

April 8, 1996  
7:00 PM

**Notice to Readers:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. 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. Westminster & Ranum HS Presentation
5. **Citizen Communication (5 minutes or Less in Length)**
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. 72nd Ave ROW Acquisition Services
  - B. 101st/100th Ave Acquisition Services
  - C. JeffCo Household Hazardous Waste Facility Expense
  - D. CB No. 14 re 92nd Ave Park Recovery (Dixon-Merkel)
  - E. CB No. 15 re Wastewater System Master Plan (Allen-Scott)
  - F. CB No. 16 re Sunstream Vacations (Harris-Smith)
9. **Appointments and Resignations**
  - A. Resolution No. 11 re Special Permit & License
10. **Public Hearings and Other New Business**
  - A. Councillor's Bill No. 17 re PUD rezoning
  - B. TABLED - Maple Place PUD
  - C. Councillor's Bill No. 18 re Maple Place Rezoning
  - D. Councillor's Bill No. 19 re Active Residential Developments
  - E. Councillor's Bill No. 20 re Ramada Hotel Easement Vacation
  - F. Councillor's Bill No. 21 re Cedar Bridge Easement Vacation
  - G. Resolution No. 12 re Westminster Center Park-N-Ride Trail Project
  - H. Little Dry Creek Improvements Agreement with UDFCD
  - I. Open Space Purchase
  - J. Resolution No. 13 re Great Outdoors Colo Grant
  - K. Resolution No. 14 re Colorado Rapids Contingency Transfer
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. City Council
  - B. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY APRIL 8, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Gallegos, City Clerk. Absent was Councillor Harris.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Allen to accept the minutes of the meeting of March 25, 1996 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Advisor Kathy Jens and Westminster High School students Casie Hobbs, Crystal Stock, Katie Smith, J.D. Richardson and Mike Harvill addressed Council and thanked the City for its support of the Adams County School District No. 50 Education Foundation and reported on their trip to Washington, D.C.

CITY COUNCIL COMMENTS:

Councillor Merkel commented on the Easter Egg hunt held on Saturday and noted that the Police Officers did a good job on crowd control.

Councillor Smith commended Parks, Recreation and Libraries personnel on this years Easter Egg hunt.

Mayor Pro Tem Dixon thanked the Parks, Recreation and Libraries and the Police Department personnel on the Easter Egg hunt and reminded those present to remember Holocaust Week.

Mayor Heil complimented the Westminster Library in recognition of their being awarded one of only ten John Cotton Dane Awards nationwide and congratulated Detective Tim Sigwarth on his selection as the Westminster Elks Police Officer of the Year.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: 72nd Avenue ROW Acquisition Services; 101st/100th Avenue Extension Acquisition Services; Jefferson County Household Hazardous Waste Facility Expense; Councillor's Bill No. 14 re 92nd Avenue Park Recovery; Councillor's Bill No. 15 re Wastewater System Master Plan; and Councillor's Bill No. 16 re Sunstream Vacations. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Allen and seconded by Smith to adopt the Consent Agenda items as presented with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

RESOLUTION NO. 11 - APPOINTMENTS AND RESIGNATIONS:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 11 which accepts the resignation of Carole Pool from the Special Permit & License Board and appoints Ben Singer to the Special Permit & License Board with term of office to expire December 31, 1996. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2408 - PUD REZONING AMENDMENTS:

A motion was made by Dixon and seconded by Smith to adopt Councillor's Bill No. 17 as an emergency ordinance permitting rezonings to other than Planned Unit Development districts in limited circumstances. Upon roll call vote, the motion carried unanimously.

TABLED - MAPLE PLACE PUD:

A motion was made by Dixon and seconded by Smith to remove from the Table the rezoning of Maple Place from PUD to R-E single family estate. The motion carried unanimously.

COUNCILLOR'S BILL NO. 18 - MAPLE PLACE REZONING:

A motion was made by Dixon and seconded by Smith to pass Councillor's Bill No. 18 on first reading rezoning the Maple Place PUD from PUD to RE single family residential district, based on the findings that the requested rezoning meets the requirements of Section 11-2-1, as amended, and Sections 12-8-4 and 12-8-5 of the City Code; and the proposed use would be compatible with current and future planned land uses in the area. Wayne Smith, applicant and owner of the property, addressed Council requesting the City waive the 10% public land dedication requirement. Mr. Smith was advised that his request would be considered during the ODP review.

Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 19 - ACTIVE RESIDENTIAL DEVELOPMENTS:

A motion was made by Smith and seconded by Merkel to pass Councillor's Bill No. 19 on first reading revising WMC section 11-5-2(A)1 pertaining to the Active Residential Developments definition of the City's Growth Management Program. Attorney Mary Ann McGeady, representing Richmond Homes, was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 20 - RAMADA HOTEL EASEMENT VACATION:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 20 on first reading vacating a 20-foot wide utility easement and a 50-foot wide temporary construction easement within Lot 1, Block 1, Sheridan Park Filing No. 1. Don Peeples, owner of the Ramada Hotel, was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 21 - CEDAR BRIDGE EASEMENT VACATION:

A motion was made by Merkel and seconded by Smith to pass Councillor's Bill No. 21 on first reading vacating the access easement located along the north property line of Lot 8, Filing 5 of the Cedar Bridge Subdivision. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 12 - WESTMINSTER CENTER PARK-N-RIDE TRAIL:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 12 which addresses funding for the Westminster Center Park-N-Ride Trail Project and authorizes the Mayor to sign the contract with the State of Colorado for the design and construction of the Westminster Park-N-Ride Trail Project. Upon roll call vote, the motion carried unanimously.

LITTLE DRY CREEK IMPROVEMENTS AGREEMENT WITH UDFCD:

A motion was made by Scott and seconded by Merkel to authorize the City Manager to sign the agreement with the Urban Drainage and Flood Control District for the design, property acquisition and construction of improvements to that portion of Little Dry Creek located between England Park and Lowell Boulevard; authorize the expenditure of \$175,000 for the acquisition of needed properties along this portion of the creek; and charge the expense to the Open Space Fund. The motion carried unanimously.

OPEN SPACE PURCHASE:

A motion was made by Smith and seconded by Dixon to authorize the City Manager to sign the appropriate documents and spend up to \$525,000 from the City's Open Space Sales Tax Fund to acquire a key open space parcel within the City of Westminster for the City's Park and Open Space Program. The motion carried unanimously.

RESOLUTION NO. 13 - GREAT OUTDOORS COLORADO GRANT AGREEMENT:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 13 authorizing the City Manager to sign a contract with Great Outdoors Colorado for a \$75,000 Grant Agreement to help construct two Little League Baseball Fields and miscellaneous site improvements at 105th Avenue and Oak Street. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 14 - COLORADO RAPIDS CONTINGENCY TRANSFER:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 14 authorizing the transfer of \$20,000 from the General Fund Contingency to the appropriate account in the Department of Parks, Recreation and Libraries for the purpose of enhancing and promoting the City's partnership with the Colorado Rapids professional soccer team. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Councillor Merkel noted there were 4 issues concerning Parks, Open Space and Trails on this evening's agenda, with all passing unanimously.

Mayor Pro Tem Dixon stated that the City Council spelling bee team, "Beauties and the Beast" comprised of Mayor Pro Tem Dixon and Councillors Merkel and Smith, will be participating in the Spelling Bee on Friday, April 19th at the Community Senior Center at 6:30 P.M.

Mayor Heil stated there would be an Executive Session regarding a real estate matter.

ADJOURNMENT:

The meeting was adjourned at 8:02 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** April 8, 1996  
**Subject:** Presentation by Westminster and Ranum High School Students  
**Prepared by:** Michele Gallegos, City Clerk

### **Introduction**

City Council is requested to hear from several Westminster and Ranum High School students about their week long trip to Washington, D.C.

### **Summary**

In appreciation of the City of Westminster's financial contribution, several of the students from Westminster High School and Ranum High School wish to make a presentation to Council.

Kathy Jens, Teacher and 8 of the students that participated in this program will be present at Monday night's City Council meeting to make a short presentation of their impressions of their visit to Washington, D.C.

### **Staff Recommendation**

Mayor and City Council listen to presentation by students.

### **Background Information**

The City of Westminster provides matching funds to the School District No. 50 Education Foundation to send high school students to Washington, D.C. as part of the Washington Close Up Government Program.

This week long program experience gives students the opportunity to interact with their state legislators at the national level.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** April 8, 1996

**Subject:** 72nd Avenue Improvements Right-of-Way Acquisition Services

**Prepared by:** Steve Baumann, Assistant City Engineer

### **Introduction**

City Council action is requested to authorize an amendment to the City's contract with H. C. Peck and Associates for right-of-way acquisition and relocation services in the third phase of 72nd Avenue Improvements Project. The amendment will increase the compensation to Peck by \$26,600. Funds for the change are available in the 72nd Avenue Project account in the General Capital Improvement fund.

### **Summary**

The third phase of the 72nd Avenue Improvements Projects involves right-of-way acquisition from 28 ownerships and the relocation of businesses on 2 properties in the 72nd Avenue/Lowell Boulevard area. The City contracted with H. C. Peck and Associates for acquisition services in 1995. Peck negotiated purchases on 8 properties, possession agreements on 14 properties, and the City has received court-ordered possession on 6 others.

The project is now being advertised for bid. Negotiations must be continued or the City must pursue condemnation actions necessary to close the right-of-way acquisitions. Peck's original budget for this effort has been exhausted and they are requesting approval of a contract amendment which will provide \$26,600 in additional compensation. Given the costs of pursuing these acquisitions in court, Staff is recommending approval of that request.

### **Staff Recommendation**

Authorize the City Manager to sign a contract amendment with H. C. Peck and Associates for right-of-way acquisition and relocation services in the amount of \$26,600 and charge the expense to the 72nd Avenue Capital Project account in the General Capital Improvement Fund.

### **Background Information**

In 1995, the City contracted with H. C. Peck and Associates for right-of-way acquisition and relocation services attendant to the third phase of the 72nd Avenue Improvements Project. The project consists of acquisition of right-of-way from 28 separate ownerships along 72nd Avenue from Meade Street to Julian Way and along Lowell Boulevard from the railroad tracks to 73rd Avenue. Among the acquisitions are 2 properties at the southwest corner of 72nd Avenue and Lowell Boulevard where buildings must be demolished. As a result, 6 business tenants must be relocated.

Peck estimated the fee for these services to be \$55,010. At this point, Peck's efforts have resulted in the City closing 8 purchases and securing possession of the right-of-way by voluntary agreement with another 14 ownerships. In the other 6 cases, the City filed condemnation lawsuits and received possession by stipulation or court order. Securing possession has allowed the Department of Transportation to advertise this project for bid, and construction will start in approximately June of this year.

Many of these properties are relatively small, as are the acquisitions from them. Because of the fear of how construction activity will affect their business, many owners in this phase 3 area are reluctant to agree to terms and finalize purchase. They have agreed to possession to avoid (at least temporarily) the need to go to court to settle on the appropriate compensation. For the most part, it is in the City's best interest to continue to discuss terms and negotiate to an equitable settlement. Court costs can range from \$10,000 for the simplest of cases to much more than \$25,000 for the more complex circumstances. Until an impasse is reached, Staff believes that continuing discussions and efforts to negotiate these purchases is the most economical approach. If the parties are still too far apart in terms of agreement, the City will proceed with the condemnation lawsuits.

Peck has estimated that an additional 300 hours of negotiation time and nearly 400 hours for relocation assistant efforts may be necessary to reach closure on these acquisitions. The relocation assistance, which is mandated by federal law, has been particularly difficult to estimate and is the primary reason that Peck's original contract amount has been overrun. Peck's roll is to coordinate the application for and distribution of relocation payments and benefits as determined by the Federal Highway Administration and the Department of Transportation. This is a complex procedure, made even more difficult given that 1 of the 6 business relocations is a pawn shop. Half of the time that Peck has spent providing relocation assistance has been provided to Central Pawn. The owners have had difficulty deciding where and under what circumstances they will move from their present location.

Staff is recommending that additional compensation in the amount of \$26,600 be authorized for an amendment to Peck's contract. They will continue negotiations, and/or prepare for the filing of a condemnation lawsuit if necessary. Peck will also continue to provide relocation assistance as required by federal statutes.

Respectfully submitted,

William M. Christopher  
City Manager



**Date:** April 8, 1996

**Subject:** 101st/100th Avenue Extension Contract for Acquisition Services

**Prepared by:** Steve Baumann, Assistant City Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to execute a contract amendment with Western States Land Service, Inc. for right-of-way acquisition services attendant to the 101st/100th Avenue Extension Project. The amendment will increase the contract compensation by \$15,500. Funds have been allocated in the 1996 General Capital Improvement Fund for this purpose.

### **Summary**

The City contracted with Western States Land Services, Inc. (WSLS) in March 1995 for right-of-way acquisition and relocation services attendant to the 101st/100th Avenue extension project. The contact compensation was set at \$32,520 to negotiate and secure possession of necessary right-of-way and to provide relocation assistance to 3 property owners/tenants who were known to be displaced by the project. The hours originally estimated for their efforts were significantly lower than what has been necessary so far.

Construction is now underway and the City must complete negotiations to purchase or continue with condemnation actions to finalize right-of-way acquisition. Additional relocation assistance services are also necessary due to the City acquiring two additional properties in their entirety, displacing those tenants. WSLS has estimated that an additional \$15,500 in compensation will be necessary to continue these negotiation/relocation activities and possibly avoid the need to continue with condemnation lawsuits.

### **Staff Recommendation**

Authorize the City Manager to sign a contract amendment with Western States Land Services, Inc. for additional negotiations and relocation services for the 101st/100th Avenue Extension Project; authorize the expenditure of \$15,500 for these services and charge the expense to the appropriate General Capital Improvement Fund account.

### **Background Information**

The 101st/100th Avenue Extension Project necessitates the acquisition of right-of-way from 17 ownerships and the securing of an easement agreement from Burlington Northern Railroad. Western States Land Services, Inc. (WSLS) was one of two contractors who represented the City in negotiations with the property owners for right-of-way acquisition. The City's contract with WSLS, originally prepared in March 1995 and subsequently amended, covered 9 of the 17 ownerships. Within this group, were the 3 owners/tenants that were expected to need relocation assistance.

Ultimately, 5 parties had to be relocated when the City purchased in total 2 properties that were originally partial acquisitions. This resulted in time and effort that was not identified in the original agreement.

The City secured possession of the necessary right-of-way parcels in October 1995 and was given clearance by the Colorado Department of Transportation to advertise the project for bid. Construction is now underway. However, negotiations must continue with 6 of the owners in the project area. Relocation assistance must also be available to owners and/or tenants displaced by the project for a full year after they receive their initial benefit determination. Given the ongoing negotiations and the coordination already done by WSLS, it is appropriate for them to continue as the City's representative.

The original contract amount and its first amendment called for a total of \$32,520 in compensation for negotiation and relocation assistance services from WSLS. Estimating the time necessary to negotiate a right-of-way acquisition on a federal aid project is difficult, at best. In this case, 2 additional owners/tenants required relocation assistance, a complex process which involves extensive coordination of approvals to the Federal Highway Administration and the Colorado Department of Transportation. Considering these changed conditions and the estimated additional time that will be necessary to resolve the remaining purchases, City Staff and WSLS are requesting an additional \$15,500 be authorized for this effort. The portion of this additional time which will be applied to negotiations would quickly be eaten up if these acquisitions are pursued in court. Continuing to negotiate is the better value in most of these cases. Funds are available in the contingency account of the 101st/100th Avenue Extension Project account.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** April 8, 1996

**Subject:** Jefferson County Household Hazardous Waste Facility Annual Expense

**Prepared by:** Susan Nachtrieb, Environmental Compliance Coordinator

### **Introduction**

City Council action is requested to authorize the expenditure for the invoice from the Jefferson County Household Hazardous Waste Storage Authority in the amount of \$26,712 for Westminster's portion of the 1996 operating costs for the Jefferson County Household Chemical Collection Center. Funds for this expense have been specifically budgeted for in the 1996 General Fund Central Charges budget.

### **Summary**

The City of Westminster is actively participating in the management of the Jefferson County Household Chemical Collection Center. As part of the 1993 Intergovernmental Agreement with Jefferson County and other Jefferson County Cities, Westminster agreed to fund a portion of the annual operating cost of the facility. Westminster's portion of the operating costs is based on a percentage of the overall Jefferson County population, which is currently calculated at 15.53%. Funding levels have remained steady, with no increase in the budget since operations began in 1994.

### **Staff Recommendation**

Authorize the payment of \$26,712 as the City's share of expenses for the Jefferson County Household Chemical Collection Center and charge the expense to the appropriate Central Charges General Fund budget.

### **Background Information**

The Jefferson County Household Chemical Collection Center opened to the public in December 1994. Located in Golden, the facility serves three main functions:

- \* Serves as a temporary repository for citizens to dispose of their household hazardous wastes.
- \* A secured locker within the facility is available for the temporary storage of orphaned waste that has been abandoned on City property.
- \* The secured locker is also available for the temporary storage of hazardous evidentiary waste obtained by the Police Department.

The facility is open Tuesday through Saturday to all Westminster citizens and Jefferson County residents for the collection and disposal of their household hazardous waste.

To date, the facility has collected over 5000 gallons of latex paint, 5000 gallons of used motor oil, 5700 pounds of batteries, 600 gallons of antifreeze, and over 100 tires. All of these products will be recycled.

As part of the Inter-Governmental Agreement, a remote household chemical roundup will be held on Saturday, May 4, at the Municipal Service Center to provide a convenient location for Westminster citizens to drop off their unwanted household chemicals. This event was very successful in September 1995, with over 250 vehicles participating in the event. This year, we plan to extend the event hours to 8:00 A.M. to 3:00 P.M., in hope of serving at least 350 vehicles during this one-day event.

In addition, the Authority recently received first place recognition in the DRCOG Local Governments Innovative Awards, Cooperative Service Delivery section. This successful program is quickly becoming nationally recognized due to its state-of-the-art facility.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** April 8, 1996  
**Subject:** Resolution No. re Special Permit & License Board Appointment  
**Prepared by:** Michele Gallegos, City Clerk

**Introduction**

City Council action is requested to adopt the attached Resolution which accepts the resignation of Carole Pool from the Special Permit and License Board and to fill this vacancy from the current "pool" of applicants.

**Summary**

Carole Pool has submitted a letter of resignation from the Special Permit & License Board effective March 7, 1996. Her resignation was submitted due to her recent appointment as Deputy Secretary of State and the possibility that "conflict of interest" situations could arise that would interfere with her participation on the Board. A copy of her letter of resignation is attached.

City Council interview teams recently completed interviews with the Board and Commission "pool" applicants that expressed interest in serving on the Special Permit & License Board. A copy of the matrix of each individual's preference on appointments is attached.

**Staff Recommendation:**

Adopt Resolution No. which accepts the resignation of Carole Pool from the Special Permit & License Board, and filling this vacancy on the Board.

**Background Information:**

Carole Pool was originally appointed to the Special Permit and License Board on December 12, 1988.

A resolution has been prepared per City Council's recommendation to formally accept the resignation of Carole Pool and to make the appointment to the Special Permit & License Board at this time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

CITY OF WESTMINSTER SPECIAL PERMIT & LICENSE BOARD APPOINTMENT

WHEREAS, City Council has been notified of the resignation of Carole Pool from the Special Permit and License Board; and

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

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

1. City Council does hereby accept the resignation of Carole Pool from the Special Permit and License Board; and

2. City Council does hereby appoint the following individual to the City of Westminster Special Permit and License Board as a regular member with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
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Ben Singer	Special Permit & License Board	12-31-96
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Passed and adopted this 8th day of April, 1996.

ATTEST

\_\_\_\_\_  
Mayor

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

**Date:** April 8, 1996

**Subject:** Councillor's Bill No. re Amendment to Section 11-2-1 of the Westminster Municipal Code

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

**Introduction:**

City Council is requested to pass and adopt the attached Councillor's Bill as an emergency ordinance amending Section 11-2-1 of the Westminster Municipal Code (WMC) to allow Planned Unit Developments (PUD) to be rezoned to conventional zone districts under certain criteria. City Council is also requested to remove from the table and pass on first reading the attached Councillor's Bill regarding the rezoning of the Maple Place Planned Unit Development to R-E, single family residential district.

**Summary**

On March 18, City Council heard public testimony on the request by Mr. Smith to rezone his property, known as the Maple Place PUD located at 74th Avenue and Stuart Street, from PUD (townhome) to RE (single family detached). The WMC currently does not allow rezonings from PUD to conventional zoning districts. At the close of the public hearing, City Council tabled the rezoning request and instructed Staff to prepare an appropriate code amendment, as an amendment to Section 11-2-1 of the WMC was necessary prior to taking action on this rezoning request. Based on City Council's review of the recommended procedures and criteria for limited rezonings from PUD to conventional zoning districts, Staff has prepared Councillor's Bill No. as an emergency ordinance which would permit rezonings from PUD to a conventional residential district where City Council finds:

1. The proposed rezoning is from a residentially zoned PUD to a conventional single family detached residential district.
2. The surrounding land uses are zoned for residential use or are zoned O-1 (Open) district.
3. The size of the property to be rezoned is not more than 2 acres is size.
4. The change in zoning from PUD will not adversely impact the surrounding neighborhood.
5. The proposed conventional zoning will result in a project of lower residential density than the PUD zoning.

Staff recommends the code change with the criteria listed above as it is consistent with amendments adopted in 1985 which were directed at encouraging new development in older subdivisions, especially in the southern portion of the City where conventional districts are the norm.

In 1985, the WMC was amended so that, in certain circumstances, rezonings could occur using conventional zoning district instead of the PUD district to encourage development in older areas of the City. The amendment however did not extend to small projects already zoned PUD. An ODP would still be required for qualifying projects and the City would continue to have the ability to review the site specific development plans to assure that the proposed development will be compatible with the surrounding area. In addition, to assure quality design, the recently adopted Single Family Detached Design Guidelines would be applicable to any rezoning request permitted under this proposed amendment.

Assuming that the Code is amended, City Council can then remove the Maple Place rezoning from the table for first reading. The Agenda Memorandum for this consideration is attached.

### **Staff Recommendation**

1. Adopt Councillor's Bill No. as an emergency ordinance, permitting rezonings to other than Planned Unit Development districts in limited circumstances.
2. Remove from the table the rezoning of Maple Place Planned Unit Development for consideration.
3. Pass Councillor's Bill No. on first reading rezoning the Maple Place Planned Unit Development from Planned Unit Development to RE single family residential district, based on the findings that The requested rezoning meets the requirements of Sections 11-2-1, as amended, and Section 12-8-4 and 12-8-5 of the City Code; and the proposed use would be compatible with current and future planned land uses in the area.

### **Background Information**

After reviewing the Maple Place rezoning request, City Council directed Staff to prepare an amendment to the code which permitted small residential PUD's to be rezoned to conventional residential zoning districts in certain limited circumstances.

The Maple Place Planned Unit Development which now allows 22 townhome units can not be rezoned to R-E, single family residential district without this amendment. The applicant, Mr. Wayne Smith, requested the change in processing rules so that he could save a step, the preparation of an amended Preliminary Development Plan.

In 1985, Section 11-2-1 of the City Code was amended to permit the City Council to rezone property to a conventional zoning classification other than PUD if the property in question is less than two acres in size and if the area surrounding the subject property is similarly zoned. However, the amendment did not allow the rezoning of an existing PUD to a conventional zoning as is needed for the Maple Place request.



This amendment, if approved, will allow City Council to take action on the Maple Place down zoning. Prior to development of the site, an ODP would be required which controls the site, landscaping, and architectural planning. The Single Family Residential Design Guidelines adopted in 1995 will also assure good quality development. This proposed amendment only affects residential projects where the rezoning is to a lower density than the PUD, and there are no neighborhood impacts.

Respectfully submitted,

William M. Christopher,  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN EMERGENCY ORDINANCE AMENDING CHAPTER 2 OF TITLE XI  
OF THE WESTMINSTER MUNICIPAL CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. **11-2-1: ZONING MAP AMENDMENTS:** No zoning map amendments shall be granted unless the proposed new zoning district will be a Planned Unit Development District or O-1, Open District, UNLESS ~~except as follows:~~ The land being rezoned is less than two (2) acres in area; not zoned PUD, Planned Unit Development, or O-1, Open; and has previously been developed or partially developed, or abuts an existing zone of the same zone being requested, PROVIDED, HOWEVER, THE FOREGOING PROHIBITION AGAINST REZONING FROM PLANNED UNIT DEVELOPMENT TO ANOTHER DISTRICT SHALL ONLY APPLY WHEN CITY COUNCIL FINDS THE FOLLOWING CRITERIA HAVE BEEN MET: THE PROPOSED REZONING IS TO A RESIDENTIAL DISTRICT; THE SURROUNDING LAND USES ARE ZONED FOR RESIDENTIAL USE OR ARE ZONED O-1 (OPEN) DISTRICT; THE SIZE OF THE PROPERTY IS NOT MORE THAN 2 ACRES IN SIZE; THE CHANGE IN ZONING TO A ZONING OTHER THAN PUD WILL NOT ADVERSELY IMPACT THE SURROUNDING NEIGHBORHOOD; AND THE PROPOSED ZONING WILL RESULT IN A PROJECT OF LOWER RESIDENTIAL DENSITY THAN THE PUD EXISTING AT THE TIME. No rezoning from one zoning district to another shall be effective except pursuant to an ordinance of the City Council; provided, however, that individual land uses within Planned Unit Development Districts may be added or changed pursuant to motion approval by City Council of a Preliminary Development Plan or an amended Preliminary Development Plan setting forth the permitted land uses within the Planned Unit Development. The procedure for granting a zoning map amendment changing the district designation to a Planned Unit Development District shall be identical to and part of the procedure for approving a Preliminary Development Plan, as set forth in 11-2-2. Approval of the Preliminary Development Plan for any land not previously included in a Planned Unit Development zone shall constitute approval of a zoning map amendment changing the district designation of that land to "Planned Unit Development". (1537 1863)

Section 2. An emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Therefore, this ordinance shall be in full force and effect upon adoption of this ordinance on April 8, 1996, by an affirmative vote of six members, if six or seven members are present, or by an affirmative vote of four members, if four or five members of the Council are present.

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

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 8th day of April, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

REZONING LOTS 4, 5, 6, 7, 8 AND 9; BLOCK 3 MAPLE PLACE, COUNTY OF ADAMS, STATE OF COLORADO; TOGETHER WITH A PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER, SOUTHWEST ONE-QUARTER, SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, ADAMS COUNTY, 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 City of Westminster Planned Unit Development to City of Westminster R-E zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 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 sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

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 hereto from City of Westminster PUD to City of Westminster R-E--Residential Estate.

Lots 4, 5, 6, 7, 8 and 9; Block 3 Maple Place, County of Adams, State of Colorado; together with a parcel of land located in the southeast one-quarter, southwest one-quarter, Section 31, Township 2 South, Range 68 West, of the Sixth Principal Meridian, of said Adams County, Colorado, more particularly described as follows:

Commencing at the northeast corner of said southeast one-quarter, southwest one-quarter; Thence southerly 30.10 feet to a point on the southerly right-of-way line of West 74th Avenue, as located in said Maple Place; Thence westerly along said southerly right-of-way 30.00 feet to the Point of Beginning of this legal description; Thence continuing westerly 84.87 feet to a point on the northeasterly right-of-way line of the Colorado and Southern Railroad; Thence southeasterly along said northeasterly right-of-way line 130.70 feet, more or less, to a point;

Thence northerly departing from said Railroad right-of-way 99.40 feet to the Point of Beginning and also that portion of vacated Raleigh Street being 30.00 feet wide and lying easterly and adjacent to the above described parcel of land, and all containing 1.199 acres more or less.

Section 3. 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 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of April, 1996

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this        day of April, 1996

ATTEST:

\_\_\_\_\_  
Mayor

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

Maple Place Rezoning

**Date:** April 8, 1996

**Subject:** Councillor's Bill No. re Active Residential Developments Definition of the Growth Management Program

**Prepared by:** Larry Hulse, Planning Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading amending the Active Residential Developments definition of the Growth Management Program.

### **Summary**

After approval of the Growth Management Program revisions and the moratorium on new residential projects on February 12, Council directed Staff to compile a list of new residential projects (Filings) which do not meet the Category A (Active Residential) definition but were in the development review process when the Growth Management Program was adopted.

At the March 18 Council Study Session, Staff presented the project list (shown below) which includes projects that had been formally submitted for development review prior to the Growth Management Program adoption. The list includes the applicant name, number of proposed units, stage of development review, documents required, and whether a public hearing would be required. All of these projects are for single-family detached housing. Other potential applicants had made contact with Staff about their proposed plans, but no plans were submitted for formal development review. These additional projects are identified in the Background Section of this Agenda Memorandum.

<u>PROJECT</u>	<u>APPLICANT</u>	<u>#/TYPE UNITS</u>	<u>STAGE OF DEV. REV.</u>	<u>DOCUMENT REQUIRED</u>	<u>HEARING REQUIRED</u>
Lexington	Lexington Enterp.	26 SFD	Plat/ Const Drg	ODP amendment	No
Torrey Peaks	Richmond	25 SFD	1 Tech Rev	ODP	No
Autumn Chase	Richmond	31 SFD	1 Tech Rev	PDP & ODP amendments	Yes

Of the three projects listed above, the final Filing of the Lexington Subdivision, located west of Huron Street and 140th Avenue, was closest to completing the development review process. Lexington Enterprises (which already had an approved ODP) had submitted both the Plat and Construction Drawings (final review processes) for the project.

Both the Torrey Peaks and Autumn Chase projects, by Richmond Homes, had completed only the first Technical Review process, and neither project has an approved ODP. Mr. Kevin Fredrickson of Richmond Homes will be present at the City Council meeting to address these projects.

Although the Torrey Peaks project, located at 116th Avenue and Sheridan Boulevard, does not require a public hearing for the Official Development Plan (ODP), the Autumn Chase development, located at 107th Avenue and Grove Street, would require a public hearing for their proposed Amended Preliminary Development Plan (PDP). Because a public hearing would be necessary for the Autumn Chase development, it is noted that citizens may have difficulty understanding why a new residential project is under City Council consideration when a moratorium on all new residential projects is in effect.

Additionally, the proposed Autumn Chase project does not meet all of the Single-Family Detached Design Guidelines adopted by City Council in 1995, but the Torrey Peaks project does meet those requirements.

Based on Council direction at the March 18 Study Session, Staff recommends revising the Active Residential Developments definition of the Growth Management Program to include residential projects formally submitted for development review which meet the criteria below:

- >The project has an approved Official Development Plan (ODP).
- >The Plat and Construction Drawings were formally submitted to the City for development review within the 12-month period prior to February 12, 1996.
- >No public hearings are required for the project.
- >The project meets all Residential Design Guidelines.

Of the three residential projects in development review, only the final Filing of the Lexington Subdivision, located west of Huron Street and 140th Avenue, meets all of the above criteria.

Staff recommends that Council approve a revised Active Residential Development definition which would include the criteria above. This would allow Lexington Enterprises to complete the development review process and build the final Filing of the Lexington Subdivision.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading revising 11-5-2(A)1 of the Westminster Municipal Code pertaining to the Active Residential Developments definition of the City's Growth Management Program.

### **Background Information**

At the February 12 City Council meeting, Ordinance No. 2391 was passed which established a moratorium on the further review and processing of any residential projects which are considered "new." City Council's general intent was to allow builders and developers which are already active to continue the development of their projects. Hence, the Growth Management Program was amended to a first-come, first served system for Category A, the active residential category. In addition, City Council's general intent for new residential projects, known as Category B, was that no new projects would be allowed to proceed ahead of the Comprehensive Land Use Plan process which is now underway. Therefore, no service commitments were allocated to "Category B" for new residential projects.

One amendment to the program included a new definition of active residential development. The current "active residential" definition includes:

- > a residential project with an approved Official Development Plan and Plat which was issued building permits on or after January 1, 1994; OR
- > any newly approved residential project which received Official Development Plan approval in the 24-month period following January 1, 1994, if at least one building permit for the project was or is issued on or before December 31, 1996.

Several residential projects, which were in the development review process when the revised Program was adopted, do not meet this definition of "active" projects. These projects currently would be considered new residential (Category B) projects. Because Council approved the new residential moratorium applicable to all new or Category B residential projects, applicants for these projects have been unable to continue processing their plans. Below is a list of the projects and developers who had contact with City Staff prior to the Program revisions and residential moratorium. Most of the proposed projects described below had not been formally submitted for development review prior to the Growth Management revisions.

**Autumn Chase, 107th Avenue and Grove Street, site: 6.8 acres**

**Status:** The site is currently zoned PUD and has an ODP which allows multi-family (MF) densities up to 14 dwelling units per acre (du/a) or 96 units.

**Proposed:** This project proposes a land use change from 96 MF units (14 dwelling units per acre) to 31 single family detached (SFD) units (4.5 du/a) and requires Preliminary Development Plan (PDP) and ODP amendments and plat. The project has completed one Technical Review cycle for the PDP and ODP (1/96). Conceptual plans were formally submitted in July 1995. The applicants have held a neighborhood meeting and have the general support of the neighborhood for the proposed change which will require a public hearing. The project in review does not meet all of the SFD Design Guideline criteria.

**Axtel Property, 98th Avenue and Harlan Street, site: 17.8 acres**

**Status:** This site is currently zoned O-1 (which allows .1 du/a) with no PDP or ODP for the project. The project was originally submitted as a 79-lot SFD project (1/95), but then was changed to a 120-unit single family attached (SFA) project at 6.7 du/a. This project competed for service commitments in the 1995 Category B-2 (Townhome) competition but was not selected. It would be required to enter a future competition.

**Proposed:** The developer proposes a 120-unit SFA (Townhome) residential development which would require rezoning from O-1 to PUD to allow higher density residential, a PDP, ODP, and subdivision plat. No neighborhood meetings have been held, and no formal concept review has been submitted.

**Cedar Bridge, 111th Avenue between Clay and Alcott Streets, site: 2.7 acres**

**Status:** This site is currently zoned PUD and has an ODP which allows 35 MF units (13 du/a).

**Proposed:** The developer proposes a land use change from 35 MF units to 11 SFD lots (4.1 du/a) which requires both PDP and ODP amendments and a subdivision plat. No neighborhood meetings have been held, and no formal concept review has been submitted.

**Hyland Greens, 104th Avenue and Wolff Street, site: 10 acres**

**Status:** The current zoning is PUD, and the existing PDP allows MF densities (19 du/a) or 190 units.

**Proposed:** The developer proposes a land use change from a MF density to a SFA density of 7 du/a (70 duplexes). This would require a PDP amendment, ODP and a subdivision plat. Neighborhood meetings have been held, and there is general support of the neighborhood for the concept. Public hearings would be required, and the applicant would need to enter the Category B-2 (Townhome) competition. The developer did not make contact with City Staff until after the 1995 Category B-2 competition was held and service commitments were awarded.

**Lexington, 140th Avenue and east shore of McKay Lake, site: 22 acres**

**Status:** This project has an approved ODP for an additional 37 SFD lots (1.7 du/a). The developer previously submitted plat and construction drawings, but because several lots are located within the floodplain, a Federal Emergency Management Agency (FEMA) map amendment would be required prior to plat approval.

**Proposed:** The developer applied for an ODP amendment to reduce the number of SFD lots from 37 to 26. The proposal would require a plat but would not require a public hearing. A conceptual ODP application has been submitted.

**Torrey Peaks, 116th Avenue and Sheridan Boulevard, site: 9.3 acres**

**Status:** This site currently has an approved PDP which allows up to 232 MF units or 35 SFD units (up to 25 du/a).



**Proposed:** Richmond Homes proposes 25 SFD lots (2.7 du/a) which would require an ODP and subdivision plat. The project has completed one Technical Review process for the ODP which was submitted in January 1996. This project does not require a public hearing. A neighborhood meeting was held in December of 1995, and the neighborhood generally supported the proposal.

**Westcliff, 98th Avenue and Harlan Street, site: 29.5 acres**

**Status:** The approved PDP for the site allows MF densities up to 20 dwelling units per acre or 500 units.

**Proposed:** An ODP and subdivision plat would be required for this site. No plan for formal concept review has been submitted. A plan has been submitted for "informal" review for 97 SFD lots (3.3 du/a). The site is also currently under review as a park site.

For the most part, all of these applicants were well aware of the Growth Management Program revisions and participated in the Staff work sessions on the Program amendments in December and January. As such, most of these applicants were looking forward to a possible Category B, new project competition for 1996, knowing that only one, or two projects would be awarded.

Staff has reviewed all of these projects and, recognizing City Council's general intent to favor existing projects over new projects, is recommending that Council modify the "Active Residential" definition to include residential projects formally submitted for development review which meet the criteria below:

>The project has an approved Official Development Plan (ODP).

>The Plat and Construction Drawings were formally submitted to the City for development review within the 12-month period prior to February 12, 1996.

>No public hearings are required for the project.

>The project meets all Residential Design Guidelines.

The only project which meets all of the criteria listed above is the proposed Lexington development. Staff does not recommend that the Torrey Peaks or Autumn Chase proposed projects be included as active residential projects.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS

\_\_\_\_\_

A BILL

FOR AN ORDINANCE AMENDING 11-5-2 (A) 1. OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM FOR THE PERIOD JANUARY 1, 1990 THROUGH DECEMBER 31, 2000.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 5 of Title XI, Westminster Municipal Code, is hereby AMENDED as follows:

**11-5-2: DEFINITIONS:** ( 1180 1932 2253 2396) For the purpose of this article, certain terms and works are hereby defined as follows:

(A) ACTIVE RESIDENTIAL DEVELOPMENT:

1. Active Residential Development means: (a) A residential project with an approved Official Development Plan and Plat which was issued building permits on or after January 1, 1994; or (b) Any newly approved residential project which received Official Development Plan approval in the 24-month period following January 1, 1994, if at least on building permit for the project was or is issued on or before December 31, 1996; OR (C) ANY RESIDENTIAL PROJECT FORMALLY SUBMITTED FOR TECHNICAL REVIEW WHICH MEETS ALL OF THE FOLLOWING CRITERIA: (1) THE PROJECT HAS AN APPROVED OFFICIAL DEVELOPMENT PLAN. (2) THE PLAT AND CONSTRUCTION DRAWINGS WERE FORMALLY SUBMITTED TO THE CITY FOR DEVELOPMENT REVIEW WITHIN THE 12-MONTH PERIOD PRIOR TO FEBRUARY 12, 1996. (3) NO PUBLIC HEARINGS ARE REQUIRED FOR THE PROJECT. (4) THE PROJECT MEETS ALL RESIDENTIAL DESIGN GUIDELINES.

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 8th day of April, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** April 8, 1996  
**Subject:** Councillor's Bill No. re Ramada Hotel Easement Vacation  
**Prepared By:** David R. Downing, City Engineer

**Introduction**

City Council action is requested on the attached Councillor's Bill to vacate an existing 20-foot wide utility easement and an existing 50-foot wide temporary construction easement located within Lot 1, Block 1, Sheridan Park Filing No. 1 (Ramada North Hotel).

**Summary**

A recent title investigation of the property containing the Ramada Hotel, located at 8773 Yates Street, revealed the existence of a 20-foot wide utility easement and a 50-foot wide temporary construction easement running directly under the hotel building.

There are no existing utilities located under this building; any previously existing utilities that were located within this easement have since been re-routed around the hotel and appropriate easements have been provided.

City Staff is in agreement with the owner's request that the subject utility easement and temporary construction easement be vacated.

The City Charter mandates that Council must approve such easement vacations vis ordinance.

**Staff Recommendation**

Pass Councillor's Bill No. on first reading vacating a 20-foot wide utility easement and a 50-foot wide temporary construction easement within Lot 1, Block 1, Sheridan Park Filing No. 1.

**Background Information**

City Staff has thoroughly investigated the recent request from the owner of the Ramada Hotel for the vacation of a utility easement and a temporary construction easement that currently encumber the property. Previously existing utilities within these easements have been relocated and new easements have been provided for these public facilities. Staff could identify no reasons for the City to retain these easements.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. 2411

COUNCILLOR'S BILL NO.   20  

SERIES OF 1996

INTRODUCED BY COUNCILLORS

Allen - Merkel

A BILL

FOR AN ORDINANCE VACATING A UTILITY EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT IN LOT 1, BLOCK 1, SHERIDAN PARK SUBDIVISION, FILING NO. 1 (RAMADA NORTH HOTEL)

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain 20-foot wide utility easement and a 50-foot wide temporary construction easement located within Lot 1, Block 1, Sheridan Park Subdivision, Filing No. 1 were dedicated to the public and recorded at Book 2246, Page 531 and Book 2261, Page 577 in the County of Adams, State of Colorado; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. All of that portion of a 20-foot wide utility easement and a 50-foot wide temporary construction easement recorded at Book 2246, Page 531, and Book 2261, Page 577 that lies within Lot 1, Block 1, Sheridan Park Filing No. 1, in the northwest one-quarter of Section 30, Township 2 South, Range 68 West of the Sixth Principal Meridian, as recorded in the County of Adams, State of Colorado.

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 8th day of April, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of April, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

THIS IS A CORRECTED COPY OF ORDINANCE 2411 AS PREVIOUSLY RECORDED IN ADAMS COUNTY RECEPTION NO. C0167245 BOOK 4731 PG 167.

**Date:** April 8, 1996  
**Subject:** Councillor's Bill No. re Cedar Bridge Easement Vacation  
**Prepared by:** David Falconieri, Planner III

**Introduction:**

City Council action is requested to pass the attached Councillor's Bill on first reading vacating an access easement in Lot 8, Filing 5 of the Cedar Bridge subdivision, located on the cul-de-sac of 108th Avenue, east of Alcott Street (see attached vicinity map).

**Summary**

Mr. and Mrs. Novotny, the owners of Lot 8, Cedar Bridge Filing 5, at 2508 West 108th Avenue, have requested the vacation of a 10 foot wide access easement located on the side of their property. The easement provides access between the end of the 108th Avenue cul-de-sac and the Northglenn Open Space to the east. Staff has reviewed the proposed access easement vacation to determine if the public access is still necessary in that location and concluded that the existing Farmers' High Line Canal trail one block to the north provides adequate access to the Northglenn Open Space.

**Staff Recommendation**

Pass Councillor's Bill No. on first reading vacating the access easement located along the north property line of Lot 8, Filing 5 of the Cedar Bridge subdivision.

**Background Information**

The easement in question was platted as part of Lot 8 in order to provide public access to the Northglenn Open Space Park from the interior of the Cedar Bridge subdivision. Since the access easement was created, a drainage ditch has been added to the Northglenn Park which makes access from the south, as would be provided by the easement, very difficult. The best way to enter the Open Space from the Cedar Bridge subdivision would be the trail next to the Farmers' High Line Canal which is already in place. This is only one block north of the easement.

The Parks, Recreation and Libraries Department staff has reviewed this request and supports the proposed vacation. Easements such as the one in question pose maintenance problems and it is their view that access is adequately provided via the Farmers' High Line Canal.

A letter has been received from the Cedar Bridge Homeowners Association supporting the vacation. In addition, all six of the resident property owners along 108th Avenue have also signed a letter of support of the easement vacation. The remaining lots are still owned by the developer. Copies of both letters are attached.

City Council action is required for all easement vacations for the reason that such vacating can only be vacated by ordinance.

Since this easement lies entirely with the boundaries of Lot 8, if the ordinance is passed, the owners of Lot 8 will acquire a clear title to the property in question.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1996

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL  
FOR AN ORDINANCE VACATING A PEDESTRIAN EASEMENT  
IN CEDAR BRIDGE SUBDIVISION, FILING 5, LOT 8

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain, approximate 1,278 square foot pedestrian access easement was dedicated to the public with the Cedarbridge subdivision, Filing 5, Lot 8 which is no longer needed, due to other pedestrian access points in the subdivision.

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. A parcel of land located in a portion of the E 1/2 of the NE 1/4 of Section 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

10' by 127.8' Pedestrian Access Easement, Lot 8, Cedar Bridge Subdivision, Filing 5.

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 8th day of April, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this        day of April, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** April 8, 1996

**Subject:** Resolution No. re Westminster Center Park-N-Ride Trail

**Prepared by:** David R. Downing, City Engineer

### **Introduction**

City Council action is requested to adopt the attached Resolution which addresses funding for the Westminster Center Park-N-Ride Trail Project and authorizes the Mayor to sign a contract with the State of Colorado for the design and construction of the Westminster Center Park-N-Ride Trail Project. Funding for this project will be provided by the federal government through the Intermodal Surface Transportation Efficiency Act (ISTEA) and the Regional Transportation District (RTD). An expenditure of City funds is not anticipated.

### **Summary**

At the RTD's request, the City previously co-sponsored an application for ISTEA funding to construct a pedestrian overpass of U.S. 36 at the Westminster Center (aka Hallack Junction) Park-N-Ride facility. A condition of the City's co-sponsorship of this project was the inclusion of a trail connection along U.S. 36 between approximately Lowell Boulevard and the Park-N-Ride within the ISTEA funding application. It was agreed between the parties that the City would not be responsible for any of the expense of such a trail connection.

In 1995, Council approved an agreement with the RTD which confirmed that the District would supply the local match to the federal funding for the estimated cost of the trail project. This agreement also documented an understanding between the parties that the City would coordinate the design and construction of the trail with the Colorado Department of Transportation (CDOT).

The State is now prepared to enter into a formal contract with the City for this project. As an attachment to the contract, the State has required that the local agency pass a Resolution that addresses the funding of the local match. After numerous discussions between City Staff, RTD Staff and CDOT Staff, it has been agreed that this Resolution should state that the RTD will provide the local match for the estimated cost of the project, but the City would fund any cost overruns.

CDOT and RTD have been firm in their position that the City commit to funding any expense that exceeds the estimated cost of the project. Therefore, the only alternative to approving the proposed contract and Resolution would be to abandon the trail project, thus forfeiting \$455,000 in ISTEA/RTD funding.

### **Staff Recommendation**

Adopt Resolution No. which addresses funding for the Westminster Center Park-N-Ride Trail Project and authorizes the Mayor to sign the contract with the State of Colorado for the design and construction of the Westminster Park-N-Ride Trail Project.



## **Background Information**

During the "first round" of ISTEA funding applications in 1993, the RTD approached the City with a proposal to co-sponsor a significant improvements project in the vicinity of the Westminster Center (aka Hallack Junction) Park-N-Ride facility.

The RTD was very interested in obtaining federal funding for the construction of a pedestrian overpass of U.S. 36 that would link the two lots of the Park-N-Ride. Considering the magnitude of this construction project, RTD Staff believed that it would be beneficial to their cause to gather as much local support for this proposal as possible. Therefore, District Staff approached the City with a request to co-sponsor this application. City Staff agreed, but it was requested that the application be expanded to include a funding request for some sort of trail connection to the proposed pedestrian overpass of U.S. 36. RTD readily agreed to this condition.

Originally, it was envisioned that the trail connection would consist of a grade-separated crossing of Sheridan Boulevard near the north end of the western parking lot of the Park-N-Ride facility. However, it was quickly determined that such a crossing of Sheridan Boulevard would be cost-prohibitive, so the scope of the trail construction was revised to include simply a trail along the northeastern side of U.S. 36 between the Park-N-Ride and approximately Lowell Boulevard. The total budget for the design and construction of this trail is \$455,000.

With Council's approval of the contract with the State of Colorado, the design of the trail connection will commence in 1996. In keeping with a previous agreement with the RTD, City Staff will undertake the time-consuming task of coordinating the design and construction of the trail with the Colorado Department of Transportation. It is currently anticipated that the actual construction of the trail will occur in 1997.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER TO ENTER INTO A CONTRACT WITH THE STATE OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF TRANSPORTATION WHICH DEFINES RESPONSIBILITIES PERTAINING TO STATE PROJECT NO. STE M356-009 (HALLACK JUNCTION BICYCLE/PEDESTRIAN TRAIL).

WHEREAS, the City of Westminster desires to construct a bicycle/pedestrian trail in the vicinity of the Regional Transportation District's (RTD) Hallack Junction Park-N-Ride Facility, and

WHEREAS, federal aid funding under the Intermodal Surface Transportation Efficiency ACT (ISTEA) has been secured and appropriated to the project, and

WHEREAS, the City and the Regional Transportation District have entered into an agreement regarding the appropriation of funds sufficient to match the federal aid funds according to the Act's provisions.

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

1. The City of Westminster, by its Mayor, shall enter into a contract with the State of Colorado, which contract defines the respective responsibilities for designing and constructing the bicycle/pedestrian trail improvements.
2. The City of Westminster acknowledges that, in accordance with the previous agreement with the Regional Transportation District, the Regional Transportation District shall be responsible to the State for the local agency's matching funds of \$91,000, as defined in the contract with the State of Colorado.
3. The City of Westminster shall be responsible to the State for any local agency's matching funds and such indirect costs as the parties agree that exceed the \$91,000 commitment defined in the contract.

Passed and adopted this 8th day of April, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** April 8, 1996

**Subject:** Agreement with UDFCD re Little Dry Creek Improvements

**Prepared by:** David R. Downing, City Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to sign an Agreement with the Urban Drainage and Flood Control District (UDFCD) for the design, property acquisition and construction of channel improvements to that portion of Little Dry Creek located between England Park and Lowell Boulevard. City Council action is also requested to authorize the expenditure of \$175,000, which is the City's share of the funding defined in the Agreement, for the acquisition of properties along the creek. Funds for this expense are available in the Open Space Fund.

### **Summary**

At City Staff's request, the UDFCD has agreed to participate in the design, property acquisition and construction of channel improvements to that portion of Little Dry Creek located between England Park and Lowell Boulevard (see attached map).

The Agreement, which has been reviewed by the City Attorney's Office, defines a 50%-50% cost sharing arrangement between the two parties to accomplish this work.

In 1996, the District has agreed to contribute \$175,000 toward this project. Therefore, the City must match this amount with a \$175,000 contribution. Staff believes that, much more than a total of \$350,000 will be needed to accomplish all facets of the project, so the Agreement is structured such that additional contributions can be made for this project in future years.

In 1996, the District's funds will be used to pay for the design of the channel improvements; the City's funding, which are to be supplied out of the Open Space Fund, will be used to begin the necessary property acquisition.

The City's Open Space Advisory Committee previously identified this portion of the Little Dry Creek corridor as a priority for open space acquisitions in order to provide a link of the Little Dry Creek Trail to the Clear Creek Trail. An ISTE Grant has been received to fund the trail construction.

### **Staff Recommendation**

Authorize the City Manager to sign the Agreement with the Urban Drainage and Flood Control District for the design, property acquisition and construction of improvements to that portion of Little Dry Creek located between England Park and Lowell Boulevard; authorize the expenditure of \$175,000 for the acquisition of needed properties along this portion of the creek; and charge the expense to the Open Space Fund.

## **Background Information**

In the early 1980s, the City and the Urban Drainage & Flood Control District (UDFCD) entered into an agreement regarding the design of channel improvements to the entire length of Little Dry Creek within the boundaries of Westminster (from Sheridan Boulevard at the upstream end to Lowell Boulevard at the downstream end). The design that was prepared at that time included a combination of 100-year flood protection improvements and 10-Year flood protection improvements, varying from location to location along the creek in accordance with the character of the surrounding land. For example, areas that were fully developed (e.g., the stretch from Winona Court to the Della Villa apartment complex) received 100-year flood channel improvements while sparsely developed areas (e.g., England Park, located south of 72nd Avenue) received only 10-year flood channel improvements. Throughout the mid to late 1980s, the City and the District amended their original Agreement on several occasions to provide funding for property acquisition and the construction of these channel improvements to several reaches of Little Dry Creek.

Other than the construction of an additional culvert under Sheridan Boulevard, the only section of the creek that was not improved in the last decade was that segment located between England Park and Lowell Boulevard. This portion of the creek was viewed as the lowest priority for construction because only a couple of existing buildings were affected by the flood plain. However, recent projects under design or under consideration by the City have caused Staff to re-evaluate the priority of improving this section of Little Dry Creek. Most importantly, the City's Department of Parks, Recreation & Libraries is in the midst of the design of a trail connection between England Park and Clear Creek. This trail project, which is being funded in part through the Intermodal Surface Transportation Efficiency Act (ISTEA), will require the acquisition of property along the subject stretch of the creek.

Staff believes that the proposed channel improvements project with the UDFCD could assist in stretching the budget for the ISTEA trail project by providing funding for the necessary property acquisition as well as accommodating the installation of the trail by straightening this portion of the creek before hand. At the same time, current and future businesses located within this southern portion of the City could benefit from a somewhat reduced flood plain.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** April 8, 1996  
**Subject:** Open Space Purchase  
**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

### **Introduction**

City Council action is requested to authorize the City Manager to purchase an available open space parcel utilizing money from the City's Open Space Fund.

### **Summary**

The City of Westminster has been pursuing an opportunity to acquire a key open space parcel within the City. Due to the sense of urgency to acquire this property, if a purchase price is agreed upon, the property will have to be closed within days after acceptance by the seller. Therefore, Staff is requesting that Council give authorization to the City Manager to spend up to \$525,000 from the City's Open Space Program to acquire this key piece of open space. This parcel has been recommended for purchase by the Open Space Advisory Board as a high priority acquisition.

### **Staff Recommendation**

Authorize the City Manager to sign the appropriate documents and spend up to \$525,000 from the City's Open Space Sales Tax Fund to acquire a key open space parcel within the City of Westminster for the City's Park and Open Space Program.

### **Background Information**

In 1995 Westminster voters overwhelmingly approved renewing the City's 1/4 cent sales tax for open space acquisition and park development. Over 1200 acres of open space have been acquired into the City's open space program.

City Staff is aggressively pursuing the acquisition of key open space parcels city wide. Occasionally, it is necessary to act quickly to close on a land acquisition deal. Staff has identified one such situation and therefore requests that City Council authorize the City Manager to take actions he determines to be in the best interests of the City to achieve acquisition of a high priority open space property.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** April 8, 1996

**Subject:** Resolution No. re Great Outdoors Colorado Grant

**Prepared by:** Kirk Haines, Park Development Manager

### **Introduction**

City Council action is requested to adopt the attached Resolution which authorizes the City Manager to sign a contract with Great Outdoors Colorado (GOCO) to accept a \$75,000 grant to help build two Little League Baseball Fields at Countryside Filing #13 (map attached).

### **Summary**

The State Board of the GOCO Trust Fund requires an adopted Resolution by City Council before executing any grant awards to local municipalities. Staff has carefully reviewed the terms and conditions of the Grant Agreement to ensure all requirements can be fulfilled. The terms and conditions are consistent with the grant application submitted by the City to build two Little League Baseball Fields, off-street parking facilities, concession plaza, portable restroom enclosures, spectator seating, trail connections, and landscaping improvements. However, since the GOCO award is less than originally requested, certain amenities will need to be cut from the project to bring it within budget.

### **Staff Recommendation**

Adopt Resolution No. authorizing the City Manager to sign a contract with Great Outdoors Colorado for a \$75,000 Grant Agreement to help construct two Little League Baseball Fields and miscellaneous site improvements at 105th Avenue and Oak Street.

### **Background Information**

In September, 1992, the City purchased 32 acres of open space and park land at the southeast corner of Oak Street and 106th Avenue, identified as Countryside Filing #13. One of the two six acre park parcels adjacent to Oak Street and Countryside Recreation Center was acquired to construct two Little League Baseball Fields in cooperation with the American West Little League organization. The Little League organization generated \$35,000 from fund raising projects and has committed that revenue to assist with construction of the two fields.

In April, 1995, City Council adopted a Resolution directing Staff to submit a Joint Venture grant with Jefferson County Open Space to assist in funding the development of the baseball fields. A grant request of \$292,000 was submitted, however, the County awarded only \$60,000 for the project. To date, the City has appropriated \$250,000 of Capital Improvement Project Funds for this project. However, because the level of funding was not adequate to construct the project, Staff submitted a grant application to GOCO in November, 1995, requesting an additional \$100,000 for the project.

The City was awarded \$75,000 by GOCO in February. Once the GOCO grant has been approved, a total budget of \$420,000 is available for design and construction of the Little League baseball fields.

Civitas, Inc., a Denver-based landscape architect firm was hired in November, 1995, to develop designs and construction drawings for the two baseball fields. The drawings will be completed by Spring, and construction is anticipated to begin this Summer. Civitas' preliminary cost estimates to construct the project indicate the project budget is very tight. The fields should be completed by this Fall and ready for play by next baseball season.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

GRANT AGREEMENT WITH THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND

WHEREAS, the City of Westminster was recognized as the recipient of a Great Outdoors Colorado Park & Recreation Grant to fund the development of the American West Little League Baseball Fields; and

WHEREAS, the City of Westminster supports the completion of the American West Little League Field project according to the terms and conditions of the Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund;

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Manager sign a grant agreement with Great Outdoors Colorado and authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application. This Resolution is to be in full force and effective from and after its passage and approval.

Passed and adopted this 8th day of April, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Date:** April 8, 1996

**Subject:** Resolution No. Contingency Transfer re Colorado Rapids

**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

### **Introduction**

City Council action is requested on the attached resolution transferring \$20,000 from the General Fund Contingency to the Department of Parks, Recreation and Libraries for the purpose of promoting the City's corporate sponsorship package and letter of agreement with the Colorado Rapids professional soccer team.

### **Summary**

On March 5, 1996 Westminster City Council approved a letter of agreement between the Colorado Rapids professional soccer team and the City of Westminster. Certain conditions of that agreement allow the City some excellent advertising in the Rapids' game programs, media guides, and banners to be placed in Mile High Stadium, as well as at their training site at City Park. Costs for artwork, banners, signs, special promotion days, and other expenses will be incurred by the City. In addition, City Staff is currently negotiating with the Rapids to build a joint use training facility at City Park. Architectural consulting fees will be required in order to explore the design concepts for such a facility. Other possible expenses could be for advertising in area newspapers, magazines, booths at the Westminster Faire and Firstfest, and television and radio spots.

Therefore, City Staff is recommending that City Council approve the transfer of \$20,000 in order to maximize the benefits of the City of Westminster/Colorado Rapids partnership. The current amount in the General Fund Contingency account is \$1,008,104.

### **Staff Recommendation**

Adopt Resolution No. authorizing the transfer of \$20,000 from the General Fund Contingency to the appropriate account in the Department of Parks, Recreation and Libraries for the purpose of enhancing and promoting the City's partnership with the Colorado Rapids professional soccer team.

### **Background Information**

One of the City Council goals directed to City Staff in 1996 was to pursue the possibility of having the Colorado Rapids professional soccer team train the the City of Westminster. On March 5, 1996, City Council approved a letter of agreement with Anshutz Soccer, Inc. to have the Colorado Rapids professional soccer team train at City Park. Terms of the agreement allow the Rapids use of City Park Recreation Center and soccer fields for training.

The City and the Rapids have also agreed to negotiate in good faith to build a permanent training facility for the Rapids at City Park. The Rapids will pay the City \$10,000 for the use of the recreation center and soccer fields as well as a corporate sponsorship package valued at \$45,000. The benefits to the community will result in youth soccer clinics conducted by the Rapids, open practice sessions to the public, special appearance by Rapids players and coaching staff at City events, and having many of the players live in Westminster and act as role models for many of the area youth.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

\_\_\_\_\_

Transfer of funds to purchase new lockers for City Park Recreation Center

WHEREAS, on March 5, 1996, Westminster City Council approved a letter of agreement with the Colorado Rapids professional soccer team, and;

WHEREAS, part of the agreement with the Rapids allows the city of Westminster certain advertising and sponsorship rights to use the Colorado Rapids logo in promoting Westminster City Park as the "Official Training Site of the Colorado Rapids," and;

WHEREAS, the agreement also calls for good faith negotiations between the City and the Rapids to design and build a training facility at City Park for the Colorado Rapids; and

WHEREAS, the services of an architect are required to begin design studies and cost estimates for the new training facility.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that: The amount of \$20,000 shall be transferred from the general fund contingency to the appropriate accounts in the Department of Parks, Recreation and Libraries Administration Division for the purpose of promoting the letter of agreement and the corporate sponsorship package between the City of Westminster and the Colorado Rapids professional soccer team.

Passed and adopted this 8th day of April, 1996.

ATTEST:

\_\_\_\_\_  
Mayor

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