

---

# *Council Newsletter*

---



## **CITY MANAGER'S NOTES October 22, 2015**

### **Upcoming Council Meetings**

A City Council Study Session is scheduled for **Monday, October 26, 2015**. The Study Session will begin at 6:00 p.m. in the Community Room. Sandwiches will be available at 5:30 p.m.

The next Study Session is scheduled for **Monday, November 2, 2015**. The Study Session will begin at 6:00 p.m. in the Community Room. The Regular Meeting will begin at 7:30 p.m.

### **Informational Items**

The following attachments are in response to City Council requests, as well as other informational items.

1. *YourHub* front page article titled: 35 Years On, Englewood's Museum of Outdoor Arts still Experimenting
2. *Denver Post* article titled: Englewood testing waters for pot consumption clubs
3. *YourHub Your Contribution*: Boy Scout Pumpkin Patch Fundraiser, Anthem and Englewood Lions Club team up to plant trees in Cushing Park
4. *The Villager* article titled: Craig Hospital partners with Brush Foundation to help spinal-cord patients
5. *Denver Business Journal* Top 100 Companies by Revenue: Encore Electric Inc., Calcon Constructors, Inc.
6. Calendar of Events
7. Tentative Study Session Topics
8. Board of Adjustment and Appeals Minutes, August 12, 2015
9. Planning & Zoning Commission Minutes, October 6, 2015



### **Council Newsletter Parks and Recreation**

#### **Colorado Parks and Recreation Association Recognizes Englewood Parks and Recreation**

The Colorado Parks and Recreation Association recognized outstanding work of the Englewood Parks and Recreation Department during their 2015 annual awards program. The city won a Columbine Award in the park renovation design category for Duncan Park, while Brad Anderson, Program and Facility Supervisor, received the Aquatics Professional of the Year, Meghan Dwyer, Communications and Marketing Administrator, received the Outstanding New Professional Award and Jerrell Black, Director of Englewood Parks and Recreation, took home the 2015 Fellow Award.

### **Duncan Park Art Reception**

On Saturday, October 17, more than 30 community members gathered for the art reception at Duncan Park.

*Your Turn* by Michael Clapper is an interactive piece of art that will always change with neighborhood participation. This piece of art allows everyone to create their own abstract painting within Duncan Park.



### **Halloween Carnival at Englewood Recreation Center**

The Halloween Carnival is coming this Saturday, October 24, from 5-8:30 p.m. at the Englewood Recreation Center. The night features witches, inflatables, carnival games, a haunted house, toddler activities and concessions for snacking.



# 35 YEARS OF OUTDOOR ARTS

Edwin O'Halloran checks out a palindrome sculpture titled "Radar" at the Museum of Outdoor Arts in Englewood on Oct. 14. The museum will celebrate its 35 anniversary in 2016. The museum maintains offices and free-to-the-public gallery space in the Englewood Civic Center, 1000 Englewood Parkway. **STORY » 4L** *Seth McConnell, YourHub*

## 35 years on, Englewood's Museum of Outdoor Arts still experimenting

Posted: 10/22/2015 12:01:00 AM MDT

DenverPost.com



*RTD patrons walk past a sculpture at the Museum of Outdoor Arts in Englewood on Oct. 14. The museum is about to turn 35.*

ENGLEWOOD —It is almost 35 years old, but Englewood's [Museum of Outdoor Arts](#) is showing no signs of slowing down with age. In fact, its efforts are expanding and evolving like its collection.

The museum has a 150-piece permanent collection, including 80 pieces built for outdoor display. It has helped place countless pieces on display in prominent spots in Greenwood Village, Englewood, Denver and elsewhere.

Perhaps the most notable piece it is associated with right now is a giant pickaxe and gold nugget sculpture titled "[Pikes Peak or Bust](#)," erected near

the corner of 17th Street and Tremont Place in Denver in a joint effort with students from the [Rocky Mountain College of Art + Design](#).

The museum maintains offices and free-to-the-public gallery space in the Englewood Civic Center, 1000 Englewood Parkway, and just recently opened a new exhibition there for local artist [Joel Swanson](#).

Still, the museum leadership is emphasizing pushing into new, uncharted territory.

"Our actual mission statement is 'Making art part of everyday life,' " said [Cynthia Madden Leitner](#), the museum's president and executive director. "But we've progressed beyond that."

"We're always trying our hand at something new. We're never stagnant," added Tim Vacca, the museum's director of programs. "We're a progressive, small museum constantly trying new things in the community."

No project embodies that like "[Element House](#)," the museum's six-years-in-the-making modular, off-the-grid house that has gone from the 3-D model phase to a physical prototype on private land in New Mexico that could open to the public in 2016. Madden Leitner and the museum contracted New York-based [MOS Architects](#) — founded by principals Hilary Sample and Michael Meredith — to construct the prototype, using state-of-the-art building techniques and power and water systems that are independent of public utility systems. Madden Leitner attended an [awards ceremony](#) in New York last week where MOS was recognized for work including Element House. It sits on a property owned by artist Charles Ross, near where he is building his naked-eye observatory and earthwork sculpture "[Star Axis](#)."

"MOA really enjoys collaboration and partnerships," Madden Leitner said, referring to Element House and enumerable other projects the museum has been involved in since it got started in Greenwood Village in 1981 as a joint effort between Madden Leitner and her parents, John and Marjorie Madden.

In 1999, it moved into the second floor of the building that became the Englewood Civic Center before the city even relocated its offices there, Madden Leitner said. Lately there has been talk about the city [moving out of the building](#), and while the museum is keeping an eye on that, its executive director is focused on the mission.

"We've moved four or five times. We could actually be anywhere but we stayed in Colorado for a reason," Madden Leitner said. "Englewood is our home base. We're always going to maintain the relationships and the art here but we're looking forward to our future, too."

The museum owns Fiddler's Green Amphitheater and worked with its promotion partner, AEG Live Rocky Mountain, to make [\\$5 million in upgrades](#) there last year, updating the facility and adding green elements, like a "living wall" made up of various plants.

"I've always appreciated them for being a great asset to the community," Greenwood Village Mayor Ron Rakowsky said. "It's a huge cultural plus. It provides a great opportunity for youngsters in particular that might not be exposed to the arts to grow up and enjoy it."

Englewood City Councilman Joe Jefferson also expressed his gratitude for the Museum of Outdoor Arts and a hope that its work in Englewood would extend well beyond its 35-year anniversary in 2016.

"I think they've helped make Englewood a cultural art destination. They put us on the map, so to speak," he said. "I have every intention of continuing that partnership moving forward."

*Joe Rubino:*

*or*

## Englewood testing waters for pot consumption clubs

Updated: 10/21/2015 10:52:17 PM MDT

DenverPost.com

ENGLEWOOD — Yet another effort to navigate the state's prohibition on public consumption of marijuana is shaping up — this time in Englewood.

On Wednesday, the Englewood Liquor and Medical Marijuana Licensing Authority unveiled a draft ordinance that lays down guidelines for — places limits on — potential "marijuana consumption establishments" in the city.

The measure, still in preliminary form, would set a minimum age of 21 to enter a pot consumption establishment and mandate a strict level of air filtration inside that business to keep a lid on odor complaints.

Emmett Reistroffer, a member of the city's licensing authority, said there may be additional stipulations to come, including a cap on the number of such businesses in the city and a requirement that staffers working there remain sober.

"The goal is to make sure it is a safe environment and a supervised environment," Reistroffer said. "It would help make sure that marijuana consumption is not done in parks or on the street."

The ordinance is scheduled to go before City Council as part of a study session on Nov. 2 and could be up for a final vote by the end of the year or early next year.

Englewood's move is the latest push by a Colorado community to address one of the most confounding conflicts inherent in the state's 2012 pot-legalization statute: Marijuana can be legally purchased, but use of the drug in public is not permitted.

Just last month, [activists behind a proposed Denver ballot initiative to allow some marijuana use in bars and other businesses pulled the measure](#). Instead, they decided to work with city officials and the state restaurant and lodging associations on an ordinance that could go before the Denver City Council within the next year.

Mason Tvert of the Marijuana Policy Project, who helped spearhead the Denver initiative effort, said Englewood's measure could become a statewide model depending on how it is drafted.

"This is what we'd like to see — our localities creating rules whereby adults can consume marijuana socially," Tvert said.

The issue of cannabis clubs is not new to Englewood, which permits medical marijuana sales but not recreational sales. Earlier this year, [the city enacted a moratorium on smoking lounges](#) but not before iBake Englewood swung open its doors for business at 3995 S. Broadway.

iBake co-owner Marty Fuchs said there have been no problems with his membership cannabis club since it opened in June. It is one of a handful of cannabis smoking clubs in the state.

"We set a high standard here," he said. "There's never been an odor issue since we opened. And this is the place where people can go to relax and not be in the street, not be in the park, not be in their car."

Fuchs said apartment dwellers, who are prohibited from smoking pot in their buildings, can find a place to do so at iBake. Just three weeks ago, two men from Pakistan visited his business to experience legal pot

for the first time. They had nowhere else to consume their purchase legally, Fuchs said.

Members of the licensing authority on Wednesday asked a deputy city attorney about the potential locations of cannabis clubs in Englewood, and whether they should be restricted to noncommercial areas.

They also asked about the vigilance that businesses would use to guard against illegal sales of pot or use of alcohol on site.

Councilman Rick Gillit said he represents a district in the city that is heavily against any kind of marijuana use in Englewood. He's leery of his city being a test case for social marijuana consumption.

"There are a lot of things to look at," he said.

## Your Contribution

» **SUBMIT A STORY:** Have a story to share? Post it on YourHub.

# GET YOUR PUMPKINS

Boy Scout Troop 457 is hosting its annual Pumpkin Patch Fundraiser through Oct. 31 at Greenwood Community Church, 5600 E. Belleview Ave., Englewood. The Pumpkin Patch is open from 10 a.m.-dusk on weekends and from 5 p.m.-dusk most weekdays.

*Courtesy Pam Dumonceau*



## Anthem, Lions team up to plant trees

**By Joyzelle Davis**  
*YourHub Contributor*

About 50 Anthem Blue Cross and Blue Shield volunteers teamed with the Englewood Lions Club on Oct. 10 to plant eight trees and mulch other trees in Englewood's Cushing Park.

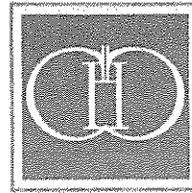
The new trees replace ones that had to be removed due to disease.

Anthem and the Lions Club teamed up in October to host a nationwide month-long community service event called "Volunteer Days."

*Joyzelle Davis is public relations director for Anthem Blue Cross and Blue Shield in Colorado.*



**Drake Walker and Jake McClure plant one of eight trees at Cushing Park on Oct. 10.** *Courtesy Joyzelle Davis*



# Craig Hospital

## Craig Hospital partners with Brush Foundation to help spinal-cord patients

Craig Hospital and the Kelly Brush Foundation have announced a new partnership to provide much needed scholarship funds to help Craig Hospital graduates with spinal-cord injuries continue to lead an active lifestyle. The scholarships will provide funding for adaptive sports and recreational equipment.

Craig Hospital is a nationally renowned rehabilitation hospital for people with spinal cord and brain injury. The Kelly Brush Foundation is a nonprofit organization dedicated to incorporating sports and recreation into the lives of people with spinal-cord injury, as well as preventing injuries in ski racing.

Kelly Brush Davisson, for whom the foundation is named, is a Craig Hospital graduate and has dedicated her life to helping others get back into active lifestyles after discovering the benefit of adaptive sports.

"Kelly has always been an athlete, and getting back to sports after her injury helped her feel like herself again," said Zeke Davisson, executive director of the Brush Foundation. "She wanted to help others get back to doing what they love."

The "Granting Independence" SCI Adaptive Equip-

ment Scholarship was introduced this year. Craig Hospital and the Brush Foundation are proud to announce six recipients will receive scholarships for adaptive equipment this October. The total scholarship amount is \$10,000.

"Sport and recreation can help develop confidence, independence and strength—both physical and emotional. At Craig Hospital we often see the barrier to participation is the ability to afford the piece of equipment," said Tom Carr, director of therapeutic recreation for the hospital.

Adaptive sports equipment, like hand cycles or monoskis, is often too expensive for someone facing medical bills after a catastrophic injury. Costs for adaptive equipment typically starts at \$3,000, yet recreation is an important part of daily life and helps many people adjust to their "new normal."

Craig also offers an adaptive equipment scholarship for graduates with traumatic brain injury. All interested in incorporating sports and recreation into their daily lives are encouraged to apply. Applications deadlines for the next scholarship period end Sept. 15, 2016.

**T H E L I S T**

**DENVER-AREA PRIVATE COMPANIES - PART 1**

RANKED BY 2014 REVENUE

<b>32</b> <b>Encore Electric Inc.</b>  <i>encoreelectric.com</i>	2107 W. College Ave. Englewood, CO 80110 303-934-1234	\$118 million	\$92.3 million	\$107 million	electrical services, preconstruction services	Encore Electric Inc. / Englewood, CO	Willis Wiedel, presid
<b>67</b> <b>Calcon Constructors Inc.</b>  <i>calconcl.com</i>	2270 W. Bates Ave. Englewood, CO 80110 303-762-1554	\$47 million	\$46.4 million	\$33 million	general contractor	Calcon Constructors Inc. / Englewood, CO	James Bosshart, CEO; Joseph Galton, president

**CITY OF ENGLEWOOD  
2015 CALENDAR OF EVENTS**

Mon., Oct. 26	6:00 p.m.	Study Session, Community Room
Mon., Nov. 2	2:00p.m.	Malley Trust Fund Board meeting
	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Nov. 3	7:00 p.m.	Planning & Zoning Commission, City Council Conference Room/Council Chambers
Wed., Nov. 4	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	4:00 p.m	Englewood Housing Authority Meeting, EHA Board Room
	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Nov. 9	5:30 p.m.	Executive Session, City Council Conference Room
Tues., Nov. 10	3:00 p.m.	NonEmergency Employees Retirement Board, Public Works Conference Room
	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
	<b>Cancelled</b>	Keep Englewood Beautiful, City Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
<b>Weds., Nov. 11</b>		<b>City Hall closed – Veterans Day</b>
Thurs., Nov. 12	<b>Cancelled</b>	Police Officer Pension Board, Public Works Conference Room
	<b>Cancelled</b>	Firefighters Pension Board, Public Works Conference Room
	5:30 p.m.	Parks and Recreation Commission, Broken Tee Golf Course
	6:30 p.m.	Transportation Advisory Board Public Works Conference Room
Mon., Nov. 16	7:30 p.m.	City Council Meeting, Council Chambers

Tues., Nov. 17	4:30 p.m. 7:00 p.m.	Budget Advisory Committee, City Council Conference Room Planning & Zoning Commission Meeting, City Council Chambers
Wed., Nov. 18	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Thurs., Nov. 19	7:00 p.m.	Board of Adjustment and Appeals, City Council Chambers
Mon., Nov. 23	6:00 p.m.	Study Session, Community Room
<b>Thurs., Nov. 26</b>		<b>City Hall closed – Thanksgiving Day</b>
<b>Fri., Nov. 28</b>		<b>City Hall closed – Thanksgiving Day Holiday</b>
Mon., Nov. 30	<b>Cancelled</b>	Study Session, Community Room
Wed., Dec. 2	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., Dec. 7	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Dec. 8	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	6:00 p.m.	Keep Englewood Beautiful – Holiday Lighting Judging
	7:00 p.m.	Library Board, Library Board Room
	7:00 p.m.	Planning & Zoning Commission, City Council Conference Room/Council Chambers
Wed., Dec. 9	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
	7:00 p.m.	Board of Adjustments and Appeals, Council Chambers
Thurs., Dec. 10	5:30 p.m.	Parks and Recreation Commission, Malley Senior Recreation Center
Mon., Dec. 14	6:00 p.m.	Study Session, Community Room
Tues., Dec. 15	4:30 p.m.	Budget Advisory Committee, City Council Conference Room
Wed., Dec. 16	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers

**TENTATIVE**  
STUDY SESSIONS TOPICS  
FOR ENGLEWOOD CITY COUNCIL

October 26	Study Session Englewood Forward Public Draft Aid to Other Agencies Discussion Public Building Smoking Ban Sublease Property
November 2	Study Session & Regular Meeting Board and Commission Members Reappointment Discussion Marijuana Social Clubs Budget Advisory Committee Discussion
November 9	Executive Session City Manager Annual Review
November 16	No Study Session Regular Meeting Only New Council Swearing-In Ceremony/Selection of Mayor/Pro Tem
November 23	Study Session Ethics and Public Service Training with CIRSA Financial Report
November 30	No meeting scheduled – 5th Monday
December 7	Study Session & Regular Meeting Council Liaisons on Boards and Commissions
December 14	Study Session Financial Report
December 21	Regular Meeting Only No Study Session Scheduled - Holiday Dinner
December 28	Christmas Holidays – No meeting scheduled
2016	
January 4	Study Session & Regular Meeting Colorado and US Legislators - tentative
January 11	Study Session Board and Commission Interviews
January 19	Study Session & Regular Meeting - Tuesday

## Financial Report

January 25	Study Session Board and Commission Appreciation Night/Gift Discussion Citizen of the Year Selection Discussion
February 1	Study Session & Regular Meeting Arapahoe County Commissioners RTD District Representatives
February 8	Study Session
February 16	Study Session & Regular Meeting Financial Report
February 22	Study Session
February 29	No meeting planned – 5th Monday
March 7	Study Session & Regular Meeting
March 14	Study Session NLC Conference - tentative
March 21	Study Session & Regular Meeting Financial Report
March 28	Study Session

## **FUTURE STUDY SESSION TOPICS**

Englewood Forward Work Session w/ New Council  
Trash Hauling Regulations Review  
Capital Project Approval Process/Purchasing Policy  
Trash Franchise  
Code Enforcement (Council Request #156)  
Trans-Pacific Partnership Agreement  
Construction Defects Ordinance  
Recreational Marijuana Options  
Property/Code Enforcement  
Energy Conservation/Green Initiatives  
Historic Preservation

**CITY OF ENGLEWOOD  
BOARD OF ADJUSTMENT AND APPEALS  
MINUTES  
AUGUST 12, 2015**



**1. Call to Order**

The regular meeting of the Englewood Board of Adjustment and Appeals was called to order at 7:00 p.m. in the Englewood City Council Chambers, Chair Green presiding.

**2. Roll Call**

**Present:** Angela Schmitz, Carson Green, Randal Friesen, Tom Finn, Sue Purdy, Writer Mott, Jedidiah Williamson, Stacie Flynn (Alternate)

**Absent:** None

**Staff:** Audra Kirk, Planner I  
Dugan Comer, Deputy City Attorney

Chair Green stated there were seven members present; therefore, five affirmative votes are required to grant a variance or appeal.

Chair Green stated that the Board of Adjustment and Appeals is empowered to grant or deny variances by Part III, Section 60 of the Englewood City Charter. Variances granted by the Board are subject to a 30-day appeal period. Variances are effective at the end of the appeal period. Building permits for construction associated with an approved variance will not be issued until the appeal period is ended. Building permits must be obtained and construction begun within 180 days of the variance's effective date.

Chair Green set forth parameters for the hearing: The case will be introduced; applicants will present their request and reasons the variance should be granted; proponents will be given an opportunity to speak; opponents will address the Board; and then staff will address the Board. Staff will give a preliminary overview of the variance before testimony is taken.



**3. Slate Communications**

Slate Communications provided a brief update on the City's branding initiative. Three logo options were presented and discussed.



**4. Public Hearing  
VAR2015-011  
4145 South Huron Court**

Chair Green opened the public hearing stating he had proof of posting and publication. He introduced the case stating the applicants are requesting a variance to reduce the minimum

20 foot rear setback by 8 feet to construct a deck addition to an existing residence. This is a variance to Table 16-6-1.1 of the Englewood Municipal Code.



Audra Kirk, Planner I was sworn in. Ms. Kirk provided a brief overview of the property and the variance request. Ms. Kirk answered questions from the Board. The deck is not covered and is 30 inches above grade.



Jeff Collins and Tonya Friess, 4145 South Huron Court, were sworn in. The lot is peculiar since it is only 76 feet deep. There is only a 24 foot setback in the rear. Mr. Collins and Ms. Friess answered questions from the Board. The 4 foot railing blocks the view into the neighbor's yard even more than looking through the windows. The deck will be less disruptive to the neighbors. There are also trees along the fence.



Ms. Kirk stated the house was purchased in 2014; therefore, the homeowners are not responsible for the location of the house on the site. Ms. Kirk answered additional questions from the Board.

Mr. Finn asked for clarification on rear setbacks for shallow lots and the effective date of the Title. Deputy City Attorney Comer clarified the "Title" refers to Title 16 of the Unified Development Code which was adopted in 2004. Since the lot is less than 100 feet, the setback is reduced to 15 feet which makes the variance only 3 feet.



There were no other persons present to testify for or against the variance. Chair Green incorporated the staff report and exhibits into the record and closed the public hearing.

**MOTION: THAT CASE VAR2015-011, 4145 SOUTH HURON COURT, BE GRANTED A VARIANCE TO REDUCE THE MINIMUM 15 FOOT REAR SETBACK BY 3 FEET TO CONSTRUCT A DECK ADDITION TO AN EXISTING RESIDENCE. THIS IS A VARIANCE TO SECTION 16-6-1:F.4(e) OF THE ENGLEWOOD MUNICIPAL CODE.**

**Moved by** Tom Finn **Seconded by** Writer Mott

The Board discussed the variance request and the criteria.



With no further discussion, the secretary polled the members' votes.

Mr. Friesen voted yes. The site is unique. It will not affect public health, safety or welfare. It will not permanently impair the use or development of adjacent properties. It is not a self-imposed hardship.

Mr. Mott voted yes. The lot is a unique shape. The variance is consistent with the intent of the R-1-C zone district. The surrounding properties are already developed. Many of the properties have decks and patios. The neighbor notification received was in favor of the request. It is not a self-imposed hardship. The deck has not been built. The homeowners have no control over the size and shape of the lot.

Ms. Schmitz, Mr. Williamson, Ms. Purdy, Mr. Finn, and Chair Green voted yes, concurring with Messrs. Friesen and Mott.

**Vote:** Motion passed by a roll call vote (**summary:** Yes=7 No=0)  
**Yes:** Carson Green, Tom Finn, Sue Purdy, Writer Mott, Randal Friesen, Jedidiah Williamson, Angela Schmitz  
**No:** None  
**Absent:** None  
**Abstain:** None

Motion passed.



**5. Request for Rehearing  
Lone Star Trust  
3560-3590 South Clarkson Street**

Chair Green stated the Board received a Request for a Rehearing from Lone Star Trust for property located at 3560-3590 South Clarkson Street.



**MOTION: TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LEGAL MATTERS AS AUTHORIZED UNDER C.R.S 24-6-402-4 (B)**

**Moved by** Angela Schmitz; **Seconded by** Tom Finn

**Yes:** Carson Green, Tom Finn, Sue Purdy, Writer Mott, Randal Friesen, Jedidiah Williamson, Angela Schmitz  
**No:** None  
**Absent:** None  
**Abstain:** None

Motion passed.

Executive Session was convened at 8:00 pm.



The regular meeting reconvened at 8:15 pm.

**MOTION: TO REHEAR SETBACK VARIANCE REQUEST FOR 3560-3590 SOUTH CLARKSON STREET.**

**Moved by** Writer Mott; **Seconded by** Tom Finn



The Board discussed the criteria for a rehearing and reviewed the evidence. With no further discussion, the secretary polled the members' votes.

Ms. Schmitz voted yes. The grade issues will benefit from a clearer presentation.

Mr. Mott voted yes. The larger site plan will permit the Board to evaluate the topography better and determine if the alternatives are reasonable.

Mr. Friesen, Ms. Purdy, Mr. Finn, and Chair Green voted yes, concurring with Ms. Schmitz and Mr. Mott.

**Vote:** Motion passed by a roll call vote (**summary:** Yes =6 No=0)  
**Yes:** Randal Friesen, Tom Finn, Sue Purdy, Writer Mott, Angela Schmitz, Carson Green  
**No:** None  
**Absent:** None  
**Abstain:** Jedidiah Williamson

Motion passed.

**MOTION: TO REHEAR ZONE OF TRANSPARENCY VARIANCE REQUEST FOR 3560-3590 SOUTH CLARKSON STREET.**

**Moved by** Writer Mott; **Seconded by** Tom Finn



The Board discussed the evidence and criteria. With no further discussion, the secretary polled the members' votes.

Mr. Friesen voted no. Additional evidence that was not available at the hearing was not submitted regarding the issue of transparency.

Ms. Schmitz and Ms. Purdy voted no, concurring with Mr. Friesen.

Mr. Mott voted no. Photos were presented at the public hearing that showed the location of the windows; therefore, there is no new additional evidence.

Mr. Finn voted yes. After receiving the legal interpretation during Executive Session, the Board should rehear the issue of transparency.

Chair Green voted no. The Board's understanding was accurate when it made its decision and no new evidence has been submitted that will affect that decision.

**Vote:** Motion failed by a roll call vote (**summary:** Yes =1 No=5)  
**Yes:** Tom Finn  
**No:** Randal Friesen, Sue Purdy, Writer Mott, Angela Schmitz, Carson Green  
**Absent:** None  
**Abstain:** Jedidiah Williamson

Motion failed.



## 6. Approval of Minutes

**MOTION: TO APPROVE THE JULY 8, 2015 MINUTES.**

**Moved by** Randal Friesen; **Seconded by** Tom Finn

**Vote:** Motion passed by a roll call vote (**summary:** Yes =7 No=0)  
**Yes:** Randal Friesen, Tom Finn, Sue Purdy, Writer Mott, Angela Schmitz, Carson Green, Jedidiah Williamson  
**No:** None  
**Absent:** None  
**Abstain:** None

Motion passed

## 7. Approval of Findings of Fact

**MOTION: TO APPROVE THE FINDINGS OF FACT IN CASE VAR2015-009, 3555 SOUTH CLARKSON STREET.**

**Moved by** Randal Friesen; **Seconded by** Writer Mott

**Vote:** Motion passed by a roll call vote (**summary:** Yes =7 No=0)  
**Yes:** Randal Friesen, Tom Finn, Sue Purdy, Writer Mott, Angela Schmitz, Carson Green, Jedidiah Williamson  
**No:** None  
**Absent:** None  
**Abstain:** None

Motion passed.



## 8. Staff's Choice

There are no cases for September. If Lone Star Trust chooses to move forward, the public hearing on the rehearing for the setback variance will be on October 14, 2015.

**9. Attorney's Choice**

Mr. Comer had nothing further.



**10. Board Member's Choice**

The Board had nothing further.

**11. Adjourn**

The meeting adjourned at 8:30pm

---

Nancy G. Fenton, Recording Secretary

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
CITY COUNCIL CONFERENCE ROOM  
October 6, 2015



I. CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:00 p.m. in the City Council Conference Room of the Englewood Civic Center, Chair Fish presiding.

Present: Bleile, Brick, King, Kinton, Knoth (arrived 7:02), Madrid, Townley, Pittinos (arrived 7:02), Fish

Absent: Freemire (Excused)

Staff: Michael Flaherty, Deputy City Manager/Interim Community Development Director  
Brook Bell, Planner II  
Dugan Comer, Deputy City Attorney



II. APPROVAL OF MINUTES

- September 22, 2015 Minutes

Bleile moved;

King seconded: TO APPROVE THE SEPTEMBER 22, 2015, MINUTES

Chair Fish asked if there were any modifications or corrections. There were none.

AYES: Bleile, Brick, King, Kinton, Knoth, Madrid, Townley, Fish

NAYS: None

ABSTAIN: None

ABSENT: Freemire

Motion carried.



III. FINDINGS OF FACT: Case #2014-02 Walk and Wheel Master Plan and Program

King moved;

Bleile seconded: To approve the Findings of Fact for Case #2014-02 Walk and Wheel Master Plan and Program

AYES: Bleile, Brick, King, Kinton, Knoth, Madrid, Townley, Fish

NAYS: None

ABSTAIN: None

ABSENT: Freemire



IV. FINDINGS OF FACT: Case #2015-09 4635 South Pearl Street Urban Lot Development

Bleile moved:

Kinton seconded: To approve the Findings of Fact for Case #2015-009 4635 South Pearl Street Urban Lot Development

AYES: Bleile, Brick, King, Kinton, Knoth, Madrid, Townley, Fish

NAYS: None

ABSTAIN: None

ABSENT: Freemire

Motion carried.



III. STUDY SESSION Case #2015-10 UDC Sign Code Amendments

Deputy City Attorney Comer reviewed information regarding the court case, Reed vs. Gilbert, Arizona, that will affect the sign code regulations. The City Attorney's office in conjunction with Community Development will consider a model code to develop revisions to the current sign code. The revised regulations will include placement time allowed, physical placement and size but will not regulate content. The application of the ruling may have broad implications for other regulations in the code as well. Mr. Comer stated that there will not be any effect on the election signs that are currently being used as the code does contain time limits as it is written now.



Residential zone districts will be less affected as fewer signs are currently allowed. Mr. Flaherty suggested that the Commissioners look at the current sign code and identify those regulations that they want to keep in force. Mr. Bell feels that the differentiation between primary and accessory signs will be of benefit when considering the revisions.



There will be a study session scheduled in the near future to examine the necessary changes.



Chair Fish noted the additional information included in the meeting packet. Mr. Bell explained that City Council had requested information on the redevelopment activity in the City. He presented the Commission with the comparison of dimensional standards between Englewood and Denver and statistics regarding redevelopment in Englewood. Discussion regarding the redevelopment continued.



IV. PUBLIC FORUM

Doug Cohn, Englewood resident, expressed concern about adequate solar access for smaller homes that are affected by larger structures that are being constructed. Mr. Bell

stated that adequate light is determined by a structure's compliance with the Bulk Plane Diagram in the UDC.



V. ATTORNEY'S CHOICE

Deputy City Attorney Comer did not have any further comments for the Commission.



VI. STAFF'S CHOICE

Mr. Bell stated that the next meeting, October 20<sup>th</sup>, will be a review of the final draft Comprehensive Plan. A link to the draft will be distributed to the Commissioners as soon as it is available.

Mr. Flaherty reminded the Commissioners that there will be an open house on October 21<sup>st</sup> for public comment on the Comprehensive Plan.



V. COMMISSIONER'S CHOICE

Mr. Kinton commented on Mr. Cohn's concerns about solar access and suggested that the Commission be proactive in discussing the issue. Mr. Madrid stated that because the Commission recently changed the bulk plane regulations it would be difficult to go back to the issue. Mr. Knoth added that the state has limitations on the amount of solar energy that can be generated by a homeowner. Mr. Knoth also shared his recent experience in Fort Collins with regard to drive-thru regulations.



Ms. Townley mentioned an article regarding zoning changes in Boulder. It is a ballot issue that would divide the city into separate zone areas by neighborhood. She will forward the article to the Commissioners. Boulder recently removed a bike lane due to citizen concerns. Mr. Knoth commented on the controversy surrounding Boulder's light rail station that is under construction.



Mr. King commented on the solar access issue raised by Mr. Cohn and the fact that the height is what affects the amount of sunlight, not the bulk plane.



Mr. Fish spoke about the work the Commissioners did on studying the shade issue at the Kent Place development.

The Commissioners were informed that City Council has adopted the new brand platform and logo. Implementation will be completed gradually to minimize the impact of the investment.

The meeting adjourned at 8:00 p.m.

/s/ Julie Bailey, Recording Secretary