



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council
DATE: September 8, 2011
SUBJECT: Briefing and Post-City Council Briefing Agenda for September 12, 2011
PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council briefings are open to the public, and individuals are welcome to attend and observe. However, these briefings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to Monday night's Briefing and Post-City Council meeting briefing, the following schedule has been prepared:

Dinner	6:00 P.M.
Council Briefing (<i>The public is welcome to attend.</i>)	6:30 P.M.
CITY COUNCIL MEETING	7:00 P.M.
POST BRIEFING (<i>The public is welcome to attend.</i>)	

PRESENTATIONS

1. Annual Updates to the Westminster Municipal Code

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

EXECUTIVE SESSION

None at this time

INFORMATION ONLY

1. WEDA – 2nd Quarter 2011 Financial Update

Items may come up between now and Monday night. City Council will be apprised of any changes to the post-briefing schedule.

Respectfully submitted,

J. Brent McFall
City Manager





WESTMINSTER

Staff Report

Post City Council Meeting Staff Report
September 12, 2011



SUBJECT: Annual Updates to the Westminster Municipal Code

Prepared By: Walter Patrick, Planner I

Recommended City Council Action:

Provide input to staff regarding proposed Zoning and Engineering Code updates. Direct staff to prepare an ordinance for adoption by City Council regarding the proposed Code revisions for 2011.

Summary Statement:

At the April 4, 2011, City Council study session staff discussed proposed revisions to various sections of the Westminster Municipal Code related to land use and engineering standards. Council considered all the items and authorized staff to move forward with preparing an ordinance. As several months have passed since this study session, staff is again bringing these proposed changes before the Council along with a few new additions that were not previously discussed. Any items proposed for change that were not discussed in the study session are noted in this agenda memo. This effort meets the City Council's goals of "Promoting Vibrant Neighborhoods in One Liveable City" by maintaining and improving neighborhood infrastructure and housing; and "Safe and Secure Community" by helping to maintain safe buildings and homes. This will lead to better land use, zoning, and design decision making.

Expenditure Required: \$ 0

Source of Funds: N/A



Policy Issue:

Should the City make Code updates/revisions for 2011 to various sections of the Westminster Municipal Code regarding Planning and Engineering Standards?

Alternative:

Do not support the proposed changes to the Westminster Municipal Code in 2011. This option is not supported as the City would like to remain current with development trends and continually improve its land development codes to reflect the City's vision for future development.

Background Information:

As part of Community Development Departments annual Code updates staff is proposing a number of Code amendments this year; most are housekeeping in nature and a few are more substantive in nature. Each proposed amendment is listed below with an explanation of the proposed change. Most of the proposed amendments were discussed in a Council study session on April 4, 2011 and those that were not are noted.

Summary of Proposed Revisions for the year 2011

5-5-3, 9-2-1, and 9-2-8: Changes to Street Cut Fees

The Engineering Division proposes to clarify the existing Code language that provides for street cut fees to be amended when the City Manager deems appropriate. Currently these fees are adjusted annually and biannually, and the changes in these three sections will clarify when and how these fees can be changed. For example, a right-of-way permit fee will be established on a yearly basis, by the City Manager upon recommendation of the City Engineer, based on criteria such as a fee scale dependant upon the scope or location of a project or a fee reasonably related to the costs directly incurred by the City in providing services relating to the granting and administration of the permit. Further, these revisions ensure that a Class D license will be required before the pavement of a street is cut. This change was not discussed in the study session.

11-1-6(A): Planning and Engineering Review Fee Schedule

The Planning and Engineering review fee schedule is in need of an update to reflect recent changes to development review such as removing references to the Board of Adjustment and Appeals (BOA), adding fees for Special Events, clarifying that Preliminary Development Plan and Official Development Plan (PDP/ODP) review fees are based on total site or lot acreage, setting the Special/Conditional Use permit fee at \$450.00, and other minor changes.

11-2-1: Definitions for Warehouse and Distribution Center

Staff proposes adding a definition for warehouse and for distribution center. This is necessary to remove any ambiguity between these similar uses.

11-2-1: Definitions for Construction Trailer and Sales Trailer

Staff proposes adding definitions for construction trailer and sales trailer as a corollary to the Temporary Sales\Construction Trailers section being added in 11-4-6. These definitions were not discussed in the study session, though the concept of regulating these kinds of trailers has been discussed at study session.

11-4-6(D) Minimum Setbacks

Adds a subsection to clarify how setbacks standards are applied to flag lots. For example, the front setback for a building will not be measured from the street right-of-way, but will instead be measured from the principal or accessory building to the lot line nearest and parallel to, but not coincident with, the street right-of-way line. This change was not discussed in the study session, but staff considers this as a housekeeping item since it reflects current practice.

11-4-6 new (O): Temporary Sales/Construction Trailers

Currently, the Westminster Municipal Code (WMC) does not address temporary construction trailers or sales trailers. Staff proposes adding a section of Code that would include regulations addressing time limitations, siting, setbacks, maintenance, and clean-up.

11-4-6(N): Detached Garage/Accessory Structures

There are many homes in Westminster with a detached garage to meet their off-street parking requirements. As a detached garage is considered an accessory structure, these homeowners are not permitted to build a shed or similar structure, as current Code allows only 1 accessory building per lot. Staff proposes revising this section of the Code to clarify that a detached garage, if constructed and used to meet off-street parking requirements, shall be permitted in addition to one accessory building on the lot. However, if the home has an existing attached garage, a detached garage would count as the allowed accessory structure.

11-5-7 through 10: Neighborhood Meeting Requirement

Neighborhood notification requirements, including neighborhood meeting and informational mailing packets, for new development are currently addressed in the Community Development Department Plan Submittal Document Guidelines. However, the City Code is silent on this requirement, which can make it difficult for staff to require a new project to complete neighborhood notification. Staff proposes adding provisions in the PDP, ODP, and PDP and ODP Amendment sections of Title XI to address the requirements for a neighborhood meeting or mailer.

11-5-10: Required Signatures for ODP Amendments

Planning staff and the City Attorney's Office (CAO) have discovered that there is a conflict in the Code provision that indicates who has "standing" to apply for an ODP amendment. In the Code, the word "owner" is used and the existing rules of construction in the Code specify that this term should be considered to be a "plural" term, meaning that in order to process an ODP amendment, all owners of land covered by that ODP would have to sign the application. Community Development staff would propose changing the Code to simply clarify that individual lot owners have standing to apply for an ODP amendment, without getting all owners in an ODP to agree and sign on to the application.

11-5-10: Adding approved land uses from a PDP to an ODP

Staff would propose adding Code language that would allow the City Manager to add land uses previously approved on a PDP to be administratively approved by an ODP amendment, if that land use were allowed on the PDP and still complies with the current land use designation in the Comprehensive Land Use Plan (CLUP). This will streamline our approval process in redevelopment areas.

11-11-7: Gasoline Pricing Signs

The regulations for gasoline pricing signs are currently included in the gasoline pricing sign definition. Staff proposes relocating the regulations for gasoline pricing signs from the Definitions section to the Monument and Wall Sign Regulations section.

Staff considers the updates to the land development code to be important for achieving the City Councils Strategic Plan goals of “Promoting Vibrant Neighborhoods in One Liveable City” by maintaining and improving neighborhood infrastructure and housing; and “Safe and Secure Community” by helping to maintain safe buildings and homes.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Attachment A - Proposed Code Changes

PROPOSED CODE CHANGES

2-1-6: CONDUCT OF MEETINGS: (2068 2734)

(A) The Boards and Commissions of the City shall conduct closed executive sessions pursuant to the standards adopted in 1-11-3(C), (D), (E), and (F) of this Code, and only for the purposes stated therein. No final action may be taken in a closed executive session.

(B) Unless otherwise provided for in this Code. Notice to the public of the meetings of Boards and Commissions shall be given as may be required by the individual by-laws adopted by each Board or Commission.

(C) Any Board or Commission which conducts a public hearing shall record such hearing stenographically or electronically. The Board or Commission may choose stenographic or electronic recording at its sole discretion. A written transcription of the record shall be made upon the request of any person and payment in advance of the estimated cost of production of the transcript. The action of a Board or Commission shall not be invalidated by any mechanical or other malfunction in the recording process.

(D) No member of a Board or Commission shall vote on any question in which he has a conflict of interest, other than the common public interest. On all other questions put to vote, each member who is present shall vote either "yes" or "no", unless excused by the unanimous consent of the remaining members present. Application to be excused from voting must be made before the vote is called by the presiding officer. The member shall briefly state the reason for his request to be excused and the decision thereon shall be made without debate.

2-2-2: POWERS AND DUTIES: The powers and duties of the Planning Commission shall include, but not be limited to, the following: (319 1741 1970 2068 3495 3497)

(F) The review and determination of appeals from the Planning Manager's interpretation of the Zoning Map and the Zoning District boundary lines thereon.

2-2-5: REFERRALS TO PLANNING COMMISSION: (319 1741 1970 2068) Unless otherwise provided for in this Code. All applications and petitions for annexations, subdivision development plan approvals, amendments to preliminary and official development plans, zonings and rezonings, plat approvals, and such other matters as the City Council or City Manager may deem pertinent shall be referred to the Planning Commission for its review and action in accordance with the provisions of Chapter 5 Section 13 of Title XI of this Code.

5-5-3: EXEMPTIONS: (1959 3563)

(A) The license requirement shall not apply to:

(1) An owner of a single-family or duplex residential property who alters, repairs, remodels, equips, moves, or wrecks the building he owns when the owner furnishes all the material and labor.

(2) An owner who builds or constructs his own residence, or a building or structure accessory thereto which is intended for his own personal use. This exemption shall be permitted only once within a period of one (1) year; otherwise, a license as a contractor shall be required.

~~(3) A property owner who is doing work which would normally require a Class D public way contractor's license, but for whom the City engineer or his designee has waived the license requirement when:~~

~~(a) The proposed work affects an area of two hundred (200) square feet or less, or one (1) single family dwelling; and~~

~~(b) The owner is performing the work in the public way immediately adjacent to his own property; and~~

~~(c) The owner provides a copy of his homeowner's insurance policy, which is sufficient in the opinion of the City engineer or his designee to provide liability coverage of claims by third parties resulting from the owner's work in the public right of way. This exemption shall be permitted only once within a period of one (1) year, otherwise license as a contractor shall be required.~~

(B) The exemption from license requirements does not waive permit requirements.

9-2-1: PERMIT REQUIRED: (2100 2598)

(C) Applications for a permit shall indicate the exact location, depth, extent, nature, and purpose of the work, including a sketch or plan as necessary, and the time required for the work. Applicants shall also pay a fee to the City before the issuance of a right-of-way permit. The amount of the fee shall be ~~as specified in the Planning and Engineering Development Review Fee Schedule set forth in Section 11-1-6 established, on an annual basis, by the City Manager upon recommendation of the City Engineer, as follows:~~

~~(1) The fee shall be reasonably related to the costs directly incurred by the City in providing services relating to the granting and administration of the permit, including inspection costs; and~~

~~(2) The fee may be graduated depending upon the scale and location of the project; and~~

~~(3) If the proposed excavation or construction project requires Construction Drawing Review, the fees related to such review as provided in section 11-1-6, W.M.C. shall be charged in addition to the right-of-way permit fee; and~~

~~(4) Printed copies of the fee schedule, as amended from time to time, shall be on file in the Office of the City's Community Development Department.~~

(F) A right-of-way permit ~~may~~**must** be ~~obtained by~~**issued to** a Class D Public Way Contractor with a contract for work affecting public property or grounds, utility systems, or work within any street right-of-way, utility easement, or other public property, ~~or to a property owner satisfying the requirements of Section 5-5-3(A), W.M.C.~~

9-2-8: STREET CUT IMPACT FEES: (3072)

(A) In addition to ~~the right-of-way street cut permit fee described in Section 9-2-1, above, and a deposit covering trench overrun and damage to appurtenances, fees to compensate the city due to the impact of long-term damage caused by street cuts shall be paid by any~~**no** person or entity ~~shall~~**who** cuts the pavement of any city streets prior to the payment to the City of a street impact fee, to cover the effects of long-term damage to the street pavement created over time by intermittent street cuts. Such fees shall be paid before at the time of issuance of a right-of-way permit, ~~to be calculated on forms to be furnished by the City Engineer.~~

(B) The street cut impact fee ~~will be established annually~~~~may be amended when deemed appropriate~~ by the City Manager, upon recommendation ~~of~~by the City Engineer, and shall ~~be based upon~~~~include~~ the following factors:

- (1) Whether the cut is a longitudinal trench or a transverse trench.
- (2) Whether the street was resurfaced within the current year and the last four (4) years or seal coated within the current year and the last two (2) years.
- (3) Whether the street is earmarked for total reconstruction within the current year and the next two (2) years in the City's 5-year pavement management master plan for street improvements.

~~(C) Fee Schedule:~~

- ~~(1) \$50.00 for street cut permit~~
- ~~(2) \$1.30/square foot for longitudinal trenches.~~
- ~~(3) \$7.70/square foot for transverse trenches.~~
- (4) ~~With the exception of the fee for a street cut permit above;~~Normally, fees will be doubled for streets that have been resurfaced within the current year and the past four calendar years, or seal coated within the current year and the past two calendar years.;
- (5) ~~With the exception of the fee for a street cut permit above;~~Normally, fees will be waived for streets scheduled for total pavement reconstruction within the current year and the following two years.

Printed copies of the fee schedule, as amended from time to time, shall be on file in the Office of the City's Community Development Department.

11-1-6: LAND USE AND DEVELOPMENT REVIEW FEE SCHEDULE: (2598 3031 3152 3497)

(A) An applicant for any of the following land use or development reviews shall pay in advance the corresponding fee or fees:

(1) <u>Review Fees:</u>	
PDP or amendment – Concept Review	\$350 (x) sq. rt. of acres (\$350 min.)
PDP or amendment – Technical Review	\$350 (x) sq. rt. of acres (\$350 min.)
ODP or amendment – Concept Review	\$400 (x) sq. rt. of acres (\$400 min.)
ODP or amendment – Technical Review	\$400 (x) sq. rt. of acres (\$400 min.)
Combined PDP/ODP (including amendments)	
Concept Review	\$550 (x) sq. rt. of acres (\$550 min.)
Technical Review	\$550 (x) sq. rt. of acres (\$550 min.)
Zoning or Rezoning	\$500
Annexation	\$300
Comprehensive Land Use Plan Amendments	\$500
Minor Administrative Amendment (PDP/ODP)	\$250
Minor Administrative Amendment (PDP/ODP)	\$75
Public Hearing	\$350
ODP Waiver	\$250
Special or Conditional Use Permit	\$450
Temporary Use/ Special Event Permit	\$100
Board of Adjustment and Appeals	\$250
Conditional Use	\$250
Construction Drawing Reviews	\$750 + \$75 (x) sq. rt. of acres (\$1125 max)
(Construction Drawing Reviews <u>may</u> include, but are not limited to, Final Plats, Address Plats, Construction Drawings, <u>ROW Permits</u> and Public Improvements Agreements)	
Minor Replat (Lot Line Adjustment)	\$300
Vacations (R.O.W. and Easements)	\$300
Land Disturbance Permits	\$250

<u>R.O.W./Street-Cut Permit</u>	<u>\$50</u>
Development Sign Posting Fee	\$50
<u>Variance</u>	<u>\$250</u>

- (2) **Other Service Fees :**
- | | |
|--|----------------------|
| Zoning Verification Letter | \$50 |
| Affidavit of Correction | \$100 |
| Recording Fees for plats and plans | \$50 + \$20/Ppage |
| <u>Recording Fees for letter and legal size E-filing</u> | <u>\$10/page</u> |
| Flood Plain Information (non-residential only) | \$20 |
| <u>Scheduling and Conducting Public Hearing</u> | <u>\$350/hearing</u> |
- (3) **Document Fees:**
- | | |
|---|---------------|
| Plan submittal document | \$20 |
| Comprehensive Land Use Plan | \$25 |
| Northeast Comprehensive Development Plan | \$5 |
| Copies of plans on file | \$5/Ppage |
| <u>Copies of documents (up to 20 pages) on CD</u> | <u>\$5/CD</u> |

(B) Applications requiring additional or modified submittals will be considered abandoned if the required submittal or re-submittal is not made within 180 days of the last submittal date and a new application and new fee will be required.

11-2-1: DEFINITIONS

CONSTRUCTION TRAILER shall mean a mobile home, manufactured home, or similar structure located on a construction site and temporarily used as office space and/or to store material and equipment for the convenience of the construction project.

DISTRIBUTION CENTER shall mean a facility where goods are received and/or stored for delivery to the ultimate customer at off-site locations and such goods are not manufactured, produced, or reprocessed on-site. Said facility is characterized by a larger storage capacity and volume of traffic than a typical retail Packaging and Postal Substation.

SALES TRAILER shall mean a mobile home, manufactured home, or similar structure located on a development site and temporarily used as a sales or rental office for the units in the development.

WAREHOUSE shall mean a building used primarily for the storage of manufactured products, components, supplies, equipment, or materials, excluding bulk storage of materials that are flammable or explosive or that present hazards commonly recognized as offensive.

11-4-6: SPECIAL REGULATIONS: (2534 2841 2975 3497 3531) The following additional regulations apply as indicated below.

(B) OCCUPANCY OF DWELLING UNITS. Subject to the provisions of Chapter 12 of Title XI, "Rental Property Maintenance Code," W.M.C., no persons except the following persons shall occupy a dwelling unit:

- (1) Members of a family, together with bona fide domestic employees of such family; or
- (2) Up to four unrelated persons; or
- (3) Two persons and any of either of their children by blood, marriage, adoption, or guardianship, including foster children placed by a state institution or licensed child placement agency; or

- (4) Up to eight residents of a group home for the aged; or
- (5) Up to eight residents, plus staff, of a group home for persons with mental illness; or
- (6) Up to eight residents, plus staff, of a group home for developmentally disabled persons,

provided, further, that, except as otherwise provided by law, no more than one individual who is required to register as a sex offender under the provisions of the Colorado Sex Offender Registration Act shall occupy a dwelling unit.

Additionally, dwelling units, or portions thereof, temporarily used as model homes or sales offices in a development must be restored to residential use and occupancy within thirty days after (i) the initial sale or lease of all units in the development, or (ii) the date that no building permit for the development has been issued in 365 days, whichever occurs first.

(D) MINIMUM SETBACKS.

(1) Developed Area. In all residential areas where lots comprising 50 percent or more of the frontage on one side of a street between intersecting streets have been improved with buildings, the City may require that the average front setback of such buildings shall be the minimum front setback required for all new construction in such block.

(2) Reduction. No part of a setback required for any building for the purpose of complying with the provisions of this Chapter shall be included as a setback for another building; all setback areas shall be open and unobstructed except as otherwise provided herein.

(3) Architectural Features. Cornices, canopies, eaves, awnings, or similar architectural roofline features may extend into a required setback not more than 4 feet.

(4) Decks. Open, unenclosed and uncovered decks or patios may extend into a required setback provided they are constructed at ground level and do not conflict with any utility or other easements.

(5) Fire Escapes. Fire escapes may extend into a required setback not more than 6 feet.

(6) Flag Lots. For the purposes of measuring the setback requirements of Section 11-4-5 of this Chapter, the "pole" portion of the lot shall not be included in the measurements. For example, the front setback for a building will not be measured from the street right-of-way line, but will instead be measured from the principal or accessory building to the lot line nearest and parallel to, but not coincident with, the street right-of-way line.

(N) ACCESSORY BUILDINGS.

(1) Permitted Zone Districts: ~~An a~~Accessory buildings ~~is~~are permitted in all residential zone districts or residential planned unit developments in accordance with the requirements of this Code unless restricted on an approved official development plan. Accessory buildings in non residential zone districts shall require an ODP waiver or ODP amendment meeting the requirements of this Code.

(2) Number permitted: One (1) accessory building will be permitted per building lot. In residential zoning districts, one detached garage that is used to meet the off-street parking requirements of Section 11-7-4, WMC, shall be permitted in addition to one accessory building, provided that said off-street parking requirements are not currently being met by an existing attached garage.

~~(2)~~(3) Architectural character: Accessory buildings must maintain the character of the surrounding neighborhood and architecturally resemble and be constructed of like or similar materials of that used on the

exterior of the existing principal building on the property. Pre-fabricated or corrugated metal, plastic, vinyl, canvas or similar material buildings are prohibited.

~~(3)~~(4) Size: For all residential zone districts and residential PUD districts, the total of any detached garage and accessory buildings shall be limited to 5% of the building lot area or 600 square feet, whichever is greater, unless a different size is provided for in the PUD district. In no case shall the accessory building be larger than 2000 square feet. For all non residential PUD zone districts, size will be determined in the ODP or ODP amendment. Maximum height of an accessory building shall be limited to fifteen (15) feet, ~~except in O-1 zone districts~~ where maximum height shall be limited to thirty-five (35) feet.

~~(4)~~(5) Setbacks: This Subsection (N) provides the setbacks for accessory buildings, except that t—The setbacks for accessory buildings in ~~residential~~-PUD zone districts shall be as specified on an approved official development plan. If setbacks are not specified in the ODP, then the setbacks shall follow the requirements of this Subsection. The O-1 district is considered a non-residential zone district for the purpose of this Subsection.

(a) Accessory buildings one hundred twenty (120) square feet or less: the front setback shall be the same as required for the principal building. The side and rear setbacks shall be a minimum of three (3) feet from the property line but may not encroach into any easements. The side or rear setback adjacent to a public road shall be fifteen (15) feet.

(b) Accessory buildings greater than one hundred twenty (120) square feet: the front setback shall be the same as required for the principal building. The side and rear setbacks shall be a minimum of five (5) feet from the property line but may not encroach into any easements. The side or rear setback adjacent to a public road shall be fifteen (15) feet.

(c) Accessory buildings in the ~~O~~-1 zone district: the front setback shall be one hundred (100) feet. The side and rear setbacks shall be thirty (30) feet.

(d) Architectural features such as cornices, canopies, eaves, awnings or similar architectural roofline features may not encroach into the required side or rear setback for any accessory building.

(O) TEMPORARY CONSTRUCTION AND SALES TRAILERS:

(1) Temporary construction and sales trailers are permitted in all zoning districts, subject to the following restrictions:

(a) No person shall permit a construction trailer to remain on a site for more than 30 days after completion of construction or cessation of construction.

(b) No person shall permit a sales trailer to remain on a site past the date of the sale or lease of all dwelling units or lots within the boundaries of the development or subdivision.

(c) A construction trailer or sales trailer may be located only on the lot it serves or within the development or subdivision for which construction is occurring.

(d) A construction trailer or sales trailer shall meet the setback requirements for a principal building on a lot for the zoning district in which it is located, adequate parking and landscaping, and safe access to the site that does not impact public streets or surrounding uses.

(e) A sales trailer shall have adequate asphalt or concrete parking spaces provided.

(e) No person shall use, or permit to be used, a construction trailer or sales trailer as any type of dwelling unit.

(2) Upon removal of a construction trailer or sales trailer, the property owner is responsible for cleaning the site and restoring it to an orderly condition, which may include the removal of the asphalt or concrete parking spaces.

~~(OP)~~ FENCES.

(1) General. Fences erected in the City shall comply with the provisions of this Section. Fences and swimming pools shall also comply with the provisions of the building code as adopted by the City.

(2) Fence classifications. Fences shall be classified as follows:

- class 1: masonry walls
- class 2: ornamental iron
- class 3: woven wire
- class 4: fences more than 50 percent open
- class 5: fences less than 50 percent open

(3) Height limitations, residential/business districts.

(a) Fences erected in front of the front building line or in front of the required front setback may be of any class provided the height of the fence does not exceed 36 inches. Class 2 and 3 fences more than 50 percent open may be erected to a height not to exceed 42 inches. Ornamental post caps shall not be included in any calculation of fence height.

(b) Fences erected in side yards which do not project beyond the front building line or required front setback, including rear yard perimeter fences, may be of any class and shall not exceed the height of 6 feet.

(c) Fences erected on top of retaining walls shall not exceed the height limitations specified in paragraph 1 and 2 of this Subsection. The height of such fence shall be measured from the ground level on the high side of the retaining wall to the top of the fence.

(4) Height limitations, industrial districts. Fences erected in industrial districts may be of any classification. Fences erected in required front yards shall not exceed a height of 6 feet. In other than required front yards, fences may be of any height.

(5) Mobile home fences. Individual lot perimeter fences may be erected at the lot line of individual mobile home spaces. Such fences shall be constructed of the chain link fencing and shall be of a standard design for the entire mobile home park. The top of such fences shall not exceed 36 inches in height. Fence permit issuance and fees therefor shall be in accordance with the provisions of this Code.

(6) Prohibited fences.

(a) Barbed wire or similar sharp pointed fences shall not be erected or maintained unless approved on the official development plan or the preliminary development plan and, when approved, shall be installed at a height not less than 6 feet above the surrounding grade level.

(b) No electrically charged fence shall be erected or maintained.

(7) Intersection sight distance criteria. Fences and retaining walls erected within vehicular sight triangles or vehicular safe line of sight shall comply with the City standard specifications for design and construction. No fence or retaining wall shall be erected or maintained which obstructs the vision of motorists, as determined by the City Traffic Engineer. Any fence or retaining wall which does obstruct the vision of the motorists may be abated as a nuisance as set forth in title 8, chapter 4 of this Code.

(PQ) SWIMMING POOLS, SPAS, AND HOT TUBS. Outdoor swimming pools, wading pools, hot tubs, spas, and similar facilities shall be constructed or installed so that there will be at least 5 feet between the side or rear property line and the rim of the facility and at least 50 feet between the front property line and the rim of the facility, except as follows:

(1) In the case of outdoor swimming pools, in conjunction with residential occupancies located on developer owned or commonly owned land, the front setback shall be determined on the preliminary development plan or the official development plan.

(2) Portable wading pools constructed of flexible plastic, rubber, or similar materials shall not be subject to the spacing requirements specified in this Section.

(QR) CITY EXEMPTION FROM COMPLIANCE. All property, uses, structures, and facilities owned or operated by the City for the purpose of providing municipal services are exempt from complying with all zoning regulations and are exempt from all Preliminary Development Plan, Official Development Plan, and platting procedures contained in this Code.

11-5-7: FORMAT AND APPROVAL PROCESS FOR PRELIMINARY DEVELOPMENT PLANS (PDP's): (2534 2598 2975)

(A) Application Procedures for PDP'S.

(1) Applicants shall consult with the City prior to submitting an application for approval of a PDP to discuss the project concept and to gather information regarding City policies, codes, standards and procedures.

(2) Following the initial discussion, an applicant may submit a concept plan ~~and shall submit an for review prior to formal application~~ for review in a format specified in the Community Development Department's guidelines for submittal, a copy of which is available in the Planning Division offices~~City's Plan Submittal Document.~~

(3) Following the concept plan review, if any, the applicant shall ~~submit a formal application for approval and~~ prepare a detailed submittal for technical review of the proposed plans in the format specified in the Community Development Department's guidelines for submittal, a copy of which is available in the Planning Division offices~~City's Plan Submittal Document.~~ Comments shall be prepared and returned to the applicant. Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal.

(4) Following the concept plan review, if any, and prior to commencing any technical review of a proposed PDP, the applicant shall complete the neighborhood notification process described in the Community Development Department's guidelines for neighborhood notification, a copy of which is available in the Planning Division offices. The City Manager or the Manager's designee may waive this requirement for neighborhood notification if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.

(5) Prior to any ~~technical~~ review of a proposed PDP, the applicant shall provide:

- (a) Written consent of all owners of the property ~~into~~ the proposed PDP; and
- (b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;

(6) A non-refundable application fee as specified in the Planning and Engineering Development Review Fee Schedule set forth in Section 11-1-6 shall be paid at the time of application for ~~approval of~~ any proposed PDP. In addition, ~~all recording fees of \$20 per sheet~~ shall also be paid for all plans and plats that have been approved by the City prior to their recording.

(7) The City may initiate and approve an application for a preliminary development plan. In the event, the requirements of this ~~S~~subsection (A) shall not be applicable. Any City initiated preliminary development plan shall meet or exceed the requirements of Section 11-5-14.

(B) **Approval Process for PDP's.** All original PDP's shall be subject to review and approval by the Planning Commission and City Council in accordance with the procedures set forth in ~~S~~section 11-5-13 of this Code.

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS (ODP'S): (2534 2598 3027 3028)

(A) Application Procedures for ODP's.

(1) Applicants shall consult with the City prior to submitting an application for approval of an ODP to discuss the project concept and to gather information regarding City policies, codes, standards and procedures.

(2) Following the initial discussion, an applicant may submit a concept plan ~~and shall submit an for review prior to formal~~ application ~~for review~~ in a format specified in the Community Development Department's guidelines for submittal, a copy of which is available in the Planning Division offices~~City's Plan Submittal Document~~.

(3) Following the concept plan review, ~~if any,~~ the applicant shall ~~submit a formal application for approval and~~ prepare a detailed submittal for technical review of the proposed plans in the format specified in the Community Development Department's guidelines for submittal, a copy of which is available in the Planning Division offices~~City's Plan Submittal Document~~. Comments shall be prepared and returned to the applicant. Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal.

(4) Following the concept plan review, if any, and prior to commencing any technical review of a proposed ODP, the applicant shall complete the neighborhood notification process described in the Community Development Department's guidelines for neighborhood notification, a copy of which is available in the Planning Division offices. The City Manager or the Manager's designee may waive this requirement for neighborhood notification if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.

(5) Prior to any ~~technical~~ review of a proposed ODP, the applicant shall provide:

- (a) Either the written consent of all owners of the property ~~into~~ the proposed ODP or evidence otherwise satisfactory to the Planning Manager of the applicant's authority to represent the owners of the property;
- (b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;
- (c) A non-refundable application fee as specified in the Planning and Engineering Development Review Fee Schedule set forth in Section 11-1-6 shall be paid at the time of application for ~~approval of~~ any proposed ODP. In addition, ~~all recording fees of \$20 per sheet~~ shall also be paid for all plans and plats that have been approved by the City prior to their recording.

(6) City may initiate an application for an ODP without the consent of the property owner or owners for any redevelopment project within an Urban Renewal Area; provided, however, the approval of any such application shall be conditional and not effective until such time as all property covered by the ODP has been acquired by the Westminster Economic Development Authority or its designated redeveloper for the project. In such event, the above application procedures of this ~~S~~ subsection (A) shall not be applicable.

(B) Approval Process for ODP's:

(1) Administrative Approvals. The City Manager may, but shall not be required to, approve any ODP or ODP waiver, without hearing or notice, which:

- (a) Does not introduce a new land use.
- (b) Meets all requirements of the zoning district in which it is located, and the requirements of any PDP for the property.
- (c) Does not involve a parcel or lot more than 10 acres in size, or involves a proposed non-residential development of 20 acres or less in size, exclusive of property intended for or designated for future public ownership or dedication for open space, parks, rights-of-way or other public uses, that is determined by the City Manager to further the City's economic

development goals and if such development meets guidelines established by City Council to qualify for economic development assistance.

(2) ODP's Requiring Public Hearings.

(a) The City Manager may, in his sole discretion, elect to refer any ODP to Planning Commission and City Council for their consideration at a public hearing.

(b) Any ODP not administratively approved by the City Manager or not eligible for such administrative approval shall, upon the request of the applicant, be referred to the Planning Commission and City Council for consideration pursuant to the procedures set forth in Ssection 11-5-13 of this Code.

(3) Final Approval by Planning Commission. The decision of the Planning Commission regarding an original or amended ODP shall be final unless a timely appeal of such decision is filed in accordance with Ssection 11-5-13(B).

11-5-9: FORMAT AND APPROVAL PROCESS FOR AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS (PDP'S): (2534)

(A) Application Procedures for PDP Amendments.

(1) The application procedures, format and fee for a PDP amendment shall be the same as for an original PDP approval as set forth in Ssection 11-5-7(A).

(2) An amendment to a PDP may be initiated by:

(a) ~~All~~The owner(s) of the property covered by the plan; or

(b) By the City when the City Council determines that:

(i) Approved land uses for the Planned Unit Development are no longer appropriate due to changed conditions in the vicinity, revisions to the City's Comprehensive Plan, any incompatibilities between an existing land use and surrounding zoning or development, or Council finds that the PDP no longer meets the requirements of Ssection 11-5-14.

(ii) Public facilities are inadequate or do not meet current standards; or

(iii) Natural hazards or other environmental problems exist which threaten the public health, safety or welfare.

(B) Approval Procedures for PDP Amendments:

(1) Administrative Approvals. The City Manager may approve any amendment to a Preliminary Plan which does not:

(a) Add a new land use to the Preliminary Plan; or

(b) Change the land area devoted to any use by more than 10 percent; or

(c) Change the density or intensity of use by more than 10 percent; or

(d) Constitute a significant change in the PDP, in the opinion of the City Manager.

A report of any administratively approved PDP amendment shall be submitted to the Planning Commission and City Council detailing action taken by the City Manager under this procedure.

(2~~C~~) Amendments to PDP's Requiring Public Hearings. Any amendment to a PDP not administratively approved by the City Manager or not eligible for such administrative approval shall, upon the request of the applicant, be referred to the Planning Commission and City Council for their review and determination~~consideration~~ at a public hearing in accordance with the procedures set forth in Ssection 11-5-13 of this Code, provided, however, the City Manager shall also have the option to refer any proposed PDP amendment otherwise eligible for administrative approval to the Planning Commission and City Council

for their review and ~~determination to require or waive public notice and hearing requirements for such amendments.~~

11-5-10: FORMAT AND APPROVAL PROCESS FOR AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS (ODP'S): (2534)

(A) Application Procedures for ODP Amendments.

~~(1) The application procedures, format and fee for an ODP amendment shall be the same as for an original ODP approval as set forth in section 11-5-8(A).~~

~~(1) Applicants shall consult with the City prior to submitting an application for approval of an ODP amendment to discuss the project concept and to gather information regarding City policies, codes, standards and procedures. Applicants may propose an amendment to an ODP for all or only a portion of the entire land area within the previously approved ODP.~~

~~(2) Following the initial discussion, an applicant may submit a concept plan and shall submit an application for review in a format specified in the Community Development Department's guidelines for submittal, a copy of which is available in the Planning Division offices.~~

~~(3) Following the concept plan review, if any, the applicant shall submit a formal application for approval and prepare a detailed submittal for technical review of the proposed plans in the format specified in the Community Development Department's guidelines for submittal, a copy of which is available in the Planning Division offices. Comments shall be prepared and returned to the applicant. Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal.~~

~~(4) Following the concept plan review, if any, and prior to commencing any technical review of a proposed ODP amendment, the applicant shall complete the neighborhood notification process described in the Community Development Department's guidelines for neighborhood notification, a copy of which is available in the Planning Division offices. The City Manager or the Manager's designee may waive this requirement for neighborhood notification if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.~~

~~(5) Prior to any review of a proposed ODP amendment, the applicant shall provide:~~

~~(a) Either the written consent of the owner(s) of the property in the area proposed for ODP amendment or evidence otherwise satisfactory to the Planning Manager of the applicant's authority to represent the owner(s) of such property;~~

~~(b) Evidence of ownership and encumbrances satisfactory to the City and such other information as may be reasonably required to evaluate the proposed development;~~

~~(c) A non-refundable application fee, as specified in the Planning and Engineering Development Review Fee Schedule set forth in Section 11-1-6, shall be paid at the time of application for any proposed ODP amendment. In addition, all recording fees shall also be paid for all plans and plats that have been approved by the City prior to their recording.~~

~~(6) City may initiate an application for an ODP amendment without the consent of the property owner or owners for any redevelopment project within an Urban Renewal Area; provided, however, the approval of any such application shall be conditional and not effective until such time as all property covered by the ODP has been acquired by the Westminster Economic Development Authority or its designated redeveloper for the project. In such event, the above application procedures of this Subsection (A) shall not be applicable.~~

~~(7) An amendment to an ODP may be initiated by:~~

~~(a) The owner of the areaproperty covered by the proposed amendmentplan; or~~

- (b) The City when the City Council determines:
 - (i) That approved land uses for the Planned Unit Development are no longer appropriate due to changed conditions in the vicinity, revisions to the City's Comprehensive Plan, any incompatibilities between an existing land use and surrounding zoning or development, or Council finds that the ODP no longer meets the requirements of ~~section~~Section 11-5-15;
 - (ii) That public facilities are inadequate or do not meet current standards; or
 - (iii) That natural hazards or other environmental problems exist which threaten the public health, safety or welfare.

(38) The City Manager may, in his or her sole discretion, on a case-by-case basis, waive any of the normal submittal requirements for amendments to ODP's within his or her administrative approval authority that the City Manager deems to be minor in substance and scope and reduce the fee for such minor amendments ~~to \$75.~~

(B) Approval Process for ODP Amendments:

- (1) Administrative Approvals. The City Manager may but shall not be required to, approve any amendment to an ODP, without hearing or notice, which ~~does not~~:
 - (a) Does not ~~C~~change the land area devoted to any approved use by more than 10 percent, or
 - (b) Does not ~~C~~change the density or intensity of any approved use by more than 10 percent, or
 - (c) Does not ~~C~~constitute a significant change in the ODP in the opinion of the City Manager, or
 - (d) Does not deviate from any development standard, including but not limited to setbacks and building height, by more than 10 percent, or
 - (e) Adds a land use previously approved on the underlying PDP for the property.

A report of any administratively approved ODP amendment shall be submitted to the Planning Commission and City Council.

- (2) Amendments to ODP's Requiring Public Hearings.
 - (a) Any amendment to an ODP not administratively approved by the City Manager or not eligible for such administrative approval shall, upon request of the applicant, be referred to the Planning Commission for their review and determination~~consideration~~ at a public hearing in accordance with the provisions of Ssection 11-5-13 of this Code, provided, however, the City Manager shall also have the option to refer any proposed ODP amendment otherwise eligible for administrative approval to the Planning Commission for its review and determination~~to require or waive public notice and hearing requirements for such amendments.~~
 - (b) The decision of the Planning Commission regarding an ODP amendment shall be final unless a timely appeal of such decision is filed in accordance with Ssection 11-5-13(B)(2) of this Code. The decision of the Planning Commission shall be deemed final as of the date its decision is announced.

11-11-7: PERMANENT SIGNS REQUIRING PERMITS: (2534 2567 2862 2881 2983 3328)

- (A) Monument Signs.
 - (1) Permitted in Zoning Districts PUD, B1, C1, C2, T1, and M1.
 - (2) Maximum Area:
 - (a) For developments over ten (10) acres in size or greater. One hundred (100) square feet.

- (b) For developments less than ten (10) acres but greater than 2 acres in size. Sixty (60) square feet.
 - (c) For developments two (2) acres in size or less. Thirty two (32) square feet.
 - (d) For individual uses over 100,000 square feet in area. Signage restrictions may vary from the provisions of this Section and shall be approved on an Official Development Plan.
- (3) Maximum Height:
- (a) For signs over sixty (60) square feet in area twenty five feet (25').
 - (b) For signs over thirty two (32) square feet in area but less than sixty (60) square feet in area eight feet (8').
 - (c) For signs thirty two (32) square feet in area or less six feet (6').
- (4) Minimum Allowable Setback From Property Line:
- (a) For Signs over eight feet (8') in height or over sixty (60) square feet in area twenty five feet (25').
 - (b) For signs eight feet (8') in height or less and under sixty (60) square feet in area ten feet (10').
- (5) Limitation and Number:
- (a) For developments or individual structures over ten (10) acres in size one (1) per frontage with a maximum of two (2), with said signs to be identical in design.
 - (b) For developments or individual structures ten (10) acres in size or less one (1).
- (6) Restrictions, Clarifications and Exceptions:
- (a) Identification signs for retail business centers or office/industrial/technical parks or centers shall contain only the name, address and logo or trademark of the office park or center. Such signs may include the name of not more than six of the tenants therein, with said names to be integrated into the overall design of the sign with the name of the center utilizing at least 25% of the sign area. Minimum letter height for tenant names shall be eight inches for 32 square foot signs, ten inches for 60 square foot signs and 12 inches for 100 square foot signs.
 - (b) Illuminated signs are permitted.
 - (c) For properties of ten acres or more, no monument sign over 8 feet in height, are permitted within one hundred seventy five (175) feet of any residential district boundary or residential development.
 - (d) Supporting structure of monument signs must be solid construction at least two thirds the dimension of the width and thickness of the sign it supports.
 - (e) Where a non-retail business center or office/industrial/technical park or center is planned as a series of individual structures on individual lots with each individual lot having frontage on a public street, each individual structure may be permitted to have freestanding signs in accordance with this paragraph if said sign(s) are included and approved on an Official Development Plan(s). Where a non-retail business center of office/industrial/technical park is planned as a series of individual structures on a single lot, each individual structure is permitted to have a freestanding sign of not more than 32 square feet in area and 6 feet in height. Such signs shall be consistent in design and color.
 - (f) Monument signs must be located on the premises of the use being advertised or identified. For use in this Section, premises does not include easements or similar adjacent parcels of land.
 - (g) Menu Boards. Menu boards in conjunction with restaurant or other drive-through pick up activities may be allowed under the following restrictions:
 - (i) Not more than two (2) such signs.
 - (ii) Twenty five foot (25') setback from property lines.
 - (iii) Forty (40) square feet maximum area.
 - (iv) Six foot (6') maximum height.
 - (v) May be freestanding or wall mounted.

(vi) One order confirmation board may also be provided with the following restrictions:

- (a) Twenty-five foot (25') minimum setback from property lines.
- (b) Three (3) square foot maximum sign area.
- (c) Four feet (4') maximum height.
- (d) May be free standing, wall mounted, or incorporated into the menu board.
- (e) May be one hundred percent (100%) electronic changeable copy, and copy may be changed without time restriction.
- (f) Signs must be screened or oriented away from public streets.

(h) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards to be included in the Official Development Plan, shall be submitted which address size, location, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner. The overall sign program shall be included in required Official Development Plans.

(i) Individual uses over 100,000 square feet in area, signage restrictions may vary from the provisions of this Section and shall be as approved on an Official Development Plan.

(j) Automated gasoline pricing signs may use internal scrolling or magnetic mechanisms, but may not contain a light emitting diode (LED) and may not change pricing more often than twice in a twenty-four (24) hour period.

(7) Institutional Use Monument Signs

(a) Maximum area:

- (i) For developments 10 acres in size or greater: 100 square feet.
- (ii) For developments less than 10 acres but greater than 2 acres in size: 60 square feet.
- (iii) For developments two acres in size or less: 32 square feet.

(b) Maximum height

- (i) For signs over sixty (60) square feet: 25 feet.
- (ii) For signs thirty two (32) square feet to sixty (60) square feet: 8 feet.
- (iii) For signs less than thirty two (32) square feet: 6 feet.

(c) An electronic reader board component of an institution monument sign shall be allowed, which component shall be no more than one third (1/3) of the total sign size or 30 square feet, whichever is less. The text on an electronic reader board may be changed no more frequently than every thirty (30) minutes.

(B) Wall Signs.

(1) Permitted in Zoning Districts PUD, T1, B1, C1 C2 and M1.

(2) Characteristics: Intended to identify individual businesses, offices, office buildings, industrial, technical and employment establishments. Signs may be either placed flat against the building

(3) Maximum Area:

- (a) The greater of thirty (30) square feet or one (1) square foot sign area for each lineal foot of building or tenant frontage, not to exceed one hundred fifty (150) square feet in area for all types of signs except that signs composed of individual raised letters may contain two (2) square feet of sign area for each lineal foot of building or tenant frontage, not to exceed three hundred (300) square feet in area. This criteria shall not apply to signs for individual tenants in buildings that are primarily multi-tenant office buildings.
- (b) Combinations of cabinet and individual letter signs shall not be permitted, except that a cabinet style logo not exceeding nine (9) square feet may be added to individual letter signs, the total square feet permitted for such signs shall not exceed the total permitted in Section 3.(A) above.

- (4) Maximum Height: May not project above the roof line of the building to which sign is attached.
- (5) Minimum Allowable Setback: Same setback as the building to which sign is attached.
- (6) Limitation in Number: One (1) sign per street frontage not to exceed two (2) frontages, or three (3) frontages with an area not to exceed the total sign area permitted for two (2) frontages.
- (7) Restrictions, Additions, Clarifications and Exceptions:
 - (a) Projecting signs may not exceed thirty (30) square feet in area. Projecting signs may not project over public right of way or more than five feet (5') from the building wall.
 - (b) The total length of any individual sign may not exceed seventy five percent (75%) of the length of the frontage of the establishment, store front or tenant space on which the sign is placed.
 - (c) Illuminated signs are permitted.
 - (d) Buildings that are primarily office buildings may have no tenant or user signs above the first floor with the exception that building identification signs may be located above the first floor.
 - (e) Changeable copy signs are permitted for motion picture theaters or theater complexes with a total maximum area not to exceed the greater of eighty (80) square feet or thirty (30) square feet per individual theater.
 - (f) Where approved on an Official Development Plan the total allowable square footage of signage for an individual use containing over twenty thousand (20,000) square feet of gross floor area may be divided into a primary sign and not more than two (2) secondary signs with each secondary sign not to exceed more than sixty (60) square feet in area.
 - (g) For individual uses over 100,000 square feet in area, signage restrictions may vary from the provisions of this Section and shall be as approved on an Official Development Plan.
 - (h) Tenant Sign. For multi tenant office buildings, a maximum of forty (40) square feet per sign, one hundred twenty (120) square feet per frontage shall conform to 7(b) and 7(e). The building identification sign shall be in conformance with (b) above with a maximum of one hundred (100) square feet except signs composed of individual letters which will have a maximum of two hundred (200) square feet.
 - (i) When shopping centers, business centers, and office/industrial/technical parks or centers are to be developed or redeveloped, overall sign program performance standards shall be submitted which address size, height, design, lighting, color, materials, and type and method of construction to insure that all signage within the center is designed in a harmonious, consistent, and compatible manner.
 - (j) Wall signs must be located on the portion of the building in which the business being advertised is located.
 - (k) Wall signs may not be located on the rear of buildings which abut a residential zone district or property.
 - (l) Automated gasoline pricing signs may use internal scrolling or magnetic mechanisms, but may not contain a light emitting diode (LED) and may not change pricing more often than twice in a twenty-four (24) hour period.



WESTMINSTER

Staff Report

Information Only Staff Report
September 12, 2011



SUBJECT: Westminster Economic Development Authority 2nd Quarter 2011 Financial Update

PREPARED BY: Barb Dolan, Sales Tax Manager
Karen Creager, Special District Accountant

Summary Statement:

This report is for information only and requires no action by the Board. The report represents the unaudited financial position for each of the Westminster Economic Development Authority's (WEDA) Urban Renewal Areas (URAs) as of June 30, 2011.

Background Information:

WEDA currently includes seven separate URA's. This report presents the financial activity as of June 30, 2011. Included in the report are the following for each URA:

- Year-to-date comparative graphs showing three years of operating revenues and expenses and debt service, as of June 30; and
- A chart with an at-a-glance look at the changes in revenues and expenses for comparable reporting periods from 2010 to 2011.

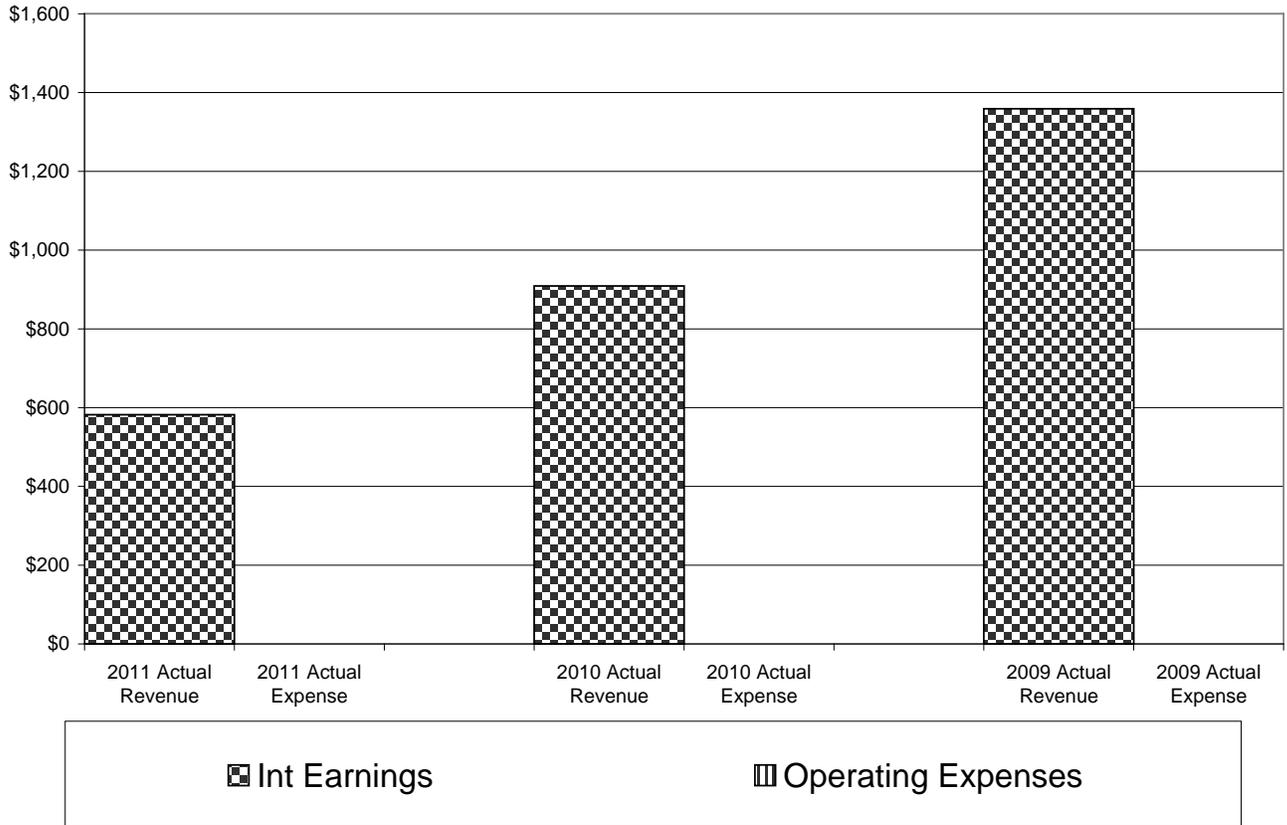
Additionally, attached are:

- A chart summarizing the unaudited financial position as of June 30, 2011
- A list of all current outstanding obligations of the URAs



Holly Park URA

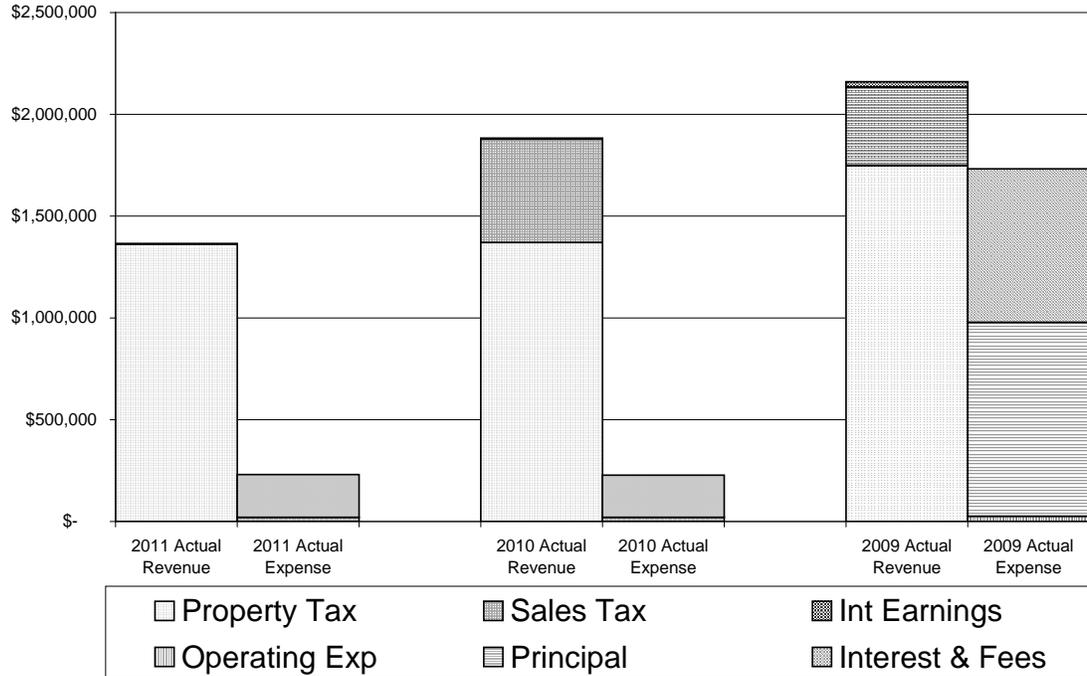
Holly Park URA Comparative Revenues vs Expenses as of 06/30



- The General Fund and General Capital Improvement Fund loaned \$120,000 and \$1,125,000, respectively, to this URA to fund the capital project for the clean-up of the Holly Park property to ready it for resale. It is anticipated that the interfund loan will be repaid when the property is sold.
- Interest earnings, the only revenue recorded in this URA to-date, decreased in 2011 from 2010.
- Due to minimal operating activity in the URA, no comparison table is included.

Mandalay Gardens URA (Shops at Walnut Creek)

Mandalay Gardens URA Comparative Revenues vs Expenses as of 06/30

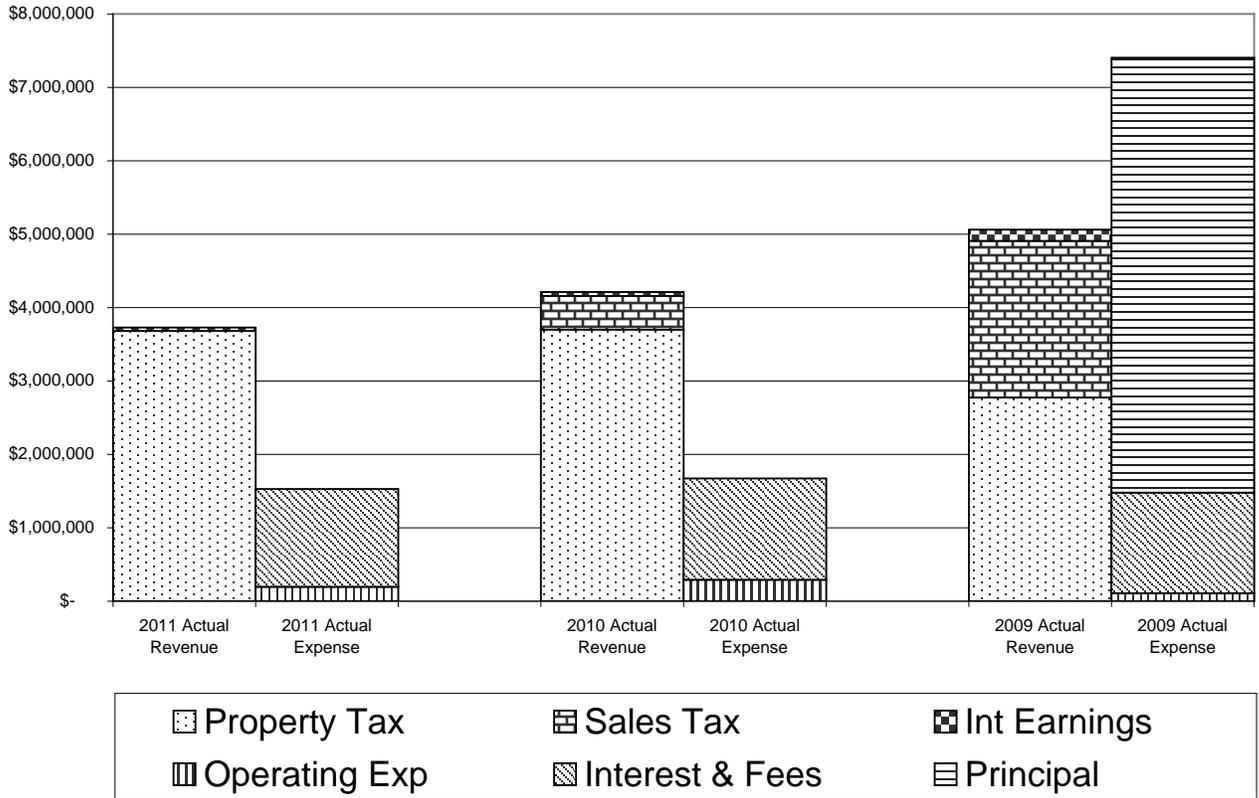


Description	2011	2010	Change
Property tax increment	\$ 1,363,334	\$ 1,370,881	\$ (7,547)
Sales tax increment	-	508,028	(508,028)
Interest Earnings	2,005	4,441	(2,436)
Operating Exp	20,450	20,564	(114)
Interest and Fees	210,279	206,873	3,406

- Assessed valuation decreased in 2011 from 2010 resulting in lower property tax increment in 2011 from 2010.
- The sales tax pledge was 1.75% from January 2009 through September 2009 and increased to 3% from October 2009 through February 2010 as part of the bond refinancing. From March 2010 through current, the pledge decreased to 0%, as funds already on deposit with US Bank Trust along with anticipated property tax increment were sufficient to meet debt service requirements. It is anticipated that the sales tax pledge will remain at 0% through the end of 2011. Therefore, all sales tax revenue will flow to the City.
- Due to the low interest rate earnings environment on funds at the Trust, the interest earnings on the funds invested at the US Bank Trust are low relative to historic performance.
- Year-to-date operating expenses decreased slightly in 2011 from 2010 due to a decrease in the property tax collection fee paid to the county treasurer, consistent with the decrease in property tax increment revenue.
- Total debt service costs are consistent in 2011 from 2010.

North Huron URA

North Huron URA Comparative Revenues vs Expenses as of 06/30



Description	2011	2010	Change
Property tax increment	\$ 3,681,909	\$ 3,697,991	\$ (16,082)
Sales tax increment	-	460,570	(460,570)
Interest Earnings	47,053	54,393	(7,340)
Operating Exp	196,450	292,693	(96,243)
Interest and Fees	1,332,298	1,380,233	(47,935)

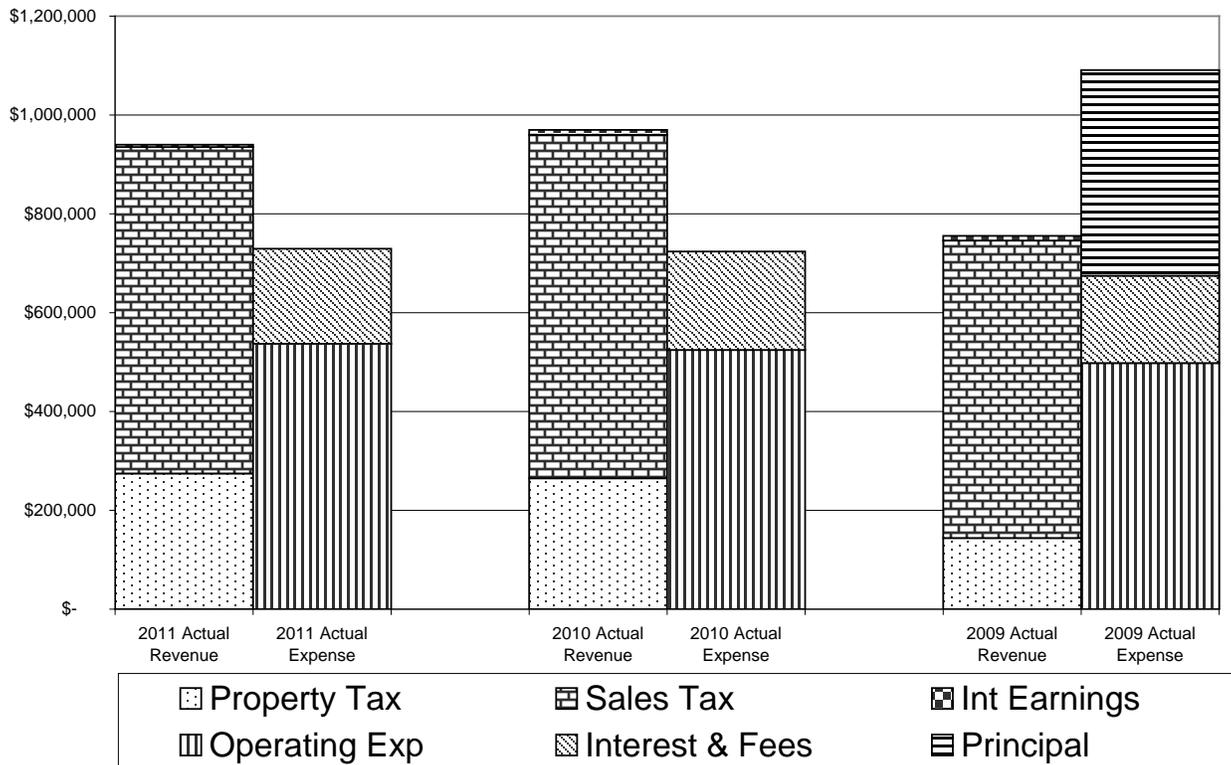
- Assessed valuation increased

slightly in 2011 from 2010. However, actual property tax collections fluctuate from month to month, resulting in a decrease in property tax increment in the 2nd quarter of 2011 from the 2nd quarter of 2010.

- The sales tax pledge was 1% from June 2009 through February 2010. From March 2010 through current, the pledge decreased to 0%, as funds already on deposit with Compass Bank along with anticipated property tax increment were sufficient to meet debt service requirements. It is anticipated that the sales tax pledge will remain at 0% through the end of 2011. Therefore, all sales tax revenue will flow to the City.
- Interest earnings decreased in 2011 from 2010 as a result of slightly lower escrow account balances 2011 compared to the same period in 2010.
- Operating expenses decreased due to the completion of an economic development agreement in 2010 and a decrease in the property tax collection fee paid to the county treasurer, consistent with the decrease in property tax increment revenues.
- Year-to-date debt service costs were slightly lower in 2011 from 2010 consistent with a lower scheduled interest payment resulting from a reduced principal balance.

South Sheridan URA

South Sheridan URA Comparative Revenues vs Expenses as of 06/30



Description	2011	2010	Change
Property tax increment	\$ 274,487	\$ 264,835	\$ 9,652
Sales tax increment	660,699	695,087	(34,388)
Interest Earnings	4,818	9,854	(5,036)
Operating Exp	536,866	524,593	12,273
Interest and Fees	192,585	199,114	(6,529)

- Receipt of incremental property tax revenues began in 2009. Assessed valuation increased in 2011 from 2010 resulting in higher property tax increment in 2011.
- The sales tax pledge was 3% from inception of the URA through February 2011. From March 2011 through current, the pledge decreased to 2.3%. Beginning when the sales tax base was met in May, the City retained .7% of the additional sales tax collections in the URA, thereby reducing the sales tax increment in WEDA. It is anticipated that the sales tax pledge will remain at 2.3% through the end of 2011.
- Operating expenses increased due to increased EDA expenses, consistent with the increase in total sales tax collections.
- Interest earnings decreased in 2011 from 2010 because of lower escrow account balances resulting from larger EDA payments.
- Year-to-date debt service costs were slightly lower in 2011 from 2010 consistent with a lower scheduled interest payment resulting from a reduced principal balance.

South Westminster URA

South Westminster URA Comparative Revenues vs Expenses as of 06/30

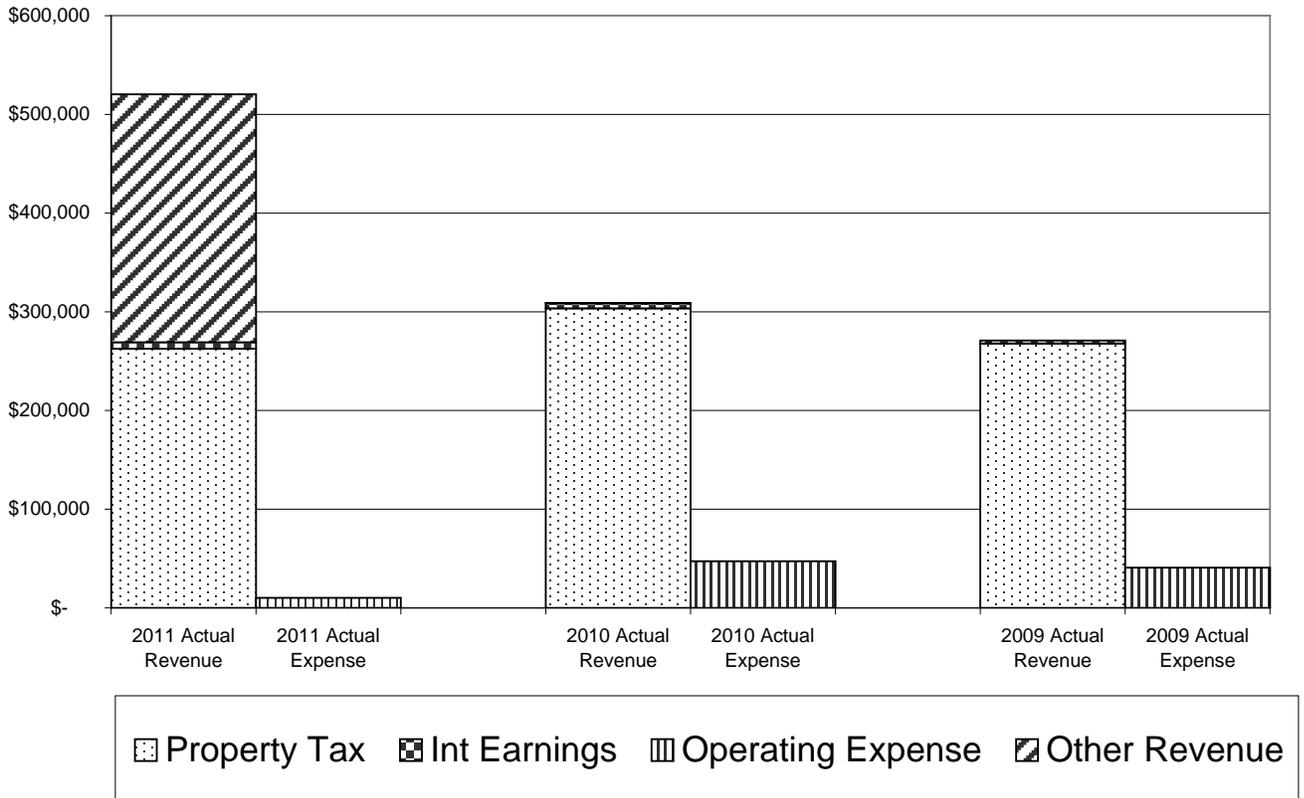


Description	2011	2010	Change
Property tax increment	\$ 298,762	\$ 284,006	\$ 14,756
Sales tax increment	9,579	-	9,579
Interest Earnings	20,744	34,878	(14,134)
Operating Exp	4,481	4,260	221
Interest and Fees	85,690	96,235	(10,545)

- Assessed valuation increased in 2011 from 2010. Therefore, property tax increment increased in 2011 from 2010.
- A small amount of sales tax increment was recorded in Phase I. Staff does not anticipate sales tax increment in Phase II.
- Interest earnings decreased in 2011 from 2010 as a result of a lower cash balance due to the reduction of incremental revenue in the URA.
- Year-to-date debt service costs were slightly lower in 2011 from 2010 consistent with a lower scheduled interest payment resulting from a reduced principal balance.

Westminster Center East URA

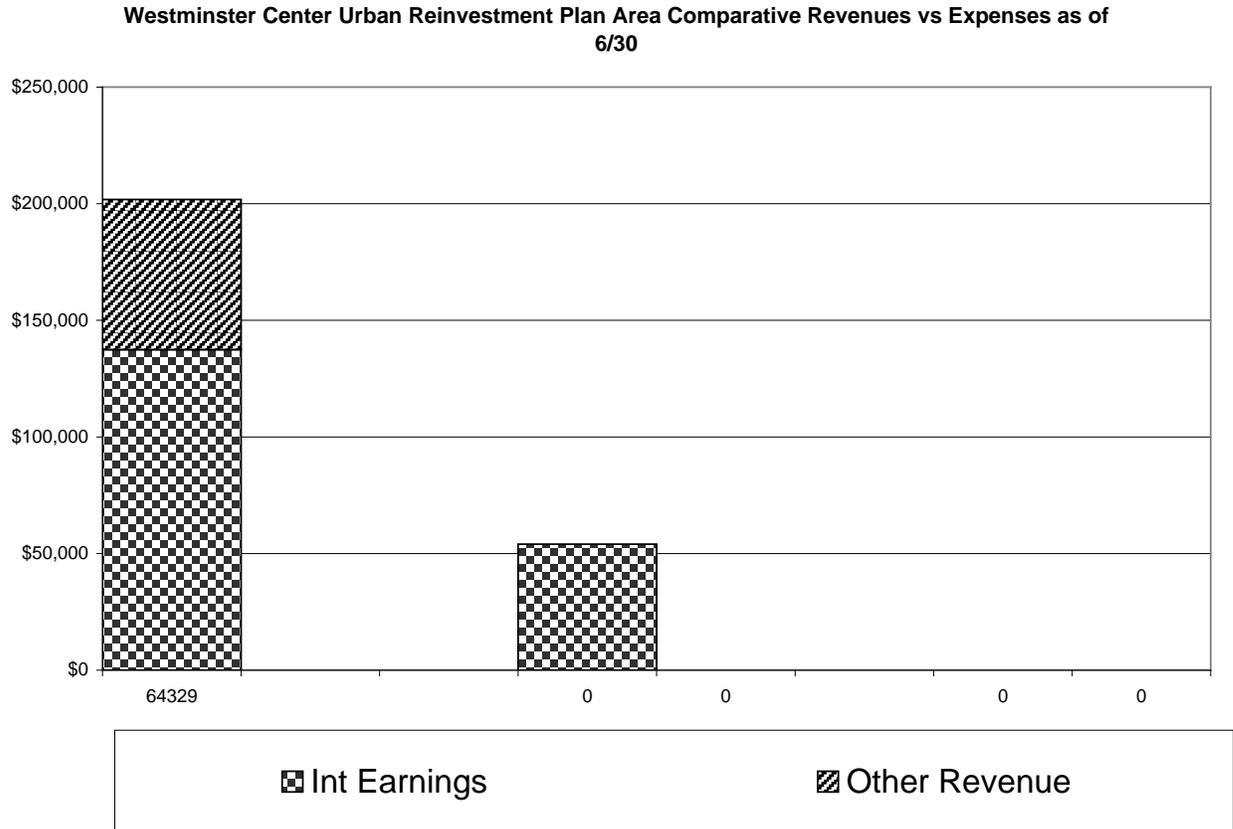
Westminster Center East URA Comparative Revenues vs Expenses as of 06/30



Description	2011	2010	Change
Property tax increment	\$ 262,566	\$ 303,457	\$ (40,891)
Interest Earnings	6,604	5,146	1,458
Other Revenue	251,170	205	250,965
Operating Exp	10,172	47,241	(37,069)

- Assessed valuation decreased in 2011 from 2010 resulting in a decrease in property tax increment in 2011 from 2010.
- No sales tax increment was realized in 2011 or 2010, as property tax increment was sufficient to meet the URA’s obligations. All sales taxes collected in this URA continue to flow to the City’s General Fund.
- Interest earnings increased in 2011 from 2010 as a result of some improvement in the rate of return on the pooled investments.
- Other revenue increased in 2011 from 2010 as a result of the return of funds rebated under an EDA. The business ceased operations in the City prior to the required length of time stipulated in the EDA.
- Total operating expenses decreased due to decreased EDA expenses along with a decrease in property tax collection fee paid to the county treasurer, consistent with the decrease in property tax increment revenues.
- This URA has no bonded debt obligations.

Westminster Center Urban Reinvestment Project Area



Description	2011	2010	Change
Interest Earnings	\$ 137,466	\$ 54,003	\$ 83,463
Other Revenue	64,329	-	64,329

On April 13, 2009, City Council approved Resolution 12, Series 2009, which established the Westminster Center Urban Reinvestment Project Area (WURP) and the Reinvestment Plan.

- Tax increment financing approval was not requested at that time.
- While the above chart reflects only operating activity in this URA, it is important to note that City participation funds of \$28,194,099 have been transferred to the WURP URA for redevelopment capital project expenditures.
- Interest earnings increased in 2011 from 2010 due to interest earned on the City’s participation funds that have not yet been spent.
- This URA began receiving other revenue, including rent from tenants and receipts from the sale of assets when the Westminster Mall property was purchased in 2011.

This report assists the City in meeting the following Strategic Plan Goals: Financially Sustainable City Government Providing Exceptional Services, Vibrant Neighborhoods in One Livable Community, Strong Balanced Local Economy and Beautiful and Environmentally Sensitive City by reporting to the Board the changes in the revenues and expenses in the URAs in order to monitor the development and redevelopment efforts in the City.

Respectfully submitted,

J Brent McFall

Executive Director of Authority

Attachments

- WEDA Unaudited and Unadjusted Financial Statements for period ending 06/30/11
- WEDA Obligations at 06/30/11