



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) 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. **Report of City Officials**
 - A. City Manager's Report
5. **City Council Comments**
6. **Presentations**
7. **Citizen Communication (5 minutes or less)**
 - A. Betty Whorton, Chairperson of the Westminster Public Safety Recognition Foundation Board.

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. May 2005 – Financial Report
 - B. Huron Street Improvements, 140th Avenue to 150th Avenue, Award of Contracts
 - C. Demolition, Cleanup and Disposal of Structures on Five Open Space Properties
 - D. Purchase of Radios and Associated Equipment from M/A COM, Inc.
 - E. Construction of Reclaimed Waterline Extensions
 - F. Semper Water Treatment Facility-Sedimentation Basin Improvements Contract Award
 - G. Second Reading CB No. 29 re 2005 CDBG Fund Appropriation
 - H. Second Reading CB No. 30 re Growth Management Program Amendment for Reclaimed Water Projects
9. **Appointments and Resignations**
 - A. Metro Wastewater Reclamation District Board of Directors Appointment
10. **Public Hearings and Other New Business**
 - A. TABLED Councillor's Bill No. 13 re Country Club Village Business Assistance Package
 - B. Councillor's Bill No. 31 re Emergency Management Performance Grant
 - C. Resolution No. 23 re Compliance Hearing for the McGrath Property Annexation
 - D. Public Hearing (continued from 6/13/05) re 3rd Amended PDP for Northridge at Park Centre
 - E. 3rd Amended PDP for Northridge at Park Center PUD
 - F. Public Hearing re 1st Amended PDP for Westfield (Centex Homes Development)
 - G. 1st Amended PDP for Westfield PUD Parcel C
 - H. Public Hearing re CLUP Amendment, Rezoning, PDP and ODP re 72nd Ave. & Sheridan Blvd. Wal-Mart
 - I. Councillor's Bill No. 32 re CLUP Amendment for Village Homes re 72nd Ave. & Sheridan Blvd. Wal-Mart
 - J. Councillor's Bill No. 33 re Rezoning the Shoenberg Venture parcels re 72nd Ave. & Sheridan Blvd. Wal-Mart
 - K. 3rd Amended PDP for Shoenberg Farms re 72nd Ave. & Sheridan Blvd. Wal-Mart
 - L. Shoenberg Shopping Center ODP re 72nd Ave. & Sheridan Blvd. Wal-Mart
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
13. **Adjournment**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 27, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Davia moved, seconded by Price, to approve the minutes of the meeting of June 13, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. McFall described activities that would be held in the community to celebrate the 4th of July. City officers would be closed on the holiday.

CITY COUNCIL COMMENTS

Mayor Pro Tem Kauffman reported having attended the Summer Celebration at Irving Street Park, congratulated the Butterfly Pavilion on its 10th anniversary, and noted that Hyland Hills Parks and Recreation Splash Day at Water World was a success.

Councillor Hicks reported that he and several Council members had attended the Colorado Municipal League (CML) Annual Conference in Vail. Councillor Dixon remarked that a workshop on quasi-judicial hearings had been very timely and beneficial.

Councillor Dixon reported that a National League of Cities Steering Committee had recently met in Denver, during which time members had enjoyed lunch on the Westminster Promenade.

Councillor Dittman announced the rescheduled dedication of the skateboard facilities at City Park would be on July 14.

Mayor McNally presented to the Public Information Office staff a program award the City had received from CML for "We're All Ears" and thanked staff for fine-tuning the program.

CITIZEN COMMUNICATION

Betty Whorton, Chair of the Westminster Public Safety Recognition Foundation Board, presented plaques of appreciation to Brent McFall, the City Council, and Larry and Nancy McNally for their support of the Foundation.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: May 2005 financial report; awarding contracts to Hamon Contractors, Inc. in the amount of \$8,611,132 for construction of Huron Street Improvements from 140th to 150th Avenues, to Felsburg, Holt and Ullevig, Inc. in the amount of \$498,600

for construction engineering services, authorizing expenditure of \$403,350 for street lights and utility relocations and a contingency of \$861,000, charging the total to the appropriate Huron Street TIF account and Utility Fund project accounts; authorizing the City Manager to award a \$88,973 contract with a \$13,346 contingency to Alpine Demolition, Inc. for the demolition and cleanup of buildings and structures on five open space parcels and the removal of one structure by the current tenant for relocation to a vacant lot; awarding a \$58,802 contract to M/A COM, Inc. for replacement of 25 Police portable radios, associated batteries and antennas; awarding a \$344,681 contract with a \$34,500 contingency, to BT Construction for construction of reclaimed waterline extensions; authorizing the City Manager to execute a \$2,333,726 design/build contract with Burns & McDonnell/Garney LLC with a contingency of \$166,274 for replacement of the settling equipment in sedimentation basins at Semper Water Treatment Facility; final passage of Councillor's Bill No. 29 to appropriate 2005 Community Development Block Grant; and final passage of Councillor's Bill No. 30 amending the Growth Management Program establishing annual allocations to the reclaimed water category equal to the Service Commitment supply figure for the reclaimed system.

Mayor McNally asked if any member of Council or the audience wished to remove an item from the consent agenda for discussion purposes or separate vote. Councillor Dittman removed Councillor's Bill No. 29 for individual consideration.

Councillor Hicks moved, seconded by Dixon, to approve the items on the amended consent agenda. The motion carried unanimously.

COUNCILLOR'S BILL NO. 29 RE 2005 CDBG FUND APPROPRIATION

Councillor Dittman moved, seconded by Councillor Hicks to pass Councillor's Bill No. 29 on final reading to appropriate 2005 Community Development Block Grant funds in the amount of \$642,212. Councillor Davia recused himself from voting, as an organization with which he was affiliated was to receive a portion of these funds. At roll call, the motion passed by a 6:1 vote with Councillor Davia abstaining.

METRO WASTEWATER RECLAMATION DISTRICT BOARD OF DIRECTORS APPOINTMENT

It was moved by Councillor Price, and seconded by Councillor Davia, that the City of Westminster appoint Charles Ragsdale to serve a term of two years, expiring June 30, 2007, as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District. The motion carried unanimously.

COUNCILLOR'S BILL NO. 31 RE EMERGENCY MANAGEMENT PERFORMANCE GRANT

It was moved by Councillor Davia, seconded by Price, to pass Councillor's Bill No. 31 on first reading authorizing a supplemental appropriation of \$20,000 to receive an Emergency Management Performance Grant from the Colorado Division of Emergency Management. At roll call, the motion passed unanimously.

RESOLUTION NO. 23 RE MCGRATH PROPERTY ANNEXATION COMPLIANCE HEARING

Councillor Davia moved to adopt Resolution No. 23 accepting an annexation petition from Dennis and Cecilia McGrath, finding the petition sufficient pursuant to State Statute requirements, and setting August 8, 2005 as the annexation hearing date. Councillor Hicks seconded the motion, and it carried unanimously at roll call.

CONTINUED PUBLIC HEARING RE NORTHRIDGE AT PARK CENTRE 3RD AMENDED PDP

At 7:18 P.M. the hearing continued. Mr. McFall advised that language concerning construction of a left-turn lane for southbound Federal Parkway at 122nd Avenue, which had been protested by Colorado Ridge Church during the June 13 Council meeting, had been eliminated from the proposed PDP (preliminary development plan).

Ned White, 2000 West Littleton Boulevard, Littleton, Colorado, and the applicant's representative, was present to answer any questions.

David Shinneman, Planning Manager, advised that the Planning Commission had considered this request and recommended approval.

The hearing was closed at 7:20 P.M.

3RD AMENDED PDP FOR NORTHRIDGE AT PARK CENTRE PUD

It was moved by Councillor Dittman and seconded by Kauffman, to approve the Third Amended Preliminary Development Plan for the Northridge at Park Centre Planned Unit Development based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code had been met. The motion passed with all members of Council voting yes.

PUBLIC HEARING RE 1ST AMENDED PDP FOR WESTFIELD PUD PARCEL C

At 7:21 P.M. the Mayor opened a public hearing to consider the proposed amendment of the Westfield Planned Unit Development Parcel C, Preliminary Development Plan to allow a residential subdivision at a density of up to 5 dwelling units per acre. Mr. Shinneman entered the agenda memorandum and related documents. Legal notice had been published in the local newspaper, the property had been posted, and landowners within 300 feet of the parcel under consideration had been mailed notice of this hearing. The PDP amendment pertained to a 23.6-acre parcel east of Westminster Boulevard at 95th Avenue.

Yvonne Seaman of Centex Homes, 10333 East Dry Creek Road, Suite 300, Englewood, represented the applicant.

Kit Lammers, 5929 West 94th Avenue and a neighboring property owner, inquired about issues of concern to him.

Mr. Shinneman answered questions about the proximity of Highway 36 and advised of the Planning Commission review and subsequent recommended approval of this request.

Mayor McNally closed the hearing at 7:32 P.M.

FIRST AMENDED PDP FOR WESTFIELD PUD PARCEL C

It was moved by Mayor Pro Tem Kauffman, seconded by Councillor Dixon, to approve the First Amended Preliminary Development Plan for Westfield Planned Unit Development Parcel C, finding that the criteria in Section 11-5-14 of the Westminster Municipal Code had been satisfied. The motion passed unanimously.

PUBLIC HEARING 72ND/SHERIDAN WAL-MART CLUP AMENDMENT, REZONE, PDP & ODP

Mayor McNally announced the rules of procedure and opened the public hearing at 7:38 P.M. Mr. Shinneman introduced the hearing to consider the 72nd Avenue and Sheridan Boulevard Wal-Mart Comprehensive Land Use Plan Amendment, rezone, Preliminary Development Plan and Official Development Plan. The proposal involved approximately 31.8 acres located at the southwest corner of 72nd Avenue and Sheridan Boulevard where Wal-Mart wanted to develop a near 208,900-square foot super center and 4 pad sites of about 5 acres each. The property contained three different land use designations and three different zone districts. A single zone category of Planned Unit Development (PUD) and a single land use designation of Retail/Commercial were sought. Mr. Shinneman entered into evidence the agenda memorandum and associated documents, including all written correspondence received in support of and in opposition to the proposal. A legal notice pertaining to this hearing had been published in the *Westminster Window*, the property had been posted and landowners within 300 feet, as well as all others who had requested notification, were notified of this hearing via US mail.

Testifying on behalf of the property owner, Jordan Perlmutter and Company at 1601 Blake Street #600 in Denver, was Jim Smith, Director of Development and Construction. Testifying on behalf of Wal-Mart were Jim Shipman, 8480 East Orchard Road in Greenwood Village and Wal-Mart's agent in charge of site development, as well as Carolyn White, 2737 Utica Street in Denver, Wal-Mart's land use attorney, who noted that Wal-Mart's proposed project met or exceeded all of the City's development standards.

Testifying in opposition to the proposal were: Heidi and Mark Casler, 4020 West 103rd Court; Richard Olivarez, 7231 Utica Street; Charlotte Rybkowski, 7480 Raleigh Street; Lona Thorson, 4931 West 73rd Avenue; Jim Harm, 5616 West 109th Circle; Denise Roberts, 5742 West 71st Circle; Tamara J. Drumright, 7121 Wolff Street; Rick Long, Pastor of Grace Church at 6969 Sheridan Boulevard in Arvada; Don Stewart, 920 Home Farm Circle; Kathi Williams of the Colorado Division of Housing, 1313 Sherman Street in Denver; Harold Patterson, 9440 West 63rd Place in Arvada; Lou Krappes, 7651 Raleigh Street; Wendy Plummer, 3445 West 111th Loop; Mary Denise Transberg; 7137 Fenton Circle; Mark Meyer, 7501 Xavier Street; Jean Congdon, 6755 West 97th Place; Georgeann Swiatek, 7040 Zenobia Street; Bryan Wells, 7040 Zenobia Street; Mike Murphy, 6110 West 73rd Avenue; Kevin Torres, 5894 West 75th Avenue in Arvada; Janine Cavalier, 6521 West 72nd Drive in Arvada; Erin and Jon Genova, 5629 West 71st Circle in Arvada; Dorothy F. Paries, 5055 West 73rd Avenue; Joyce Alms-Ransford, 1720 Emerson in Denver; David Nestor, 440 Carr Street in Lakewood; Steve Tuttle, 5200 South Ulster Street #1809 in Greenwood Village; Colin Deihl, 2216 Ivanhoe Street in Denver; Bruce Bollenbach, 1860 Blake Street #170 in Denver; Susan Vaho, 4046 Zuni Street in Denver; Karen Lado, 2217 Julian Street in Denver; Sue Widdison, 5600 West 73rd Avenue; Mary Hupp, 949 Garfield Street in Denver; Nita and Kenneth Eaton, 7070 Zenobia Street; Terry L. King, 5640 West 71st Avenue; Gary and Lana Wildung, 6901 Wolff Street; Carol Michaels, 5131 West 73rd Avenue; Dianne Goldman, 1741 South Newport Way in Denver; Beth Deeds, 7012 North Zenobia Street; Randy Kennedy, 5797 West 71st Avenue in Arvada; Debra Route, 7831 Yates Street; Larry Dean Valente, 3755 West 81st Avenue; Arnita Strutz, 7131 Wolff Street; Bruce Morrison; 6521 West 69th Way in Arvada; Lisa Mittan, 2941 West 81st Avenue; Kelli Smith and Shawn Stehle, 5075 West 73rd Avenue; Faith Winter, 7525 Stuart Street; James Glasmann, 5010 West 71st Court; Sherry Marti, 5640 West 72nd Drive; Kaaren Hardy, 5133 West 73rd Avenue; Michael Gregorich, 7580 Winona Court; Alan H. Kramer, 1240 West 133rd Circle; Lucille Vela, 9071 Raleigh Street; Christopher Crone and Stepanie Koren, 7102 Depew Court; Jack Schofield, 3959 West 72nd Avenue; and Mark Kaiser, 7035 Zenobia Street.

Testifying in support of the requested action were: Vi and Bob June, 7500 Wilson Court; Richard Mayo, 5130 West 69th Place; and Mark Harris, 5165 West 69th Loop.

Asking that their name be entered into the record as opposed were: Nancy and Pete Ward, 7921 Bradburn Boulevard; Stephanie Esmiol, 5768 West 71st Avenue; Deborah Olson, 5746 West 71st Avenue; Mary Christake, 5117 West 73rd Avenue; Julia Hale, 5537 West 75th Place; Greg and Peggy Karraker, 7418 Chase Circle; Isidro Tom and Marilou Griego; 6451 West 73rd Avenue; Linda Welshans, 4724 West 69th Drive; Alice V. Redmond, 5063 West 73rd Avenue; Mike Markham, 4736 West 69th Drive; Christopher Lopez, 3210 West 65th Avenue in Denver; Darcia M. Biddinger, 7481 Ames Street; Darcia Kaiser, 7520 Ames Street; Sarah Skarie, 4574 West 68th Avenue; Henry Sawicki, 7485 Clay Street; Patricia J. Bill-Powell, 3061 West 92nd Avenue #10F; Judy Jo Gordon; 3061 West 92nd Avenue #13-A; Patty Harvey, 5689 West 71st Circle; Margaret Koski, 8111 Tennyson; Charles L. Hettinger, 5012 West 77th Drive; Kathy, Kimberly, and Jason Murphy, 6110 West 73rd Avenue in Arvada; Joyce and Donald Arndt, 7596 Chase Street; Lisa and Nancy A. Thompson, 7080 Beacon Way; Ruan Cheng, 7115 Sheridan Boulevard; Kathy Mollerback, 5833 West 75th Avenue; Mardi Rodenberg, 7990 Grove Street; Joshua Ross, 7586 Chase Street in Arvada; Chris Krohnfeldt, 4574 West 58th Avenue; Sammy Scoma, 7231 Utica; Sandra J. Tucker, 7609 Pierce Street in Arvada; Robert Artmann, 5419 West 69th Avenue in Arvada; Julia West, 5520 West 74th Avenue; Dave and Patrick Chapdelaine, 6368 Ingalls Street in Arvada; James Schweitzer, 3061 West 92nd Avenue; Michele Specer, 8219 West 90th Place; Arayba Thomas, 4661 Kipling Street in Wheatridge; Donald Nelson, 5667 West 109th Circle; Nancy and Loren Brindley, 6784 Depew Street in Arvada; Donald A. Thompson, 12287 Wolff Place in Broomfield; Mui Ly, 7115 Sheridan Boulevard; Laura Crandall, 3688 East 91st Avenue in Thornton; Jacquelyn Mercer, 6469 Ingalls Street in Arvada; Gwen M. Hill, 1201 West Thornton Parkway in Thornton; Debra A. Gold, 1807 West 46th Avenue in Denver; Karen Hardy, 6211 Chase Street in

Arvada; Brooke Glasmann, 5010 West 71st Court; Frank Pacheco, 6735 Depew Street in Arvada; Josh Hansen, 9898 Teller Court; Karina Guenther, 7161 Eaton Court; Roxanne Andrew and Marilyn Newton, 6897 Grey Drive in Arvada; Marilyn Newton, Beatrice and Duane A. Griego, 6010 West 76th Avenue in Arvada; Hannah Noell, 10927 Gray Circle; Ray E. and Evelyn Lack, 6253 Depew Street in Arvada; Mike and Aimee McDermott, 1272 West 135th Place; Dan Gallagher, 6472 Vrain Street in Arvada; Kathleen Wassam, 5891 West 68th Avenue; Joseph and Karmen Artmann, 5425 West 69th Avenue in Arvada; Marcia Quintana, 6451 West 73rd Place; J A. Campbell, 11387 Ames Court; Sheila A. McDaniel, 6451 West 74th Avenue; Sue Blair, 7113 Ingalls Street in Arvada; Douglas DeCounter, 7161 Eaton Court; Shirley Y. Schreiber, 11437 Ames Court; David Baker, 7279 Eaton Circle in Arvada; Cindy Howe, 7646 Gray Way in Arvada; Anna M. Brooks, 4000 West 84th Avenue; Sandra James, 8530 Cedar Lane; Xyla Wagner, 8530 Cedar Lane; Marie A. Kuhlman, 5125 West 73rd Avenue; Noah McKelvin, 4750 West 74th Avenue; Hunan City Restaurant, 7115 Sheridan Boulevard; Vanessa Seiger, 5749 West 71st Place in Arvada; Susan Hettinger, 5012 West 77th Drive; Rachel and Jerry Pearson, 4900 West 109th Avenue; Jeff Hamilton, 5730 West 71st Avenue in Arvada; Barbara and Don Ridgway, 8353 Quay Drive in Arvada; Chris and Jessica Lambuth, 6081 Harlan Street in Arvada; Peter J. Fantozzi, 9397 Raleigh Court; Robert and Jackie Remmenga, 4551 West 69th Drive; Evelyn Sanders, 7652 Gray Way in Arvada; George Route, 7831 Yates Street; Maricela Sepulveda, 4841 West 66th Avenue in Arvada; Mary Horst, 7495 Skyline Drive; Stephanie Downey, 7676 Bradburn Boulevard; Lisa Mittan, 2941 West 81st Avenue; Howard Beasley, 7087 Cody Drive in Arvada; Evelyn Moran, 7476 Clay; Rebecca Shaeffer and Joshua Vecchiarelli, 2991 West 81st Avenue; Christopher and Carole Pearson, 8870 Meade Court; Nicholas Malara, 9048 Vance Street; Roy Drury, 7592 Ames Street; Aree Pacharatam, 7113 Sheridan Boulevard in Arvada; Richard D. Jackson, 5917 Owens Street in Arvada; Mary Ellen and Lynn Camplin, 6880 Zenobia Circle #3; Rich Blair, 7617 Raleigh Street; Vickie and Kenneth E. Bruso, 7005 Yates Court; Charlene Harrington, 6222 West 70th Avenue in Arvada; Debora and Chelsea Gilbert, 6253 Xavier Street in Arvada; Christine Nagle, 7280 Ingalls Court; Lois Jean Ferguson, 8031 Queen Street in Arvada; Andrew Haase, 7240 North Tennyson Street #4; Anna M. Talamantez, 3540 Chase Street in Wheatridge; John Cisneros, 7571 Winona Court; Cynthia L. Johnson, 6758 Zenobia Loop #2; Christine Kluth, 7417 Chase Circle; Rebecca Schreiber, 11437 Ames Court; Laura and Jonathan Purk, 7180 Fenton Court; Robert Savage, 3423 West 98th Avenue; Muriel Cuillard, 6620 Raleigh Court in Arvada; Gina Hegg, 4981 West 73rd Avenue; Karen and Jasi Johnson, 8911 Quigley Street; Gail Vecchiarelli, 8468 Ames Street; Teresa Bender, 6828 Zenobia Street #1; Richard A. Cummings, 12429 West 84th Drive in Arvada; Venessa McMahon, 6010 West 76th Avenue in Arvada; Alicia and Connie Blair, 7121 Fenton Circle in Arvada; Jacque Legler, 8815 Dudley Court; Pamela McQuain, 10561 West 104th Place; Paula Jensen, 260 Del Norte Street in Denver; Jordan Andrew, 6897 Gray Drive in Arvada; Teresa Beach, 7850 Zenobia Street; Donna McClure, 8690 Oakwood Street; Kathryn and Michael A. Brickner, 5790 West 94th Avenue; Richard and Joeleene Elich, 8045 Irving Street; Christine F. Matthew B. Albert, 7237 Eaton Circle; Ty Church, 435 Cherokee Street in Denver; David E. and Vickie Sutton, 7131 Xavier Street; Diane Weaver, 4535 West 68th Avenue; Jennifer Parrish, 9715 West 59th Avenue #301 in Arvada; Andrea Carter, 8890 Wolcott Lane; Steve Schmedland, 7951 Depew Street in Arvada; Madeliene Williams, 3521 Westminster Place; Oma Petz, 8653 Kendall Court in Arvada; Rex A. Harvey, 6610 West 72nd Drive; Dina Wildons, 6901 Wolff Street; Joe Kirkwood, 6961 Pierson Street in Arvada; Richard Martinez, 7671 Gray Way; Renate G. Martinez, 6340 West 74th Avenue; Roger Park, 3281 West 79th Avenue; Jimmie M. Martinez, 7070 Utica #2; Frank L. and Pamela Pierce, 6851 Gray Drive in Arvada; Lauren Hoguta, 13287 Monroe Way in Thornton; Richard Nadeau, 10560 Canosa Court; Terry Jo Ross; 7586 Chase Street in Arvada; Martha Jane Fancher, 7260 Lamar Court; Pamela Lowe, 3500 West 96th Avenue; Susan Yates, 7301 Urban Drive in Arvada; Susan Chavez Gallagher, 6472 Vrain Street in Arvada; Lisa K. Miller, 9256 Holland Street; Gary R. Bishop, 5845 Eaton Street in Arvada; Davell and Beth Armstrong, 6501 West 72nd Drive; Stanley Guziec, 6348 West 69th Avenue in Arvada; Robin L. Kowalski, 4947 West 73rd Avenue; Tiana Miller-Jackson; 9256 Holland Street; Mary Cessar, 5383 West 68th Place in Arvada; Mary Darby, 7191 Eaton Court in Arvada; C. Barbara Romero, 5035 West 73rd Avenue; William J. Kelly, 5081 West 73rd Avenue; Beverly Hagerman, 7042 Ingalls Street in Arvada; Virginia Sakal, 5136 West 58th Avenue #4; Magdalena A. Hannon, 6861 Xavier Circle #9; Theresa Neuroth, 6210 Lamar Street in Arvada; and Michael D. Melio, 8219 West 90th Place.

Asking that their name be entered into the record as in support were: David and Gerri Elliott, 7291 Vrain Street; Gary and Janelle Robbins, 1190 Ridgeview Circle in Broomfield; Josh and Shalene Miller, 8043 Wolff Street #A; Ann and Chris Gunderson, 7170 Clay Street; and Fred A. Roberts, 7180 Clay Street.

At the conclusion of public testimony, Council asked staff questions resulting from testimony. Responding were Mr. Shinneman, Dave Downing the City Engineer, and Lee Birk of the Police Department. In conclusion, Mr. Shinneman stated that the Planning Commission had voted to recommend approval of this proposal.

Clerk's Note: At the request of the applicant's representatives, Mayor McNally called a recess at 11:30 P.M. She reconvened the meeting at 11:40 P.M.

Carolyn While summarized the applicant's position and responded to numerous questions raised by Councillors.

At midnight, Councillor Hicks moved, seconded by Price, to continue the hearing to June 28 at 12:01 A.M. The motion passed unanimously.

Questions of Wal-Mart representatives, Perlmutter representatives, and staff continued. Once all questions were answered to Council's satisfaction, the Mayor closed the public hearing. The time was 12:30 A.M.

COUNCILLOR'S BILL NO. 32 RE 72ND AND SHERIDAN WAL-MART CLUP AMENDMENTS

It was moved by Councillor Hicks, seconded by Councillor Dixon, to pass Councillor's Bill No. 32 on first reading amending the Comprehensive Land Use Plan to change the Village Homes of Colorado, Inc. property (Area #1 on Exhibit A) from R-8 Residential (up to 8 du/acre) to Retail/Commercial, and the property at 7007 Sheridan Boulevard (Area #2 on Exhibit A) from R-3.5 Residential (up to 3.2 du/acre) to Retail/Commercial. This action was based on the finding that the proposed amendment would be in the public good and that:

- a) There was justification for the proposed change and the Plan was in need of revision as proposed;
- b) The proposed amendments were in conformance with the overall purpose and intent and the goals and policies of the Plan;
- c) The proposed amendments were compatible with existing and planned surrounding land uses; and
- d) The proposed amendments would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.

After members of City Council commented on the basis for their vote, the motion passed unanimously at roll call.

COUNCILLOR'S BILL NO. 33 REZONING 72ND AND SHERIDAN WAL-MART SITE

It was moved by Hicks, seconded by Dixon, to pass Councillor's Bill No. 33 on first reading rezoning the Shoenberg Venture parcels from C-1 to Planned Unit Development (PUD), and a parcel known as 7007 Sheridan Boulevard. from R-1 to PUD. The action was based on a finding that the provisions of Section 11-5-14 of the Westminster Municipal Code had been met. The motion passed unanimously at roll call.

3RD AMENDED PDP FOR SHOENBERG FARMS

Councillor Hicks moved, Dixon seconded, to approve the Third Amended Preliminary Development Plan (PDP) for Shoenberg Farms, as submitted, contingent upon the CLUP and rezoning changes being adopted on second reading, making the finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code (WMC) had been met. The roll was called, and the motion carried by a 6:1 margin with Councillor Hicks voting no.

SHOENBERG SHOPPING CENTER ODP

It was moved by Councillor Hicks and seconded by Councillor Dixon to approve the Official Development Plan (ODP) for Shoenberg Shopping Center, as submitted, contingent upon the CLUP and rezoning changes being adopted on second reading, making the finding that the criteria set forth in Section 11-5-15 Westminster Municipal Code had been met. At roll call, the motion passed on a 6:1 vote with Councillor Hicks casting the dissenting vote.

ADJOURNMENT:

There was no further business to come before Council, and the meeting adjourned at 1:11 A.M. on June 28, 2005.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Financial Report for May 2005

Prepared By: Tammy Hitchens, Finance Director

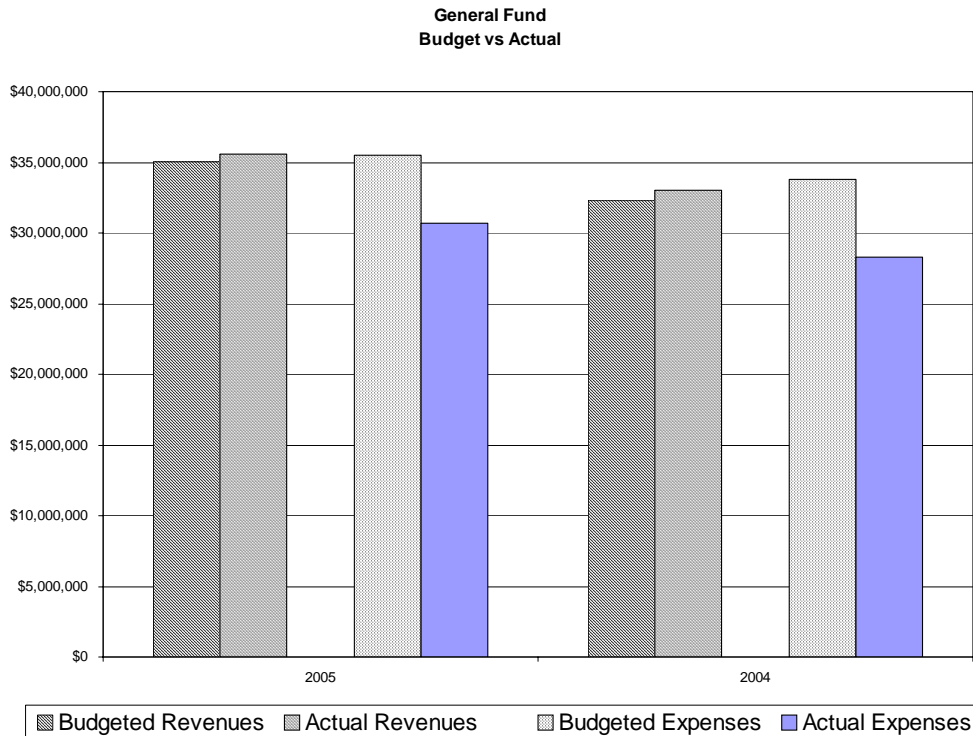
Recommended City Council Action

Accept the Financial Report for May as presented.

Summary Statement

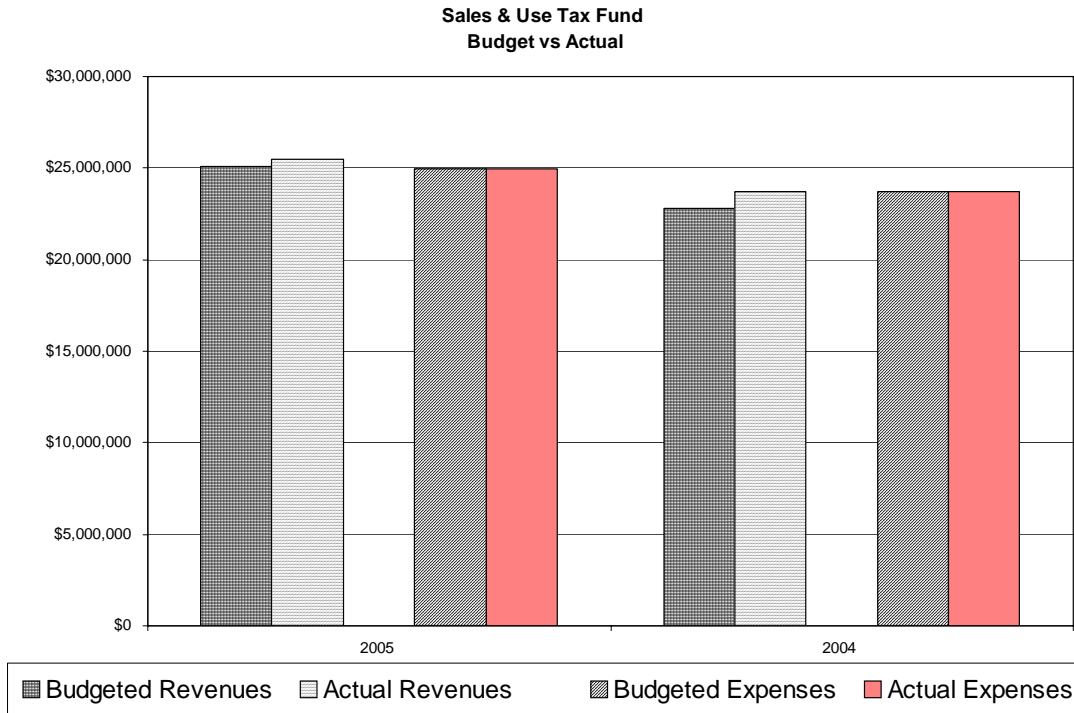
City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. The revenues are pro-rated based on historical averages. Expenses are pro-rated based on 1/12 of the year.

The General Fund revenues exceed expenditures by \$4,846,000. The following graph represents Budget vs. Actual for 2004 – 2005.

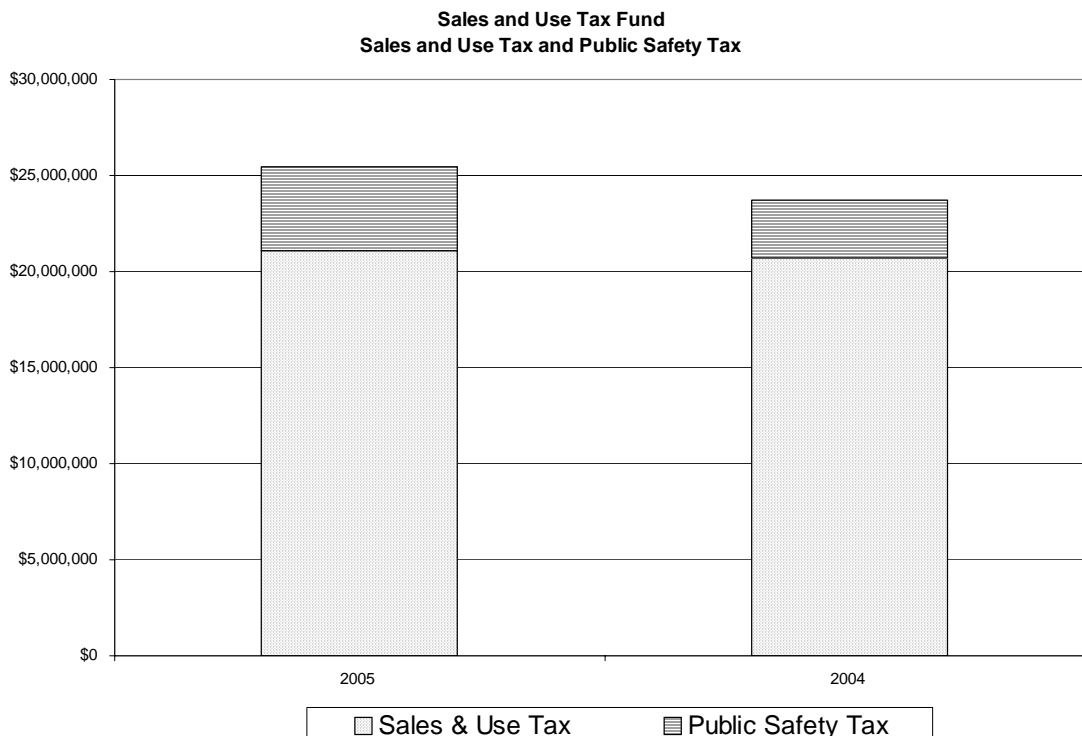


The Sales and Use Tax Fund's revenues exceed expenditures by \$516,000.

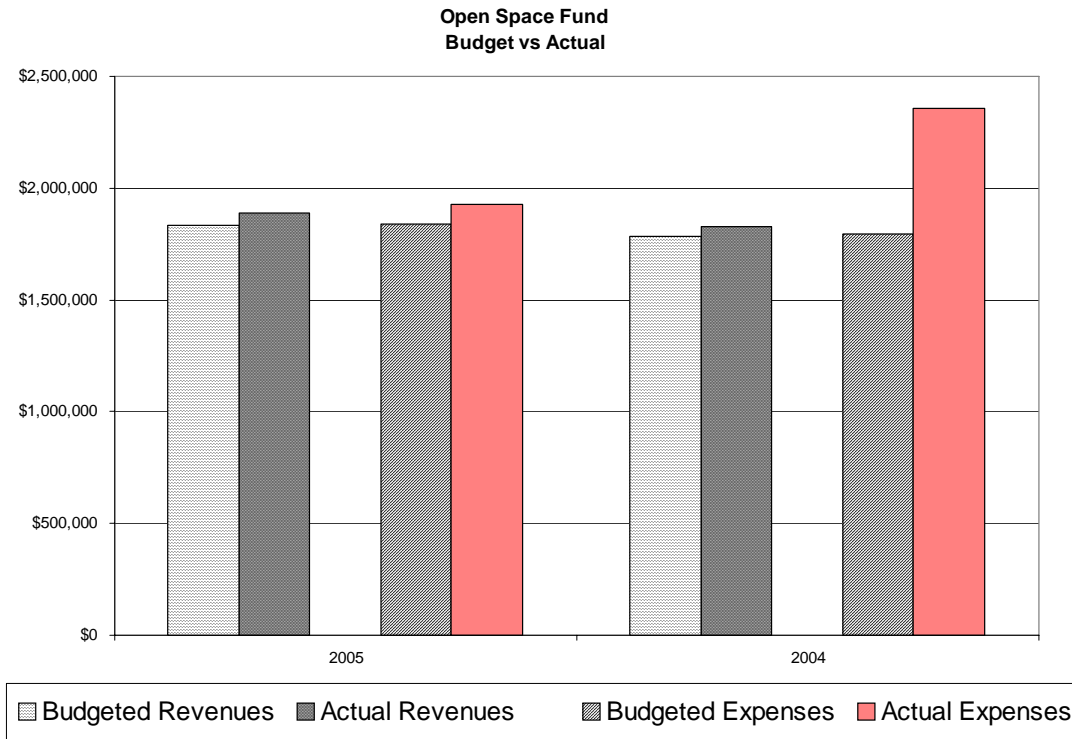
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 5%. It should be noted that there are timing differences and anomalies in this report that overstate the revenue picture.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 5.9%.
- The Westminster Mall is down 8%.



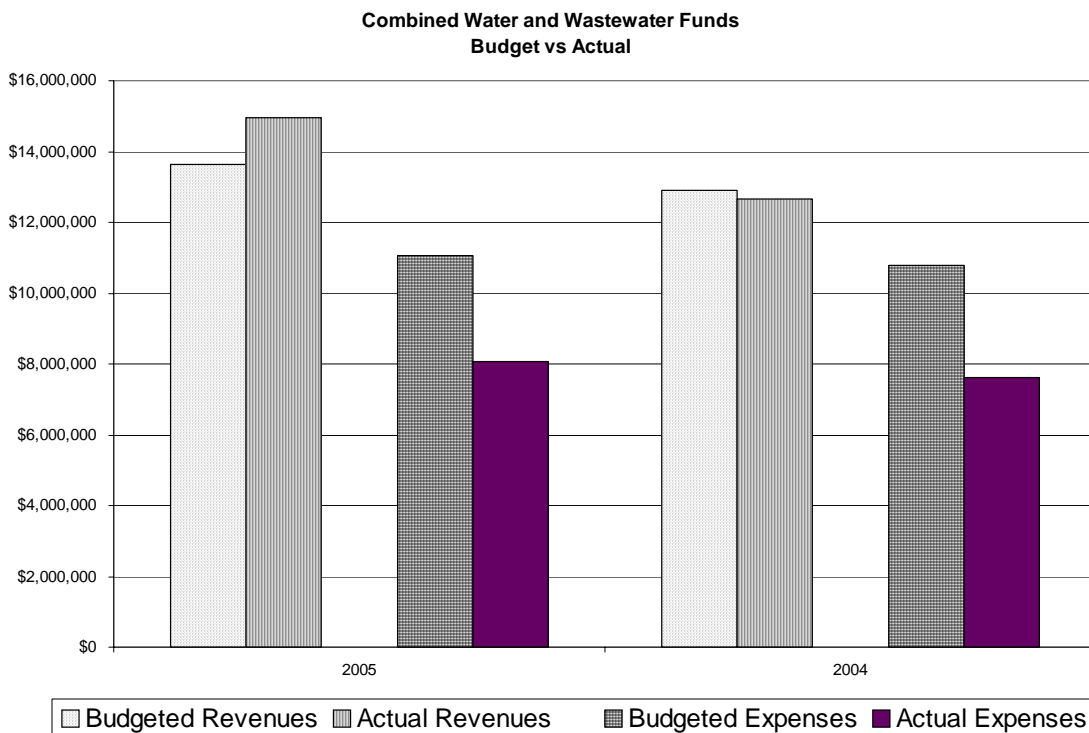
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



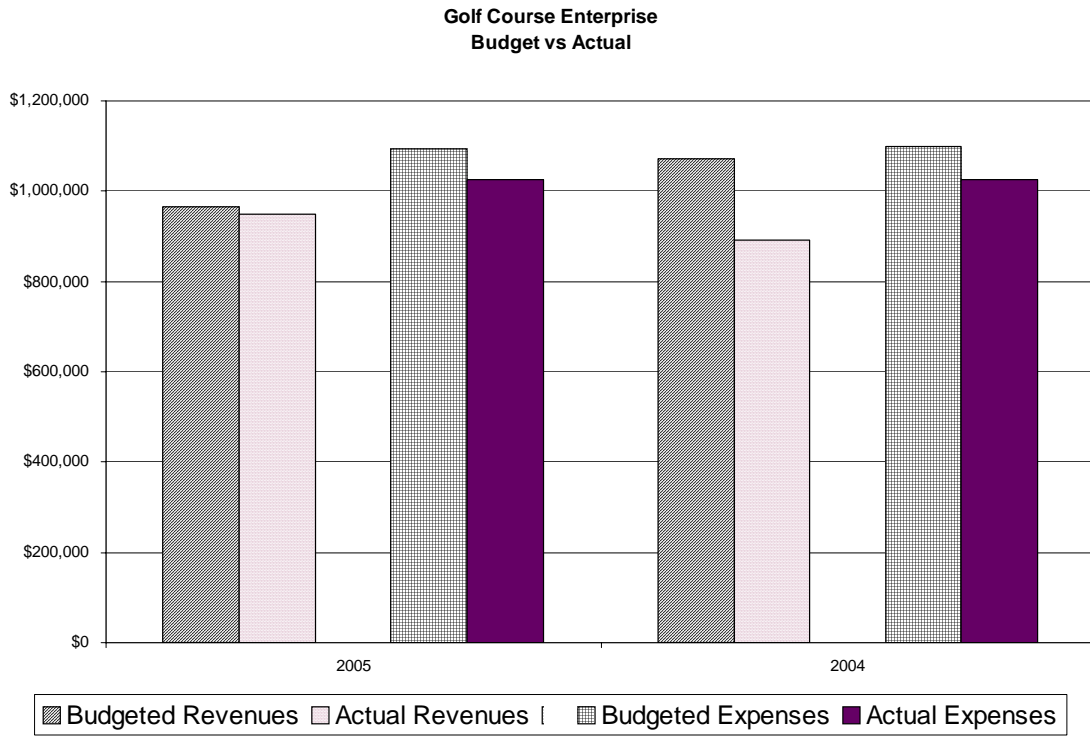
The Open Space Fund revenues are under expenditures by \$39,000. This reflects the purchase of two pieces of property; 4 acres at 93rd Avenue and Wadsworth Boulevard and 2 acres at 99th Avenue and Wadsworth Boulevard.



The combined Water & Wastewater Funds’ revenues exceed expenses by \$6,907,000. Included in this figure is over \$4.6 million in tap fees.



The combined Golf Course Funds' revenues are under expenditures by \$77,000.



Policy Issue

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

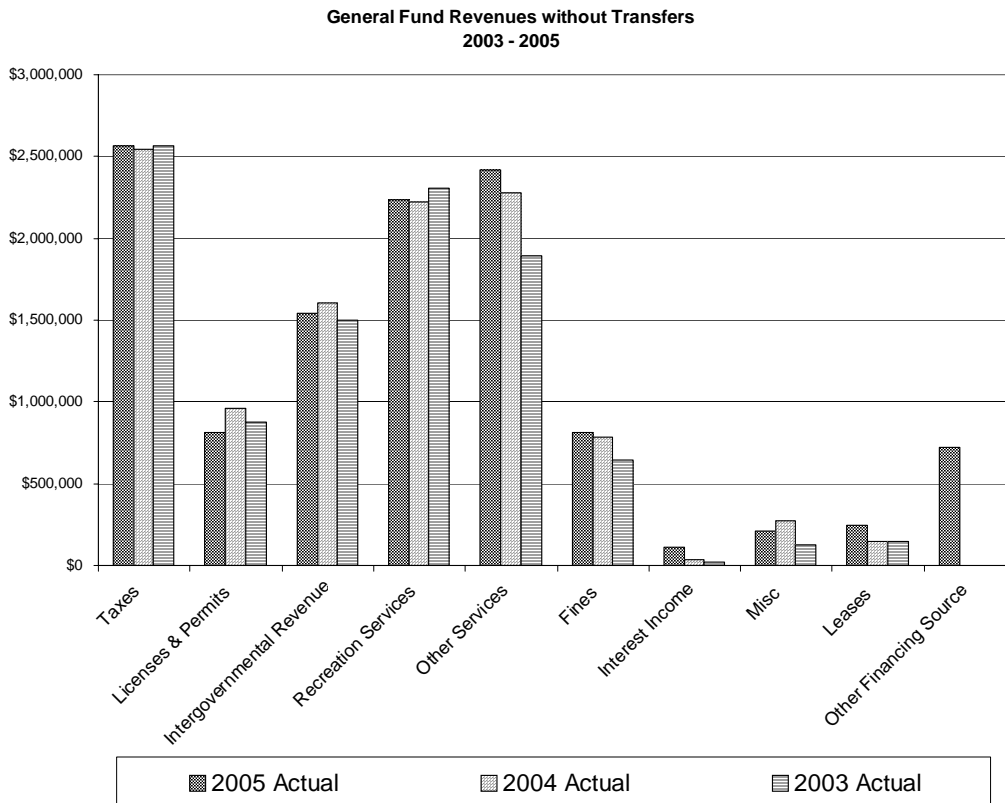
Background Information

This section includes a discussion of highlights of each fund presented.

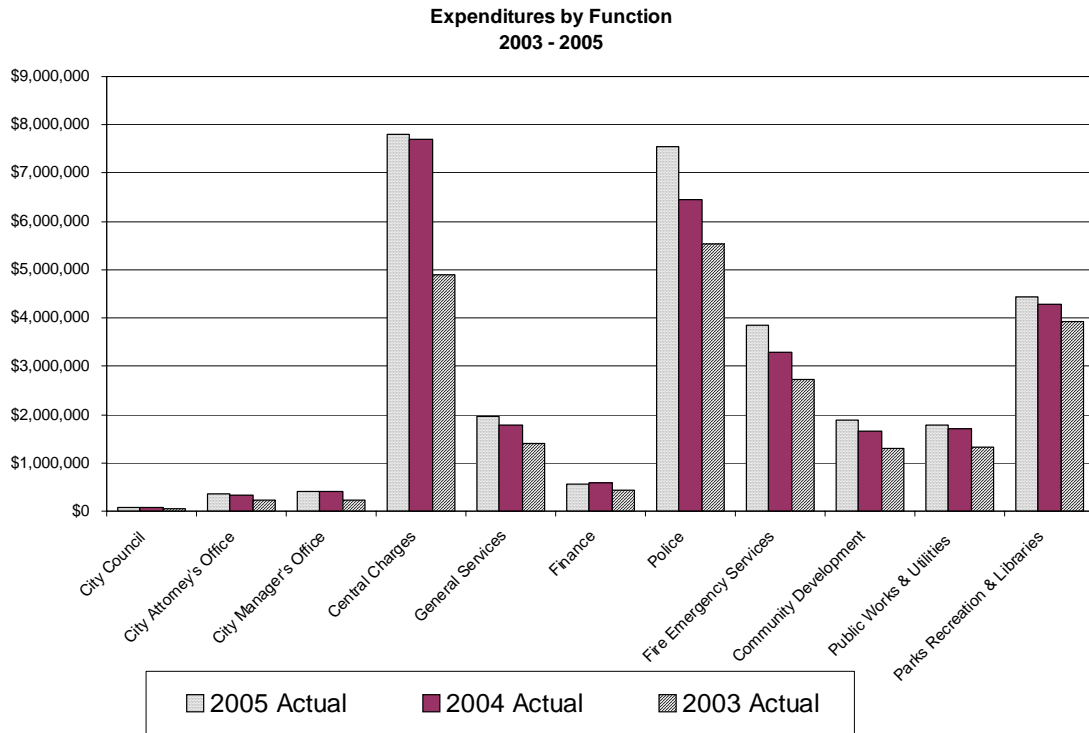
General Fund

This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2003 – 2005 year-to-date.



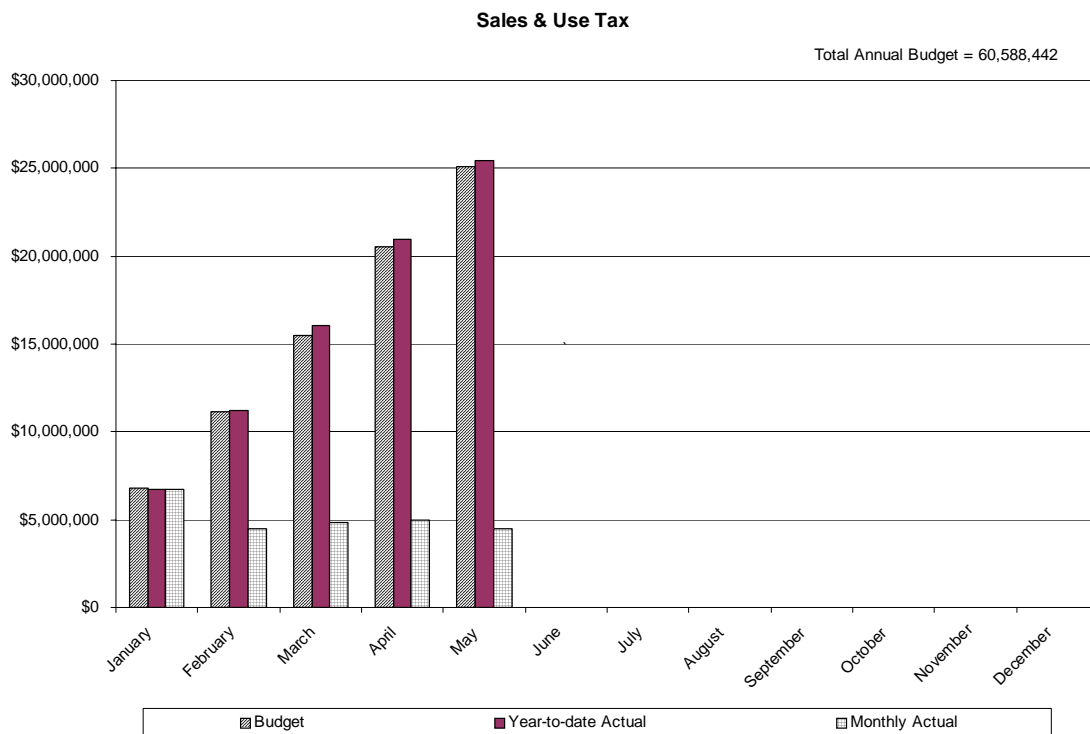
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

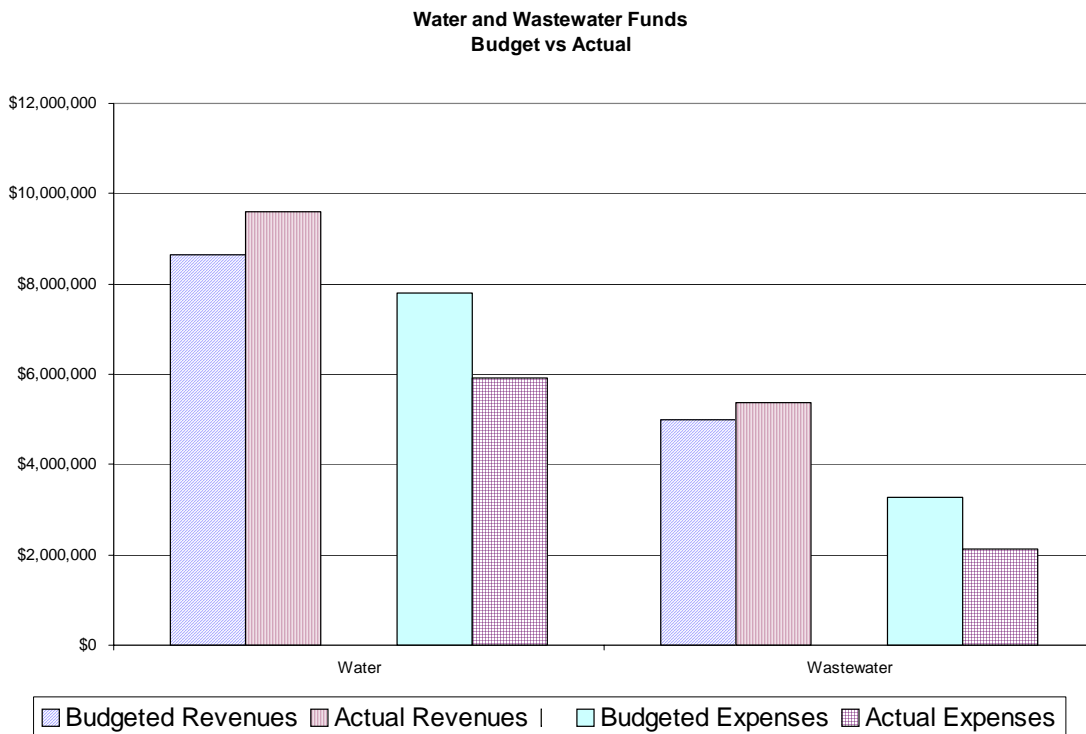
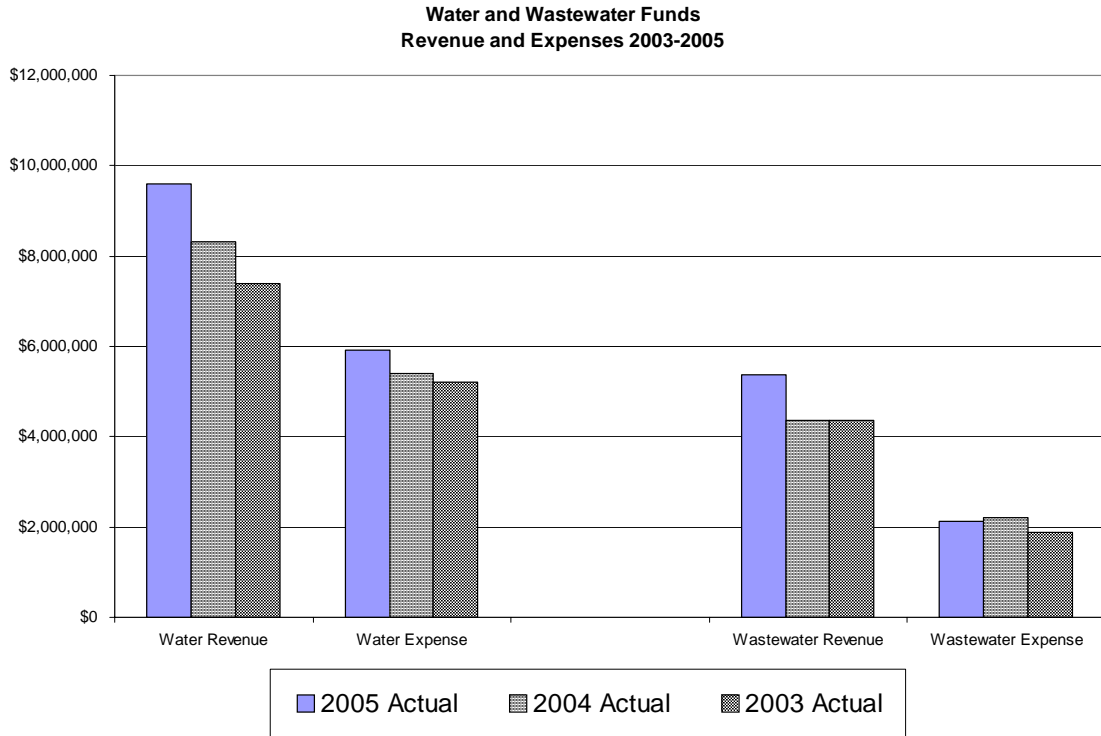
This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

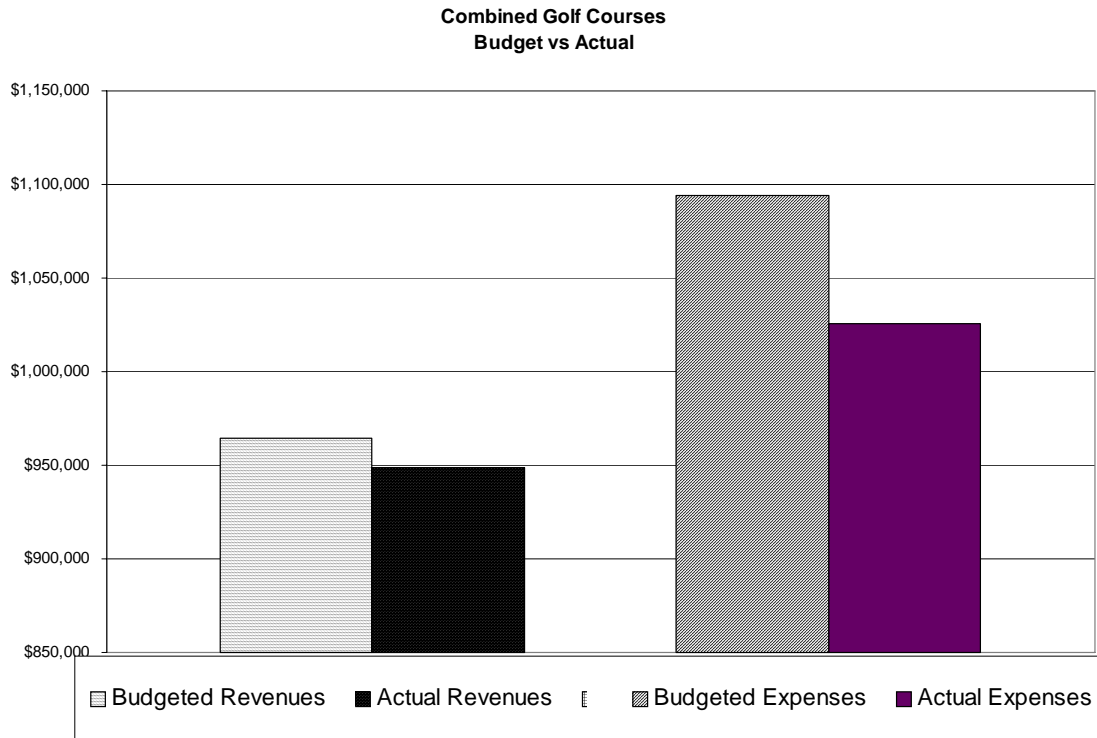
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds.

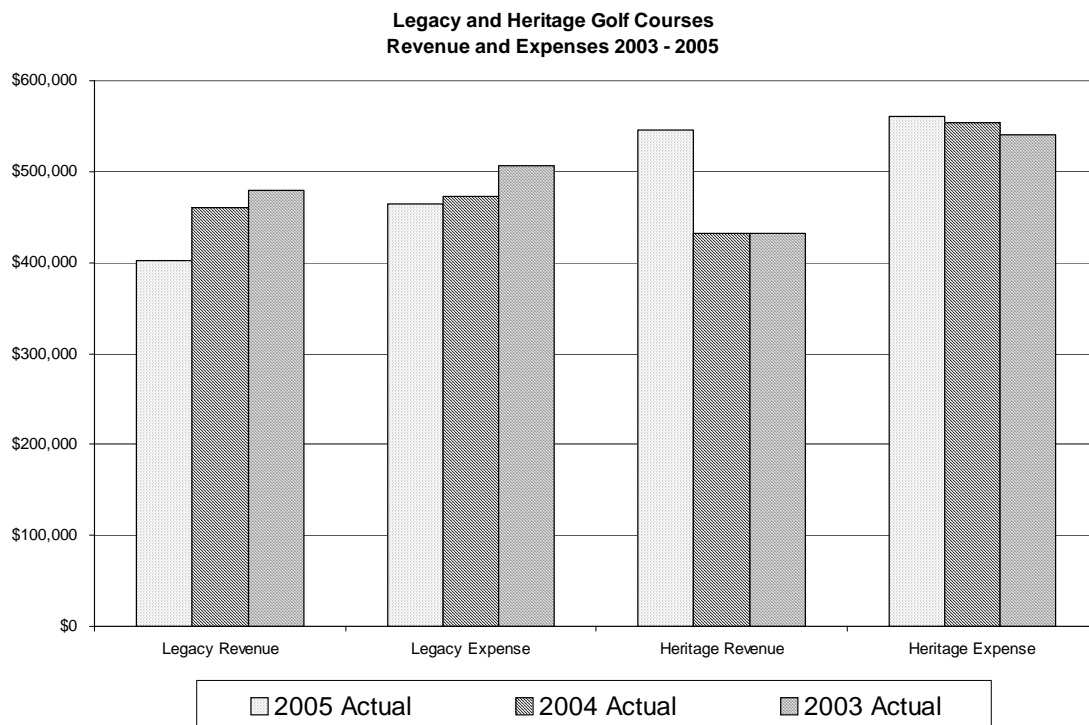


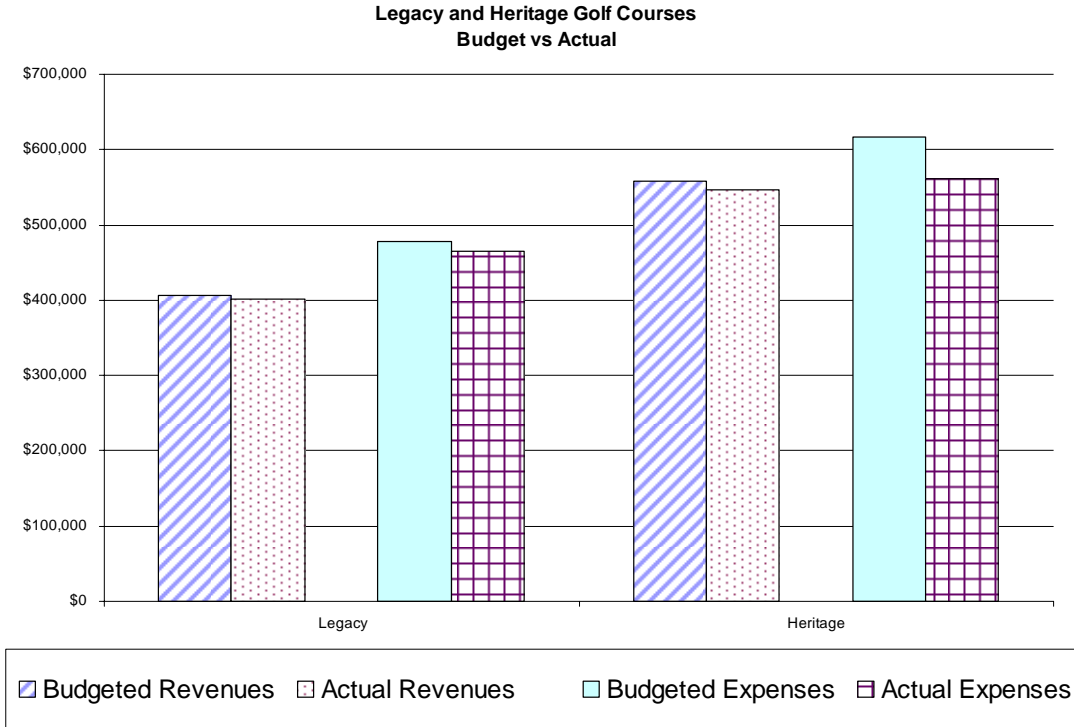
Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City’s two municipal golf courses. The enterprise as a whole is in a negative position, with net income currently \$77,000 under budget for the year. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.



The following graphs represent the information for each of the golf courses.





Respectfully submitted,

J. Brent McFall, City Manager

Attachments

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CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MAY 2005

Center Location Major Tenant	Current Month General Sales	Current Month General Use	Total	General Sales	General Use	Total Sales	Use Total	%Change
WESTMINSTER MALL 88TH & SHERIDAN	349,318	2,142	351,461	404,141	13,399	417,540	-14 -84	-16
5 DEPARTMENT STORES WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER	258,427	23,196	281,623	267,507	1,099	268,605	-3	2012 5
WALMART CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN	209,341	1,562	210,903	216,125	5,207	221,332	-3	-70 -5
COMP USA/CIRCUIT CITY BROOKHILL I & II N SIDE 88TH OTIS TO WADS	201,549	1,433	202,982	212,021	1,596	213,617	-5	-10 -5
HOME DEPOT NORTHWEST PLAZA SW CORNER 92 & HARLAN	184,255	191	184,446	188,422	1,193	189,615	-2	-84 -3
COSTCO SHERIDAN CROSSING SE CORNER 120TH & SHER	155,297	1,477	156,774	134,030	512	134,542	16	189 17
ALBERTSONS PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD	132,177	12,302	144,479	96,119	13,357	109,476	38	-8 32
SHANE/MC VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN	97,342	975	98,317	51,574	1,965	53,539	89	-50 84
TOYS 'R US SHOPS AT WALNUT CREEK 104TH & REED	83,963	2,134	86,096	0	0	0	*****	*****
TARGET NORTH PARK PLAZA SW CORNER 104TH & FEDERAL	78,568	480	79,048	93,217	301	93,518	-16	59 -15
KING SOOPERS STANDLEY SHORES CENTER SW CORNER 100TH & WADS	68,270	207	68,477	74,631	82	74,713	-9	153 -8
KING SOOPERS OFFICE MAX CENTER SW CORNER 88TH & SHER	57,979	189	58,168	45,497	325	45,822	27	-42 27
OFFICE MAX STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	54,824	101	54,924	58,921	399	59,320	-7	-75 -7
SAFEWAY WILLOW RUN 128TH & ZUNI	52,404	433	52,836	51,399	1,398	52,797	2	-69 0
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	51,235	164	51,398	50,811	185	50,996	1	-12 1

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CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MAY 2005

Center Location Major Tenant	Current Month General Sales	Current Month General Use	Total	General Sales	Last Year General Use	Total Sales	%Change	Use Total
SAFEMAY	46,126	1,412	47,538	51,030	179	51,209	-10	689 -7
NORTHVIEW								
S SIDE 92ND YATES-SHER								
ALBERTSONS	44,457	320	44,777	39,151	483	39,634	14	-34 13
VILLAGE AT PARK CENTRE								
NW CORNER 120TH & HURON								
CB & POTTS								
HIDDEN LAKE	35,167	795	35,962	39,610	125	39,735	-11	538 -10
NE CORNER 72 & SHERIDAN								
ALBERTSONS	28,512	32	28,544	34,788	32	34,819	-18	0 -18
BROOKHILL IV								
E SIDE WADS 90TH-92ND								
MEDIA PLAY								
MISSION COMMONS	27,851	63	27,914	27,542	6	27,548	1	927 1
W SIDE WADSWORTH 88-90TH								
GATEWAY COMPUTERS								
STANDLEY PLAZA	25,532	233	25,765	26,448	2,945	29,394	-3	-92 -12
SW CORNER 88TH & WADS								
WALGREENS								
LUCENT/KAISER CORRIDOR	11,258	14,474	25,732	12,426	31,913	44,339	-9	-55 -42
112-120 HURON - FEDERAL								
LUCENT TECHNOLOGY								
ELWAY/DOUGLAS CORRIDOR	22,881	495	23,376	23,481	422	23,903	-3	17 -2
NE CORNER 104TH & FED								
ELWAY MOTORS								
MEADOW POINTE	22,975	181	23,156	15,954	37	15,992	44	384 45
NE CRN 92ND & OLD WADS								
CARRABAS	22,333	538	22,872	22,390	56	22,445	0	866 2
WESTMINSTER SQUARE								
NW CORNER 74TH & FED								
ARC THRIFT STORE								
	2,322,040	65,529	2,387,569	2,237,237	77,214	2,314,452	4	-15 3

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CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MAY 2005

Center Location Major Tenant	YTD 2005 General Sales	YTD 2005 General Use	Total	YTD 2004 General Sales	YTD 2004 General Use	Total Sales	%Change	Use Total
SAFWAY	222,863	3,490	226,354	255,056	1,446	256,502	-13	141 -12
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	213,401	2,383	215,784	174,123	4,222	178,345	23	-44 21
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & FORTS	177,099	2,272	179,371	196,783	742	197,525	-10	206 -9
HIDDEN LAKE NE CORNER 72 & SHERRIDAN ALBERTSONS	187,456	2,139	189,595	210,328	161	210,489	-11	1230 -10
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	341,394	3,530	344,924	155,153	145	155,298	120	2335 122
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	128,795	10,068	138,863	126,153	15,298	141,451	2	-34 -2
SW CORNER 88TH & WADS WALGREENS	59,905	120,594	180,499	58,801	110,753	169,554	2	9 6
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	107,932	3,499	111,431	124,607	2,852	127,459	-13	23 -13
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	83,289	294	83,584	80,455	16,212	96,668	4	-98 -14
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	119,043	6,375	125,418	118,329	1,947	120,276	1	227 4
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	13,535,588	399,913	13,935,501	12,843,619	377,839	13,221,458	5	6 5

**City of Westminster
Financial Report
For the Five Months Ending May 31, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	39,979,309	17,273,076		17,365,851	92,775	101%
Sales Tx Audit Revenues	545,000	262,465		343,418	80,953	131%
S-T Rev. STX	<u>40,524,309</u>	<u>17,535,541</u>		<u>17,709,269</u>	<u>173,728</u>	101%
Use Tax						
Use Tax Returns	9,712,377	3,374,008		3,055,730	(318,278)	91%
Use Tax Audit Revenues	500,000	226,500		303,390	76,890	134%
S-T Rev. UTX	<u>10,212,377</u>	<u>3,600,508</u>		<u>3,359,120</u>	<u>(241,388)</u>	93%
Total STX and UTX	<u>50,736,686</u>	<u>21,136,049</u>		<u>21,068,389</u>	<u>(67,660)</u>	100%
Public Safety Tax						
PST Tax Returns	9,067,240	3,784,071		4,330,310	546,239	114%
PST Audit Returns	209,000	97,793		28,453	(69,340)	29%
Total Rev. PST	<u>9,276,240</u>	<u>3,881,864</u>		<u>4,358,763</u>	<u>476,899</u>	112%
Total Interest Income	<u>119,572</u>	<u>49,822</u>		<u>26,795</u>	<u>(23,027)</u>	54%
Carryover	455,944					
Total Revenues	<u>60,588,442</u>	<u>25,067,735</u>		<u>25,453,947</u>	<u>386,212</u>	102%
Expenditures						
Central Charges	<u>60,588,442</u>	<u>24,937,718</u>		<u>24,937,718</u>	-	100%
Revenues Over(Under) Expenses	<u>0</u>	<u>130,017</u>		<u>516,229</u>	<u>386,212</u>	



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Huron Street Improvements, 140th Avenue to 150th Avenue—Award of Contracts

Prepared By: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

Award a contract for the construction of the Huron Street Improvements from 140th to 150th Avenue to the low bidder, Hamon Contractors, Inc in the amount of \$8,611,132; award a contract for construction engineering services to Felsburg, Holt and Ullevig, Inc. in an amount not to exceed \$498,600; authorize \$403,350 for street lights and utility relocations; authorize a contingency of \$861,000 for activities related to construction and charge the total to the appropriate Huron Street TIF account and Utility Fund project accounts.

Summary Statement

- Reconstruction of Huron Street between 140th Avenue and 150th Avenue will be a phased project and will consist of replacing the existing two-lane street with four to six-lane arterial street with auxiliary lanes, raised landscaped medians, street lighting, sidewalks and connections to grade-separated trail crossings at the Mckay Lake Drainageway and the Shay Ditch. Significant utility improvements include relocations of water mains now in Huron Street along with an extension of a major water line in the project corridor using Utility Funds. The design of the project prepares Huron Street for the increasing demands and potential growth in the north area of the City, specifically The Orchard Town Center, proposed to open at the northeast corner of Huron Street and 144th Avenue in the Fall of 2006.
- The plans for this project were recently advertised for bid and the lowest bid was offered by Hamon Contractors, Inc. at \$8,611,132.00. Hamon Contractors is a Denver area general contractor with experience in roadway projects, and is the City’s contractor on the Huron Street improvements between 128th Avenue and 140th Avenue. Hamon meets the qualifications called for in the City’s bidding documents, has committed to providing the necessary resources for both projects, and is prepared to begin the project in July 2005. Staff is recommending that Hamon Contractors be awarded the contract for the Huron Street, 140th to 150th Avenue project based on their low bid.
- In addition to the construction contract itself, Staff recommends approval of a contract for construction engineering with Felsburg, Holt and Ullevig, Inc at a cost of \$498,600. Also, funding for new street lighting and several utility relocations in an amount not to exceed \$403,350 is necessary, and an overall contingency of \$861,000 is being recommended for miscellaneous construction-related expenditures. The total authorization, \$10,374,082 will be proportioned between the Huron TIF account (\$9,889,082)and the Utility Fund (\$485,000), the latter for water and sewer system expansions being done with the Huron Street improvements.

Expenditure Required: \$10,374,082

Source of Funds: \$9,889,082 from the Huron Street Tax Increment Financing account, and \$485,000 from the North Huron Transmission Main account in the Utility Fund.

Policy Issue

Should the City award a contract to Hamon Contractors, Inc., for the reconstruction and expansion of Huron Street between 140th Avenue and 150th Avenue?

Alternative

City Council could award the contract for construction of Huron Street to other than the lowest bidder. Normally, this option is exercised when there is significant concern that the low bidder is unqualified or does not have the resources to fulfill the terms of the contract. Although Hamon Contractors is 30 to 45 days behind schedule on their current contract (Huron Street between 128th Avenue and 140th Avenue), those circumstances, which are explained in the Background Information Section, should not affect progress on the subject contract and schedule.

Background Information

Final design of improvements to Huron Street from 140th Avenue to 150th Avenue is now complete and for the past 18 months has been coordinated with the plans for the proposed Orchard Town Center and very interested residents of abutting neighborhoods. The components of the street project include extensive landscaping in raised medians and the roadway edges that abut existing residential properties on the west side of Huron Street. Where possible, berms are being created to provide buffering between the new street and the residential properties. Several open house progress meetings, individual meetings with homeowners associations, and participation with the Orchard developer resulted in a roadway design that responds to most neighborhood concerns. The project will replace the existing two-lane road with a four and six-lane arterial street with auxiliary lanes, raised landscaped medians, sidewalks, and grade separated pedestrian crossings at the McKay Drainageway and the Shay Ditch. Traffic signals will be installed at Huron Street/144th Avenue, Huron Street/146th Avenue and 144th Avenue/west entrance to the Orchard. Significant utility relocations are in progress as a part of the roadway project. The contract duration is expected to be one year with an August, 2006 completion date.

The project plans were advertised for bids and three general contractors submitted proposals.

Hamon Contractors, Inc.	\$8,611,132
SEMA Construction, Inc.	\$8,742,895
Concrete Express, Inc.	\$9,114,595
Engineer's Estimate	\$9.36 million.

The low bidder, Hamon Contractors is a Denver area firm with experience in roadway projects similar to the Huron Street project. The contract for the Huron Street Improvements, 128th-140th Avenue was awarded to Hamon in July of 2004. They are now 30-45 days behind schedule on that contract due to several factors, including the wet weather this spring, but should finish in the spring of 2006. Hamon company representatives have confirmed their commitment to provide the resources needed to handle the overlap of the two projects. Their proposal was determined to be in conformance with the bid documents and they are expected to be able to meet bonding and insurance requirements as well. Staff is recommending that Hamon Contractors be awarded the contract for the Huron Street project based on their low bid.

In addition to the construction itself, the Huron Street project will need construction engineering and contract management services. Huron Street reconstruction will be a phased project that covers a mile and one-half and involves structures and utility work, necessitating full-time construction observation. Three firms prepared proposals for these services, all of which are qualified for the job, including the project's designer, Transystems, Inc. Their proposed fees, expressed in ranges to account for variations in the manpower coverage they proposed to provide are as follows.

Felsburg, Holt and Ullevig, Inc.	\$473,000 to \$533,000
Transystems, Inc.	\$635,000 to \$828,000
PBS & J, Inc.	\$600,000 to \$755,000

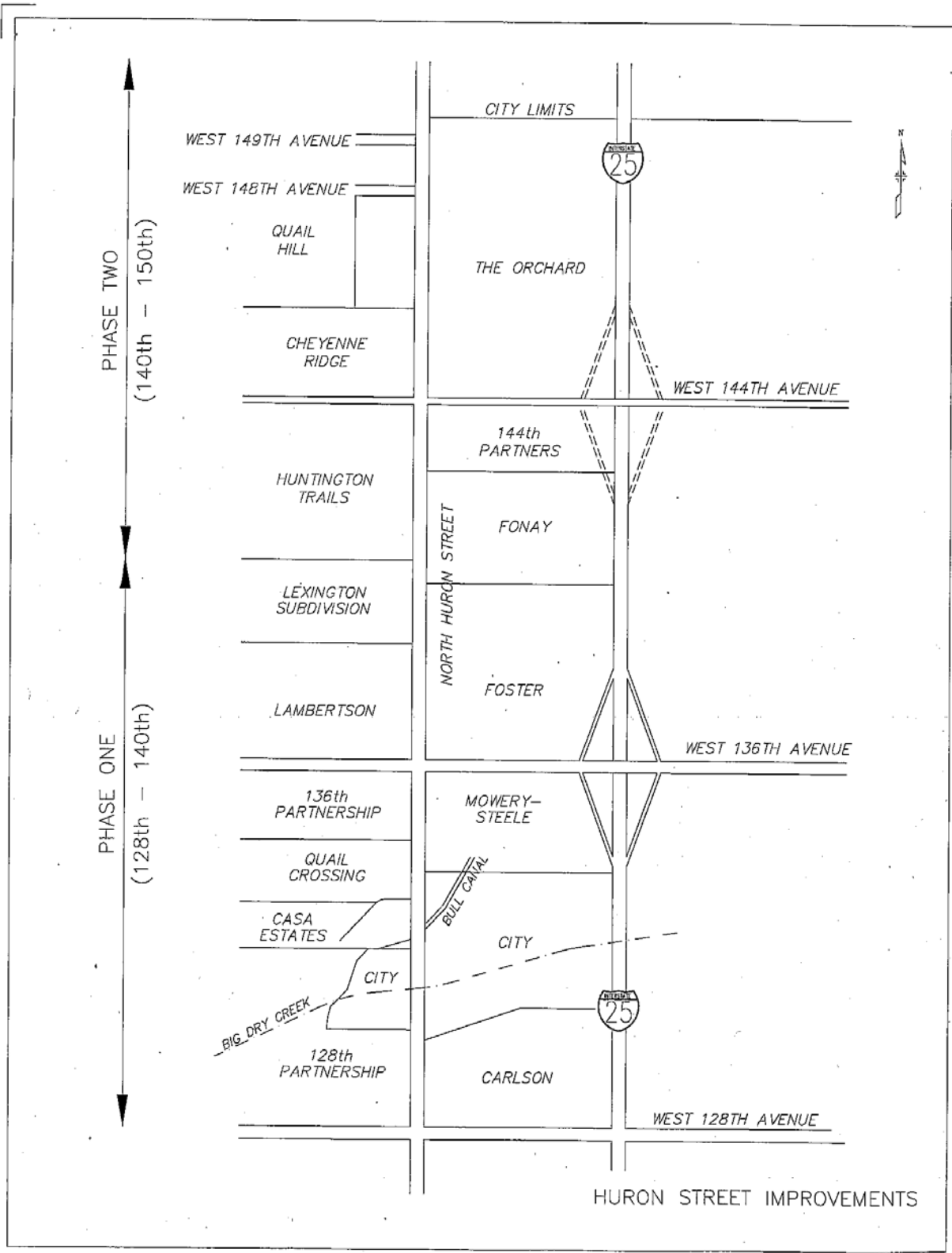
While there is value in retaining the Huron Street Phase II design firm, Transystems, Inc. to provide construction engineering services, their project designer has left Transystems' employ. That fact, in combination with the value that is represented by the Felsburg, Holt and Ullevig proposal, leads staff to recommend FHU for this contract. FHU is the construction engineer on the Huron, 128th-140th Avenue project and will provide those same services to the 144th Avenue Interchange project when it gets underway this fall. Their proposal outlines significant savings in a centralized construction management effort for the Huron Street, 140th-150th Avenue project if linked to the other two projects. Direct costs of the effort are much reduced and overlapping coverage across the three projects will reduce or eliminate duplication of effort of two separate firms handling three separate projects, particularly since Hamon Contractors is the builder of two of the three projects at this point. Discussions with FHU have refined their proposal to a contract amount that should not exceed \$498,600.

Funding for the construction comes primarily from the sale of bonds with tax increment financing approved by the Westminster Economic Development Authority on April 11, 2005. An extension of water system improvements and other utility upgrades needed for the Orchard Town Center will be installed with the project and will be funded from the Utility Fund in the amount of \$485,000, including a small contingency. Street lighting costs have not been finalized, but an estimated \$403,350 needs to be authorized for that and several utility relocations not covered by other means. A contingency amount of \$861,000, approximately 10% of the cost of construction, is being recommended. Together with the construction and construction engineering contracts, authorization of a total of \$10,374,082 is being recommended.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment





Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Demolition, Cleanup and Disposal of Structures on Five Open Space Properties

Prepared By: Ruth Becker, Open Space Coordinator
Rod Larsen, Open Space Supervisor

Recommended City Council Action:

Authorize the City Manager to award a contract to Alpine Demolition, Inc. for the demolition and cleanup of buildings and structures on five open space parcels in the amount of \$88,973 plus a \$13,346 contingency. Authorize the removal of one structure from an open space property by the current tenant for relocation to a vacant lot.

Summary Statement

- Over the years, the City has purchased open space parcels that have existing structures on the sites.
- These buildings continue to be targets for vandalism and have cost the City in staff hours and money to repair and secure.
- These structures have reached the point where they are unsafe and serve no purpose for future open space plans.
- Asbestos surveys have already been completed on all the properties.
- The total cost for demolition and cleanup of these sites has been bid at \$88,973 by Alpine Demolition, Inc.
- The demolition, removal, and cleanup of these structures will alleviate public health and safety issues that have plagued these properties for years and position these sites to become a functional part of the City's Open Space Program.
- A 15% contingency of \$13,346 is also being requested for this demolition project.
- One of the properties included in the demolition bid is currently leased to a tenant who has requested permission to move the structure to another site. Authorizing the disposal of this structure and removal to a new location will allow the City to achieve its goal, removal of structures, and reduce the cost of demolition. The house will be demolished if it is not removed in a timely manner.

Expenditure Required: \$102,319

Source of Funds: 2005 Open Space Fund

Policy Issue

Should the City provide funding to demolish unsafe and unsightly buildings on open space sites? Should the City authorize the disposal of obsolete property to a tenant who desires to move the structure off site?

Alternatives

1. City Council could choose not to demolish the buildings on the open space sites. Staff does not recommend this alternative because the buildings are unsafe and unsightly, blighting the open space properties.
2. City Council could choose not to contract the demolition, but have it done in-house. Staff, however, does not have the proper equipment or certifications to perform this type of demolition.
3. City Council could deny the tenant the right to remove the house from the site at 11821 N. Federal Boulevard.

Background Information

Over the past several years, the City has purchased several open space sites with existing structures. These parcels were purchased for their open space values, not for the buildings located on the properties. The structures proposed for demolition, are dilapidated, unsafe, and invite vandalism. Demolishing these structures will allow Staff to return these properties to a more natural condition and enhance these sites to allow public access to the open space. The properties are as follows:

- Former McGuire Property, 1624 W. 128th Avenue
- Former Whole Foods Property, 10850 Wadsworth Boulevard: The barn and silo on this site will be preserved.
- Former Lombardi Property, 7375 W. 92nd Avenue
- Former Culbreath Estate, 7480 Sheridan Boulevard
- Former Federal Square Property, 11821 Federal Boulevard

A Request For Proposals (RFP) was sent out to area companies with experience in building demolition and asbestos removal. The following bids were received:

Alpine Demolition, Inc.	\$88,973
Falcon Services, Inc.	\$91,369

The contractor will proceed with the demolition within 10 days after receipt of the Notice to Proceed, with work to be completed within 60 calendar days. Council approval of this demolition contract will help achieve the City's Strategic Plan by providing a Safe and Secure Community and Beautiful City.

The structure located on the former Federal Square Property, 11821 Federal Boulevard, is currently occupied by a tenant, Kody Brooks. The tenant's family has lived on the property for many years. During the negotiations for the City's purchase of this property for open space, staff has offered him the ability to move the structure off site. The tenant is currently working on plans to relocate the structure to a lot in Northglenn. The structure has no value to the City; thus it is included in the demolition bid. Allowing the tenant to move the property to a new location would be consistent with previous promises by the City and would yield the same result for the City, elimination of a structure. It would also reduce the cost of the demolition bid by approximately \$10,000.

SUBJECT: Demolition, Cleanup and Disposal of Structures on Five Open Space Properties Page 3

City Code Section 15-2-1 provides that “Obsolete, surplus, or other City property including real estate, may be traded as part of the purchase of new property, sold to the public through formal bidding procedures or public auction or disposed of in some other manner that has been approved by City Council.” Because this property has no value to the City and because relocation of a house is expensive and cumbersome, staff believes a bidding process would not produce other bidders. Staff recommends that the City Council allow the tenant to move the house if he can do so in a timely manner, if he pays all costs of removal, and signs a contract that protects the City against any liability caused by moving the house. If the house is not removed in a timely fashion, it will be included in the demolition project.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Item 8 D

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Purchase from M/A COM, Inc.

Prepared By: Dan Montgomery, Chief of Police
Steve Peterson, Commander

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by awarding this contract to M/A COM, Inc. as the sole source provider of equipment. Authorize the replacement of 25 Police portable radios and related batteries and antennas totaling \$58,802 from M/A COM, Inc.

Summary Statement

- M/A COM, Inc. is the department's vendor for this equipment because the City's radio system is proprietary and compatible equipment cannot be purchased from a different manufacturer. M/A COM is the Police and Fire Departments' sole source vendor for radio equipment.
- The Police Department combines orders for radio equipment in order to expedite the shipping process and to track warranty periods more easily.
- Funds were appropriated in the 2005 Budget and are available in the Police Department General Fund Budget.

Expenditure Required: \$58,802

Source of Funds: General Fund Police Department Budget

Policy Issue

Should the City continue the practice of replacing radios on a regular basis?

Alternative

Do not proceed with the replacement of radios or delay until a later date. This is not recommended as the City's practice of regular replacement assures that the radio system remains up to date and fully functional.

Background Information

The radio system is a joint system with the City of Arvada via an intergovernmental agreement. Both cities share the "backbone" equipment of this system, which includes components such as transmitters, receivers, antennas, microwave links and related software. However, each City also owns the individual user equipment such as dispatch consoles, portable and mobile radios.

M/A COM, Inc. is the vendor utilized by the police and fire departments' for emergency communications equipment. The police department is requesting approval from City Council to purchase 25 P7100 Portable Radios; 50 Batteries; and 25 Antennas as replacement radio equipment. All 800 MHz portable radios are purchased directly from the manufacturer, M/A COM, where we are allowed a maximum city agency discount of 25%. The police department's radio system is proprietary, and compatible equipment cannot be purchased from a different manufacturer. The police department combines orders for radios whenever possible to expedite shipping and to track warranty periods more easily and consistently. The total purchase is \$58,802 and funds are available in the approved Police Department 2005 General Fund Budget.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 27, 2005



Subject: Construction of Reclaimed Waterline Extensions

Prepared by: Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by awarding this work to BT Construction as the sole source of the construction work in the amount of \$ 344,681, along with a contingency in the amount of \$34,500; authorize the City Manager to execute a contract with BT Construction; authorize the street cut impact fee payment of \$8,778 for a total construction project cost of \$387,959; and charge the total amount to the Utility Fund Capital Improvement Budget.

Summary Statement

- In order to fully utilize the reclaimed water system, reclaimed waterlines need to be extended to applicable reclaimed water customer locations.
- The project consists of installing main extensions and services for twelve sites along 112th Avenue, Legacy Ridge Parkway, Sheridan Boulevard, 120th Avenue, and Irving Drive; and connecting meters for seven homeowners associations including Heritage Town Homes, Ranch Towne Homes, Legacy Ridge, Savory Farms, Cedar Bridge, Legacy Villas, and Torrey Peaks.
- BT Construction has previously completed several successful waterline projects for the City.
- The Authorized Budget for this project is \$506,339, which is available for design, construction, contingency and the street cut impact fee.
- It is appropriate to award this project as a sole source contract to BT Construction due to previously bidding out this project in January 2005, and receiving only one acceptable bid (BT Construction) that meets the requirements of the project.
- BT Construction's bid for this project in January 2005, was the low bid of \$436,337. However, this bid, when combined with other project costs, was over the project budget. Therefore, Staff negotiated a revised cost (to \$344,681) based on a reduced scope of work with BT Construction by deducting portions of the original project scope.
- Staff presented this project account as part of the CIP Modifications that were approved by City Council on May 23, and approved a project budget of \$506,339.
- \$89,900 has already been approved and expended for design.

Expenditure Required: \$387,959

Source of Funds: Utility Fund – Reclaimed Water Line Project Account

Policy Issue

Should the City sole source the award of this project to BT Construction in order to complete these particular reclaimed water line extensions and connections, thereby removing the existing customers irrigation components from the potable water system?

Alternatives

1. The City can choose not to construct and extend reclaimed water lines to these areas at this time; however, it will be difficult to fully utilize the reclaimed water system without these extensions.
2. The City could re-bid the project. This alternative is not recommended since the previous low bidder, BT Construction, has indicated that they will not re-bid on this project and the cost of the project could increase substantially. The second low bidder was over \$100,000 higher than BT Construction.

Background Information

In order to continue fully utilizing the reclaimed water system and convert existing potable water irrigation customers, reclaimed waterlines need to be extended to potential customers as they become available and the extensions are economically feasible. The Reclaimed Water Master Plan identified these current potable water customers be retrofitted to become reclaimed water system customers and the extensions be constructed to more fully utilize the reclaimed water system.

The reclaimed water line extensions and connections will be installed at 120th Avenue and Vrain Street, along 112th Avenue, Legacy Ridge Parkway, Sheridan Boulevard, and Irving Drive. Seven homeowners associations will be connected and served including Torrey Peaks, Ranch Towne Homes, Savory Farms, Cedar Bridge, Legacy Ridge, Legacy Villas, and Heritage Town Homes. These projects were selected based on the benefit the City receives and the relative cost for connecting these homeowners associations.

These projects were selected for design based on the irrigated acreage currently available that can be cost effectively served as well as the interest expressed by the homeowner associations to become reclaimed water system customers. The approximate total acreage of these projects is 42 acres and the estimated yearly reclaimed demand for these projects is approximately 96 acre-feet per year.

The project was bid on January 28, 2005, and the following two firms submitted bids:

Firm	Bid Amount
BT Construction	\$436,337
Covarrubias Construction Services	\$542,482

BT Construction provided the lowest responsible bid and has completed several successful waterline projects for the City.

The low bid exceeded the construction budget for the project. City Staff conducted a cost-benefit analysis of each connection to determine which of these connections was most appropriate and cost effective. The analysis identified the lowest priority sites which were eliminated from the scope of work in order to match available construction funding.

To reach the budgeted construction dollars available, the scope of work was reduced by eliminating two of the 13 connections and a connection to the Legacy Villas at approximately 114th Avenue and Sheridan Boulevard was added based on a previous City commitment.

City Staff contacted BT Construction in May 2005, well after their bid price expired, to determine if they would honor their bid price. BT Construction indicated they would hold their bid, but wanted to be able to make field adjustments to the design. These field adjustments will be determined as site conditions warrant a change. Staff expects that the field adjustments will benefit the City financially by allowing the contractor to modify the design thereby reducing the cost for construction.

The total estimated project costs are as follows:

Engineering Design Fee with 15% contingency	\$89,900
Original BT Construction Bid	\$436,337
10% Contingency	\$43,633
Street Cut Impact Fee	\$8,778
Total Estimated Project Cost	\$578,648
Construction Scope of Work Deductions (including reduction in contingency)	(\$102,656)
Add Legacy Villas (114 th /Sheridan)	\$11,000
Revised Project Cost	\$486,992
TOTAL BUDGET AVAILABLE	\$506,339

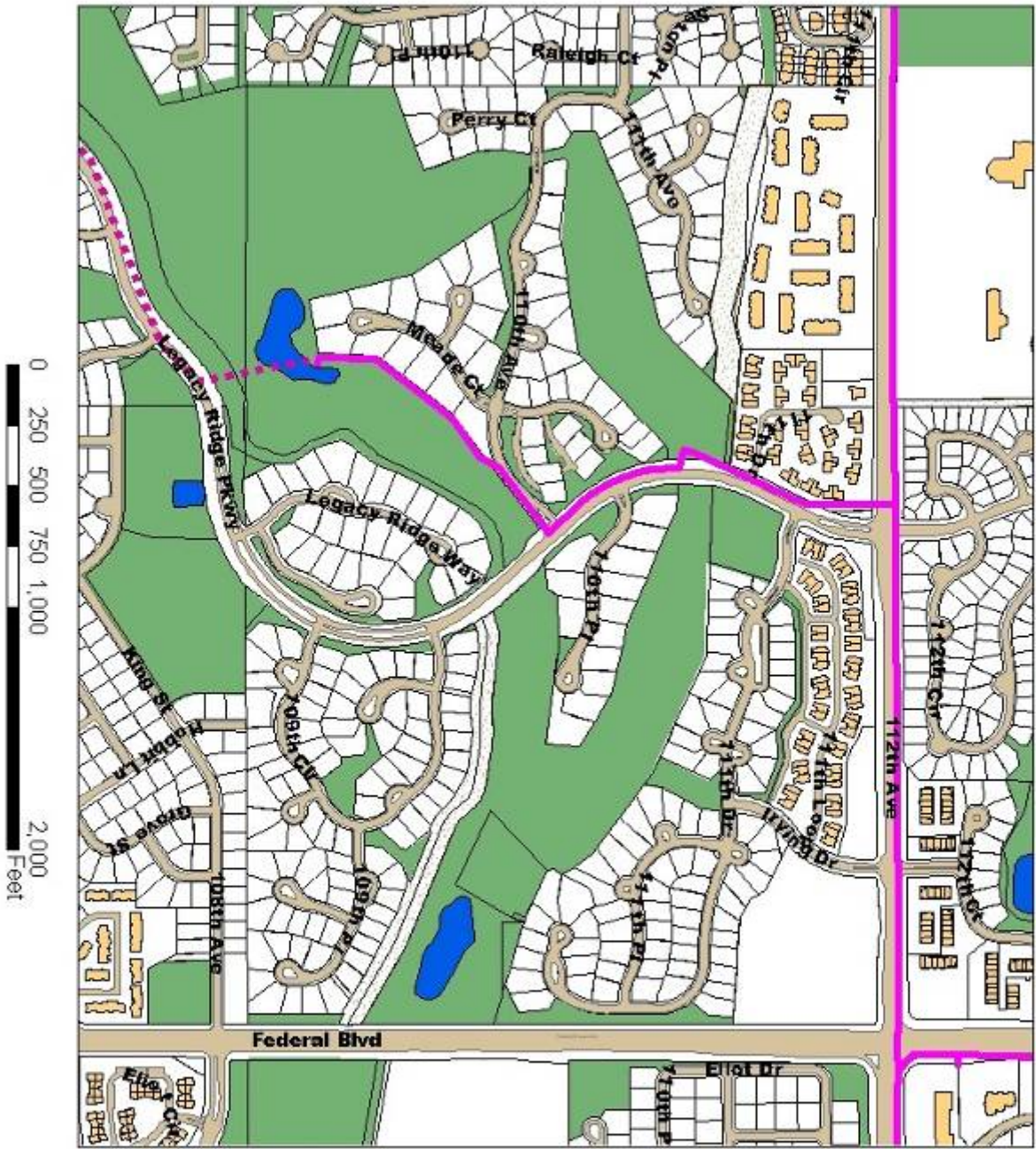
Staff will be present at the June 27, 2005 City Council meeting to address any questions City Council may have on the project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

112th & Irving Extensions



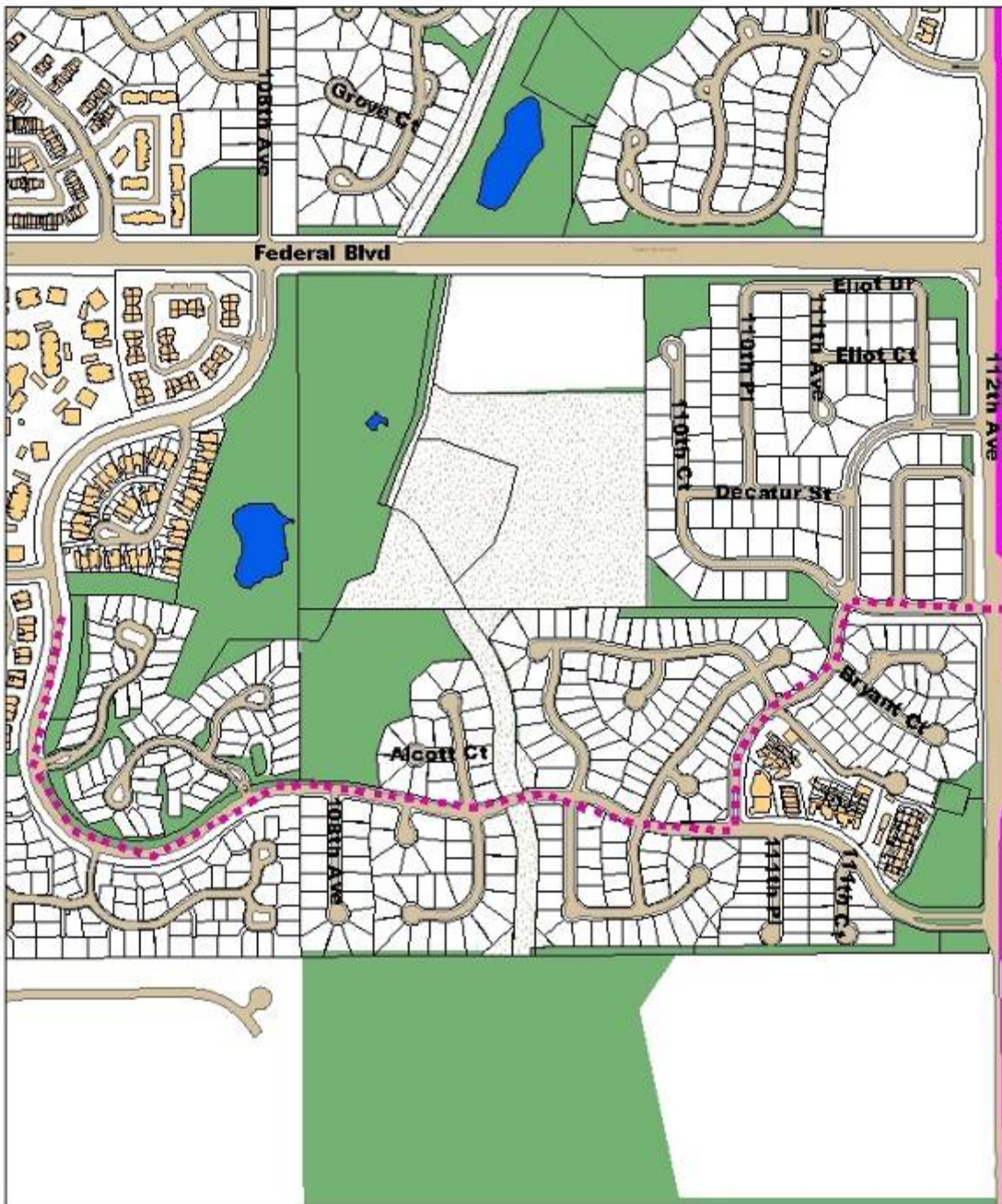
- Legend**
- Reclaim
 - New Reclaim
 - Parks/Golf Courses
 - Open Space

Ranch Towne Extensions



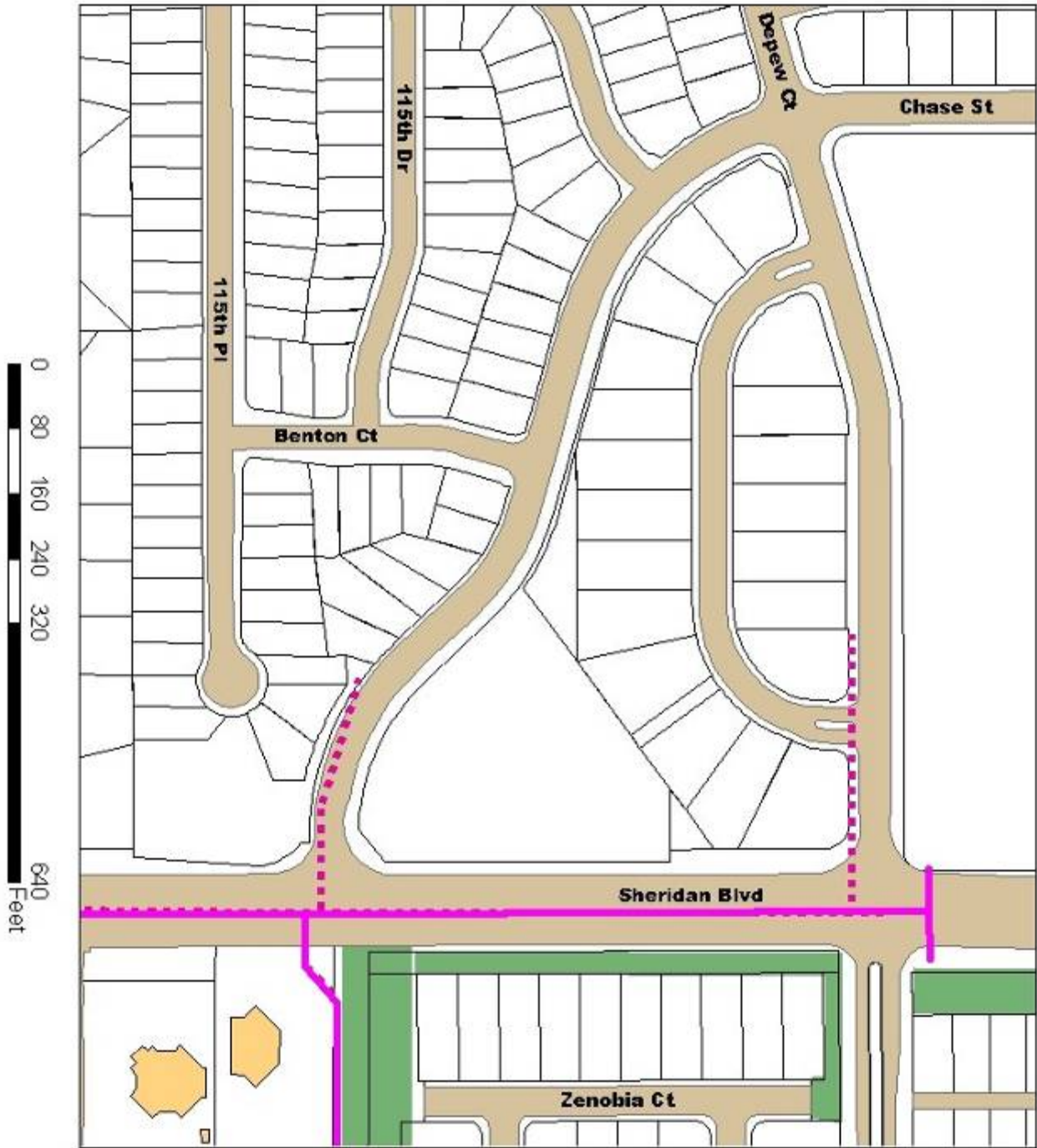
- Legend**
- Reclaim
 - New Reclaim
 - Park/Golf Courses
 - Open Space

Savory Farms and Cedar Bridge Extensions



- Legend**
- Reclaim
 - - - New Reclaim
 - Parks/Golf Courses
 - Open Space

Torrey Peaks Extensions



- Legend**
- Reclaim
 - New Reclaim
 - Parks/Golf Courses
 - Open Space



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Semper Water Treatment Facility-Sedimentation Basin Improvements Contract Award

Prepared By: Kent W. Brugler, Senior Engineer, Public Works and Utilities

Recommended City Council Action

Authorize the City Manager to execute a design/build contract with Burns & McDonnell/Garney L.L.C. in the amount of \$2,333,726, plus a project contingency in the amount of \$166,274, for the replacement of the settling equipment in the eight sedimentation basins at the Semper Water Treatment Facility.

Summary Statement

- As a component of the optimization of the treatment process at the Semper Water Treatment Facility (WTF), the existing plastic tube settling system must be removed and replaced with a more efficient stainless steel plate settling system.
- The majority of the existing tube settling system is over 25 years old, the structural support system in many of the basins is badly corroded and must be replaced, and the existing system experiences hydraulic short-circuiting that reduces the efficiency of the settling process.
- The proposed stainless steel plate settling system can be installed in the same location as the existing tube settling system but will occupy just one-third of the space in each basin, thereby allowing consideration of future improvements to the coagulation/flocculation process ahead of the plate settling system.
- A total of four design/build teams submitted proposals for this project, and Burns & McDonnell/Garney L.L.C. presented a qualified and acceptable proposal with the lowest total cost.
- This same design/build team of Burns & McDonnell/Garney L.L.C. completed the Northwest Water Treatment Facility and installed a similar stainless steel plate settling system at that facility.
- Since this project will require certain parts of the Semper WTF to be temporarily taken out of service thereby reducing the treatment capacity of the plant, the work is scheduled to be constructed during the off-peak water demand season of October 2005 through April 2006.
- This project was identified in the CIP Modification Agenda Memo that was approved by City Council on May 23, 2005 with an authorized budget of \$2.5M.

Expenditure Required: \$ 2,500,000

Source of Funds: Utility Fund - Semper Water Treatment Facility Sedimentation Basin Improvements Project

Policy Issue

Should the City continue with the optimization of the Semper WTF by replacing the existing aged and corroded settling system with a new, more efficient stainless steel plate settling system, utilizing the design/build approach to complete the project?

Alternatives

1. The City could choose to postpone the replacement of the settling system, but costly repairs to the structure of the existing system would be required to eliminate a current safety concern for the operating staff, and the efficiency of the settling system would not be improved.
2. The City could choose to complete the project using the standard design/bid/build approach, but this will delay the construction of the work beyond the off-peak demand season and may result in higher total project costs.
3. The City could choose to award the project to one of the other design/build teams. This is not recommended since the Burns & McDonnell/Garney team submitted a responsive and acceptable proposal with the lowest total cost and appears to be the apparent low bidder.

Background Information

The Semper WTF is the City of Westminster's main water treatment facility with a current permitted capacity of 44 million gallons per day. It was constructed in 1969 and has undergone several expansions and upgrades since. One of the challenges facing this facility is the need to continually respond to increasingly stringent regulatory requirements relating to optimizing the water treatment process. In recent years, various components of the facility have been improved, including the chemical storage and feed systems, the disinfection system, the filtration system and the finished water clearwell and high service pumping systems. The sedimentation basin improvements addressed in this project represent another step toward maximizing the efficiency of the treatment process and ensuring the continued delivery of a high quality, reliable water supply to the City's customers.

As part of the water treatment process at the Semper WTF, chemically treated raw water flows through eight sedimentation basins, four on the north side of the plant and four on the south side, where the heavier particles in the water settle out. These basins contain plastic tube settler modules that help to remove the particles in the water and a vacuum sludge removal system on the basin floor to remove the settled particles from the basins. The four basins on the north side of the plant were constructed in 1969 (1 and 2) and 1973 (3 and 4), and the four sedimentation basins on the south side of the plant were constructed during expansions in 1985 (5 and 6) and 1998 (7 and 8). The first tube settling system was installed in the older basins on the north side in the late 1970's, and the settling systems were installed in the south basins at the time they were constructed.

This work was identified as part of the 2002 evaluation of the Semper WTF completed by Integra Engineering. The existing tube settlers in the sedimentation basins are supported by a painted carbon steel framework. The evaluation discovered that the paint systems have been steadily failing and the structural support systems are in need of major repair that would require dismantling of the system, sandblasting the steel and re-coating with epoxy paint or replacing the carbon steel components with stainless steel. In its report, Integra listed this as one of the priority items that "...should be implemented as soon as is practical to ensure plant capacity reliability and operator safety." Simply repairing the existing system would not correct the hydraulic short-circuiting that is currently observed and was raised as an issue of concern by the Colorado Department of Public Health & Environment during a recent sanitary survey inspection.

The recommended alternative to this repair work is the complete removal of the existing system and replace it with a stainless steel plate settler system similar to the one used at the Northwest WTF. Plate settlers will use only 1/3 the surface area that is currently occupied by the tubes and would allow consideration of future improvements to the coagulation/flocculation process ahead of the plate settling system. These improvements would likely enable the City to avoid moving to an advanced membrane filtration system at the Semper WTF for many years, which is estimated to cost \$20-25M.

Seventy-five percent (75%) of the cost of this project is represented by the cost of the stainless steel plate settling equipment. Due to this high percentage of equipment cost and the straight-forward nature of the proposed construction, staff determined that the most cost-effective way to complete the project is by the design/build process. In addition, the work related to this project must be completed during the off-peak water demand season since portions of the plant must be temporarily taken out of service thereby reducing the treatment capacity of the plant. The design/build approach will enable the project to be completed in the shortest time possible and in time for the peak demand season in 2006.

A Request for Proposals was prepared and issued on May 4, 2005, and four teams responded with detailed proposals. The following table lists the teams that responded and their respective proposed cost.

<u>Design/Build Team</u>	<u>Proposed Cost</u>
Burns & McDonnell/Garney, L.L.C.	\$ 2,333,726
CDM Constructors, Inc.	\$ 2,359,604
Black & Veatch/Lillard & Clark Construction, Inc.	\$ 2,384,819
Stanek Constructors, Inc.	\$ 2,476,175

The City permitted the proposing teams to consider an alternate plate material, fiberglass reinforced plastic in lieu of stainless steel. However, just two teams presented costs for this alternate material, and after further evaluation, staff determined that the alternate layouts presented were not acceptable and did not provide the City any added benefit. Therefore, only the stainless steel options were considered.

The team of Burns & McDonnell/Garney L.L.C. submitted a qualified and acceptable proposal, addressing all the requirements outlined in the RFP, as well as the lowest cost proposal. This same design/build team completed the Northwest Water Treatment Facility in 2002, utilizing a similar plate settling system at that facility. They completed the Northwest facility on-time and under budget, and provided a facility that met all the requirements the City had established. Therefore, staff recommends that this contract be awarded to Burns & McDonnell/Garney, L.L.C.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 G

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Second Reading of Councillor's Bill No. 29 re 2005 CDBG Fund Appropriation

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action:

Pass Councillor's Bill No. 29 on second reading to appropriate 2005 CDBG funds in the amount of \$642,212.

Summary Statement

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating the city's 2005 Community Development Block Grant (CDBG) funds in the amount of \$642,212, awarded by the U.S. Department of Housing and Urban Development (HUD).

The 2005 CDBG allocation of \$642,212 was designated to fund the 2005 CDBG projects, pursuant City Council approval on November 22, 2004.

CDBG funding has been decreasing for three years, from \$696,000 in 2003, to \$681,000 in 2004, and \$641,212 in 2005, a total reduction of \$54,788.

HUD approved the City's 2005 CDBG Action Plan on April 25, 2005. The 2005 Action Plan outlines the City's goals and priorities, within the statutory mandate of the federal CDBG program, for use of the 2005 CDBG allocation.

City Council action is requested to pass the attached Councillors Bill on second reading

This Councillor's Bill was passed on first reading on June 13, 2005.

Expenditure Required: \$642,212

Source of Funds: 2005 Community Development Block Grant Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3213**
SERIES OF 2005

COUNCILLOR'S BILL NO. **29**
INTRODUCED BY COUNCILLORS
Dittman - Price

A BILL

FOR AN ORDINANCE INCREASING THE 2005 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2005 for the CDBG Fund. The appropriation of \$642,212 is the amount approved by the US Department of Housing and Urban Development (HUD) for the City for 2005.

Section 2. The \$642,212 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$642,212</u>	\$642,212
Total change to revenues			<u>\$642,212</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Salaries	76030350.60200.0000	\$0	\$106,268	\$106,268
CDBG-05 Block Grant	80576030722.80400.8888	\$0	\$535,944	\$535,944
Total change to expenses			<u>\$642,212</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. 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 shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of June, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of June, 2005.

ATTEST:

City Clerk

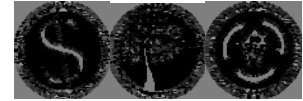
Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Second Reading of Councillor's Bill No. 30 re Growth Management Program
Amendment for Reclaimed Water Projects

Prepared By: Shannon Sweeney, Planning Coordinator

Recommended City Council Action

- Pass Councillor's Bill No. 30 on second reading amending the Growth Management Program establishing annual allocations to the reclaimed water category that equal the Service Commitment supply figure for the reclaimed system.

Summary Statement

- Following the May 16, 2005 Staff Report to City Council, Council directed City Staff to prepare a ordinance and resolution regarding an amendment to the City's Growth Management Program.
- The ordinance amends the annual allocation to the Reclaimed Water Category (Category R) from an anticipated demand basis to an amount matching the Service Commitment supply figure remaining each year in the reclaimed water system. The attached resolution allocates the current Service Commitment supply figure to the Reclaimed Water category.
- This change would eliminate the need to process supplemental Service Commitment allocation resolutions with City Council for this category during the year each time additional developers are able to connect to the reclaimed water system or if additional reclaimed Service Commitments are needed for a project. These situations are advantageous to the City by reducing the impact on the potable system and increasing use of the reclaimed system.
- The attached Councillor's Bill would not change the way in which Service Commitments are allocated to the potable water categories.
- This request was approved on first reading by City Council on June 13, 2005.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

BY AUTHORITY

ORDINANCE NO. **3214**
SERIES OF 2005

COUNCILLOR'S BILL NO. **30**
INTRODUCED BY COUNCILLORS
HICKS - DAVIA

A BILL

**FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER
MUNICIPAL CODE CONCERNING THE GROWTH MANAGEMENT PROGRAM
ALLOCATIONS TO THE RECLAIMED WATER CATEGORY**

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Section 11-3-5, W.M.C., is hereby amended by THE ADDITION OF A NEW SUBSECTION (M) to read as follows:

11-3-5: ALLOCATION AND ISSUANCE OF SERVICE COMMITMENTS:

(M) ALLOCATIONS TO CATEGORY R (RECLAIMED WATER) WILL EQUAL THE SERVICE COMMITMENT CAPACITY OF THE RECLAIMED WATER SYSTEM.

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 13th day of June, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of June, 2005.

ATTEST:

City Clerk

Mayor



Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Metro Wastewater Reclamation District Board of Directors Appointment

Prepared By: Tim Woodard, Big Dry Creek Wastewater Treatment Superintendent

Recommended City Council Action

Reappoint Charles Ragsdale to the Metro Wastewater Reclamation District's Board of Directors. The term of office will be effective through June 30, 2007.

Summary Statement:

- City Council action is requested to reappoint Charles Ragsdale to the Metro Wastewater Reclamation District Board of Directors.
- The Metro District Bylaws and State Statute require that in order to become a member of the Board of Directors, one must live within the member municipality and within the Metro District service area.
- At this time, there is not a suitable City Staff member to fill the vacancy based on these bylaws. Therefore, the recommendation of Staff is to fill the vacancy with Charles Ragsdale a City resident and business owner who currently works closely with the Department of Public Works and Utilities on a variety of issues and has represented Westminster's interest extremely well.
- Curt Alstadt is currently the City's other representative. Mr. Alstadt's term of office will expire on June 30, 2006.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Metro Wastewater Reclamation District policy requires the elected body of each connector jurisdiction appoint board of director representatives to the District governing board. Does Council wish to reappoint Mr. Ragsdale or open up the recruitment to fill this seat?

Alternative

As an alternative, Staff could solicit additional names of interested citizens who may wish to represent the City on the Metro Wastewater Reclamation Board. The value of Mr. Ragsdale's appointment is that he is currently involved with the Department of Public Works and Utilities on a number of projects that make him a valuable asset to this Department's team. In addition, Mr. Ragsdale's involvement in the water and wastewater industry provides the City with a citizen who will protect its interest on the Metro Board of Directors and ensure representation of the City.

Background Information

The Metro Wastewater Reclamation District treats approximately 45 percent of the total wastewater generated in Westminster, with the District serving the area south of approximately 97th Avenue.

Over the past five years since Mr. Ragsdale's appointment to the Metro Wastewater Reclamation District Board of Directors he has kept City Staff informed of pertinent activities occurring at the Metro District, while also representing the City's interests very well with the Metro District.

The Metro Wastewater Reclamation District Board of Directors meets at 7:00 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operations committee, which meets monthly either in the morning or at noon. Mr. Ragsdale currently serves on the Operations Committee and also serves on the Annual Charges Committee.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Councillor's Bill No. 31 re Emergency Management Performance Grant

Prepared By: Michael Reddy, Emergency Management Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 31 on first reading authorizing a supplemental appropriation in the amount of \$20,000 allowing the City to receive an Emergency Management Performance Grant (EMPG) provided through the Colorado Division of Emergency Management.

Summary Statement

- On February 14, 2005 Council authorized staff to apply for grant funds to support the City's emergency management program.
- On May 15, 2005 staff received a Grant Award Letter from the Colorado Division of Emergency Management (COEM) in the amount of \$20,000.
- This grant will be used to provide contract emergency management training, exercise and resource system upgrades to assure compliance with the National Incident Management System requirements as set forth in Presidential Directive #5.
- Funding requires soft match that will be achieved through existing budgeted funds for the emergency management program.
- These funds will be reimbursed to the general fund on a cost basis through quarterly submittals.
- An annual program paper has been accepted by CDEM and quarterly activity reports will be required.
- As in previous years, the State can be expected to set aside an amount of \$20,000 in future years assuming federal funds are made available to CDEM.

Expenditure Required: \$20,000 in Grant Reviews

Source of Funds: Federal Emergency Management Agency Grant via Colorado Division of Emergency Management.

Policy Issue

Should the City of Westminster accept and expend the Emergency Management Performance Grant funds for the purposes indicated in this Agenda Memorandum?

Alternative

The City of Westminster may choose not to accept the grant funds, continuing to fund the emergency management program without federal financial support.

Background Information

The Federal Emergency Management Agency, through the Colorado Division of Emergency Management, has granted Emergency Management Performance Grants (EMPG) to the City of Westminster to support and to enhance the City's program. Funds may be used for program operations, equipment, contracts, salaries, benefits and other expenses related to the emergency management program. The EMPG program will continue to provide funds to the City of Westminster in future years assuming continuation of the federally funded EMPG program, the City's compliance with program requirements and submittal of an Annual Program Paper. EMPG is a flexible grant, allowing staff to continue to meet City established program priorities and goals.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **31**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on June 27, 2005 will equal \$85,311,685. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the award of a emergency management grant through the Colorado Division of Emergency Management.

Section 2. The \$20,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grants	1000.40620.0000	\$0	<u>\$20,000</u>	\$20,000
Total Change to Revenues			<u>\$20,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Fire - Contractual Svcs	10025260.67800.0000	\$14,449	<u>\$20,000</u>	\$34,449
Total Change to Expenses			<u>\$20,000</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. 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 shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 27th day of June, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of July, 2005.

ATTEST:

City Clerk

Mayor



Agenda Item 10 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Resolution No. 23 re Compliance Hearing for the McGrath Property Annexation

Prepared By: David Falconieri, Planner III

Recommended City Council Action

Adopt Resolution No. 23 accepting the annexation petition submitted by Dennis and Cecilia McGrath and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of August 8, 2005, for the annexation hearing.

Summary Statement

- The McGrath property is located at 7281 W. 95th Avenue, and consists of approximately 1.1 acres.
- The applicant wishes to annex in order to subdivide the property into two lots and acquire City water and sewer services for the new parcel.
- The McGrath property is subject to the requirements of the Northeast Comprehensive Development Plan that would permit the proposed lot split.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether to annex the McGrath property at this time.

Alternative

Make a finding that there is no community of interest with the McGrath property and take no further action. If this course is taken, the property in question will remain unincorporated, and the McGrath's could proceed with their proposed subdivision in the County.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50% of the landowners of the land to be annexed. (In this case, the McGrath's, signers of the petition, own 100% of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date, at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Resolution
- Petition
- Vicinity Map

RESOLUTION

RESOLUTION NO. **23**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petition and annexation map to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes August 8, 2005, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 27th day of June, 2005.

ATTEST:

Mayor

City Clerk



WESTMINSTER

Department of Community Development

ANNEXATION PETITION

- 1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
- 2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
- 3. The signers of this petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys.
- 4. The undersigned hereby request the City of Westminster to approve the annexation of the area proposed to be annexed.

5. Signature of landowner Cecilia & Dennis McMath
 Title Owners

6. Mailing address of signer 7281 W. 95th Ave
Broomfield, Co. 80021

7. Legal description of land owned by signer:
 See Exhibit A Attached

8. Date of Signing May 13th, 2005
 9. Subscribed and sworn to before me this 13th day of May,
2005.

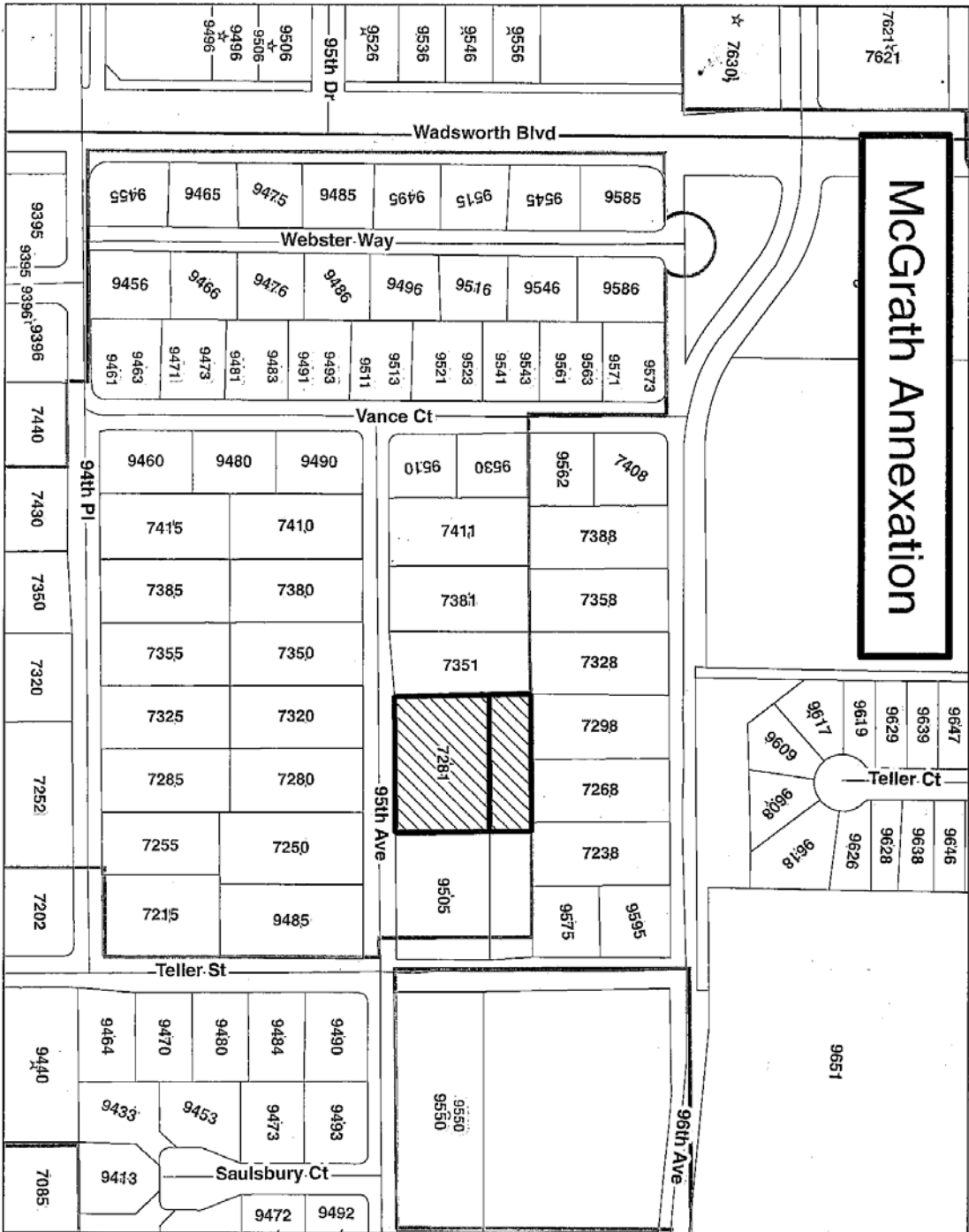
Witness my hand and Official Seal.

My Commission expires 4-19-06

Vicki Gerwig
 Notary Public

VICKI GERWIG
 NOTARY PUBLIC
 STATE OF COLORADO
 My Commission Expires April 19, 2006

McGrath Annexation



Legend

City Limits

- Outside
- Inside
- Annexation

N



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Public Hearing and Action on Northridge at Park Centre Third Amended Preliminary Development Plan (Continued from June 13, 2005, City Council Meeting)

Prepared By: Michele McLoughlin, Planner II

Recommended City Council Action

1. Hold the continued public hearing.
2. Approve the Third Amended Preliminary Development Plan for the Northridge at Park Centre Planned Unit Development. This recommendation is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

Summary Statement

- This item was continued from the June 13, 2005, City Council meeting as the owner of Lot 13, Colorado Ridge Church, protested the addition of language for a left turn lane to be constructed for southbound Federal Parkway at 122nd Avenue with the completion of either Lot 11A or Lot 13, whichever comes first. City Council continued the public hearing so that this issue could be resolved by Staff. This language has been eliminated from the PDP.
- The proposed amendment would add an additional use, “post secondary vocational/technical education institute,” to the allowable uses for Lots 5, 6, and 7 on the Preliminary Development Plan (PDP) for Northridge at Park Centre. This use has already been approved for Lots 9, 10, 11, 12, and 13. Colorado Technical University is interested in leasing 25,000 square feet of the existing westerly building in Prime Center, Lot 7.
- The original Preliminary Development Plan for Northridge at Park Centre was approved in October of 2000 and allowed for office/business park uses, containing a variety of employment-generating uses including office, research and development, light industrial, flex tech, warehousing and business related hotels.
- The First Amended Preliminary Development Plan for Northridge at Park Centre was approved in January of 2002 and added the “post secondary vocational/technical education institute” to the allowable uses for Lots 9, 10, 11, 12, and 13. DeVry University has since developed on Lot 12.
- The Second Amended Preliminary Development Plan for Northridge at Park Centre was approved in April of 2003 and added “church/religious assembly” use to Lot 13 only. An Official Development Plan (ODP) for Lot 13 is currently under review by City staff for Colorado Ridge Church.
- Northridge at Park Centre is located at the northwest corner of West 121st Avenue and North Pecos Street and encompasses approximately 106 acres.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on May 24, 2005 and voted (7-0) to recommend the City Council approve the Third Amended Preliminary Development Plan for the Northridge Planned Unit Development.

Policy Issue

The policy issue is whether or not to approve the Third Amended Preliminary Development Plan for Northridge at Park Centre to add “post secondary vocational/technical education institute” to the list of allowable uses for Lots 5, 6, and 7. Staff believes that a vocational/technical school is a good use within a business park environment and would be an asset to the other businesses in the surrounding area.

Alternative

Deny the Third Amended Preliminary Development Plan for the Northridge at Park Centre Planned Unit Development. Denial of this use would not allow for business or technical schools for Lots 5, 6 and 7 in the Northridge PUD.

Background Information

Applicant/Property Owner

Northridge Investors, LLC (Lots 5 and 6) 73-020 El Paseo Drive, Suite 4 Palm Desert, California 92260
Contact: Russ Hatle

Orix Prime West Westminster Venture (Lot 7) 1873 S. Bellaire Street, Suite 500 Denver, Colorado 80222
Contact: Carey Crain

Surrounding Land Use and Comprehensive Land Use Plan Designation

The existing surrounding land uses for Lots 5, 6, and 7 are:

North: Vacant and Technical University (DeVry)

South: Retail/Commercial, Daycare and Vacant

East: Vacant and Office

West: Office Warehouse and Vacant

The designated uses per the Westminster Comprehensive Land Use Plan are as follows:

North, East, and West: Business Park

South: Retail Commercial

Site Plan Information

Access to the Northridge at Park Centre development is currently from 121st Avenue via either Tejon Street or Pecos Street and 122nd Avenue via Pecos Street or Federal Parkway. The Northridge development slopes fairly extensively to the west and northwest towards Big Dry Creek. There is an area that runs along the west of Lots 1 through 4 that is a drainage easement called the “Northridge Reserve.” This area contains wetlands that will be maintained in their natural state. The developer has installed an 8-foot wide trail connecting Northridge to the City’s Big Dry Creek Open Space north. The Preliminary Development Plan also sets up specific architectural and site planning criteria for the development of each lot within Northridge.

Traffic and Transportation

The land use proposed for the Third Amended Northridge at Park Centre Preliminary Development Plan will have a minimal difference in the amount of traffic as indicated in the original traffic study. The difference in AM/PM peak hour movements is also minimal with only a slight change occurring because of the different in and out movements associated with a school.

Service Commitment Category

Service Commitments are available from Category C for non-residential development.

Referral Agency Responses

No referrals were sent for this proposed land use change.

Public Comments

An informational packet was mailed to all property owners within 300 feet of this project. No responses were received.

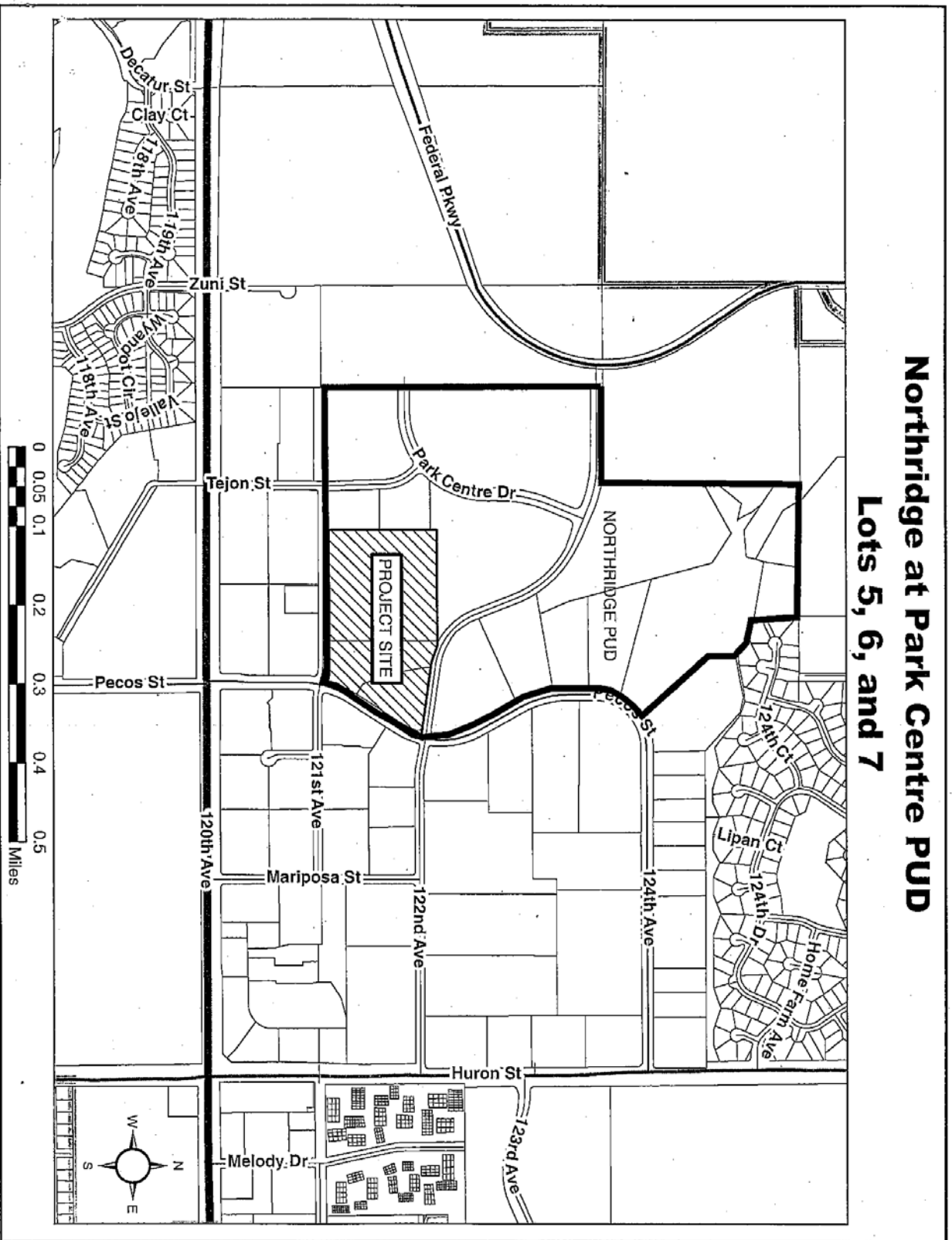
Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Vicinity Map
- Criteria and Standards for Land Use Applications

Northridge at Park Centre PUD Lots 5, 6, and 7



Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.

4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

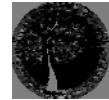


Agenda Item 10 F&G

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Public Hearing and Action on the First Amended Preliminary Development Plan Westfield Planned Unit Development Parcel C (Centex Homes Development)

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action:

1. Hold a public hearing.
2. Approve the First Amended Preliminary Development Plan (PDP) Westfield Planned Unit Development (PUD) Parcel C. This recommendation is based on the finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

Summary Statement:

- The proposed amendment to the Westfield PUD - Parcel C Preliminary Development Plan will allow for a residential subdivision at a density of up to 5 dwelling units per acre. The access location, general lot sizes, street locations and widths, public and private open spaces and detention areas are designated in the PDP.
- The Official Development Plan proposal for a single-family detached subdivision containing 100 lots on approximately 23.6 acres was approved by the Planning Commission conditional upon approval of the PDP by City Council on June 14, 2005.
- Vehicular access to the site is from the west at Westminster Boulevard.
- An internal loop public street provides access to most of the lots. Many of the lots are also accessed at the rear by a private alley that is 20 ft. paved within a 30 ft. wide easement.
- At the north side of the site an east to west parcel that is the abandoned channel of the Niver Canal will be used for on-site detention. This is approximately .6 acres in size.
- North of and parallel to the detention pond is the Farmers' High Line Canal. This area will be dedicated to the City for public open space use. The Farmers' High Line Canal Company will retain an easement for the continued use of the canal.
- North of the Farmers' High Line Canal, an approximate 1.8 acre parcel will be dedicated to the City for public open space. This parcel adjoins the existing City Farmers' High Line Canal open space along the entire northern border.
- The site is bordered on the east by US Highway 36. A 3 to 4 ft. tall landscaped berm topped with a 6 ft. masonry wall will be constructed to buffer the site from the view of US 36.
- At the west a 6 ft. masonry wall will screen the residences from the adjacent Westminster Boulevard.
- The Public Land Dedication requirements will be met by the dedication of 2.223 acres of land and a cash-in-lieu amount of \$142,499 to be paid prior to approval of the final plat.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed the proposals on June 14, 2005, and voted unanimously (7-0) to recommend the City Council approve an amendment to the Westfield Planned Unit Development Parcel C Preliminary Development Plan (PDP). The Planning Commission also voted unanimously (7-0) to approve an Official Development Plan (ODP) on the Westfield Planned Unit Development Parcel C property conditional upon the approval of the PDP by City Council.

Policy Issue

Should the City Council approve the First Amended PDP Westfield PUD Parcel C based upon a finding that the criteria contained in Section 11-5-14 of the Westminster Municipal Code have been considered/or met?

Alternative

Deny the First Amended PDP Westfield PUD Parcel C based upon a failure to meet one or more of the criteria contained in Section 11-5-14 of the Westminster Municipal Code.

Background Information

The PDP amendment covers a 23.6 acre parcel east of Westminster Boulevard at 95th Avenue. The Farmers' High Line Canal is located in the north area of the site, US 36 forms the eastern edge and the Madison Hill and Franklin Square subdivisions are at the southern boundary of the site. The PDP amendment shows right-of-way locations, access location and open space parcels. The PDP amendment changes the zoning on the PDP from a density "up to 22 du/ac" to a density that allows "up to 5 du/ac." The lower density is consistent with the City's Comprehensive Land Use Plan (CLUP).

Applicant/Property Owner

Applicant: Centex Homes; 10333 East Dry Creek Road, Suite 300; Englewood, Colorado 80112
Property Owner: Michas Brothers, LLP1; c/o Scott Huber; 13900 East Harvard Avenue, Suite 210; Aurora, Colorado 80014

Surrounding Land Use and Comprehensive Land Use Plan Designations

	Zoning	CLUP	Use
North	O-1	City Owned Open Space	City Owned Open Space
West	PUD	Public/Quasi Public and R-3.5 Residential	Westminster Sport Center and Trendwood Subdivision
South	PUD	R-3.5 Residential and R-8 Residential	Franklin Square and Madison Hill Subdivision
East	O-1 & PUD	TMUND and Retail Commercial	US 36, Westfield Commercial, Wal-Mart, and Vacant Land

Site Plan Information

The following site plan information provides a few examples of how the proposed plan complies with the City's land development regulations and the criteria contained in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code.

- **Access and Circulation (for vehicles and pedestrians):** The sole public vehicular access to the site is from Westminster Boulevard. An internal public loop street called Gray Street provides internal circulation. Alleys provide access to the garages that are at the rear of the residential units. Detached sidewalks along the street and along the edge of the site provide internal circulation.
- **Site Design:** The internal loop street defines the site design for the proposed 100 single-family detached dwellings. A number of dwellings front on a small private park in a central location. The dwellings have attached garages accessed by alleys. Private outdoor spaces have been proposed for each lot. A number of the dwellings will have frontage on smaller private outdoor open spaces. A detention pond runs east to west at the north side of the site. This is parallel to a section of the Farmers' High Line Canal. To the north of the canal is a parcel to be dedicated to the City for open space. At the east edge of the site a berm and masonry wall provide a buffer from US 36. An internal sidewalk along the east and north provides off road internal pedestrian circulation.
- **Landscaping Design:** The landscaping proposed for the ODP meets the City's Landscape Design Guidelines. Plants with low water demand have been specified for some areas of the site. The irrigation system has been designed for the planting scheme. Trees have been grouped in several locations to provide screening of dwellings from nearby streets.
- **Public Land Dedication, School Land Dedication:** Public land dedication will be partially satisfied with the dedication of a 2.223 acre parcel of land at the north side of the site. An easement will be made to the Farmers' High Line Canal Company in the public land dedication area. The City will grant an easement for a storm drainage pipe through the public land dedication area. The easement area will be granted 1/6 credit for fulfillment of the required public land dedication. The remainder of the public land dedication will be satisfied with a \$142,499 cash-in-lieu payment at the time of final plat. School land dedication fees will be paid at the time of utility permit.
- **Architecture/Building Materials:** The design of the single-family detached dwellings conforms to the City's design guidelines. Four floor plans are available. There are two exterior elevation options for each floor plan. Roof breaks have been designed for all plans. Front porches including a minimum of 80 square feet with a 6 ft. minimum depth have been provided for 25% of the dwellings. Windows project 16 inches on 50% of the dwellings. All garages are sized for 2 cars and a 3 ft. by 18 ft. storage area. All garage doors have windows. There is a wide color palette available. All dwelling exteriors will be 30% minimum masonry.

Traffic and Transportation

The only entrance to the site is at 95th Avenue from Westminster Boulevard. This will be a full movement turn location with the existing 95th Avenue access to the Trendwood subdivision to the west of Westminster Boulevard.

Service Commitment Category

The Service Commitment Category is Category B-1, a single-family detached category. The 100 Service Commitments were awarded for this site in April 2004.

Referral Agency Responses

- Reclaimed Water: A reclaimed water line is not available to the site and none is anticipated to be available in the near future.
- Fire Department: With one point of access and 100 dwelling units the site is at the threshold of meeting the Fire Department standards for two access points for new residential developments. For 101 dwellings or more two or more permanent access points are required. Secondary access for emergency access only, has been provided at two locations to access Westminster Boulevard. Both accesses will have all-weather surfaces and will be gated with access only available to emergency personnel.
- The Jefferson County School District requested that fees-in-lieu of dedication be provided. The school fees will be paid by the developer to the City at the time of utility permit for each dwelling.
- City Parks and Trails Master Plan: Per the City's Parks and Recreation Master Plan no parks or trails are proposed on this site. The proposed sidewalk at the west side of the site adjacent to Westminster Boulevard will provide additional trail link to the existing trails that are to the north of this site.
- Farmers' High Line Canal: The Farmers' High Line Canal has stated that the proposed easement for the existing canal is acceptable. The existing canal alignment is partially on the residential site. To correct this alignment, the canal is deeding their ownership parcel to Centex Homes, and Centex will grant the canal an 80 ft. easement to continue to use the existing Canal alignment. The area of the canal easement will be included in the required public land dedication. Centex will be granted 1/6 credit for the area of the easement as partial fulfillment of the required public land dedication.
- Colorado Department of Transportation: The site is adjacent to US 36, a State controlled access highway, but no additional right-of-way has been requested. From preliminary plans provided by Colorado Department of Transportation (CDOT) adequate right-of-way exists for the future improvements that are set forth in the US 36 EIS. The proposed landscaping wall and berm at the east side of the site will not be within the CDOT right-of-way.

Public Comments

A neighborhood meeting was held on December 16, 2004. Four nearby property owners attended the meeting. The property owners had questions about the proposed development. None expressed opposition to the development. Two of the property owners were supportive of the development.

No letters or phone calls of support or opposition regarding the Westfield Parcel C proposal were received by Staff.

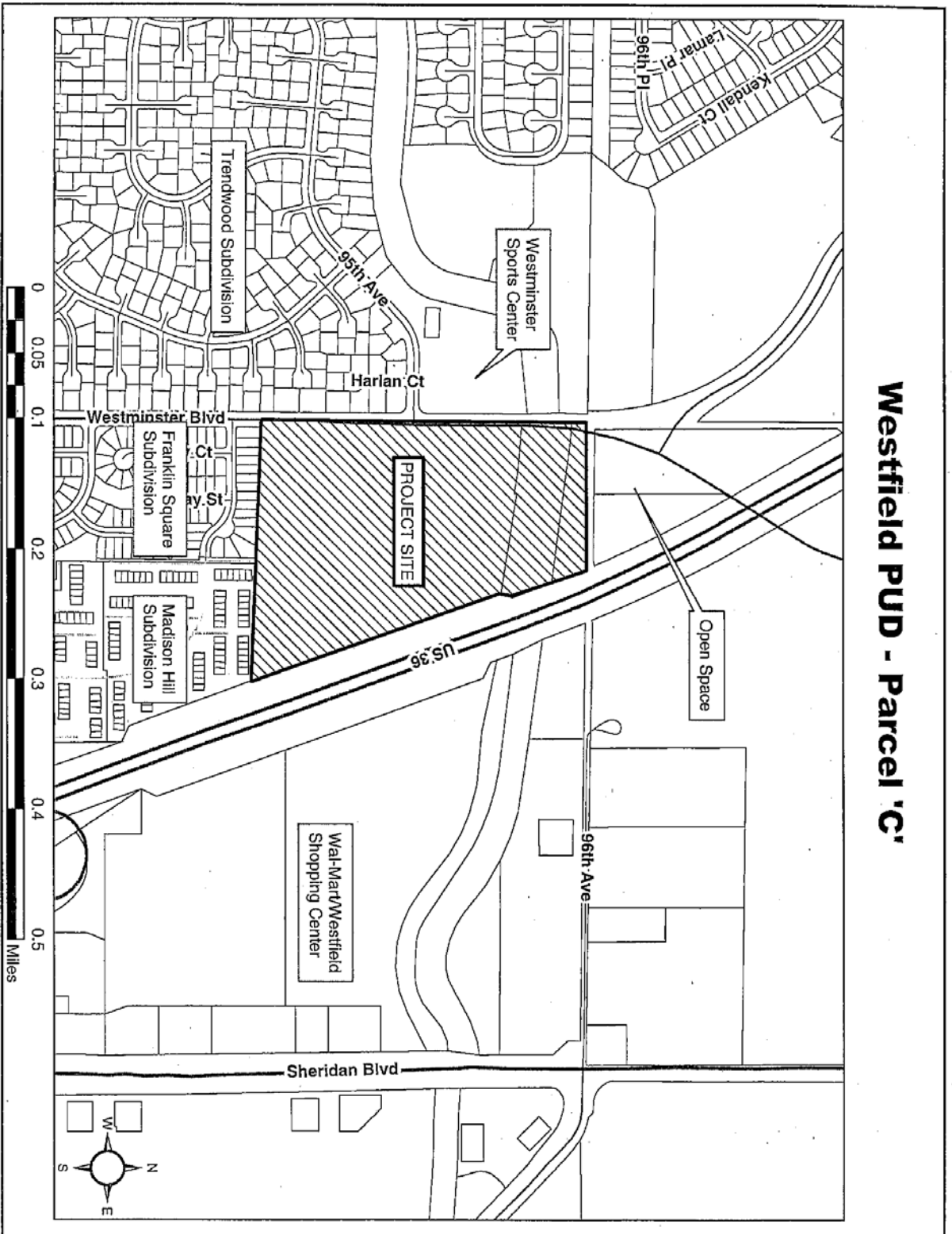
Respectfully submitted,

J. Brent McFall
City Manager

Attachment

- Vicinity Map
- Criteria and Standards for Land Use Applications

Westfield PUD - Parcel 'C'



Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).

3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 27, 2005



SUBJECT: Public Hearing and Action on the 72nd Avenue and Sheridan Boulevard Wal-Mart Comprehensive Land Use Plan Amendment, Rezoning, Preliminary Development Plan and Official Development Plan

Prepared By: David Falconieri, Planner III

Recommended Planning Commission Action

1. Hold a public hearing.
2. Pass Councillor’s Bill No. 32 on first reading amending the Comprehensive Land Use Plan to change the Village Homes of Colorado, Inc. property (Area #1 on Exhibit A) from R-8 Residential (up to 8du/acre) to Retail/Commercial, and the property at 7007 Sheridan Boulevard (Area #2 on Exhibit A) from R-3.5 Residential (up to 3.5du/acre) to Retail/Commercial. This action is based on the finding that the proposed amendment will be in the public good, and that;
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed;
 - b) The proposed amendments are in conformance with the overall purpose and intent and the goals and policies of the Plan;
 - c) The proposed amendments are compatible with existing and planned surrounding land uses; and
 - d) The proposed amendments would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
3. Pass Councillor’s Bill No. 33 on first reading rezoning the Shoenberg Venture parcels from C-1 to Planned Unit Development (PUD), and a parcel known as 7007 Sheridan Blvd. from R-1 to PUD. This recommendation is based on a finding that the provisions of Section 11-5-14 of the Westminster Municipal Code (attached) have been met.
4. Approve the Third Amended Preliminary Development Plan (PDP) for Shoenberg Farms as submitted contingent upon the CLUP and rezoning changes being adopted on second reading, making the finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code (WMC) have been met.
5. Approve the Official Development Plan (ODP) for Shoenberg Shopping Center as submitted contingent upon the CLUP and rezoning changes being adopted on second reading, making the finding that the criteria set forth in Section 11-5-15 Westminster Municipal Code have been met.

Summary Statement

- This proposed development located at the southwest corner of 72nd Avenue and Sheridan Boulevard consists of approximately 31.8 acres.
- The proposed Wal-Mart would be approximately 208,900 square feet located on 26.44 acres and includes 4 pads sites on about 5 acres.
- The proposed development consists of three different Comprehensive Land Use Plan (CLUP) designations and three different zone districts. The applicant is proposing a single zoning category (PUD) and a single CLUP designation (Retail/Commercial) for the site.
- Significant improvements are proposed for Sheridan Boulevard to alleviate traffic generated by this development.
- The redevelopment of the 72nd Avenue/Sheridan Boulevard area is identified in the City Council’s 2005 Strategic Plan as a high priority project.

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

Planning Commission Recommendation

The Planning Commission reviewed this request on June 14, 2005, and voted 5-2 to recommend that the City Council approve the proposed Comprehensive Land Use Plan amendments and the rezoning of the Shoenberg Farms property, and by the same vote, recommended approval of the Preliminary and Official Development Plans for the Shoenberg Redevelopment project. Commissioners Brundage, Crocker, English, McConnell, and Wiederspahn voted in favor of the actions. Commissioners Anderson and Boschert voted against the motions.

The Commission heard testimony from 56 individuals, 11 for the proposal and 45 against. Reasons given from the public testimony in support of the proposals included:

- 1) Increase sales tax revenue for the City of Westminster
- 2) Area is deteriorated and is in need of revitalization and redevelopment
- 3) Several employees spoke about the good benefits, pay, flexible hours, 401K, and support they receive from Wal-Mart
- 4) The project will greatly improve the neighborhood
- 5) Wal-Mart supports the community
- 6) The proposed road, brick wall, and landscape improvements in the area

Reasons for opposition included the following:

- 1) Strong desire by several speakers to keep the Village Homes property residential
- 2) Concern over the impacts of the increased traffic in the area
- 3) Many felt the project was incompatible and was not harmonious with surrounding residential uses
- 4) Statements that Wal-Mart had poor labor practices (low wages, insufficient benefits)
- 5) Desire for smaller, neighborhood-scale stores not "big box" in the redevelopment area
- 6) Perceived increases in crime generated by Wal-Mart
- 7) Concern over the impacts of the 70th Avenue access point on the Willow Green development to the south (Seven representatives of Willow Green spoke in opposition.)
- 8) Concerns over the possibility of contaminated run-off flowing into Hidden Lake
- 9) Light and noise pollution concerns
- 10) Concerns regarding the impacts of the proposed Wal-Mart on area small businesses
- 11) Safety concerns of children crossing 72nd Avenue

Commissioner Wiederspahn stated that his motion was based upon the finding that the proposed amendment was in the public good, and in compliance with all of the criteria for amending the Comprehensive Land Use Plan as follows:

- a) The Plan is in need of revision as proposed;
- b) The proposed amendments are in conformance with the overall purpose and intent and the goals and policies of the Plan;
- c) The proposed amendments are compatible with existing and planned surrounding land uses; and
- d) The proposed amendments would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.

Commissioner Anderson voiced concerns that the applicant had not met the burden of proof required for a CLUP amendment. He stated that the proposed store was too close to the existing Wal-Mart and nearby residential neighborhoods.

Commissioner Boschert was concerned with this much retail and that more residential was needed. He also was concerned that so many residents are against the proposal.

City Staff provided additional information regarding issues raised in the public hearing such as the relevance to the objectives in the South Sheridan Reinvestment Plan, the criteria, and guidelines used by City Staff in arriving at a recommendation of approval, a discussion of the Willow Green town home concerns, traffic and drainage improvements and crime.

Policy Issues

1. Should the City approve a Comprehensive Land Use Plan amendment for two parcels located within the proposed Shoenberg Shopping Center as proposed?
2. Should the City approve the proposed rezoning for two parcels located within the proposed Shoenberg Shopping Center?
3. Should the City approve the Preliminary and Official Development Plans for the Shoenberg Shopping Center based upon a finding that the criteria set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code have been considered and/or met?

Alternatives

1. Deny the proposed amendment to the Comprehensive Land Use Plan for two parcels located within the proposed Shoenberg Shopping Center based upon a finding that the proposed amendment is not in the public good, and that the proposed amendments are not in compliance with one or more of the following criteria.
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed;
 - b) The proposed amendments are in conformance with the overall purpose and intent and the goals and policies of the Plan;
 - c) The proposed amendments are compatible with existing and planned surrounding land uses; and
 - d) The proposed amendments would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
2. Deny the proposed rezoning for two parcels located within the proposed Shoenberg Shopping Center based upon the failure to meet one or more of the criteria contained in Section 11-5-14 of the Westminster Municipal Code.
3. Deny the Preliminary and Official Development Plans based upon the failure to meet one or more of the criteria contained in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code.

Background Information

The subject property consists of 31.75 acres. The western portion of the property is a vacant parcel currently owned by Village Homes. An aging retail center is located on the eastern portion that has been targeted for redevelopment. The proposal would combine those properties and the single-family residence that is located at the southeast corner of the site to develop a super Wal-Mart store and four pads. The Wal-Mart is proposed to be approximately 208,900 square feet in size.

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan to prove the amendment is in the public good and in overall compliance with the purpose and intent of the Comprehensive Land Use Plan (CLUP). Further, the CLUP provides 4 criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, "Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed." In March of 2004, the Westminster Economic Development Authority (WEDA) approved the South Sheridan Reinvestment Plan. The proposed Wal-Mart plan will help to address many of the Plan's objectives including; renovate or redevelop the deteriorated and/or outdated retail, manufacturing, and office buildings, and; assemble vacant and developed parcels as needed to facilitate redevelopment. The proposed development is consistent with these objectives and therefore there is justification for the proposed changes to the CLUP.

2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:

- **Goal A2** - Retain areas for commercial and industrial developments as significant revenue or employment generators on the remaining developable land.
- **Goal D1** - Preserve, maintain, and improve a variety of shopping facilities offering all necessary goods and services to community residents and businesses.
- **Goal D4** - Continue to enhance the viability and appearance of older commercial areas in South Westminster.
- **Policy D4a** - Continue to promote the redevelopment of deteriorated commercial areas in South Westminster through public actions as appropriate.
- **Goal F1** - Continue to promote redevelopment of targeted areas as a pathway to economic revitalization and improved physical conditions.
- **Policy F1a** - Promote redevelopment in targeted areas, including Westminster Center, 72nd/Sheridan area, 80th and Sheridan, Holly Park, the Federal Boulevard Corridor, Mandalay, and South Westminster (72nd/Federal/Lowell).

Based upon these goals and policies, staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the plan.

3. The proposal must, “Be compatible with existing and surrounding land uses.” The property is bordered on the south and west by multi-family and single-family residential developments, on the east by Sheridan Boulevard and on the north by the historic Shoenberg Dairy site that is also targeted for commercial redevelopment. The proposed site is located at a major intersection. The project is proposed to be buffered from adjacent residential with 8 to 12 foot tall brick walls and significant landscaping. The accesses to the site are all off of the arterials and will not promote traffic through neighborhoods. No access is allowed from Depew Street.

4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” While the development will have impacts, all have been mitigated to the satisfaction of City Staff as shown on the proposed PDP and ODP.

Should the proposed project move forward, tax increment financing will become available to make significant investments in infrastructure improvements in the South Sheridan Urban Renewal Area in support of the adopted South Sheridan Urban Renewal Plan.

The greatest impact of these public facility investments will come in the form of the expansion of Sheridan Boulevard from just north of 73rd Avenue to the southern City of Westminster boundary at 69th Avenue. Preliminary concepts are to expand Sheridan Boulevard to six lanes with a raised, landscaped median. A new signal is proposed at 70th Avenue, with intersection improvements planned for each connection to Sheridan Boulevard. Finally, Sheridan Boulevard south of 72nd Avenue is proposed to shift approximately 28 feet to the west onto land dedicated from the proposed Wal-Mart site. This shift will facilitate the removal of the unsightly “Jersey barriers” on the east side of Sheridan Boulevard south of 72nd Avenue. These Jersey barriers greatly reduce the width of the attached sidewalk creating a hazardous condition for pedestrians. A new 8-foot wide detached sidewalk would be backed by a landscaped buffer, effectively pulling the curb line more than 30 feet away from the residential backyards currently adjacent to Sheridan Boulevard.

The second planned investment would be the installation of brick architectural walls, from 8 to 10 feet high, to replace the existing wood fencing that separates residential yards from busy City and State roads in the South Sheridan Urban Renewal Area. Over 8,000 linear feet of masonry wall would be constructed, extending along 72nd Avenue to the west from Depew Street to Pierce Street on the north side and to the City of Westminster boundary with the City of Arvada on the south side. Also on 72nd Avenue on the east side of Sheridan Boulevard, the wall would extend on the south side of the road nearly to Wolff Street. On Sheridan Boulevard, the wall would extend on the east side from 72nd Avenue south to 69th Avenue.

A number of residents have expressed concerns regarding the possible increase in crime rates that could be associated with the proposed Wal-Mart. The Westminster Police Department provided the following information on police service events at several grocery stores and larger retail areas in the City.

POLICE SERVICE EVENTS, January 1, 2003 to April 18, 2005				
Business	Address	Square Footage	Police Events	Events/ 1000 Sq. Ft.
Safeway	7353 Federal Blvd.	57,982	918	15.83
Shoenberg Center	5330 W 72 nd Ave.	47,250 ¹	641	13.57
Albertsons	5036 W 92 nd Ave.	42,457	297	7.00
King Soopers	10351 Federal Blvd.	72,000	477	6.63
Albertsons	5005 72 nd Ave.	50,042	310	6.19
Wal-Mart	9499 Sheridan Blvd.	125,137 ²	707	5.65
King Soopers	9983 Wadsworth Pkwy.	57,688	304	5.27
Safeway	12900 Zuni Street	56,000	270	4.82
Dillard's	5301 W 88 th Ave.	147,433	633	4.29
J.C. Penny's	5453 W 88 th Ave.	177,493	654	3.68
Foley's	5613 W 88 th Ave.	150,000	505	3.37
Sears	5501 W 88 th Ave.	135,000	410	3.04

¹ Sq. Ft. includes entire center

² Sq. Ft. prior to current expansion

Applicant/Property Owner
 Jordon Perlmutter and Co.
 1601 Blake Street
 Denver, Colorado 80202

Surrounding Land Use and Comprehensive Land Use Plan Designation

Development Name	Zoning	CLUP Designation	Use
Shoenberg Farms; North (not subdivided)	PUD	Retail/Commercial and R-8 Residential	Agricultural (Proposed Retail and Residential Redevelopment)
Patio Subdivision; West	PUD	R-18 and R-3.5 Residential	Residential
Lakeview Estates; East Across Sheridan Boulevard	PUD	R-3.5 Residential	Residential
City of Arvada, South	NA	NA	Multi-Family Residential and Agricultural

Site Plan Information

The following site plan information provides a few examples of how the proposals comply with the City's land development regulations and guidelines; and the criteria contained in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code (attached).

- **Traffic and Transportation:** Access to this site is provided from Sheridan Boulevard and 72nd Avenue. There will be two right-in/right-out access points on Sheridan Boulevard and one right-in/right-out on 72nd Avenue, with a full turn access point on both streets. The Sheridan Boulevard full turn access lines up with 70th Avenue and is proposed to be signalized at the time the project opens. Aligning with 70th Avenue provides safe signalized left turn access for Westminster residents east of 70th Avenue. If the full turn access was moved north of 70th Avenue, spacing would not allow 70th Avenue to be signalized to the detriment of Westminster residents. All access points serve a central parking field that has been broken up with landscape islands as required by Code. Walkways are provided through the parking field to connect the pads with the plaza area along the front of the Wal-Mart building.
- **Site Design:** The proposed Wal-Mart would be an approximately 208,900 square foot building located on the west side of the project. Three pads would be located along 72nd Avenue and one at the entrance off of Sheridan Boulevard. The loading area for the Wal-Mart building will be along the west side of the building. This area will be screened from Depew Street with a 12-foot high brick wall and landscaped berm. The 12-foot wall will extend around the corner of 72nd Avenue to shield the view of the loading area from the street. The wall will be set back 25 feet from the right-of-way to allow for a landscaped buffer. An 8-foot high wall will be constructed along the south side of the development to buffer the project from the adjacent multi-family development in Arvada (Willow Creek Apartments). In June 2003 City staff raised concerns with the setbacks and other issues related to the Willow Green (then Jefferson Green) town homes (see attached letter dated June 30, 2003).

There are also two detention ponds, one along the south property line and one at the southeast corner of the development with extensive landscaping that will provide buffering. At the corner of 72nd Avenue and Sheridan Boulevard a tract of land has been reserved for public art as required by Code.

- **Landscape Design:** The proposed landscaping for the site meets the requirements of the City's Landscape Design Guidelines except for the following: The area behind the screen wall on Depew Street and in front of the detention pond has been designed at a 3:1 slope, while the Guidelines require no steeper than 4:1. Since this area will not be visible from any street and the proposed 3:1 slope will permit a shorter retaining wall, staff considers this to be an acceptable variance from the Guidelines given the dedication of additional right-of-way along Sheridan to provide better buffering from adjacent uses. Areas along the property lines abutting residential developments have been densely landscaped to mitigate the views of the Wal-Mart building and parking areas.

The Landscape Design Guidelines require that a minimum of 25 feet of landscaping be provided for side property lines abutting residential uses. This guideline is met or exceeded (over 150 ft. in some areas) in all but a small area in the southeast corner where the buffer necks down to 15 feet of landscaped area where the southern access to the property meets Sheridan Boulevard. This narrower area was required by the need to align the access point with 70th Avenue to the east. This will permit a signalized access to be installed. The narrower landscaped buffer will be mitigated by moving the southernmost pad site (proposed to be a gas station) to the north and placing a landscaped detention pond in that location.

- **Public Land Dedication:** There is no requirement for public land dedication for non-residential projects.

- **Parks/Trails:** There are no trails adjacent to this site. The proposed reconstructed Sheridan Boulevard sidewalks will connect to points north including the Little Dry Creek Trail that crosses Sheridan Boulevard at about 74th Avenue.
- **Architecture/Building Materials:** The proposed Wal-Mart building is predominantly brick with limited synthetic stucco sign panels. The much less visible rear wall of the building will be predominantly split face block with brick panels. The three entrances are set apart from the rest of the building with sloped standing seam roofs. All pads will be required to match these architectural features.
- **Signage:** Two monument signs are proposed for the Wal-Mart, one on each arterial street frontage. Pad sites will not be permitted individual monument signs. All wall signage will conform to the City Code requirements. The monument sign on Sheridan Boulevard will be the principle sign for the project. It will be 25 feet high with an 80 square foot sign face. The monument sign on 72nd Avenue is 5 feet tall with a 50 square foot sign face.
- **Site Maintenance:** A number of letters received by the City expressed concern with poor maintenance at some existing Wal-Mart stores in other parts of the Denver metro area. To address this concern, Wal-Mart has agreed to place \$10,000 in an escrow account to be used by the City for maintenance costs if Wal-Mart fails to maintain the site to City standards. This account will be replenished by Wal-Mart to the \$10,000 minimum if ever drawn down. These funds are in addition to the Letter of Credit for the initial installation and maintenance of landscaping during the warranty period. The City's Code Enforcement Officers inspect sites on a complaint basis to assure compliance with City standards.
- **Lighting:** Wal-Mart has provided a photometric study of all exterior lights proposed for the Wal-Mart site. All wall mounted lights and all pole lights have been designed with cutoffs (shields that block light to unwanted directions) and are down directed fixtures to minimize glare and "spillage" of light off their site. This light design scheme is consistent with the City's Commercial Design Guidelines. Future development on the pad sites will also need to comply with these guidelines.
- **Overnight Parking:** A statement has been added to the ODP to prohibit overnight parking of semi-tractor trailers, recreational vehicles, and other delivery trucks, and signs will be posted in the parking lots accordingly.

Service Commitment Category: Service Commitments for commercial developments are allocated out of Category C.

Referral Agency Responses:

- **Colorado Department of Transportation:** CDOT has received the application and is in the process of reviewing the access points on Sheridan Boulevard.
- Two letters were received from the City of Arvada (attached).

Public Comments

The public meeting for this development was held on March 2, 2005, and an estimated 450 people attended. The various elements of the proposal were displayed around the room and a short presentation was made by the applicants. During the question and answer session that followed, concerns were expressed regarding increased traffic, long-term maintenance of the site, excessive lighting, lack of landscaping and impact on property values. Since that meeting, City staff has received numerous letters, e-mails, phone calls and form cards regarding this proposal and held meetings as needed to address specific concerns. All materials submitted are available for review in accordance with established rules.

Respectfully submitted,

J. Brent McFall
City Manager

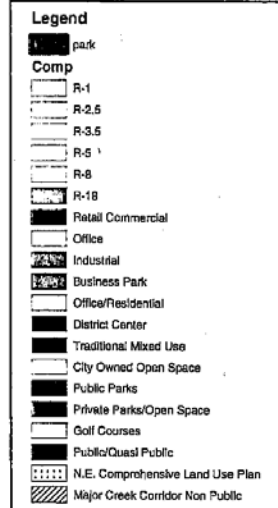
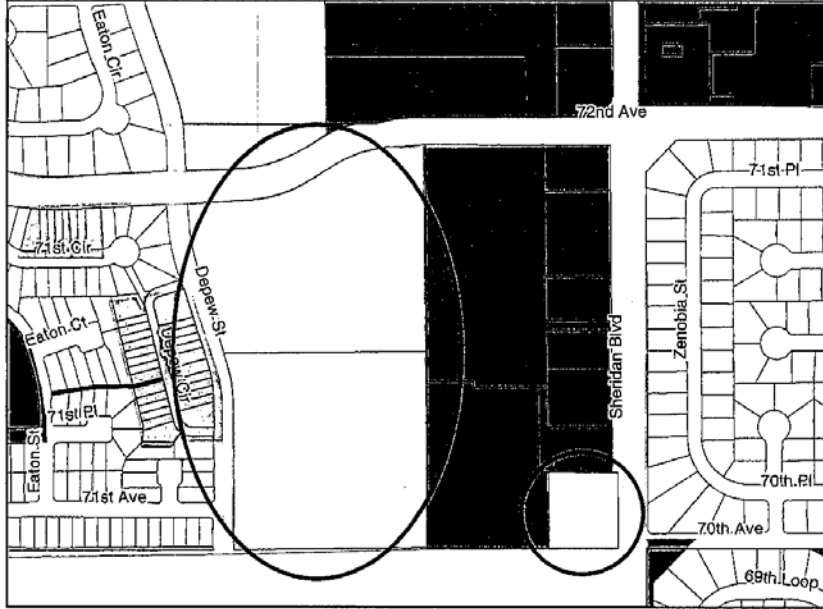
Attachment

- Vicinity Map
- Exhibit A (CLUP Map)
- Exhibit B (Zoning Map)
- City of Westminster Letter 6/30/03
- City of Arvada Letter (Mayor)
- City of Arvada Letter (Plng. Comm.)
- CLUP Ordinance
- Exhibit A (CLUP Map)
- Zoning Ordinance
- Exhibit B (Zoning Map)
- Criteria and Standards

Shoenberg Center CLUP Amendment

Exhibit A

Original Comp Plan Designation



Proposed Comp Plan Designation



Description of Changes:

AREA 1
Property is currently designated R-8 Residential. Proposed designation is to Retail Commercial.

AREA 2
Property is currently designated R-3.5 Residential. Proposed designation is to Retail Commercial.



Shoenberg Center Zoning Amendment

Exhibit B

Original Zoning Designation



Legend

- B-1
- C-1
- M-1
- O-1
- PUD
- R-3
- R-1
- R-2
- R-4
- R-5
- R-A
- R-E
- T-1

Proposed Zoning Designation



Description of Change:
Parcels zoned C-1 and R-1
will be changed to PUD.





WESTMINSTER

June 30, 2003

Ms. Carol Ibanez
City of Arvada
Community Development Department
8101 Ralston Rd.
Arvada, CO 80001-8101

City of Westminster
Department of
Community Development

4600 West 92nd Avenue
Westminster, Colorado
80031

303-430-2400
FAX 303-426-5857

Re: Referral for Jefferson Green Apartments

Dear Carol:

§ Retail Comm.

Thank you for allowing Westminster Staff to review the proposal for Jefferson Green Apartments. We have many concerns with the proposed project since the site is adjacent to Westminster city limits. Currently, the property to the north, within Westminster, is designated for single-family attached and we would like to see a significant buffer between this development and Westminster. Westminster has very specific guidelines for multi-family development and we would like to see these guidelines put into place for this project. The following are notes that specify where this proposal does not meet Westminster's guidelines for multi-family development and a copy of the guidelines has been included for your information.

1. The adjacent property in Westminster is currently designated for single family attached residential, which would require a minimum setback of 40-feet or 1.5 times the building height, whichever is greater. Within this setback, a 35-foot permanent landscaped area is required along each property line adjacent to another residential district. Jefferson Green is proposing only a minimal 15-foot setback to the north.
2. Overall, the proposed setbacks for this development are minimal. The buildings should be setback 25' from the back of curb on the private drive. There should also be a minimum of 40' between two buildings.
3. The building setback from Sheridan Blvd should be 100' from the right-of-way, not from the centerline of Sheridan. Within this area there should be significant buffering to include a berm, fencing with masonry columns and extensive landscaping, for mitigation purposes.
4. Westminster would require a minimum of 140 parking spaces for a development of this density, however only 104 spaces are being proposed. This is inadequate parking and should not be considered as proposed.
5. The long expanse of garages along the southeast portion of the parcel is not aesthetically pleasing, and the 10-foot wide rock mulch area will become an un-maintained eyesore. Our guidelines require a 15' setback and no more than 6 side-by-side parking spaces. Wouldn't Arvada



require some horizontal offsets in the garages since the expanse of the garages will be several hundred feet long? Also, for the benefit of the adjacent property owner, wouldn't it be more aesthetically pleasing to include a minimum of 30% masonry on the backside of the garages? A better location for the garages would be to place them strategically in several locations on the site, rather than in one straight line.

6. Sidewalks that are adjacent to perpendicular parking should be a minimum of 7-feet wide to allow for a 2-foot overhang from the cars. The sidewalk is currently proposed to be 6 feet wide, which results in a minimal 4-foot walking area.
7. It seems that there are an extensive amount of retaining walls. How high are these walls? If the site cannot be graded properly for development, then there are probably too many units proposed and the grading plan should be revised.
8. The access from Sheridan Blvd appears to be inadequate with only one ingress/egress point.
9. The architectural design of the units themselves is not aesthetically pleasing. They are very plain with no aesthetic appeal. They should have 360-degree architecture with a minimum of 30% masonry on all sides. The garage architecture should match the design of the main residential units.
10. Westminster would recommend a solid masonry fence along the north property line.

We realize that Arvada has major concerns with the Jefferson Green proposal in addition to our own. Hopefully you will continue to work with the developer to have a quality project built on this site. I hope that Westminster's concerns will help with the review of any future submittals. Thanks again for allowing the Westminster City Staff the opportunity to review and comment on this proposal. We look forward to reviewing future revisions for this site. Please contact me at 303-430-2400 ext. 2098 if you have any questions.

Sincerely,

Michele McLoughlin
Michele McLoughlin
Planner II



CITY OF ARVADA

MAYOR AND CITY COUNCIL

FACSIMILE: 720-898-7515 ▲ TDD: 720-898-7869
PHONE: 720-898-7500

3/23/05
 Date: _____
 From: _____
 Orig. To: _____
 Dist. To: _____
 Council Group
 Kocierowski, Daisy
 Erb, Fittler and
 C-Folde
 Coun. Packet
 Other
 Mike Smith

March 21, 2005

Nancy McNally, Mayor
City of Westminster
4800 W. 92nd Ave.
Westminster, CO 80031

Dear Mayor McNally

I am writing to request your assistance in accommodating a concern of Arvada with the impact of the proposed Wal-Mart store at 72nd and Sheridan on the adjacent Willow Green town home development.

As you may recall, the City of Arvada recently approved Willow Green town homes, a non-profit housing development located directly to the south of the Wal-Mart site. Our concern involves the proposed signalized access point on the southeast corner of the site and need for additional buffering and landscaping adjacent to Willow Green. This access point would place extensive car and truck traffic adjacent to these residences. In addition, the access would eliminate any possible full turning movements from Willow Green's current access to Sheridan Blvd.

Our request is to move the access point for Wal-Mart back to the north at its original proposed location so that buffering and landscaping can also be provided for the Willow Green development. We realize that the access point currently proposed lines up with the existing W. 70th Avenue to the east; however, we believe that the intersection can function as well if moved to the north and then adequate room would be available for the buffer needed for Willow Green.

It appears that extensive buffering and landscaping have been provided for the residences along Depew Street to the west and we would request that you require similar buffering treatment for the Willow Green development.

The City of Arvada, Rocky Mountain Housing Development Corporation, Colorado Housing and Finance Authority (CHFA), Jefferson County, Colorado State Division of Housing, and others have all worked to make the Willow Green project successful for our region's housing needs for low and moderate income families. Any assistance you can provide to continue to enable this project to be successful would be appreciated.

Sincerely,

Ken Fellman
Mayor

KF:rc

P.O. Box 8101 ▲ 8101 RALSTON ROAD ▲ ARVADA, COLORADO ▲ 80001-8101



CITY OF ARVADA

COMMUNITY DEVELOPMENT DEPARTMENT
FACSIMILE: 720-898-7437 ▲ TDD: 720-898-7869
PHONE: 720-898-7435

June 13, 2005

Westminster Planning Commission
City of Westminster
4800 W. 92nd Avenue
Westminster, CO 80031

Chairman and Members of the Westminster Planning Commission,

The City of Arvada is requesting your assistance in mitigating the impact of the proposed Wal-Mart upon the adjacent Willow Green town home project located within the City of Arvada. On March 21, 2005 Arvada Mayor Ken Fellman wrote a letter (attached) to Mayor McNally outlining our concerns.

Following is a summary of our concerns:

1. The impact of placing the signalized access point directly adjacent to Willow Green thereby causing the majority traffic to use that access point to enter and exit the property. It is requested that the signalized access point be moved north to the main entrance of Wal-Mart as originally proposed. This would place the intersection 1/8 of a mile south of West 72nd Avenue, which will approximately equal the distance between West 73rd Avenue and West 72nd Avenue and alleviate the impact upon Willow Green.
2. By moving the signalized entrance north, the southern entrance can then be eliminated or it could be explored that it be moved north to be located between the detention pond area and fueling station as a right turn-in/right-out. This would allow appropriate buffering between Wal-Mart and Willow Green.
3. A 40-foot buffer has been provided for the Westminster residents along Depew Street and Arvada asks for a similar buffer for Willow Green.
4. A traffic study has not been received by Arvada and we cannot adequately address traffic impacts to our residents without this information.
5. The revised plan shows that delivery vehicle access was removed from West 72nd Avenue. This creates additional concerns that delivery vehicles would use the proposed West 70th Avenue access.
6. The current plan shows a roadway transition on Sheridan Boulevard from 169 feet wide in Westminster to 100 feet in Arvada with additional right-of-way needed in Arvada. This right-of-way is not available and would need to be condemned by Westminster. It is our understanding that this additional right-of-way in

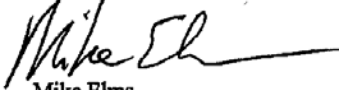
P.O. BOX 8101 ▲ 8101 RALSTON ROAD ▲ ARVADA, COLORADO ▲ 80001-8101

Westminster is in order to shift the roadway west from the residences on the east side of Sheridan Boulevard. This shift impacts Arvada residents on the west side of Sheridan Boulevard and it is requested that any shift in the Sheridan alignment be transitioned all within the city limits of Westminster.

7. Arvada is concerned that the drainage from the site will not impact Willow Green or other properties downstream.

The City of Arvada, the Rocky Mountain HDC, Colorado Housing and Finance Authority (CHFA), Jefferson County, Colorado State Division of Housing, and others have all worked to make the Willow Green project successful for our region's housing needs for low and moderate income families. Any assistance you can provide to continue to enable this project to be successful would be appreciated.

Sincerely,



Mike Elms
Director of Planning

ME/rs

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2005

COUNCILLOR'S BILL NO. **32**
INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE
PLAN THE CITY OF WESTMINSTER ORDAINS:**

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owners of the properties described in Exhibit A, attached hereto and incorporated herein by reference, requesting a change in the land use designations from "R-3.5 Residential" to "Retail Commercial" for the approximately 0.9 acre property at 7007 Sheridan Boulevard and a change from "R-8 Residential" to "Retail Commercial" for the approximately 15.5 acres located immediately west of the existing Shoenberg Center.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on June 14, 2005, after notice complying with W.M.C. §11-4-16(B) [**and has recommended approval of the requested amendments**].

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its policies on redevelopment and economic revitalization.

Section 2. The City Council approves the requested amendments and authorizes City staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties described in attached Exhibit A to "Retail Commercial."

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 27th of June, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of July, 2005.

ATTEST:

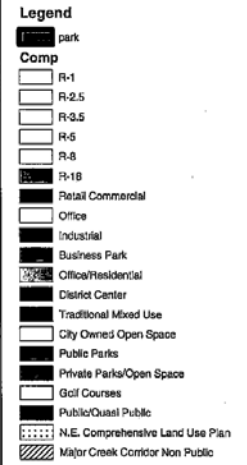
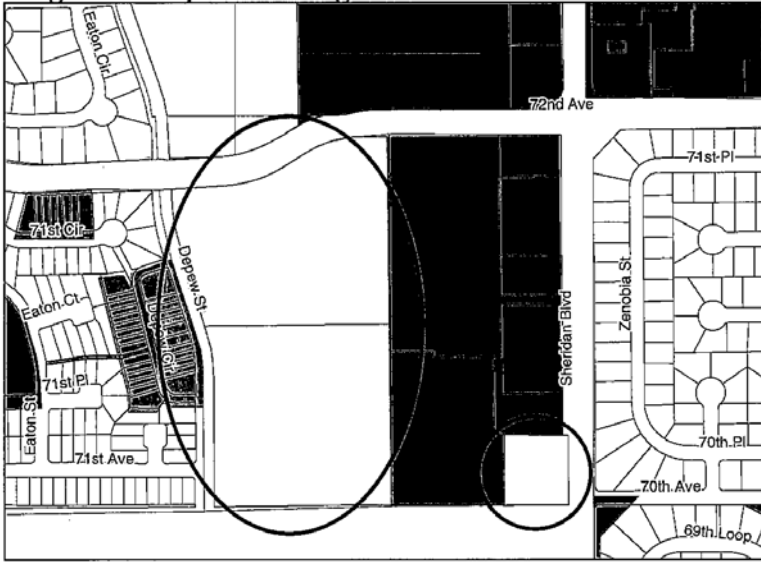
City Clerk

Mayor

Shoenberg Center CLUP Amendment

Exhibit A

Original Comp Plan Designation



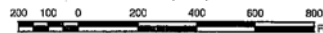
Proposed Comp Plan Designation



Description of Changes:

AREA 1
Property is currently designated R-8 Residential. Proposed designation is to Retail Commercial.

AREA 2
Property is currently designated R-3.5 Residential. Proposed designation is to Retail Commercial.



BY AUTHORITY

ORDINANCE NO.
SERIES OF 2005

COUNCILLOR'S BILL NO. **33**
INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS OF LAND
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SHERIDAN BOULEVARD
AND 72ND AVENUE IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 69 WEST, 6TH P.M.,
JEFFERSON COUNTY, COLORADO FROM R-1 AND C-1 TO PUD.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the properties generally located at the southwest corner of Sheridan Boulevard and 72nd Avenue, as described in attached Exhibit B, incorporated herein by reference, from the R-1 (Area 1 on Exhibit B) and C-1 (Area 2 on Exhibit B) zones to a P.U.D. zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on June 14, 2005, and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the properties, described in attached Exhibits A and B, from the R-1 and the C-1 zoning districts to the PUD District.

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 27th day of June, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of July, 2005.

ATTEST:

Mayor

City Clerk

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, June 27, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixion, Hicks, and Price were present at roll call.

The minutes of the June 13, 2005 meeting were approved.

Council approved the following: May 2005 Financial Report; award of contracts for Huron Street improvements from 140th to 150th Avenues; demolition, cleanup and disposal of five Open Space properties; purchase of radios and associated equipment from M/A COM, Inc.; construction of reclaimed waterline extensions; contract award for Semper Water Treatment Facility-Sedimentation Basin improvements; appointment to Metro Wastewater Reclamation District Board of Directors; 3rd Amended PDP for Northridge at Park Center PUD; 1st Amended PDP for Westfield PUD Parcel C; 3rd Amended PDP for Shoenberg Farms re 72nd Avenue & Sheridan Boulevard Wal-Mart; and Shoenberg Shopping Center ODP re 72nd Avenue & Sheridan Boulevard Wal-Mart.

The following Councillors' Bills were adopted on final reading:

A BILL FOR AN ORDINANCE INCREASING THE 2005 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE GROWTH MANAGEMENT PROGRAM ALLOCATIONS TO THE RECLAIMED WATER CATEGORY

The following public hearings were held: 3rd Amended PDP for Northridge at Park Centre (continued from 6/13/05); 1st Amended PDP for Westfield (Centex Homes Development); and CLUP amendment, rezone, PDP and OPD re 72nd Avenue & Sheridan Boulevard Wal-Mart.

Council adopted Resolution No. 23 re compliance hearing for the McGrath Property annexation.

The following Councillors' Bills were adopted on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND. Purpose: \$20,000 supplemental appropriation of Emergency Management Performance Grant.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: amend designated land use from R-8 Residential to Retail/Commercial for Area #1 of Village Homes of Colorado, Inc. property and from R-3.5 Residential to Retail/Commercial for Area #2 at 7007 Sheridan Boulevard.

A BILL FOR AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SHERIDAN BOULEVARD AND 72ND AVENUE IN SECTION 1, TOWNSHIP 3 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO FROM R-1 AND C-1 TO PUD. Purpose: rezone of Shoenberg Venture parcels from C-1 to PUD and 7007 Sheridan Boulevard from R-1 to PUD.

At 1:11 a.m. on Tuesday, June 28, 2005, the meeting was adjourned.

By order of the Westminster City Council
Linda Yeager, MMC, City Clerk
Published in the Westminster Window on July 7, 2005

Dittman - Price

A BILL FOR AN ORDINANCE INCREASING THE 2005 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2005 for the CDBG Fund. The appropriation of \$642,212 is the amount approved by the US Department of Housing and Urban Development (HUD) for the City for 2005.

Section 2. The \$642,212 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$642,212</u>	\$642,212
Total change to revenues			<u>\$642,212</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Salaries	76030350.60200.0000	\$0	\$106,268	\$106,268
CDBG-05 Block Grant	80576030722.80400.8888	\$0	\$535,944	\$535,944
Total change to expenses			<u>\$642,212</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. 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 shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of June, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of June, 2005.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE GROWTH MANAGEMENT PROGRAM ALLOCATIONS TO THE RECLAIMED WATER CATEGORY

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Section 11-3-5, W.M.C., is hereby amended by THE ADDITION OF A NEW SUBSECTION (M) to read as follows:

11-3-5: ALLOCATION AND ISSUANCE OF SERVICE COMMITMENTS:

(M) ALLOCATIONS TO CATEGORY R (RECLAIMED WATER) WILL EQUAL THE SERVICE COMMITMENT CAPACITY OF THE RECLAIMED WATER SYSTEM.

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 13th day of June, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of June, 2005.