

**Agenda for the
Regular Meeting of the
Englewood City Council
Monday, June 1, 2015
7:30 pm**

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.
5. Consideration of Minutes of Previous Session.
 - a. Minutes from the Regular City Council Meeting of May 18, 2015.
6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. There is an expectation that the presentation will be conducted in a respectful manner. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)
7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. There is an expectation that the presentation will be conducted in a respectful manner. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

Council Response to Public Comment.
8. Communications, Proclamations, and Appointments.
 - a. Email from Daniel Miller announcing his resignation from the Alliance for Commerce in Englewood.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.

9. Consent Agenda Items
 - a. Approval of Ordinances on First Reading.
 - b. Approval of Ordinances on Second Reading.
 - i. Council Bill No. 21, accepting the dedication of easements for sidewalk, signage, and traffic signal equipment in the 4900 and 5000 blocks of South Broadway.
 - ii. Council Bill No. 22, authorizing an intergovernmental agreement with the City and County of Denver for a Geographic Information System Information Sharing Agreement for transfer of information for fire suppression purposes.
 - c. Resolutions and Motions.
10. Public Hearing Items. (None Scheduled)
11. Ordinances, Resolutions and Motions.
 - a. Approval of Ordinances on First Reading.
 - b. Approval of Ordinances on Second Reading.
 - i. Council Bill No. 17, authorizing amendments to Title 16: Unified Development Code amending the regulations concerning Administrative Adjustments.
 - c. Resolutions and Motions
 - i. Recommendation from the Community Development Department to approve a resolution authorizing a redevelopment assistance agreement with the KRF II, LLC., d.b.a. Kentro Group for 707 East Jefferson Avenue. **Staff Source: Darren Hollingsworth, Economic Development Manager.**
12. General Discussion.
 - a. Mayor's Choice.
 - i. Announcement of Special Meetings on June 15, 2015 and June 22, 2015.

Council will open the public meeting in the Community Room. After announcing the topic or topics to be discussed under the specific paragraph(s) of C.R.S. 24-6-402-4, a vote of Council will be taken. If 2/3 of the quorum present votes affirmatively, attendance shall be limited to the members of City Council and Council may invite other persons as may be required for advice and information. City Council and invited persons will move to the City Council Conference Room. No formal vote will be taken on any matter under discussion.

- June 15, 2015 – Englewood McLellan Reservoir Foundation Property Negotiations – Douglas County Planning Area 81 and Union Negotiations – NonEmergency Union
- June 22, 2015 - Union Negotiations – NonEmergency Union

b. Council Members' Choice.

13. City Manager's Report.

14. City Attorney's Report.

15. Adjournment.

**ENGLEWOOD CITY COUNCIL
ENGLEWOOD, ARAPAHOE COUNTY, COLORADO**

Regular Session

May 18, 2015

A permanent set of these minutes and the audio are maintained in the City Clerk's Office.
Minutes and streaming audios are also available on the web at:
<http://www.englewoodgov.org/inside-city-hall/city-council/agendas-and-minutes>

1. Call to Order

The regular meeting of the Englewood City Council was called to order by Mayor Penn at 7:40 p.m.

2. Invocation

The invocation was given by Council Member McCaslin.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member McCaslin.

4. Roll Call

Present: Council Members Jefferson, Olson, Gillit, McCaslin, Wilson, Yates, Penn
Absent: None

A quorum was present.

Also present:

- City Manager Keck
- City Attorney Brotzman
- Deputy City Manager Flaherty
- City Clerk Ellis
- Director Gryglewicz, Finance and Administrative Services
- Director Kahm, Public Works
- Director Black, Parks and Recreation
- Senior Planner Neubecker, Community Development
- Deputy Director Henderson, Public Works
- Recreation Services Manager Sack
- Fleet Manager White, Public Works
- Planner I Kirk, Community Development
- Communications Coordinator Hoffhines
- Engineering/Maintenance Manager Woo, Littleton/Englewood Wastewater Treatment Plant
- Facilities and Operations Manager Hogan, Public Works
- Acting Fire Chief Herblan
- Acting Assistant Chief of Support Services Fox, Fire
- Battalion Chief Ertle
- Firefighter Blacke
- Fire Medic Barringer
- Fire Medic Busi
- Fire Medic Nieto
- Driver Operator Engineer Flor
- Police Commander Englert

5. **Consideration of Minutes of Previous Session**

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 4, 2015.**

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

6. **Recognition of Scheduled Public Comment**

(a) Rita Russell, an Englewood resident, addressed City Council regarding Service Line Warranties.

(b) Elaine Hults, an Englewood resident, recounted an old story entitled the "Emperor's New Clothes."

7. **Recognition of Unscheduled Public Comment**

(a) Doug Cohn, an Englewood resident, said he wanted to thank the Fire Department for 106 years of service.

(b) Laurrett Barrentine, an Englewood resident, said the City's Executive Sessions are not there yet. An Executive Session topic cannot be about an elected official (the Judge). That is not legal, please don't do it again, she said. She also objected to her CORA request, regarding the salary and compensation paid to the City Attorney and Municipal Judge, being denied.

Council responded to Public Comment.

8. **Communications, Proclamations and Appointments**

There were no communications, proclamations or appointments.

9. **Consent Agenda**

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i), (ii), 9 (b) (i), AND 9 (c) (i), (ii), (iii), (iv).

(a) Approval of Ordinances on First Reading

(i) **COUNCIL BILL NO. 21, INTRODUCED BY COUNCIL MEMBER OLSON**

A BILL FOR AN ORDINANCE AUTHORIZING ACCEPTANCE AND DEDICATION OF TWO TRANSPORTATION AND UTILITY EASEMENTS TO THE CITY OF ENGLEWOOD, COLORADO FOR SIDEWALK, SIGNAGE, AND TRAFFIC SIGNAL EQUIPMENT IN THE 4900 AND 5000 BLOCKS OF SOUTH BROADWAY, ENGLEWOOD, COLORADO.

(ii) **COUNCIL BILL NO. 22, INTRODUCED BY COUNCIL MEMBER OLSON**

A BILL FOR AN ORDINANCE TO APPROVE THE GEOGRAPHIC INFORMATION SYSTEM (GIS) SHARING AGREEMENT WITH THE CITY AND COUNTY OF DENVER.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 19, SERIES OF 2015 (COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE APPROVING AND AUTHORIZING A THREE YEAR INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN ARAPAHOE COUNTY, COLORADO AND THE CITY OF ENGLEWOOD, COLORADO RELATING TO THE CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS FOR PROGRAM GRANT YEARS 2016 THROUGH 2018.

(c) Resolutions and Motions

(i) RESOLUTION NO. 53, SERIES OF 2015

A RESOLUTION FOR A SUPPLEMENTAL APPROPRIATION OF FUNDS TO COMPLETE THE RECREATION CENTER HVAC PROJECT.

(ii) RESOLUTION NO. 54, SERIES OF 2015

A RESOLUTION FOR A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR A PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY BRANDING PROJECT.

(iii) RESOLUTION NO. 55, SERIES OF 2015

A RESOLUTION ADOPTING THE APPROVAL OF A POLICY FOR THE NAMING OF CITY OF ENGLEWOOD PARKS AND RECREATION FACILITIES.

(iv) THE PURCHASE OF A 2015 CHEVROLET CAPRICE FROM A DEALERSHIP THROUGH THE STATE OF COLORADO FLEET MANAGEMENT BID IN THE AMOUNT OF \$31,163.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

10. **Public Hearing Item**

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 17, AUTHORIZING AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE AMENDING THE REGULATIONS CONCERNING ADMINISTRATIVE ADJUSTMENTS.**

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried and the Public Hearing opened.

All testimony was given under oath.

Senior Planner Neubecker presented background information regarding Council Bill No. 17, authorizing amendments to Title 16: Unified Development Code amending the regulations concerning administrative adjustments.

Those providing public comment included: Matthew Casey, Laurett Barrentine, Tim Alberts, Elaine Hults and Steven Ward.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 17, AUTHORIZING AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE AMENDING THE REGULATIONS CONCERNING ADMINISTRATIVE ADJUSTMENTS.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit

Nays: None

Motion carried and the Public Hearing closed.

11. Ordinances, Resolutions and Motions

(a) Approval of Ordinances on First Reading

(i) Planner Kirk presented a recommendation from the Community Development Department to adopt a bill for an ordinance vacating The Broadway Planned Development. Staff further requests that Council set July 6, 2015 as the Public Hearing date to gather public input on the proposed amendments.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 23 SETTING JULY 6, 2015 AS THE PUBLIC HEARING DATE TO GATHER PUBLIC INPUT ON THE PROPOSED AMENDMENTS.

COUNCIL BILL NO. 23 INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE VACATING THE BROADWAY PLANNED DEVELOPMENT AND ZONING THE AREA MU-R-3-B.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit

Nays: None

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 18, authorizing an intergovernmental agreement with the City and County of Denver to provide Fire Protection and EMS Services.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - ORDINANCE NO. 20, SERIES OF 2015.

ORDINANCE NO. 20, SERIES OF 2015 (COUNCIL BILL NO. 18, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF DENVER AND THE CITY OF ENGLEWOOD, COLORADO TO PROVIDE FIRE AND AMBULANCE PROTECTION.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Olson

Nays: Council Members Jefferson, Gillit

Motion carried.

(ii) Council Bill No. 19, authorizing revisions to the Englewood Municipal Code to coordinate with the intergovernmental agreement with the City and County of Denver for Fire and EMS Services.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (b) (ii) - ORDINANCE NO. 21, SERIES OF 2015.

ORDINANCE NO. 21, SERIES OF 2015 (COUNCIL BILL NO. 19, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

AN ORDINANCE TO REVISE THE ENGLEWOOD MUNICIPAL CODE 2000 TO COORDINATE WITH CITY COUNCIL'S DECISION TO CONTRACT WITH DENVER FOR FIRE AND AMBULANCE SERVICES IN THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(iii) Council Bill No. 20, reconciling outstanding intergovernmental agreements, grants and contracts with various organizations to coordinate with the intergovernmental agreement with the City and County of Denver for Fire and EMS Services.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (iii) - ORDINANCE NO. 22, SERIES OF 2015.

ORDINANCE NO. 22, SERIES OF 2015 (COUNCIL BILL NO. 20, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE APPROVING, ADDRESSING PREVIOUS INTERGOVERNMENTAL AGREEMENTS, GRANTS, AND CONTRACTS DUE TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ENGLEWOOD AND THE CITY OF DENVER

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(c) Resolutions and Motions

(i) Manager Sack presented a recommendation from the Department of Parks and Recreation to approve a resolution authorizing naming the Belleview Park ballfield the "Jack Poole Field".

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - RESOLUTION NO. 56, SERIES OF 2015.

RESOLUTION NO. 56, SERIES OF 2015

A RESOLUTION AUTHORIZING THE NAMING OF BELLEVIEW PARK BALLFIELD TO THE JACK POOLE FIELD.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(ii) City Manager Keck and Communications Coordinator Hoffhines presented a recommendation from the City Manager's Office to approve, by motion, a professional services agreement for community branding/marketing initiative. Staff recommends awarding the contract to Slate Communications, in the amount of \$51,450.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - A PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY BRANDING/MARKETING INITIATIVE, AWARDING THE CONTRACT TO SLATE COMMUNICATIONS, IN THE AMOUNT OF \$51,450.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Olson, Gillit
Nays: Council Member Jefferson

Motion carried.

(iii) Director Fonda and Manager Woo presented a recommendation from the Littleton/Englewood Wastewater Treatment Plant Supervisory Committee to approve, by motion, a contract for the Lighting Replacement Project at the Littleton/Englewood Wastewater Treatment Plant. Staff recommends awarding the contract to the lowest acceptable bidder, Colorado Lighting Inc., in the amount of \$120,399.93.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) - A CONTRACT FOR THE LIGHTING REPLACEMENT PROJECT AT THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT. STAFF RECOMMENDS AWARDING THE CONTRACT TO THE LOWEST ACCEPTABLE BIDDER, COLORADO LIGHTING INC., IN THE AMOUNT OF \$120,399.93.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(iv) Manager Hogan presented a recommendation from the Public Works Department to approve, by motion, a construction contract for the Recreation Center HVAC replacement equipment. Staff recommends awarding the contract to the second lowest acceptable bidder, American Mechanical Services, in the amount of \$856,516 [Contingent on approval of 9 c i].

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iv) - A CONSTRUCTION CONTRACT WITH AMERICAN MECHANICAL SERVICES FOR THE RECREATION CENTER HVAC REPLACEMENT EQUIPMENT IN THE AMOUNT OF \$667,426.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

12. General Discussion

(a) Mayor's Choice

(i) Council discussed future Study Session topics.

(b) Council Members' Choice

(i) An Arapahoe County Fair Sponsorship on July 23, 2015 was discussed.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 12 (b) (i) -AN ARAPAHOE COUNTY FAIR SPONSORSHIP OF \$500 FOR THE BOOTS, NOT SUITS KICK-OFF DINNER ON JULY 23, 2015.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(ii) Registration for the Colorado Municipal League Conference in Breckinridge, Colorado from June 16-19, 2015 was discussed.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 12 (b) (ii) - ALL CONFERENCE COSTS (AS ESTIMATED IN THE COUNCIL PACKET) FOR COUNCIL MEMBERS GILLIT, JEFFERSON, MCCASLIN, OLSON AND YATES TO ATTEND THE COLORADO MUNICIPAL LEAGUE CONFERENCE IN BRECKINRIDGE, COLORADO FROM JUNE 16-19, 2015.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

13. City Manager's Report

City Manager Keck did not have any matters to bring before Council.

14. City Attorney's Report

City Attorney Brotzman did not have any matters to bring before Council.

15. Adjournment

MAYOR PENN MOVED TO ADJOURN. The meeting adjourned at 9:58 p.m.

/s/ Loucrishia A. Ellis
City Clerk

Lindsay von Colditz

Subject: FW: Resignation from ACE
Attachments: image001.png; image002.jpg

From: _____ [Daniel.Miller@HealthONEcares.com]

Sent: Tuesday, May 26, 2015 12:56 PM

To: Julie Bailey; .

Cc: Darren Hollingsworth

Subject: RE: Resignation from ACE

Thanks Julie, I am formally submitting my resignation from ACE. I have asked Lisa Ruiz, our vice president of business development at Swedish, to apply to represent Swedish and our medical community on ACE.

Thanks,
Dan

BY AUTHORITY

ORDINANCE NO. _____
 SERIES OF 2015

COUNCIL BILL NO. 21
 INTRODUCED BY COUNCIL
 MEMBER OLSON

AN ORDINANCE AUTHORIZING ACCEPTANCE AND DEDICATION OF TWO TRANSPORTATION AND UTILITY EASEMENTS TO THE CITY OF ENGLEWOOD, COLORADO FOR SIDEWALK, SIGNAGE, AND TRAFFIC SIGNAL EQUIPMENT IN THE 4900 AND 5000 BLOCKS OF SOUTH BROADWAY, ENGLEWOOD, COLORADO.

WHEREAS, the Sprouts development on South Broadway North of Belleview, required the filing of a subdivision plat prior to construction; and

WHEREAS, the subdivision plat filed in 2013 called for the future dedication of easements on South Broadway for public improvements; and

WHEREAS, the purpose of waiting for the formal dedication until after construction is to assure that the dedicated Transportation Easements are based on “as-built” improvements; and

WHEREAS, the developer retained the services of a professional land surveyor who prepared legal descriptions based on actual field locations of the improvements; and

WHEREAS, the original developer of the project, Cadence Capital Investments, has transferred ownership of the property to the following two parties:

- Sitbul, LLC purchased 4979 South Broadway (Advance Auto Site)
- Den Retail 1, LLC purchased 4989 and 5001 South Broadway (Sprouts and other retail/restaurants; and

WHEREAS, the passage of this Ordinance will accept the Transportation Easement and Utility Easement for 4979 South Broadway from Sitbul, LLC. to the City; and

WHEREAS, the passage of this Ordinance will accept the Transportation Easement and Utility Easement for 4989 and 5001 South Broadway from Den Retail 1 LLC. to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Transportation Easement and Utility Easement for 4979 South Broadway between Sitbul, LLC. to the City of Englewood, Colorado attached hereto as “Attachment 1,” is hereby accepted and approved by the Englewood City Council.

Section 2. . The Transportation Easement and Utility Easement for 4989 and 5001 South Broadway between Den Retail 1 LLC to the City of Englewood, Colorado attached hereto as "Attachment 2," is hereby accepted and approved by the Englewood City Council.

Introduced, read in full, and passed on first reading on the 18th day of May, 2015.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 21st day of May, 2015.

Published as a Bill for an Ordinance on the City's official website beginning on the 20th day of May, 2015 for thirty (30) days.

Read by title and passed on final reading on the 1st day of June, 2015.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2015, on the 4th day of June, 2015.

Published by title on the City's official website beginning on the 3rd day of June, 2015 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2015.

Loucrishia A. Ellis

EXHIBIT A

4979 S. Broadway

Transportation Easement

A portion of Lot 3, Broadbell Subdivision as platted in the records of Arapahoe County, Colorado at Reception Number D3119053, located in the SW 1/4, Section 10, Township 5 South, Range 68 West of the Sixth Principal Meridian in the City of Englewood, more particularly described as follows:

Commencing at the southeast corner of said Lot 3;

Thence N0°10'29"E along the west right-of-way line of S. Broadway, 2.89 feet to the Point of Beginning;

Thence through said lot along the following seven courses:

- 1) N89°49'31"W, 2.00 feet;
- 2) N0°10'29"E, 8.44 feet;
- 3) N89°49'31"W, 1.50 feet;
- 4) N0°10'29"E, 6.00 feet;
- 5) S89°49'31"E, 1.50 feet;
- 6) N0°10'29"E, 14.63 feet;
- 7) S89°49'31"E, 2.00 feet to said west line;

Thence S0°10'29"W along said west line, 29.07 feet to the Point of Beginning.

Said parcel, as described, contains an area of 67 square feet, more or less.

Basis of Bearings

The east line, SW 1/4, Section 10 bears S00°10'29"W per the Arapahoe County Horizontal Control Network. It is monumented at the center of Section 10 by a 3-1/4" aluminum cap in monument box, 0.4' below roadway surface, PLS 27278 and at the south 1/4 corner, section 10 by a steel axle, 29" long with concave top in monument box, 13" below asphalt surface, PLS 22571.

Certification

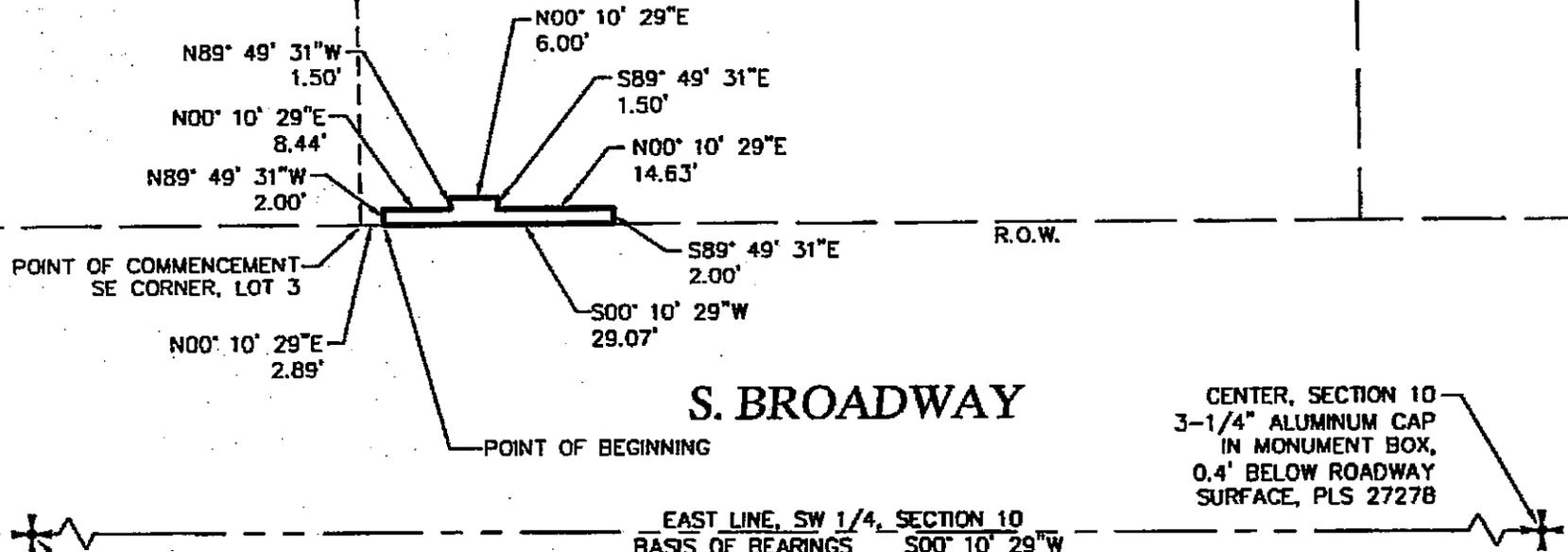


8/15/14

Brian Krombein, PE, PLS
For and on behalf of
Vermilion Peak Engineering LLC
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129

LOT 2, BROADBELL SUBDIVISION
(4989 S. BROADWAY)

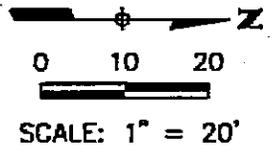
LOT 3, BROADBELL SUBDIVISION
(4979 S. BROADWAY)



SOUTH 1/4 CORNER, SECTION 10
STEEL AXLE, 29\"/>

EAST LINE, SW 1/4, SECTION 10
BASIS OF BEARINGS S00° 10' 29\"/>

CENTER, SECTION 10
3-1/4\"/>



TRANSPORTATION EASEMENT
4979 S. BROADWAY
JOB NO. 13104
DATE: AUGUST 15, 2014
SHEET 2 OF 2

Vermilion
Peak
Engineering
Civil Engineering & Land Surveying
1749 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6078 / www.vermilionpeak.com

EXHIBIT A

4989 & 5001 S. Broadway

A portion of Lots 1 and 2, Broadbell Subdivision as platted in the records of Arapahoe County, Colorado at Reception Number D3119053, located in the SW 1/4, Section 10, Township 5 South, Range 68 West of the Sixth Principal Meridian in the City of Englewood, more particularly described as follows:

Parcel A

Commencing at the southeast corner of said Lot 1;

Thence N0°02'59"W along the west right-of-way line of S. Broadway, 125.73 to the Point of Beginning of Parcel A;

Thence through said Lot 1 along the following three courses:

- 1) N43°57'25"W, 8.83 feet;
- 2) N3°53'37"E, 91.57 feet;
- 3) S86°06'23"E, 6.54 feet to said west right-of-way line;

Thence S3°53'37"W along said west line, 97.50 feet to the Point of Beginning of Parcel A.

Said parcel, as described, contains an area of 619 square feet, more or less.

Together with:

Parcel B

Beginning at the northeast corner of said Lot 1;

Thence S0°10'29"W along said west right-of-way line, 39.50 feet;

Thence through said Lots 1 and 2 along the following four courses:

- 1) N26°25'21"W, 11.19 feet;
- 2) N3°34'39"E, 35.82 feet;
- 3) N0°10'29"E, 37.44 feet;
- 4) S89°49'31"E, 2.88 feet to said west right-of-way line;

Thence S0°10'29"W along said west line, 43.71 feet to the Point of Beginning of Parcel B.

Said parcel, as described, contains an area of 274 square feet, more or less.

Together with:

Parcel C

Commencing at the northeast corner of said Lot 2;

Thence S0°10'29"W along said west right-of-way line of S. Broadway, 50.84 feet to the Point of Beginning of Parcel C;

Thence continuing S0°10'29"W along said west line, 10.83 feet;

Thence through said Lot 2 along the following three courses:

- 1) N90°00'00"W, 7.84 feet;
- 2) N0°00'00"E, 10.83 feet;

3) N90°00'00"E, 7.88 feet to the Point of Beginning of Parcel C;

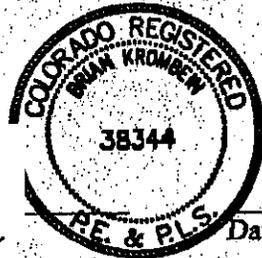
Said parcel, as described, contains an area of 85 square feet, more or less.

Said three parcels together contain an area of 978 square feet, more or less.

Basis of Bearings

The east line, SW 1/4, Section 10 bears S00°10'29"W per the Arapahoe County Horizontal Control Network. It is monumented at the center of Section 10 by a 3-1/4" aluminum cap in monument box, 0.4' below roadway surface, PLS 27278 and at the south 1/4 corner, section 10 by a steel axle, 29" long with concave top in monument box, 13" below asphalt surface, PLS 22571.

Certification



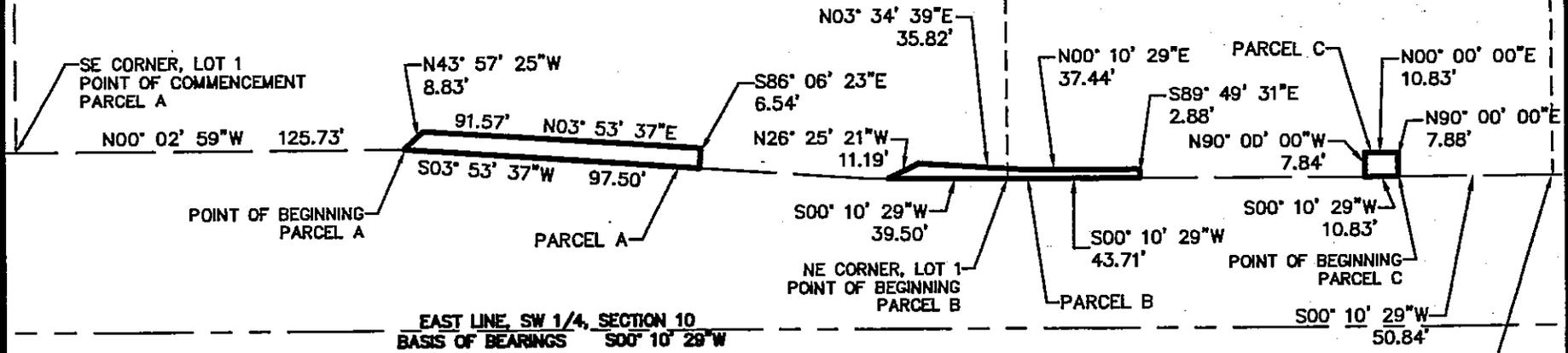
3/27/15

Date

For and on behalf of
Vermilion Peak Engineering LLC
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129

LOT 1, BROADBELL SUBDIVISION
(5001 S. BROADWAY)

LOT 2, BROADBELL SUBDIVISION
(4989 S. BROADWAY)



S. BROADWAY

SOUTH 1/4 CORNER, SECTION 10
STEEL AXLE, 29" LONG WITH
CONCAVE TOP IN MONUMENT BOX,
13" BELOW ASPHALT SURFACE,
PLS 22571

CENTER, SECTION 10
3-1/4" ALUMINUM CAP
IN MONUMENT BOX,
0.4' BELOW ROADWAY
SURFACE, PLS 2727B

EAST LINE, SW 1/4, SECTION 10
BASIS OF BEARINGS S00° 10' 29" W



0 25 50
SCALE: 1" = 50'

EASEMENT
4989 & 5001 S. BROADWAY
JOB NO. 13104
DATE: MARCH 27, 2015
SHEET 3 OF 3

Vermilion Peak Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. 22
INTRODUCED BY COUNCIL
MEMBER OLSON

AN ORDINANCE TO APPROVE THE GEOGRAPHIC INFORMATION SYSTEM (GIS) SHARING AGREEMENT WITH THE CITY AND COUNTY OF DENVER.

WHEREAS, the City and County of Denver’s Fire Department will be assuming primary responsibility for fire suppression in the City of Englewood on June 1, 2015; and

WHEREAS, the GIS Information Sharing Agreement will facilitate the transfer of information for fire suppression purposes to the Technology Services Department of the City of Denver; and

WHEREAS, this agreement will coincide with the transfer of services to the City of Denver on June 1, 2015 and complies with the Colorado Open Records Act; and

WHEREAS, the transferred information will be used solely for internal use only

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the Intergovernmental Agreement with the City and County of Denver attached hereto as “Exhibit A”.

Section 2. The Mayor and the City Clerk are hereby authorized to sign and attest said Intergovernmental Agreement with Denver for and on behalf of the City of Englewood.

Section 3. No federal funds are being used for this project.

Introduced, read in full, and passed on first reading on the 18th day of May, 2015.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 21st day of May, 2015.

Published as a Bill for an Ordinance on the City's official website beginning on the 20th day of May, 2015 for thirty (30) days.

Read by title and passed on final reading on the 1st day of June, 2015.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2015, on the 4th day of June, 2015.

Published by title on the City's official website beginning on the 3rd day of June, 2015 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2015.

Loucrishia A. Ellis



City of Englewood G.I.S. Information Sharing Agreement

The party known as ^{TECHNOLOGY SERVICES} ~~CITY~~ COUNTY OF DENVER ("Requestor") downloading the product(s) and/or data or information thereon, ("Data"), from the City of Englewood, Colorado, ("the City"), hereby acknowledges and accepts the following terms and conditions. Requestor in accepting Data from the City hereby acknowledges the limitations of such Data and the restrictions on its use:

The Data being provided is intended to comply with the Colorado Open Records Act. The Data is protected by the copyright laws of the United States of America and is being furnished by the City with all rights reserved. No part of the Data may be copied, reproduced or transmitted in any form or by any means whatsoever, including, but not limited to, electronic, mechanical, photocopying, recording, scanning, or by any information/data retrieval system. Requestor shall not license, relicense, sub-license, assign, release, publish, transfer, sell or otherwise make available any portion of the Data to a third party without the prior express written permission of the City.

The Data which is the subject of this Agreement, and which is generally referred to as geographic information systems or GIS data, has been developed solely for internal use only by the City, and the City makes no warranties, representations or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of the Data, nor accepts or assumes any liability arising from or for any incorrect, incomplete or misleading Data provided pursuant to this request. There are no warranties and/or representations, either expressed or implied, of merchantability or fitness of the Data for a particular purpose or use.

The City is not responsible for incidental, consequential, or special damages arising from the use of the Data provided to Requestor. Requestor agrees that the Data shall be used and relied upon only at the risk of Requestor.

Requestor warrants and represents to the City that he/she/it has full power, right and authority to enter into, and where applicable, to act as agent for Requestor and to be bound to perform all the terms and conditions pursuant to this request for Data.

This Agreement embodies the entire agreement between the parties. The parties shall not be bound by or liable for any statement, representation, promise, inducement, or understanding of any kind or nature not contained herein. No amendments, changes, modifications of any of the terms and conditions of this Agreement shall be valid unless reduced to writing and signed by the

parties. This Agreement is not assignable under any circumstances whatsoever. All of the terms and conditions of this Agreement shall remain in full force and effect and apply to any changes, updates, revisions or amendments to the Data, which are the subject of this Agreement.

Requestor shall immediately notify the City in writing of any and all defects, errors, inaccuracies or any other problems with the Data discovered by Requestor.

Signatures for the Requestor(s):

Print: Cindy Zec

Address: 201 West Colfax
Denver, CO 80202

Signatures for the City:

Print: _____



M E M O R A N D U M

TO: City Council

THRU: Michael Flaherty, Deputy City Manager

FROM: Chris Neubecker, Senior Planner

DATE: May 26, 2015

SUBJECT: Administrative Adjustments – Second Reading

During the public hearing on the proposed Administrative Adjustments Council members asked about the proposed ordinance and its impacts on the community. The ordinance is intended to promote economic development in the community, and to facilitate development on lots that are burdened by unusual size or shape, through new development of uses that are permitted on the same block or in the same zone district.

The proposed ordinance is good for Englewood for several reasons, including:

- Allowing the same uses and new investment currently permitted on standard sized lots on the same block. Due to errors made in platting Englewood properties more than 100 years ago, it is not uncommon for a lot to be less than a uniform lot size, especially on corner lots.
- Englewood's older housing stock is more than 50% rental. This ordinance will help to promote new market rate, owner occupied housing. New homes, especially those that sell at or above \$500,000 are much more likely to be sold to owner occupants.
- Higher valuations will result in more tax revenue for the City.
- Developers cannot afford to demolish and build new single family homes on a 50 foot lot in an R-2 zone, but they can justify the cost to build and sell duplexes. Denver neighborhoods immediately north of Englewood show the demand and impact of new investments.
- Triplex lots in R-2 zone districts are 75 feet wide. The properties at 2701 and 2705 S. Sherman Street are 73.62 feet wide (combined). This ordinance would allow new investment on this corner; without an adjustment, these older homes will likely remain without significant improvement.
- A difference of 5% on lots with 50 feet of frontage is 2.5 feet. This difference will not be visibly noticeable to most people.

The lots at the north end of the block on S. Lincoln Street and E. Yale Avenue are not the only lots in this area with oddly dimensioned lot widths. The following lots also share these non-standard dimensions, possibly due to platting errors or older surveying techniques:

- Sherman and Yale (south-west corner) - 2701 S. Sherman St.
- Sherman and Amherst (south-west corner) – 2801 S. Sherman St.
- Sherman and Bates (north-west corner) – 2895 S. Sherman St.
- Lincoln and Amherst (north-west corner) – 2797 S. Lincoln St.
- Lincoln and Amherst (north-east corner) – 2798 S. Lincoln St.
- Lincoln and Amherst (south-west corner) – 2801 S. Lincoln St.
- Lincoln and Amherst (south-east corner) – 2800 S. Lincoln St.
- Lincoln and Bates (north-east corner) – 121 E. Bates Ave.

These are a sample of lots researched by staff. There are likely many other lots in the City that share these traits. Most of the lots listed above were platted 23.62 feet wide. The lots in the center of the block were platted 25 feet wide. Each standard sized parcel (2 lots) zoned R-2 would allow a new duplex on a 50 foot wide lot.

The corner lots listed above, due to their historic platting anomalies, are burdened and would be more difficult to redevelop. These corner lots, which are much more visible, but may only be 48.62 feet wide (combined), would likely remain in their current condition without allowing a small adjustment to the lot width.

New Townhome Development

Several new townhomes have developed in the City along S. Sherman Street and S. Lincoln Street, zoned R-2. Many more new developments are under construction or have been recently built in Denver just to the north of the city limits. Below are some examples of the developments in Englewood and in Denver, within 3 blocks of E. Yale Avenue:





New Development Denver (just north of W. Yale Avenue)





Existing Building at 2701 S. Lincoln Street



Notice Procedures

Council requested information on the notice procedures for Administrative Adjustments and Variances. Following are the notice procedures as required by the Unified Development Code:

- Administrative Adjustments: *"Notice. The City shall require that the applicant notify adjacent property owner(s) and/or occupant(s) by written notice of any application for Administrative Adjustment."* In the past, notice has been provided to the property owner and occupant on either side of a property. We have traditionally not provided notice beyond the properties on the two sides of the subject property. No other notice has been provided.
- Variance: *"Notice. The City shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC."* Notice is posted on the property and in the Englewood Herald newspaper. Notice is also provided on the City of Englewood website. No notice is provided to adjacent property owners.

Options for City Council

City Council has three options on the proposed Administrative Adjustments ordinance. These options include:

- Approve the Administrative Adjustment language on second reading, as proposed.
- Adopt alternative variance language allowing the Board of Adjustments and Appeals to hear applications for additional dwelling units in residential districts above the maximum number permitted by zone district standards for lot area and lot width, based on a variance of up to 5% of the minimum lot width or minimum lot area. (Note: This option would require another reading of the ordinance at a later date.) Alternate variance language is attached for your review.
- Leave the Unified Development Code "as-is", which would likely prevent redevelopment of some older homes on lots less than standard size or width.

We believe that Administrative Adjustments would be the cleanest and least time consuming option, as well as least costly for developers. The Variance option would also work, but would add a delay and uncertainty to the process, which may discourage some investors. The Variance option would require an additional reading of the ordinance.

Staff will be available during the meeting on Monday night to answer questions from the City Council. We look forward to your decision.

Proposed new language is shown in **bold and double-underline**. Language proposed for removal is shown as ~~strikethrough~~.

16-2-16: Zoning Variances.

Two (2) different types of variance are available: (1) Zoning Variances and (2) Flood Plain Variances. Zoning Variances are addressed in this section, and Flood Plain Variances are addressed in Chapter 16-4 EMC. (Note that the Planning Commission is the decision-making body on Flood Plain Variances rather than the Board of Adjustment and Appeals.) The Board of Adjustment and Appeals pursuant to the procedures in this Section may grant Zoning Variances from the zoning provisions of this Title otherwise applicable to a property.

A. *Jurisdiction/Scope for Zoning Variances.*

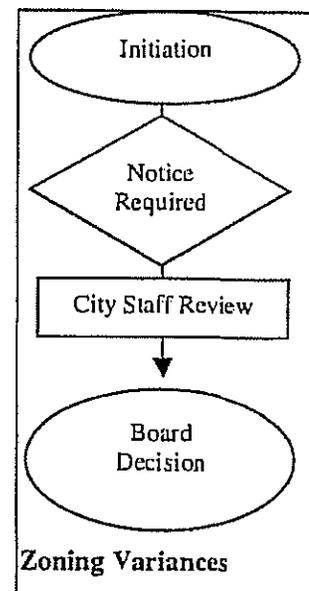
1. Nothing in this Title shall be construed to empower the Board to change the terms of this Title or to effect changes in the Official Zoning Map of the City of Englewood. The powers of the Board shall be narrowly interpreted and strictly construed so that this Title and the Official Zoning Map shall be strictly enforced.
2. The Board shall have the authority to require any reasonable stipulation or condition that might be necessary to properly protect the general welfare when granting a Zoning Variance.
3. The Board's granting of Zoning Variances shall not result in any encroachment into a recorded easement or right-of-way.
4. The Board shall not consider a Zoning Variance application relating to the use of property.
5. The Board shall not consider a Zoning Variance application to allow additional dwelling units in residential districts above the maximum number permitted by zone district standards for lot area and lot width, **except for a variance of up to five percent (5%) of the required minimum lot width or minimum lot area. In residential districts, the variance shall not result in the creation of more than one (1) additional residential dwelling unit.**
6. The Board shall not consider a Zoning Variance application relating to Temporary Use Permits.
7. The Board shall not consider a Zoning Variance application relating to Conditional Use Permits.

B. *Initiation.* An application for a Zoning Variance may be initiated by those parties identified in Section 16-2-3.A EMC.

C. *Notice.* The City shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC.

D. *City Review.* The City Manager or designee shall review the Zoning Variance application, and may refer the application to any department or agency for its review and comments.

E. *Board Decision.* The Board shall review the proposed Zoning Variance application and the report of City staff, and shall hold a public hearing on the proposed Zoning Variance. Following such hearing, the Board shall make written findings either approving,



conditionally approving, or denying the Zoning Variance. The decision on whether to approve or deny an application for a Zoning Variance shall be in writing, based upon substantial evidence presented at the public hearing. A copy of the decision of the Board shall be provided to the applicant.

F. *Criteria for Considering a Zoning Variance.*

1. General Zoning Variances. In passing upon Zoning Variances that do not involve provisions of the Sign Code, the Board may vary the application of the regulations set forth in this Title only if the Board finds the following:
 - a. That unique physical conditions exist, such as size, shape, location, topography or surroundings, which are peculiar to the land or structure involved, which deprive the applicant of privileges enjoyed by other properties in the vicinity; and
 - b. The variance is consistent with the intent of the zone district regulations to secure public health, safety and welfare; and
 - c. The variance will not permanently impair the use or development of adjacent conforming properties or alter the essential character of the neighborhood; and
 - d. The variance is not a self-imposed difficulty or hardship.
2. Sign Code Variances. In passing upon Zoning Variances to the Sign Code, Section 16-6-13 EMC, the Board may vary the application of the regulations set forth in this Title only if it determines that:
 - a. There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises; and
 - b. The variance will not weaken the general purpose of this Title nor the regulations prescribed for the district in which the sign is located; and
 - c. The variance will not alter the essential character of the district in which the sign is located; and
 - d. The variance will not substantially or permanently impair the appropriate use of adjacent conforming property.

G. *After Approval.*

1. All Zoning Variances shall be effective on the date of final action by the Board. For the purpose of this subsection, final action by the Board shall be deemed to be the approval of the findings of fact for the Zoning Variance request.
2. The City shall record all Zoning Variances with the office of the Arapahoe County Clerk and Recorder.
3. Any Zoning Variance granted by the Board shall run with the land unless the Board

specifies otherwise as a condition of the Zoning Variance.

4. Any Zoning Variance granted by the Board shall automatically lapse within one hundred eighty (180) days of the date it was effective, or within such other time as the Board may prescribe, unless a building permit for the action that was the subject of the variance is obtained and work started.

H. *Post Decision Remedies.* Initiation of the following remedies must occur within thirty (30) days of the Board decision. For the purpose of this subsection, Board decision shall be the vote on the Zoning Variance request.

1. *Rehearing.* If the applicant or an interested third party finds evidence that was not available at the time of the hearing that may materially bear on the case, a request for a rehearing may be made to the Board. The request shall be in writing and contain the following:
 - a. A summary of the new evidence.
 - b. The reason the evidence was not available to the Board at the original hearing.
 - c. A statement as to why it is believed that the evidence will materially affect the decision of the Board.

The Board shall hear the request for rehearing and shall vote on the issue of granting a rehearing. The chairperson shall announce the Board's decision. If a rehearing is granted, a new date will be set for a public hearing and all posting and publication requirements shall apply and shall be the responsibility of the original applicant. If a rehearing is denied, the original Board decision shall stand.

2. *Reconsideration.* If a Board Member believes that the Board would benefit from reviewing a Board decision, a motion for reconsideration of the decision may be made. If the motion to reconsider fails, the original decision stands. If the motion to reconsider is approved, the original variance request shall be reheard by the Board. The Board may reconsider the variance request immediately or may continue the reconsideration to a date certain.

The reconsideration shall be limited to the facts presented in the original variance request and no new evidence shall be taken. The Board may confirm, reverse, or modify the original decision.

I. *Appeals of Board Decisions.* Appeals of final decisions of the Board may be made pursuant to Section 16-2-18 EMC, "Appeals".

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015 _____

COUNCIL BILL NO. 17
INTRODUCED BY COUNCIL
MEMBER OLSON

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, TITLE 16, CHAPTER 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, RELATING TO ADMINISTRATIVE ADJUSTMENTS.

WHEREAS, land development is subject to review and conformance with the Unified Development Code which sets development standards based on the zone district, land use, lot width and lot area; and

WHEREAS, in some limited cases, development is hindered by unusual features of a property or lot which generally do not apply to other lots in the vicinity; and

WHEREAS, in some of these cases, the existing Uniform Development Code regulations on Administrative Adjustments (Title 16, Chapter 2, Section 17 EMC) will allow the City to approve an alternative design, as long as the proposed development meets the intent of the Code and has no adverse effects on nearby properties; and

WHEREAS, Administrative Adjustments are currently limited to very specific circumstances such as a 6" adjustment to a required 3' setback; and

WHEREAS, the Englewood Board of Adjustment and Appeals is prohibited from hearing a case that would result in additional residential dwelling units in residential districts above the maximum permitted by zone district standards, based on minimum lot width or lot area; and

WHEREAS, these limitations in the current Code are preventing redevelopment and investment in the community in some instances; and

WHEREAS, this ordinance would allow minor adjustments in the minimum lot width or minimum lot area, which should result in more redevelopment and investment in Englewood; and

WHEREAS, the Englewood Planning and Zoning Commission recommended these changes at their April 7, 2015 meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the amending Title 16, Chapter 2, Section 17, Subsection D "*Permitted Adjustments*", Paragraph 1, Subparagraph b; and Title 16, Chapter 2, Section 17, Subsection D, Paragraph 2, Subparagraph a, of the Englewood Municipal Code 2000 to read as follows:

16-2 DEVELOPMENT REVIEW AND APPROVAL PROCEDURES

16-2-17: Administrative Adjustments.

D. Permitted Adjustments.

1. General Rules.

- a. Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for an Administrative Adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Chapter 16-6 EMC, (Development Standards). For example, the developer of a residential project that qualifies for a special variation in the required side setback under the residential design provisions in Section 16-6-10.B EMC, cannot seek an Administrative Adjustment to further reduce the side setback allowed under the special variation.
- b. Unless specifically stated in the Scope of Authority below, the City Manager or designee shall not approve any Administrative Adjustment that results in an increase in permitted maximum development density or intensity; a change in permitted uses; an increase in building height; or a decrease in the amount of common or dedicated open space required by this Title or other City policies, standards, or regulations.

2. Scope of Authority—All Adjustments Except Reasonable Accommodations Under FFHA. An application for an Administrative Adjustment that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act may request only the following types of adjustments:

- a. ~~Side or Rear Setbacks~~: Adjustments to any ~~side or rear~~ setback standard may be permitted as follows:

Required Setback	Permitted Maximum Adjustment
3 feet	6 inches
5 feet	1 foot
7 feet	1 foot
20 feet	2 feet
25 feet	3 feet

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes the amending Title 16, Chapter 2, Section 17, Subsection D, Paragraph 2 “*Scope of Authority*”, by the addition of a new Subparagraph (e) entitled “*Minimum Lot Width or Lot Area*” of the Englewood Municipal Code 2000 to read as follows:

16-2-17: Administrative Adjustments.

D. *Permitted Adjustments.*

2. Scope of Authority

e. Minimum Lot Width or Lot Area: Adjustments may be permitted to the minimum lot width or minimum lot area is the “Summary Table of Dimensional Requirements for Principal Uses and Structures” in Section 16-6-1 of this Title, subject to the following requirements:

- (1) The adjustment shall not exceed five percent (5%) of the required minimum lot width or minimum lot area; and
- (2) The adjustment in the minimum lot width or minimum lot area may result in an alternate permitted land use in the base zone district where the property is located; and
- (3) A development for which a minimum lot width or minimum lot area adjustment is granted shall not be eligible for additional variances or additional administrative adjustments based on the reduced lot width or area; and
- (4) The result of an approved adjustment may result in an increase in the maximum development density or intensity; for residential developments, the result of the administrative adjustment shall not exceed one (1) additional residential dwelling unit.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 4th day of May, 2015.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 7th day of May, 2015.

Published as a Bill for an Ordinance on the City's official website beginning on the 6th day of May, 2015 for thirty (30) days.

A Public Hearing was held on the 18th day of May, 2015.

Read by title and passed on final reading on the 1st day of June, 2015.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2015, on the 4th day of June, 2015.

Published by title on the City's official website beginning on the 3rd day of June, 2015 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2015.

Loucrishia A. Ellis

COUNCIL COMMUNICATION

DATE: June 1, 2015	AGENDA ITEM: 11 ci	SUBJECT: Kentro Group Redevelopment Assistance Agreement
INITIATED BY: Community Development		STAFF SOURCE: Darren Hollingsworth, Economic Development Manager

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council discussed the proposed Redevelopment Assistance Agreement at the April 20, 2015 Executive Session with consensus to bring the Agreement forward for consideration at an upcoming City Council meeting.

Stated goals in Englewood's Comprehensive Plan are community revitalization and increased commercial opportunities.

RECOMMENDED ACTION

Staff recommends that Council approve a Resolution authorizing the City of Englewood to enter into an agreement with the developers for the former Bally's Fitness property, KRF II, LLC., d.b.a. Kentro Group. The proposed use of funds will support site improvements necessary to support the development of a Rite Aid Pharmacy at 707 East Jefferson Avenue.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Kentro Group is under contract to purchase the property, which for over 15 years has been vacant. The site is being used for the next 12 to 18 months as a construction staging for the Swedish Medical Center expansion, after which Kentro plans to move forward with development of a Rite Aid Pharmacy. The property is approximately 1.17 acres with the Rite Aid Pharmacy building being 14,600 square feet.

Project Overview

Kentro is seeking an economic development incentive from the City of Englewood to enhance their ability to secure Rite Aid as a tenant. Kentro has identified several development impediments of the site. Below is a summary of those impediments and the proposed use of proceeds from the economic development incentive:

1. Underground/relocation of current overhead utility lines
2. Relocation and demolition of existing sewer line.
3. Construction of underground detention/water quality
4. Potential relocation of city ditch (depending on the development plan of northern parcel)

These extraordinary development costs of approximately \$450,000 are likely a major factor that the site has gone undeveloped for over 15 years.

Rite Aid representatives have reached an agreement to move forward with a lease at 707 East Jefferson Avenue. Kentro indicated that the incentive incentives will reduce their development costs, making the site more attractive and financially viable for Rite Aid Pharmacy to move forward with a lease.

FINANCIAL IMPACT

Based on the agreement all sales taxes generated after year three (3) would accrue to the City and are expected to reach \$70,000 per year. The Financial Assistance Agreement involves a maximum City incentive payment of \$135,625 to reimburse the Kentro Group site improvement costs necessary to make the property 707 East Jefferson Avenue development ready. The terms of the agreement are as follows:

- 1) Rebate 50% of actual Building Use Tax collected, not to exceed \$30,625.
- 2) Rebate 50% of actual sales tax collected, not to exceed \$105,000 or 3 years, whichever occurs first.
- 3) Use of funds to underground power lines, possible relocation of city ditch, construct underground detention and water quality, and demolition of existing sewer line.
- 4) Rebate shall not exceed the actual cost of improvements.

The City's contribution of the 1% Franchise Fee for the undergrounding of electrical lines will not directly impact revenues to the City and is thereby considered an indirect cost. However, the use of these funds is limited to undergrounding of Xcel lines and will have no negative impact on the City's General Fund.

Pursuant to CRS 31-15-903 notice was provided to Arapahoe County regarding this proposed incentive agreement. The proposed Redevelopment Assistance Agreement with Kentro is consistent with the City's Economic Development Incentive Policy. Attached is a copy of the City's Economic Development Incentive Policy.

LIST OF ATTACHMENTS

Economic Development Incentive Policy
Resolution



Economic Development Incentive Policy

Goal Statement

The City of Englewood is supportive of business attraction and development-related projects and is committed to supporting new opportunities to diversify the local economy. Englewood strives to provide for the fiscal health of the community by creating mechanisms to assist targeted businesses, priority development sites, and projects that enhance the quality of life and fiscal condition of the community.

Intent/Purpose

- Create a tool to assist economic development efforts
- Foster diversification of economic base, including expansion of retail sales tax base
- Assist in attracting desired businesses and development to City
- Assist in redevelopment or reuse of priority redevelopment sites

Eligible Uses of Incentive Funding

- Improvements to public infrastructure that benefit a larger area or the public at large, including but not limited to: street improvements, traffic signalization, sidewalks or trails, water and sanitary sewer lines, storm sewer lines, drainage improvements, water quality improvements, or electrical or natural gas lines.
- Costs incurred in eliminating features that detract from the surrounding neighborhood or render a site difficult to redevelop, such as undergrounding electrical lines, removal of environmental contamination, removal or relocation of utility substations or other facilities, or demolition or renovation of structures that are obsolete or in poor condition.
- Costs incurred in providing public spaces, landscaping, or elements of streetscape beyond that required by ordinances of the City.

Economic Development Criteria - Eligible Projects

- Retail developments or expansion of existing retail uses that will generate additional sales tax shall be a priority of the City.
- Office or manufacturing uses creating or adding jobs.
- Underrepresented or desirable retail establishments. (e.g. table-service restaurants, electronics and clothing stores)
- Residential projects that demonstrate benefit to the community, development on underutilized sites, or within proximity of light rail station or other transit amenity.
- Any project deemed by City Council to be unique, advantageous, or desirable additions to the community
- A determination of whether the project would proceed if the incentive is not provided.

- Incentives are not intended to unduly enrich an individual developer or business or to create an unfair advantage.
- A statement from the business or developer to verify the need for the incentive in terms of ‘why this investment is necessary to foster the development or business activity.’

Cost Benefit Analysis

- Staff will provide a cost benefit analysis for any incentive agreement. The three components of a cost benefit analysis are:
 - Identify direct benefits: The true measure of project value includes all property taxes, sales and use taxes, impact fees, licenses and permit fees.
 - Calculate impact of the project. Direct costs are matched against direct revenues. If costs exceed revenues, the desirability of the project needs further analysis. If the direct revenue exceeds costs the analysis can help identify the break-even point by determining the number of years it will take for the project to payback the incentives and other public costs.
 - Identify direct public costs: In addition to the costs of incentives, all other direct costs associated with the project are totaled to include infrastructure costs, utility, increased fire, police and any other public expenses associated with the project.
- The break-even point or payback period of the proposed incentive will be estimated.
- Impact of the project on existing Englewood businesses will be analyzed.

INCENTIVE TYPES

Coordinated Development Approach

The City of Englewood is committed to providing exceptional customer service and ensuring that its applicants experience a quality development process. All projects are eligible for a formal in-person Development Review Team (DRT) meeting, in which the responsible City departments provide comments, suggestions, and recommendations prior to formal permit submittal to ensure an efficient and effective process.

Sales Tax Reimbursements

The City may consider a share-back or partial reimbursement of the incremental City collected portion of retail sales tax generated from the project. All proceeds of a sales tax reimbursement must be utilized for purposes outlined under “Eligible uses of incentive funding.”

Sales tax rebates shall not exceed 50% over the term of the agreement (with a maximum rebate to be determined by cost/benefit analysis) of the *actual* incremental increase in sales tax revenue generated by the use or site.

Building Use Tax Reimbursements

The City may consider a reimbursement of construction and equipment use tax generated by the development of a project. All proceeds of the use tax reimbursement must be utilized for purposes outlined under “Eligible uses of incentive funding.”

Building use tax rebates shall not exceed 50% (with a maximum rebate to be determined by cost/benefit analysis) of the *actual* use tax collected.

Furniture Fixtures and Equipment Use Tax Reimbursements

The City may consider partial or full reimbursement of the use taxes paid for furniture fixtures and equipment generated by a project. All proceeds of the use tax reimbursement must be utilized for purposes outlined under “Eligible uses of incentive funding.”

Rebates of up to 100% (with a maximum rebate to be determined by cost/benefit analysis) may be given for furniture, fixtures and equipment use tax.

Tax Increment Financing

The City may consider utilizing Tax Increment Financing (TIF) through the Englewood Urban Renewal Authority (EURA) only after an urban renewal area has been established. The City will only consider utilizing TIF for projects that are unique, significant in magnitude, and have considerable regional benefit.

City Property Tax

The City may consider partial or full reimbursement of the City’s portion of property tax collections for a finite period of time.

Reduction in Fees

The City may consider offsetting all or a portion of the development fees for commercial or residential projects that meet the goals and objectives of the Comprehensive Plan and Sub-Area Plans (if applicable), and provide a unique and quality project in terms of product type, tenant mix, and overall physical environment.

Rebates of up to 100% (with a maximum rebate to be determined by cost/benefit analysis) may be given for building permit fees and development application fees, not to include plan review fees or other contractual fees.

The City of Englewood is supportive of economic development and redevelopment related projects. City Council will consider financial incentives to support economic development and redevelopment activities on a case-by-case basis. The incentives outlined in this policy are provided at the sole discretion of City Council and are not to be considered an entitlement for any eligible or otherwise qualified project.

RESOLUTION NO. _____
SERIES OF 2015

A RESOLUTION APPROVING A REDEVELOPMENT ASSISTANCE AGREEMENT WITH KRF II, LLC FOR THE RITE AID PHARMACY LOCATED AT 707 EAST JEFFERSON AVENUE, ENGLEWOOD, COLORADO.

WHEREAS, the City wishes to provide certain business assistance in connection with the Rite Aid Pharmacy Development for a 14,600 square foot store located at 707 East Jefferson Avenue; and

WHEREAS, KRF II, LLC plans to lease this space for 20 years, with options to continue the lease for 50 years; and

WHEREAS, KRF II, LLC plans for the project to generate new sales and use tax revenue, and create new jobs in the City; and

WHEREAS, pursuant to the provisions of Section 31-15-903, C.R.S., the City has the authority to negotiate for incentive payments or credits with taxpayers who establish new business facilities or who expand existing business facilities; and

WHEREAS, the City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City.

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

Section 1. The proposed Redevelopment Assistance Agreement between the City of Englewood and KRF II, LLC (dba KENTRO Group), for the Rite Aid Pharmacy at 707 East Jefferson Avenue, Englewood, CO is hereby approved, a copy of which is attached hereto as Exhibit A.

Section 2. The Mayor is hereby authorized to execute the Agreement on behalf of the City Council of the City of Englewood.

ADOPTED AND APPROVED this 1st day of June, 2015.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2015.

Loucrishia A. Ellis, City Clerk

**REDEVELOPMENT ASSISTANCE AGREEMENT FOR KRF II, LLC
(dba KENTRO GROUP), FOR THE RITE AID PHARMACY AT 707 EAST JEFFERSON
AVENUE, IN THE CITY OF ENGLEWOOD.**

THIS AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2015, between the CITY OF ENGLEWOOD, a Colorado home rule municipal corporation (the "City"), and, KRF II, LLC, a Colorado Corporation.

WHEREAS, the City wishes to provide certain business assistance in connection with the Rite Aid Pharmacy Development for a 14,600 square foot store at 707 East Jefferson Avenue in Englewood, Colorado (the project); and

WHEREAS, KRF II, LLC plans to lease this space for 20 years, with options to continue the lease for 50 years; and

WHEREAS, KRF II, LLC plans for the project to generate new sales and use tax revenue, and create new jobs in the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City.

NOW, THEREFORE, in consideration of the mutual promises set forth below, the City and, KRF II, LLC, a Colorado corporation, agree as follows:

1. **Use Tax Rebates:** The City shall rebate to KRF II, LLC 50% of the Building Use Tax collected in an amount not to exceed \$30,625, from the imposition of the City's 3.5% Use Tax attributable to the construction of this project. Rebates shall not exceed the lesser of \$30,625 or 50% of the Building Use Tax due on the project.
2. **Sales Tax Rebates:** The City shall rebate to KRF965, llc 50% of Sales Tax actually collected, in an amount not to exceed \$105,000, from the imposition of the City's 3.5% General Sales Tax on retail sales occurring at the Project ("Sales Taxes"). The rebate period shall commence upon the issuance of the Certificate of Occupancy for Rite Aid Pharmacy. The total Sales Tax rebate shall not exceed \$105,000 nor shall Sales Taxes be rebated for longer than three (3) years.
3. **Payment of Funds:** The Building Use Tax rebate shall be paid by the City in a single payment and shall be made after receipt of payment of building use in an amount subject to rebate. Payment will be issued within 60 days of the issuance of the Certificate of Occupancy for Rite Aid Pharmacy.
4. **1% Franchise Fee:** The City agrees to utilize its credit from Xcel Energy for relocation and/or undergrounding of Xcel overhead utility distribution lines located on the property, estimated \$60,000. The Xcel agreement provides only for utility lines owned by Xcel. KRF II, LLC, is responsible for the cost of relocation of all other lines. KRF II, LLC will coordinate the Xcel undergrounding through the City's Public Works Department.

5. Below is a summary of those impediments and the use of proceeds from the economic development incentive:
 1. Underground/relocation of current overhead utility lines
 2. Relocation and demolition of existing sewer line
 3. Construction of underground detention/water quality
 4. Potential relocation of city ditch (depending on the development plan of northern parcel)

6. Use of Funds. Funds rebated pursuant to this Agreement shall be used by KRF II, LLC solely for obligations and/or improvements related to the project.

7. Entire Agreement. This instrument shall constitute the entire agreement between the City and KENTRO GROUP and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter. Contact information is as follows:

KRF II, LLC
c/o KENTRO GROUP
1509 York Street, Suite 201
Denver, CO 80206

8. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if, by July, 2017 KRF II, LLC has not completed the project (as evidenced by the issuance of a certificate of occupancy); or should fail to comply with any City code. Thru finite extensions of (30 to 60 days) this agreement can be extended by the City Manager or designee subject to agreement of the parties.

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

10. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, or any other constitutional or statutory provision, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council, in its sole discretion. KRF II, LLC understands and agrees that any decision of City Council to not appropriate funds for payment shall be without penalty or recourse to the City and, further, shall not affect, impair, or invalidate any of the remaining terms or provisions of this Agreement.

11. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with the City of Englewood City Charter and the City of Englewood Municipal Code. In the event of a dispute concerning any provision of this Agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experienced mediator or panel of mediators for the purpose of resolving such dispute. In the event such dispute is not fully resolved by mediation or otherwise within 60 days after a request for mediation by either party, then either party may commence legal proceedings regarding the dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Arapahoe County, Colorado.

12. Legal Challenge: Escrow. The City shall have no obligation to make any rebate payment hereunder during the pendency of any legal challenge to this Agreement. The parties covenant that neither will initiate any legal challenge to the validity or enforceability of this Agreement against any challenge by any third party. Any funds appropriated for payment under this Agreement shall be escrowed in a separate City account in the event there is a legal challenge to this Agreement.

13. Assignment. This Agreement is personal to KRF II, LLC. KRF II, LLC may not assign any of the obligations, benefits or provisions of the Agreement in whole or in any part without the expressed written authorization of the City Council. Any purported assignment, transfer, pledge, or encumbrance made without such prior written authorization shall be void.

14. No Joint Venture. Nothing in this Agreement is intended or shall be construed to create a joint venture between the City and KRF II, LLC, a Colorado corporation and the City shall never be liable or responsible for any debt or obligation of KRF II, LLC, a Colorado corporation.

KRF II, LLC
 A COLORADO CORPORATION
 (dba Kentro Group)

CITY OF ENGLEWOOD

By

Jimmy Balatas, CEO

By: _____

Randy P. Penn, Mayor

ATTEST:

/

ATTEST:

 Secretary

 Loucrishia A. Ellis, City Clerk