner: Keith Webber

Location: 10227 Wadsworth Boulevard

Size of Site: .51 acres

Description of Proposed Use: One story office building.

Comprehensive Land Use Plan (CLUP) Designation: The property is designated as Northeast Comprehensive Development Plan, Sub-Area I. The proposed use complies with the requirements of that designation. The Northeast Comprehensive Development Plan was jointly adopted by the City of Westminster and by Jefferson County.

Major Issues: The property in question is a vacant parcel located in unincorporated Jefferson County that is regulated under the provisions of the Northeast Comprehensive Development Plan, Sub-Area I. Under that designation, a broad range of commercial and office uses are permitted. The applicant is proposing a single story office building of between 1,500 and 2,000 square feet. The exact dimensions of the building will be determined at the time of Official Development Plan (ODP) approval. The Northeast Comprehensive development Plan has been adopted by reference into the Westminster Comprehensive Land Use Plan (CLUP), and therefore no CLUP amendment is required.

**Policy Issue(s)**

As part of the Intergovernmental Agreement (IGA) between Jefferson County and the City signed in 1996, the City Council adopted the policy stating that annexations within the enclave area were in the best interests of the City.

**Planning Commission Recommendation**

This case was heard by the Planning Commission on June 26, 2001. No one spoke either in favor or against the application. The Commission voted unanimously to recommend to the City Council that the Webber property be annexed to the City, that it be zoned Planned Unit Development, and that the Preliminary Development Plan be approved as submitted.



### **Staff Recommendation**

1. Hold a public hearing
2. Adopt Resolution No. 46 making certain findings of fact as required by Section 31-12-110 C.R.S., regarding the Webber property.
3. Pass Councillor's Bill No. 51 on first reading annexing the Webber property to the City.
4. Pass Councillor's Bill No. 52 on first reading zoning the Webber property Planned Unit Development (PUD), making a finding that the provisions of Section 11-5-3 Westminster Municipal Code have been met.
5. Approve the Preliminary Development Plan (PDP) for the Webber property based upon a finding that the Preliminary Development Plan is in conformance with Section 11-5-14 of the Westminster Municipal Code pertaining to standards for approval of Preliminary Development Plans.

### **Alternative(s)**

Make a finding that the Webber property not be annexed at this time and take no further action.

### **Background Information**

Architectural/Building Materials: The PDP requires that the building materials be limited to split faced block and stucco, similar to what has been used in the Church Ranch development. Architectural style will be determined at the time of ODP approval.

Public Land Dedication, Park/Trails: There is no public land dedication for commercial uses. No trails or parks abut the property.

Access and Circulation: Access is limited to a single drive off of Wadsworth Boulevard. There is also an access easement for the property west of the applicant's located on the south portion of the Webber parcel. This will be preserved as a part of the PDP.

Site Design: To be determined at the time of ODP approval.

Signage: All signage for the site will conform to Section 11-11 of the Westminster Municipal Code.

Service Commitment Category: Service Commitments for commercial developments are allocated out of Category C. The number of Service Commitments required will be determined at the time of ODP approval.

Referral Agency Responses: No agencies responded with concerns.

Public Comments: Public hearings for the enclave area were held when the plan was adopted. The proposed use complies with the plan.

Surrounding Land Use and Comprehensive Land Use Plan Designation: The property is bordered on the west, north and south with land that is designated within the as Northeast Comprehensive Development Plan. To the east, the land is designated as Business Park (Church Ranch). Current zoning for the unincorporated lands is A-1 in the County. Church Ranch is zoned PUD.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. **46**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 34 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

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

3. The City Council further finds:

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

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

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

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

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

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

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

PASSED AND ADOPTED this 9th day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

Webber Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **51**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

Commencing at the north ¼ corner of Section 14, Township 2 South Range 69 West of the 6<sup>th</sup> P.M., thence south 00°44'45" East, a distance of 1207.47 feet to a point on the north line of tract B-10 Mandalay Gardens, being the point of beginning; thence north 89°41'21" East, on said north line extended east a distance of 11.51 feet to the west right-of-way line of Old Wadsworth Blvd. having a right-of-way of 60.00 feet; thence south 00°38'19" West, a distance of 120.00 feet; thence south 89°41'21" West, a distance of 183.66 feet; thence north 00°38'19" East, a distance of 120.00 feet; thence north 89°41'21" East, a distance of 172.15 feet to the point of beginning. Parcel contains 22039.20 square feet.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 23rd day of July, 2001.

ATTEST:

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Mayor

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City Clerk

Webber Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **52**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster PUD. A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

The North 120 feet of Lot B-10 Mandalay Gardens, in Jefferson County, Colorado. Except an easement for ingress and egress of the South 10 feet of the North 85 feet thereof, until at such time as other access be made available. As modified by partial release of Deed of Trust dated October 1, 1987, and recorded October 26, 1987 in Jefferson County with Reception No. 87131058, in that portion of the property described as follows: The West 150 feet of the North 120 feet of Lot B-10 Mandalay Gardens, in Jefferson County, Colorado. Contains 0.5059 ± acres.

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

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 9th day of July, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 23rd day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

Webber Zoning



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** July 9, 2001

**Subject:** Resolution No. 47 re transfer of funds and Contractual Services Related to the Preparation of a Request for Affordable Housing Development Proposals

**Prepared By:** Robin Byrnes, Community Development Programs Coordinator

**Introduction**

Staff is seeking authorization to proceed with preparation of a contract for services to Rosz Development Design, Inc. relative to the preparation of a request for proposals (RFP) directed towards an affordable housing project. Staff is further requesting the transfer of \$20,000 from the General Fund Contingency account to the Community Development Department to cover the cost of the consulting services.

**Summary**

Staff was directed by City Council to evaluate opportunities for providing affordable housing within the City using both conventional site-built product and manufactured housing. Accordingly, the City worked cooperatively with the Colorado Manufactured Housing Association to analyze the potential cost differential between the two construction methods. Upon completion of this analysis, it was determined that the method of construction may assist in reducing the cost of homes, thus increasing their affordability level. However, it was also determined that the cost savings could have a negative effect on the quality of the product unless the City's expectation is carefully articulated prior to seeking development proposals. Accordingly, Staff believes that a request for proposals for an affordable housing project, that includes provision for manufactured housing, should be prepared by a person(s) with necessary expertise. Therefore, Staff recommends contracting with Rosz Development Design, Inc. to prepare an RFP for Council consideration.

The above noted project was not budgeted in 2001. As a result, Staff requests that \$20,000 from the Contingency account of the General Fund be transferred to the Community Development Department to cover the cost of preparing the RFP package. Attached is a proposed scope of services provided by Rosz Development Design, Inc.

Rosz Development Design, Inc. was not selected through an RFP process per City Council direction, Staff was authorized to hire the consultant Rosz Development Design, Inc., to prepare this RFP. Rosz Development Design, Inc. has extensive expertise in developing RFP's for manufactured affordable housing development. This company currently has two projects in progress, a neo traditional housing development project in Fort Worth, Texas, and a development project in Frederick, Colorado. It is anticipated the RFP for the City would be completed by Rosz Development Design, Inc. by September 30, 2001.

**Policy Issue**

Should the City expend funds to pursue an RFP relative to the development of an affordable housing project without having secured property for development?



### **Staff Recommendation**

1. Adopt Resolution No. 47 authorizing the transfer of \$20,000 from the General Fund Contingency to the appropriate Community Development budget account for this expense.
2. Authorize the City Manager to execute a contract with Rosz Development Design, Inc. in an amount not to exceed \$20,000 for the preparation of an affordable housing RFP.

### **Alternatives**

1. The City Council could instruct Staff to proceed with preparation of the RFP only upon securing property for acquisition; or,
2. The City Council could instruct staff not to proceed with preparation and issuance of an RFP, but continue to pursue an informal dialog with residential developers to stimulate an interest in providing more affordable housing; or,
3. The City Council could instruct Staff to continue to pursue the development of affordable housing through partnerships with Housing Authorities, private for profit and non-profit housing developers.

### **Background Information**

In the early part of 2001, City Council requested City Staff to proceed with evaluating the viability of using manufactured housing as a means of providing housing at lower-cost than site-built homes. Accordingly, Staff worked with the Colorado Manufactured Housing Association to prepare a development concept and associated development pro-forma. Upon follow-up consultation with City Council at a study session on May 2, 2001, Staff recommended and Council concurred to proceed with the preparation of a request for proposals directed at attracting a developer to partner with the City in the development of an affordable housing project. Accordingly, Council instructed staff to proceed with preparing a scope of services relative to preparation of an RFP. The following issues and criteria are to be addressed as part of the RFP process to guarantee a consistency in the eventual submittal of proposals by various developers:

- Identification of prospective parcels of land available for purchase;
- Preparation of a detailed site plan in compliance with necessary City standards and approvals;
- Architectural details of what the houses should look like, including different styles, type and sizes;
- Identification of building materials and code upgrades required;
- Types and level of assistance the City is committed to providing, including options for financing and operating the development relative to affordability.

Given the level of work relative to packaging an RFP, Staff has determined that outside assistance would be required if Council chooses to proceed. Staff is proposing to contract with Rosz Development Design, Inc. to develop an affordable housing RFP for a cost of \$20,000. The Scope of Work from Rosz Development Design to develop the RFP would entail:

- Site Review – Perform a review of possible sites within the City on which to develop the affordable housing project.
- Text Preparation – Prepare text defining the development parameters of the project, i.e., density, site configurations; permit uses, dimensional standards, etc.
- Site Design and Details – Development of land use plans for the preferred project site location.
- Landscape Plan – Development of landscaping plan based on site design, architectural standards and budget.
- Architecture – Prepare representative architecture and conceptual floor plans for up to five model homes.
- Budget – Prepare budget for housing costs to include architecture and specifications and land development costs.
- RFP – All of the above plans will be incorporated into the development of a RFP.

Resolution No. 47 re Preparation of an RFP for Affordable Housing Development and budget transfer  
Page 3

The consultant will also prepare operational scenarios to explore different ownership use options, i.e., fee simple with a Home Owners Association fee, deed restricted and or land condominium lease.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 47

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL CONTINGENCY FUND FOR THE PREPARATION OF DESIGN GUIDELINES AND PLANS PERTAINING TO THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR AN AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, City Council has expressed its desire to evaluate the feasibility of partnering with prospective developers to provide affordable housing ownership opportunities; and

WHEREAS, City Council has instructed Staff to prepare a request-for-proposals (RFP) relative to the development of an affordable housing project; and,

WHEREAS, City Staff has determined that the preparation of design concepts and development plans would better be served through the hiring of an outside consultant; and,

WHEREAS, City Council concurred in the desirability of securing the services of a consultant having technical expertise in both site-built and manufactured housing to prepare such documents relative to the RFP; and,

WHEREAS, Rosz Development Design, Inc. is well qualified to perform the desired work and has submitted an acceptable Scope of Work to the City; and

WHEREAS, the proposed fee of \$20,000 for the preparation of the RFP is reasonable; and

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

Section 1. The City Manager is hereby authorized to transfer \$20,000 from the General Fund Contingency account into the Community Development Administration Professional Services account in the General Fund for the preparation of an RFP pertaining to an affordable housing development project.

Passed and adopted this 9th day of July 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** July 9, 2001

**Subject:** Resolution No. 48 re City Council's Goals & Strategies for the Year 2002

**Prepared by:** Barbara Gadecki, Assistant to the City Manager

### Introduction

City Council action is requested to formally adopt the attached resolution and Goals & Strategies document as the official set of goals and priorities for the upcoming calendar year 2002.

### Summary

City Council met in March 2001 to identify the Goals and Strategies for the City of Westminster for 2002. The attached document is the work of the City Council and Staff identifying the priorities for the upcoming year and how the proposed annual budget should be focused.

### Policy Issue(s)

Does the City Council wish to adopt the Goals and Strategies identified at their Goal Setting Retreat in March as the official set of goals and priorities for 2002?

### Staff Recommendation

Adopt Resolution No. 48 officially identifying the City's Goals and Strategies for 2002.

### Alternative(s)

City Council could reject or modify the Goals and Strategies document attached that was created from the 2002 Goal Setting Retreat.

### Background Information

Each year, City Council gathers with Staff in the spring to identify the upcoming year's goals for the City. The results from the Goal Setting Retreat are then utilized by Staff in developing the upcoming two-year budget.

This year's Goal Setting Retreat utilized a slightly different format than in past years in that the goals were conceptually agreed upon but the strategies and wording of the goal statements were sent to Staff to refine and bring back to City Council for final approval. The attached document includes Staff's refinement of City Council's goal statements and strategies. The information included is based on that generated at the retreat and on the notes taken by Mike Hughes, with Resolve, Inc., who facilitated the retreat.

A slight delay occurred in returning this document to City Council resulted from the transition of City Managers during May. However, thanks to the additional time, Staff has had the opportunity to better refine the goal related to growth management with the conclusion of the 2001 Colorado State Legislature and the results of that session.

The Goals & Strategies included in this document will be utilized by Staff as the basis upon which the 2002/2003 Budget is prepared as well as the Citywide workplan for the year 2002. This document was slightly modified based on City Council feedback at the June 18<sup>th</sup> Study Session to include the following items that were not on the original document (the new item is noted with the associated goal category it falls under):

Water

- Continue to promote and expand the use of reclaimed water by commercial users in the City.

Public Safety

- Continue to provide positive activities for youth
- School Resource Officer Program
- Evaluate feasibility of call boxes on trail system

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

RESOLUTION

RESOLUTION NO. **48**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY COUNCIL GOALS & STRATEGIES FOR 2002

WHEREAS, the City Council met in March 2001 to identify the goals for the City of Westminster for 2002; and

WHEREAS, the development process is under way for the proposed 2002 budget; and

WHEREAS, the City Council's goals for the City are a key tool utilized by Staff in preparing the annual budget;

NOW, THEREFORE, be it resolved that the Westminster City Council hereby adopts the following document, "City of Westminster 2002 Goals & Strategies," as the official set of goals and priorities for 2002.

BE IT FURTHER RESOLVED that this amendment shall be effective upon passage and adoption of this Resolution.

Passed and adopted this 9<sup>th</sup> day of July, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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

## **City of Westminster 2002 GOALS & STRATEGIES**

### FISCAL INTEGRITY

**Goal:** Protect Westminster's Financial Integrity – Westminster has enjoyed years of quality growth within the community and in its revenue base. In order to ensure a stable future where the City may continue to meet the needs and desires of the community by continuing to provide established and future services and programs, the City must continue to focus on quality development and revenue diversification. This means being more creative in finding ways to streamline service delivery and make those tough decisions to change how services/infrastructure may be provided and/or paid for as well as identifying alternative methods/revenue sources to pay for such services, programs, facilities and infrastructure.

#### **Strategies:**

- Pursue Revenue Diversification – Continue to explore and identify ways to diversify the City's revenue sources, especially via the reduction of the Vendor's Fee.
- Present overall financial management status and plan to ensure a balance between debt and ongoing operating costs, especially in light of flattening revenue growth. This can be accomplished via the establishment of a realistic plan to deal with potential community economic issues (increased retail competition, national economic downturn, etc.)
- Study the feasibility of extending the Westminster Promenade over US36 to the west side, creating a mega commercial/retail complex pedestrian orientation. Evaluate the possibility of creating a special assessment district for ongoing infrastructure maintenance. (developer would cover expenses, not the City)
- Continue to pursue joint efforts associated with the development of Jefferson County Airport Property – Finalize negotiations with Jefferson County on the master planning of the airport property and work to become partners with the County on that project, which may include the renegotiation of the golf course properties.
- Complete the Phase II Electric Street Light Utility System Study and implement the findings depending on outcomes that occur in 2001.
- Pursue implementation of a Utility Street Cut Impact Fee.
- Complete the development of a Financial Planning Model and then move forward with implementation, which includes developing alternate financial scenarios for the City's future and addressing the issue of revenue diversification for both the General and Utility Funds.
- Continue to pursue long and short-term Westminster Mall revitalization efforts.
- Implement the modified Pay Plan and ensure balance within long-term effects on general operations and ongoing benefits provided employees.
- Examine the feasibility of establishing a broader fiber optic network and selling services on this network.
- Maintain the balance between the City's capital and operating priorities to assure that a balance is maintained that does not strain the City's operating resources (both funding and staff), impacting the quality of service delivery.
- Review the establishment of a quarterly financial report to City Council that would incorporate performance measures from the City's Financial Management Policies.
- Continue to monitor the federal internet sales taxation initiative.

## **TRANSPORTATION**

Goal: Reduce traffic congestion on U.S. 36 and arterial streets within Westminster.

Strategies:

- Prioritize projects based on the results of the revised Roadway Master Plan.
- Strongly advocate for implementation of the “locally preferred alternative” for U.S. 36 Major Investment Study.
- Strongly advocate for additional funding resources from the State (e.g. bond issue from budget surplus).
- Forge partnerships with neighboring jurisdictions to improve transportation systems (e.g. Sheridan Blvd-Arvada, Federal Blvd-Federal Heights, 104<sup>th</sup> Ave-Federal Heights/Thornton/Northglenn, 112<sup>th</sup> Ave-Northglenn, 120<sup>th</sup> Ave-Broomfield).
- Begin 136<sup>th</sup> Avenue/I-25 Interchange construction.
- Complete 112<sup>th</sup> Avenue (Sheridan to Stuart) construction.
- Complete 92<sup>nd</sup> Avenue/US 36/Sheridan Boulevard interchange construction.
- Participate in the planning effort for the Northwest Parkway.
- Complete intersection improvements at 104<sup>th</sup> Avenue and Sheridan Boulevard.

## **WATER**

Goal: Ensure adequate water supply and water storage, protect the City’s water quality and provide for necessary infrastructure in preparation for build-out; meet water demands anticipated under the Comprehensive Plan in the most efficient and effective manner possible.

Strategies:

- Establish an intergovernmental agreement with Arvada, Golden and Jefferson County to provide for upper basin water quality mitigation measures and related Rocky Flats site impacts.
- Ensure water supply sufficient to handle build-out.
- Initiate renovations and improvements to Standley Lake storage facility in 2002, with 75% of renovations/improvements to be completed in 2003.
- Provide for adequate water and wastewater treatment capacity and infrastructure
  - Semper Clear Well
  - NW Water Treatment Plant
  - Big Dry Creek Wastewater Treatment Plant expansion
- Continue to promote and expand the use of reclaimed water by commercial users in the City.

## **PUBLIC SAFETY**

Goal: Improve/maintain community public safety with the commitment of sufficient resources to enhance timeliness of response; the fair enforcement of ordinances, codes and laws; and the quality of service to the customer.

Strategies:

- Address emergency/non-emergency staffing needs
- Continue to provide positive activities for youth
- School Resource Officer Program
- Evaluate feasibility of call boxes on trail system
- Work to better address the City’s changing cultural/ethnic composition
- Work with other jurisdictions to coordinate services and utilize resources more effectively
- Address false alarms
- Address juvenile issues, specific to the following:
  - gang activity
  - loitering
  - cruising



- graffiti
- Focus on Community Emergency Management, specifically:
  - risk analysis
  - GIS expansion
  - Emergency Operation Center
  - Revise the City's emergency plan
  - ICS training and exercise
- Build new facilities:
  - Public safety Building
  - relocation of Fire Station #2
- Address equipment needs, including:
  - ambulances
  - fire apparatus
  - police vehicles
  - CAD/RMIS/AVL
  - Training facility improvements
  - Records Management System (RMS) for Municipal Court

## **GROWTH MANAGEMENT**

Goal: Assure that growth occurs in a manner that balances the pace of development with the City's ability to provide quality services and capital improvements.

Strategies:

- Review and update the City's Comprehensive Land Use Plan.
- Continue to manage the rate, amount and timing of growth for residential projects through the City's Growth Management system.
- Cooperate with other public and quasi-public agencies for sound regional planning and development. (i.e. Metro Vision 2020).
- Retain and improve commercial and business development areas that provide significant revenues or are employment generators.
- Continue programs to recruit new businesses and provide sufficient strategically located land for new employment centers.

## **HOUSING**

Goal: Develop and implement a Citywide income-based home ownership assistance program.

Strategies:

- Continue to focus on south Westminster redevelopment and continue to implement the south Westminster revitalization strategy, including the CEP improvements and housing redevelopment projects
- Use the housing survey now underway to identify potential sites
- Identify potential financing sources for public/private venture (e.g. certificates or participation, Community Development Block Grant funds)
- Identify funding possibilities for residents to utilize in acquiring the homes (e.g. CHFA, HUD, Habitat for Humanity, Community Reinvestment Act-banks)
- Utilize RFP to identify and select partners to move the income-based housing program forward
- Help developers secure land (in-fill or new development areas)
- Review tap fees, other City fees and look for ways to reduce cost to the develop/owner or defer payment
- Mortgage assistance (CHFA)
- If new development, evaluate public/private partnerships to build needed infrastructure

## **OPEN SPACE**

Goal: Preserve 15% of the City's land area as open space

Strategies:

- Develop a plan for funding and acquisition to achieve 15% open space
- Encourage philanthropic land donations from private landowners
- Convert publicly owned land to open space, when appropriate
- Consider the reallocation of City of Westminster, Adams County and Jefferson County Open Space funds between park development and open space acquisition
- Continue to preserve properties through the use of public land dedications, purchase of development rights, conservation easements, trail easements, leases, life estates and licenses
- Collaborate with Adams and Jefferson County's Open Space Agencies to acquire more property in Westminster
- Evaluate joint open space acquisition opportunities with surrounding jurisdictions including Broomfield, Arvada, Thornton, Northglenn, Federal Heights, Shaw Heights and Hyland Hills District
- Work with the new Legacy Foundation for funding for open space acquisitions; solicit private contributions for land purchases

## **SOUTH WESTMINSTER**

Goal: Pursue redevelopment and revitalization strategies and projects that will serve to improve the physical and functional quality of South Westminster, and which will serve to accelerate private-sector investment.

Strategies:

- Increase promotion of South Westminster as an opportunity for development and living
  - Develop and promote an illustrative master plan compiling design concepts for redevelopment areas as plans are prepared
  - Implement a public information effort promoting the City's plans and redevelopment activity
  - Support continued development and improvement of South Westminster web page
  - Distribute and promote South Westminster revitalization video
  - Develop innovative programs to eradicate negative public perception related to the incidence of graffiti
- Improve the visual image of and accessibility to public facilities and property
  - Initiate improvements to the Career Enrichment Park (CEP)
  - Install banners along major street corridors
  - Prepare plans for finishing improvements along Federal Boulevard and 72<sup>nd</sup> Avenue
  - Initiate design plans for improving pedestrian corridors including 76<sup>th</sup> Avenue, Lowell Boulevard, and Bradburn Boulevard
  - Pursue installation of works-of-art at the Westminster Plaza shopping center
- Enhance the economic base of the neighborhood
  - Facilitate the development of new housing to attract higher wage earners to live within the neighborhood
  - Revise the Urban Renewal Plan to better facilitate redevelopment activity
  - Reinstate commercial building façade improvement program for small businesses
  - Provide financial and regulatory support relative to securing redevelopment agreements for the following sites:
    - Northgate Center, southeast corner of 72<sup>nd</sup> Avenue and Federal Boulevard
    - Westminster Square, northwest corner of 72<sup>nd</sup> Avenue and Federal Boulevard
    - 73<sup>rd</sup> Avenue/Lowell Boulevard, Lowell Boulevard between 72<sup>nd</sup> Avenue and 75<sup>th</sup> Avenue
    - Della Villa, north side of 72<sup>nd</sup> Avenue at Raleigh Street

- Provide funding to facilitate redevelopment activity
  - Continue collaborative efforts with local bankers to provide interim financing
  - Provide capital improvement funds to serve as loan program to assist small developers in financing infrastructure improvements
- Work with Westminster Historic Society and identify list of targets for historic preservation within south Westminster

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, July 9, 2001.

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

The minutes of the June 25, 2001 meeting were approved.

Mayor Pro Tem presented certificates of appreciation to Jim Holt, Nick DiTirro and John Polston for years of service on Boards.

Council approved the following: City Funding for Jefferson County Senior Transit Services; 2001 Wastewater Collection System Improvements/Project WW-01-1; Purchase and Sale Agreement to VHP Development LLC in the amount of \$6,000 for Caulkins Ditch; Preliminary Development Plan for Webber property ; Contractual Services re RFP for Affordable Housing Development Proposals

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

A BILL FOR AN ORDINANCE AMENDING 11-4-4 OF THE WESTMINSTER MUNICIPAL CODE TO ALLOW AUTOMOTIVE RENTAL OFFICES AND AUDIO AND VISUAL SALES, SERVICE, AND PARTS STORES TO THE C1, C2 AND M1 DISTRICTS

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

A BILL FOR AN ORDINANCE VACATING A SANITARY SEWER EASEMENT IN WADSWORTH ESTATES SUBDIVISION purpose: vacate the unnecessary sanitary sewer easement within the Wadsworth Estates Subdivision

A BILL FOR AN ORDINANCE DECREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT FUND AND INCREASING THE 2001 BUDGET OF THE STORM DRAINAGE FUND purpose: moving \$350,000 to the Storm Drainage Fund

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: appropriating \$50,000 into the Special Studies Project

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL, RESERVE, UTILITY, FLEET MAINTENANCE, OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 CARRYOVER IN THE VARIOUS FUNDS purpose: appropriating carryover funds into the 2001 budgets

The following Councillors Bills were tabled and will be considered on July 23<sup>rd</sup>:

A BILL FOR AN ORDINANCE AMENDING SECTION 6-1-1 OF THE WESTMINSTER MUNICIPAL CODE TO PROVIDE ADDITIONAL DEFINITIONS purpose: defining what constitutes a "public place" and what constitutes "possession" as amended

A BILL FOR AN ORDINANCE AMENDING SECTION 10-1-14(B) OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE OPERATION OF UNLICENSED VEHICLES ON PUBLIC STREETS AND IN CERTAIN PARKING LOTS purpose: to provide a more complete definition of what constitutes an unlicensed vehicle

The following Resolutions were adopted:

Resolution No. 44 re Western Gas Resources, Inc. as an Economic Development Project

Resolution No. 45 re findings re Telleren annexation

Resolution No. 46 re findings re Webber annexation

Resolution No. 47 re \$20,000 transfer of Funds for Affordable Housing Development Proposals

Resolution No. 48 re City Council's Goals & Strategies for the Year 2002

At 9:24 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on July 19, 2001