



WESTMINSTER

COLORADO

AGENDA

SPECIAL CITY COUNCIL MEETING

MONDAY, AUGUST 29, 2005

AT 6:30 P.M.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Purpose of Special Council Meeting**
 - A. Resolution No. 35 Referring to the Voters of Westminster at the November 1, 2005 Election the Questions Whether Ordinances 3216 and 3217, Approving a Comprehensive Land Use Plan Amendment and Rezoning Certain Properties at the Southwest Corner of 72nd Avenue and Sheridan Boulevard, Should Be Repealed
- 4. Adjournment**

To: Linda Yeager, City Clerk
From: Nancy McNally, Mayor
Re: Request for Special Meeting
Date: August 23, 2005

Pursuant to Section 7.2 of the City of Westminster Charter, I am requesting that you call a Special Meeting of the City Council to convene on Monday, August 29, 2005 at 6:30 p.m., in the Council Chambers, City Hall, for the purpose of considering the adoption of a Resolution placing before the voters at the November 1, 2005 election question of whether to repeal Ordinances 3216 and 3217, regarding the comprehensive land use amendment and the rezoning to allow for a Wal-Mart store at 72nd Ave. and Sheridan Boulevard.

Please notify all Councillors and provide the required public notices for this meeting.

Thank you!



WESTMINSTER

City of Westminster
General Services
Department

City Clerk's Office

4800 West 92nd Avenue
Westminster, Colorado
80031-6387

303-430-2400
FAX 303-428-4564

CORRECTED NOTICE

August 26, 2005

To All Members of City Council:

A special meeting of the City Council has been set for Monday, **August 29, 2005 at 6:30 P.M.** to be held at City Hall Council Chambers, located at 4800 West 92nd Avenue, for the purpose of considering the following:

- A. Referring to the Voters of Westminster at the November 1, 2005 Election the Questions Whether Ordinances 3216 and 3217, Approving a Comprehensive Land Use Plan Amendment and Rezoning Certain Properties at the Southwest Corner of 72nd Avenue and Sheridan Boulevard, Should Be Repealed

Sincerely,

Linda Yeager
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Special Meeting
August 29, 2005



SUBJECT: Resolution No. 35 Referring the Repeal of Ordinances Nos. 3216 and 3217 to the Voters

Prepared By: Steve Smithers, Assistant City Manager
Linda Yeager, City Clerk
Jane Greenfield, Assistant City Attorney

Recommended City Council Action

Adopt Resolution No. 35 referring two ballot questions to the Westminster electorate to decide whether two ordinances, that enable the redevelopment of a blighted retail center at Sheridan Boulevard and 72nd Avenue, should be repealed.

Summary Statement

- Council unanimously approved Ordinance 3216 amending the Comprehensive Land Use Plan and Ordinance 3217 rezoning several properties at the southwest corner of Sheridan and 72nd Avenue in order to allow Shoenberg Ventures to redevelop and expand their existing center , in furtherance of the goals of the South Sheridan urban renewal plan. The new anchor tenant proposed was a Wal-Mart superstore.
- On August 9, 2005, citizens of Westminster filed petitions with the City Clerk that requested the Council to either repeal these ordinances or refer the question of their repeal to the Westminster electorate. The City Clerk's initial review of the petitions revealed that they do not contain sufficient valid signatures to require an election, although it is likely that the petitions will ultimately be sufficient.
- Staff previously shared with City Council the preliminary results of the City Clerk's canvassing of the two petitions submitted. While the current number of valid signatures is less than the required ten percent of registered electors, the petitioners are allowed a fifteen day "cure" period to file supplemental petitions with additional or cured signatures. Based on the current number of valid signatures and the number of signatures that can be cured through the supplemental process, the Staff estimates that the petitioners will be able to reach or exceed the Charter's requirement.
- In order to participate in the coordinated elections of Adams and Jefferson Counties, the City Clerk is required to certify Westminster's ballot to the respective County Clerks by September 2, 2005. If the referendum petitions continue to be processed according to the timelines in the City Charter, these referenda would not meet the September 2nd deadline, and a special election would be required.
- Council has the option of referring any question to a vote of the people and by adopting the attached resolution will avoid the substantial costs of, and the confusion and lower turnout typically created by, a special election.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: Resolution Referring the Repeal of Ordinances Nos. 3216 and 3217 to the Voters Page 2

Policy Issue

Should the City place the question of repealing Ordinances 3216 and 3217 before the voters on the regular November 1, 2005, election ballot?

Alternative

City Council could choose to allow the petitioning process to proceed under the timelines provided for in the City Charter. Based on the current canvassing results from the City Clerk's Office, it is highly likely that the petitioners will ultimately obtain sufficient signatures to require the City to proceed with a separate special election or to delay submitting the questions to the voters until the November 2006 election. In the interim, the Ordinances would be suspended pursuant to Charter § 8.13, and the status of the project would be held in limbo.

Background Information

For several years City Staff has been working with the Schoenberg Ventures partners to redevelop their aging shopping center at 72nd and Sheridan. After adopting the South Sheridan Reinvestment Plan in March 2004, the City entered into a Memorandum of Understanding with Shoenberg Ventures for the future redevelopment of that center. The approval, by the Planning Commission and City Council, of the ordinances and the PDP/ODP for the redevelopment of the center with a Wal-Mart superstore and associated commercial uses was consistent with the Plan and the Memorandum, as well as the City's overall goals of economic revitalization of South Westminster. The proposed redevelopment would constitute approximately 25 percent of the South Sheridan urban renewal area.

The City Clerk's estimate of the approximate cost of conducting a special election on the referenda petitions ranges from \$80,000 and \$100,000. Staff does not believe that it would be prudent to spend tax dollars in this manner when referring the question for the November ballot would avoid these costs and most likely allow more Westminster citizens to participate in this decision. The other alternative available to Council, that of waiting until the November 2006 election to place this on the ballot, would cloud the zoning and development regulations for this property for an unreasonable amount of time until such election could be held and the viability of the previously enacted land use ordinances finally determined.

For those reasons, it seems prudent to adopt the attached resolution placing this issue before the voters of Westminster this November.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Resolution No. 35, Series of 2005

RESOLUTION

RESOLUTION NO. 35

INTRODUCED BY COUNCILMEMBERS

SERIES OF 2005

DAVIA – DIXION

A RESOLUTION REFERRING TO THE VOTERS OF WESTMINSTER AT THE NOVEMBER 1, 2005, ELECTION THE QUESTIONS WHETHER ORDINANCES 3216 AND 3217, APPROVING A COMPREHENSIVE LAND USE PLAN AMENDMENT AND REZONING CERTAIN PROPERTIES AT THE SOUTHWEST CORNER OF 72ND AVENUE AND SHERIDAN BOULEVARD, SHOULD BE REPEALED

WHEREAS, the City Council is aware that referenda petitions have been submitted to the City Clerk requesting the repeal or referral to the voters of recently adopted ordinances; and

WHEREAS, the statutory requirements for conducting coordinated elections require certification of the municipal ballot by September 2, 2005; and

WHEREAS, the City Council finds that it would be in the best interest of the public to avoid the costs of conducting a separate election to determine the questions presented by the petitioners;

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

1. At the regular election to be held on November 1, 2005, there shall be referred to the registered electors of the City the following questions:

A. SHALL ORDINANCE 3216 (Councillor’s Bill No.32, Series 2005) AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN by changing the land use designations for the approximately 0.9 acre property at 7007 Sheridan Boulevard from “R-3.5 Residential” to “Retail Commercial,” and for the approximately 15.5 acres located immediately west of the existing shopping center, called Shoenberg Center, at the southwest corner of Sheridan Blvd. and 72nd Ave., from “R-8 Residential” to “Retail Commercial”, BE REPEALED?

_____YES

_____NO

B. SHALL ORDINANCE 3217 (Councillor’s Bill No.33, Series 2005), REZONING TWO PARCELS OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SHERIDAN BOULEVARD AND 72ND AVENUE in Section 1, Township 3 South, Range 69 West, 6th P.M., Jefferson County, Colorado, from a R-1 Zone and a C-1 Zone to a PUD Zone, BE REPEALED?

_____YES

_____NO

2. That submittal of the foregoing questions to the voters at the regularly scheduled November co-ordinated election conducted by Adams and Jefferson Counties best serves the citizens’ interest in fiscal responsibility and the democratic process.

PASSED AND ADOPTED THIS 29TH DAY OF AUGUST, 2005.

ATTEST:

City Clerk

Mayor

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 29, 2005 AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman, Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call. Brent McFall, City Manager; Marty McCullough, City Attorney; and Linda Yeager, City Clerk, also were present.

PURPOSE OF SPECIAL MEETING:

The Mayor stated the purpose of this special meeting was to consider a resolution referring two ballot questions to the Westminster electorate to decide whether two ordinances, that would enable the redevelopment of a blighted retail center at Sheridan Boulevard and 72nd Avenue, should be repealed.

RESOLUTION NO. 35 REFERRING REPEAL OF ORDINANCES 3216 AND 3217 TO THE VOTERS

Council accepted comment concerning this matter. Offering comment were: Mike Melio, 8219 West 90th Place; Martha Jane Fancher, 7260 Lamar Court; Richard Mayo, 5130 West 69th Place; Vi June, 7500 Wilson Court; Michael and Kathy Murphy, 6110 West 73rd Avenue, Sue Widdison, 5600 West 73rd Avenue; Bruce Morrison, 6521 West 69th Way in Arvada; Beth Deeds, 7012 North Zenobia Street; Larry Dean Valente, 3755 West 81st Avenue; Mark Kaiser, 7035 Zenobia Street; Gary Scofield, 7130 Canosa Court; Glen and Terrilyn King Train, 6640 West 71st Avenue; Carol Michaels, 5131 West 73rd Avenue; Karen Sawicki, 6768 Zenobia Loop; Peggy Karraker, 7418 Chase Circle; Garrett Wildung, 6901 Wolff, Samantha Martinez, 7400 Winona Court; Michele Spencer, 8219 West 90th Place; Nancy Thompson, 7080 Beacon Way; Kathy Hollerback, 5833 West 75th Avenue; Jim Martinez, 7070 Utica, #2; Arnita Strutz, 7131 Wolff Street; Karen Hardy, 5133 West 73rd Avenue; Dennis and Jill Smits, 5692 West 77th Avenue; and Michael McManus, 6821 Xavier Circle in Arvada.

Councillor Davia moved, seconded by Dixon, to adopt Resolution No. 35 referring two ballot questions to the Westminster electorate to decide whether two ordinances, that enable the redevelopment of a blighted retail center at Sheridan Boulevard and 72nd Avenue, should be repealed. After members of City Council commented on the basis for their vote, the motion passed unanimously at roll call.

ADJOURNMENT:

The meeting was adjourned at 8:00 P.M.

ATTEST:

City Clerk

Mayor

Summary of Proceedings

Summary of proceedings of the Westminster City Council special meeting at 6:30 p.m. on Monday, August 29, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call.

Council approved Resolution No. 35 referring to the voters of Westminster at the November 1, 2005 Election the questions whether Ordinances 3216 and 3217, approving a Comprehensive Land Use Plan amendment and rezoning certain properties at the Southwest corner of 72nd Avenue and Sheridan Boulevard, should be repealed.

At 8:00 p.m., the meeting was adjourned.

By order of the Westminster City Council
Linda Yeager, MMC, City Clerk
Published in the Westminster Window on September 8, 2005