



# Council Newsletter

---

## CITY MANAGER'S NOTES October 20, 2016

### Upcoming Council Meetings

On **Monday, October 24, 2016**, a Study Session will be held at 6:00 p.m. in Council Chambers.

The next Regular Meeting will be held on **Monday, November 7, 2016**, at 7:00 p.m. in Council Chambers.

Reminder: Starting in November, Regular Council Meetings will begin at 7:00 p.m. and Study Sessions will be held the 2<sup>nd</sup> and 4<sup>th</sup> Mondays only, at 6:00 p.m.

### Informational Items

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

1. Englewood Herald article: Englewood focuses questions on Police, Schools, Marijuana
2. Englewood Herald article: Englewood gets good School Report
3. Memo: City of Englewood Open Burning Ban
4. Email: Medici 3400 Block South Broadway Parking Details
5. Calendar of Events
6. Tentative Study Session Topics
7. Board of Adjustment and Appeals Meeting Minutes – September 14, 2016
8. Planning & Zoning Commission Meeting Minutes – October 4, 2016



# Englewood questions focus on police, schools, marijuana

## Voters will decide important issues

Posted Tuesday, October 18, 2016 3:11 pm

[David Gilbert](#)

Englewood voters' ballots this year will be dominated by conflicting marijuana-related measures.

One effort seeks to permit the retail sale of marijuana; another seeks to prohibit it. Another pair of measures addresses taxing retail marijuana, in case retail sales are approved: One of those measures would allow the city to quickly increase taxes on marijuana; another would require marijuana tax increases to occur more slowly.

The remaining ballot measures regard improvements to city and school district infrastructure: One bond issue, if approved, would increase property taxes to pay back a loan to build a new police station, and another would increase property taxes to replace Englewood's aging elementary schools. Finally, a mill levy override would increase property taxes to add money to the school district's operating fund.

Here's a detailed look at each issue:

### **Ballot Question 301**

If approved, Ballot Question 301 would prohibit commercial cultivation, manufacturing and sale of recreational marijuana. Medical marijuana would not be affected.

Recreational marijuana sales are already banned in Englewood by action of the city council, but the existing ban could be overturned by future councils. Ballot Question 301 would prohibit recreational sales even if future city councils wanted to allow such sales. Such a ban could only be overturned by another popular vote.

Ballot Question 301 is the result of a citizen initiative, spearheaded by Donna Macdonald and Peggy Bogaard-Lapp, the latter of whom lives on the same block as the yet-to-be-completed Trees medical marijuana dispensary in southwest Englewood, which was approved in 2014 despite opposition by neighbors.

A similar petition by Macdonald and Bogaard-Lapp sought to prohibit medical marijuana sales in the city and shut down the four facilities approved by the city for sales or cultivation. That effort failed.

### **Ballot Question 302**

The result of another citizen initiative, Ballot Question 302 would allow recreational marijuana shops in Englewood, subject to regulation and licensing conditions set forth in the initiative petition.

If this ballot question becomes law, until 2019 the city could only approve applications for recreational sales at the medical marijuana facilities the city has already approved. After that, the city could approve recreational marijuana shops in other locations, provided they conformed with zoning regulations.

The measure would allow hours of operation from 8 a.m. to 8 p.m., which could not be shortened by the city council.

The measure was brought forth by Tim Brown, who says he will operate the as-yet-unfinished Trees dispensary in southwest Englewood, and Bruce Carter, owner of the Nature's Kiss dispensary at Broadway and Quincy Avenue. Both listed their addresses on the petition as rental mailboxes at the UPS Store on Hampden Avenue. A website touting the measure, [responsibleenglewood.org](http://responsibleenglewood.org), is registered through Domains By Proxy, which obscures the name of the website's registrant.

Ballot Questions 301 and 302, opposing and supporting recreational marijuana sales, are in direct conflict. If both pass, the measure that receives the most votes will prevail.

### **Ballot Issue 300**

A sister initiative to Ballot Question 302, Ballot Issue 300 seeks to regulate how recreational marijuana could be taxed in Englewood.

If recreational marijuana sales were approved, Ballot Issue 300 would mandate an initial 3.5 percent sales tax on retail weed, which could not be increased before 2018. After that, the tax rate could only increase by 1.5 percent per year, up to a cap of 15 percent.

The measure's language specifies that revenues collected would be used to fund local law enforcement, educational programs, and the city's general fund.

### **Ballot Issue 2B**

A competing measure against Ballot Issue 300, Issue 2B seeks a different tax structure for revenue collected from recreational marijuana sales.

Issue 2B, proposed by the city council, mandates an initial 3.5 percent sales tax rate on recreational marijuana, but allows the city to increase or decrease the tax rate at will without voter approval, up to a cap of 15 percent.

### **Ballot Issue 2C**

The city's police station is outdated, inadequate and in need of replacement, according to police and city officials. Ballot Issue 2C would increase property taxes by \$2 per month per \$100,000 of assessed property value to repay debt that would be created when the city sells approximately \$27 million in bonds to finance the building of a new police headquarters.

The current police headquarters, built in 1972, has a number of problems, say city officials. The roof leaks, forcing staff to cover their desks and computers with plastic sheeting during rainstorms. The facility has six holding cells, of which two have been converted into evidence storage. The remaining four are often overcrowded. The parking lot is unsecured, leaving vehicles susceptible to vandalism and damage.

A mailer sent out by the Englewood Police Department in September says the city's police face greater challenges than when the building was built, owing to an increase in population density, as

well as “meth labs, illegal marijuana grow operations, white supremacists, and a proliferation of weapons on the street.”

The city hopes to begin building a new police station — possibly adjacent to the current station — as early as next year, with construction wrapping up in 2018.

The measure would generate around \$2.2 million a year toward paying back the loan, with a total anticipated repayment cost of \$47.9 million.

### **Ballot Issue 3E**

Citing the success of the 2011 bond issue that replaced the old Englewood High School with a new facility, the Englewood School District is now looking to replace its four aging elementary schools and one preschool.

The school bond issue would allow the district to sell \$97.5 million in bonds, funded by a property tax increase of \$4.58 per month per \$100,000 of assessed property value.

The money would pay to build new schools on the sites of the current buildings. The schools, each at least 60 years old, are rife with problems, according to district officials: insufficient fire suppression systems, noncompliance with the Americans with Disabilities Act and obsolete HVAC systems. They say complete rebuilds are more cost-effective than lengthy piecemeal renovations.

### **Ballot Issue 3D**

Englewood Schools are also seeking a mill levy override to add \$1.5 million to the district’s annual operations budget, which the district says would “augment safety and security, attract and retain highly qualified teachers, support staff and leaders, maintain current instructional technology resources, and maintain district facilities and grounds.”

The mill levy override would increase property taxes by \$2.08 per month per \$100,000 of property value.

Limitations imposed by the TABOR amendment and Amendment 23 have hampered school funding in Colorado, and state funding of districts has withered in recent years. Although marijuana tax revenues are widely believed to go toward school operations budgets, they do not: Instead, marijuana revenues go toward a grant fund to pay for school construction in impoverished and rural districts. Marijuana tax revenues provide tens of millions of dollars towards the grant fund, but school construction needs across the state are in the tens of billions of dollars.

If the police bond, school bond and mill levy override were all approved, property taxes on a \$300,000 home would increase by about \$300 a year.



# Englewood gets good school report

## School district's progress reflected in state's ratings

Posted Tuesday, October 18, 2016 10:57 am

[Tom Munds](#)

The Englewood School District received encouraging news when the state released its preliminary school performance framework report.

"We feel the report shows we are moving in the right direction," Superintendent Wendy Rubin said at the Oct. 6 town hall meeting. "The district was not in good shape in 2010, but five years of focused work has helped us improve. Of course, there is still work to do so we want to stay focused."

The state's school performance framework is described as a way to provide a snapshot of a district's or a school's level of academic achievement, growth, growth gaps and post-secondary readiness.

Four ratings are possible. A district rated turnaround or priority improvement is on the clock with five years to move up to an improvement rating. Two other possible ratings are improvement and performance.

In the recent report, the framework listed the Englewood School District as improvement, a rating that could possibly move to performance in January's final framework.

Charles Hay and Clayton elementaries were rated as improvement. Cherrelyn moved up from priority improvement to improvement, but was only nine-tenths of a point away from the score necessary to receive performance. The district is asking reconsideration to move the rating to performance based on the growth of students in kindergarten, first and second grades in reading.

Bishop was rated as performance and Englewood High School moved from priority improvement in 2013 to improvement in 2014 to performance in this framework.

Englewood Leadership Academy was rated performance and Englewood Middle School priority performance.

There has been no rating for Colorado's Finest High School of Choice because alternative school frameworks have not yet been released.

Assistant Superintendent Patty Hanrahan said later that the state changed its rating system in 2014. Prior to that, there were a current rating, plus a three-year rating.

"This is the first performance framework we have received since 2014," she said. "The framework we received is preliminary and can be subject to change before the framework is finalized in January. We have requests for reconsiderations that, if approved, could change some of Englewood's ratings."



## City of Englewood Open Burning Ban

Effective October 17, 2016

Englewood Fire Marshal's office has declared a ban on all open fires and open burning within the City of Englewood, effective immediately. The City of Englewood has determined that the existing conditions in Englewood present an extreme danger for the possibility of accidental fires. The ban will remain in effect until further notice.

The Open Burning Ban applies to all outdoor fires, including, but not limited to:

- Campfires
- Chimineas (outdoor clay fireplaces)
- Fire pits
- Warming fires
- Fires in outdoor wood-burning stoves
- Burning of trash, debris, or prescribed burns

The ban does *not* apply to:

- Fire contained within liquid-fueled or gas stoves, fireplaces, and wood-burning stoves within building
- Small charcoal or gas grill barbecues that do not produce open flames when used, such as those used for cooking or warming food
- Permitted public fireworks displays with adequate firefighting personnel and equipment assigned to be on the scene of such displays
- Civic, social, or religious organizations that obtain a special permit from the Englewood Fire Marshal and comply with the requirements of the Englewood Municipal Code

The City of Englewood's Open Burning Ban will be enforced as a City Ordinance violation that, upon conviction, could result in fines up to \$1,000. Residents should also be aware that it is illegal to possess, store, sell, use, or shoot fireworks in the City of Englewood without a permit from the Fire Marshal.

For additional information or questions about the Open Burning Ban, contact the City of Englewood's Fire Marshal's office 303-762-2475.



**From:** Josh Russell

**Sent:** Thursday, October 20, 2016 8:49 AM

**To:** Josh Russell <[jrussell@englewoodco.gov](mailto:jrussell@englewoodco.gov)>

**Cc:** Troy Gladwell <[tgladwell@englewoodco.gov](mailto:tgladwell@englewoodco.gov)>; Shannon Sperry <[ssperry@englewoodco.gov](mailto:ssperry@englewoodco.gov)>; Brad Power <[bradpower@englewoodco.gov](mailto:bradpower@englewoodco.gov)>

**Subject:** 3400 Block Construction Update

Dear business owners on the 3400 Block of South Broadway,

In the ongoing effort to keep you and your customers informed of developments on our site I am writing to provide you the following updates:

- **Lincoln Parking Lot:** Wayfinding signage directing customer traffic to the Lincoln public lot has been installed. The large commercial vehicles using this lot have been removed. The lot will be signed to prohibit commercial vehicle parking and overnight camping. The lot will be patrolled for violators. Parking generally appears to be available at this lot at all times, and we would encourage you to direct customers to this lot.
- **Alley Parking:** The remaining parking along the west side of the alley has been marked as 2-hour parking. As we noted late last week, the parking along the driveway will soon be removed from use. The public pole light in the alley was removed by Xcel, but they have indicated that it will be reinstalled by the end of this week.
- **Acoma Parking:** Parking along Acoma will be kept open for public use as much as possible during construction, though certain phases of construction will require it to be closed for safety and access purposes. We understand the lighting on Acoma is poor; to that end we are currently pulling temporary electric to that side of the site in order to power new lighting, which will be installed by the end of this week. City staff have been in discussions with the owner of the Big Lots building regarding their broken lighting. The owners have told us that it is in the process of being repaired, which will improve lighting on the west side of Acoma.
- **Alternative Parking:** City staff have been in contact with the owners of the Big Lot's parking lot. While they are open to allowing alternative users in portions of the lot, there are significant insurance and control issues to be resolved. City staff also contacted the Swedish Medical facility at 125 East Hampden (east of the Lincoln Parking Lot). This lot is currently being used for construction parking but Swedish staff is considering the use of this lot by adjacent business owners and customers. City staff also contacted managers from Community Banks of Colorado and King Soopers; unfortunately both have indicated that parking for off-site users is not allowed. Both lots are signed and will be patrolled for violators.
- **Mid-Block Crossing Update:** At its 10.17.16 meeting Englewood City Council has approved the installation of a temporary mid-block crossing. Construction of the temporary mid-block crossing is anticipated to begin on November 7th, earlier if the concrete contractor completes previous commitments ahead of schedule. City staff will install signage, remove two trees in the median, remove news corrals, and provide any necessary asphalt patching. The contractor's schedule anticipates median work the week of November 7th. This will require closure of one lane in each direction when working in the median. Construction of the temporary "bulb-outs" at the sidewalk will follow and should be complete by November 18th. Please note that closure of the one lane in each direction and

approximately 150' of the parking lane on each side of Broadway will be required during construction of the "bulb-outs".

In addition to the construction of the walkway, Xcel Energy is required to install new street lighting prior to opening the new crosswalk. We are waiting for a firm schedule commitment from Xcel and will provide an update as soon as information is available. Installation of the crosswalk is the final step and will be coordinated with Xcel Energy lighting. Recall that this is a temporary crossing only; as plans and a schedule for the permanent crossing are developed we will share that information with you.

We will continue to provide updates on the status of various developments during the course of construction. As always, please keep us apprised of issues that come to your attention. We are particularly interested in hearing from folks who may have had good ideas relative to helping direct customers to alternative parking locations. Working together to identify solutions will be an important way for us to address the challenges caused by the loss of the Acoma lot.

Josh Russell  
**MEDICI CONSULTING GROUP**  
2140 S. Delaware Street, Suite 104  
Denver, CO 80223

[www.medicommunities.com](http://www.medicommunities.com)



**CITY OF ENGLEWOOD  
2016 CALENDAR OF EVENTS**

Mon., Oct. 24	6:00 p.m.	City Council Study Session, Community Room
Tues., Oct. 25	4:30 p.m.	Budget Advisory Committee
Wed., Nov. 2	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Liquor & Medical Marijuana Licensing Authority, Council Chambers
Mon., Nov. 7	2:00 p.m.	Malley Center Trust Fund Board, Malley Senior Recreation Center
	7:00 p.m.	City Council Regular Meeting, Council Chambers
Tues., Nov. 8	3:30 p.m.	NonEmergency Employees Retirement Board, Public Works Conference Room
	5:00 p.m.	Water & Sewer Board, Community Development Conference Room
	6:00 p.m.	Keep Englewood Beautiful, City Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed. Nov. 9	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	6:30 p.m.	Urban Renewal Authority, City Council Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thur., Nov. 10	CANCELLED	Police Officers Pension Board, Public Works Conference Room
	CANCELLED	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 Committee City Council Conference Room
Mon., Nov. 14	6:00 p.m.	Facilitation with Leader's Edge
Tues., Nov. 15	4:30 p.m.	Budget Advisory Committee, City Council Conference Room
Wed., Nov. 16	7:00 p.m.	Liquor & Medical Marijuana Licensing Authority, Council Chambers
Mon., Nov. 21	7:00 p.m.	City Council Regular Meeting, Council Chambers
Tues., Nov. 22	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Mon., Nov. 28	6:00 p.m.	City Council Study Session, Community Room

Mon., Dec. 5	7:00 p.m.	City Council Regular Meeting, Council Chambers
Tues., Dec. 6	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Dec. 7	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.	Liquor & Medical Marijuana Licensing Authority, Council Chambers
Thurs., Dec. 8	5:30 p.m.	Parks and Recreation Commission Broken Tee Golf Course Maintenance Facility
Mon., Dec. 12	6:00 p.m.	City Council Study Session, Community Room
Tues., Dec. 13	6:00 p.m.	Keep Englewood Beautiful, City Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed. Dec. 14	6:30 p.m.	Urban Renewal Authority, City Council Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Mon., Dec. 19	7:00 p.m.	City Council Regular Meeting, Council Chambers
Tues., Dec. 20	4:30 p.m.	Budget Advisory Committee, City Council Conference Room
	7:00 p.m.	Planning and Zoning Commission, City Council Conference Room/Council Chambers
Wed., Dec. 21	7:00 p.m.	Liquor & Medical Marijuana Licensing Authority, Council Chambers

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

October 24	Study Session Aid to Other Agencies Discussion Arapahoe County Assessor TIF Discussion Comprehensive Plan: Historic Preservation
October 31	No Meeting – 5 <sup>th</sup> Monday
November 7	Regular Meeting
November 14	Study Session - Facilitation with Gregg Piburn 6-10:00 p.m. Malley Center Flatirons Room
November 21	Regular Meeting
November 28	Study Session Financial Report Title 7: Sex Offender Residency Restrictions Discussion Historic Preservation Commission
December 5	Regular Meeting
December 12	Study Session Board and Commission Members Reappointment Discussion City Center Discussion and ULI Report Xcel Partners in Energy Report Financial Report
December 19	Regular Meeting No Study Session Scheduled – Holiday Dinner
December 26	Christmas Holidays – No meeting scheduled
2017	
January 3	Regular Meeting - Tuesday
January 9	Study Session Board and Commission Interviews
January 17	Study Session & Regular Meeting - Tuesday Financial Report Board and Commission Appreciation Night/Gift Discussion

## Citizen of the Year Selection

January 23	Study Session Colorado and US Legislators - tentative
January 23	Study Session Arapahoe County Commissioners - tentative RTD Representatives - tentative
January 30	No meeting planned – 5th Monday

## **FUTURE STUDY SESSION TOPICS**

Joint Meeting with Englewood School District  
Emerald Ash Borer Presentation/Japanese Beetle Discussion  
City Council Response to Public Comment  
Big Wonderful Outdoor Festival  
Board & Commission Presentations  
Follow up on closure of Englewood Ironworks Urban Renewal Area



**MINUTES**  
**Board of Adjustment and Appeals Meeting**  
**Wednesday, September 14, 2016**  
**1000 Englewood Pkwy – Council Chambers 7:00 PM**

**MEMBERS PRESENT:** Andy Taylor  
Carson Green  
Stacie Flynn  
Sue Purdy  
Randal Friesen  
Anglea Schmitz

**MEMBERS ABSENT:** Tom Finn

**STAFF PRESENT:** Jeremy Lott, Planner I

**1. Call to Order**

The regular meeting of the Englewood Board of Adjustment and Appeals was called to order at 7:00 pm in the Englewood City Council Chambers, Chair Green presiding. There were six members present; therefore five affirmative votes are required to grant a variance.

**2. Public Hearing:**

Case VAR2016-013  
Jorge Equarte  
4461 South Washington Street

Chair Green opened the public hearing stating he had proof of posting and publication. He introduced the case stating the applicant is requesting a variance to encroach two feet into the required northern five foot side setback in order to construct an addition to an existing principle structure. This is a variance to Table 16-6-1.1 of the Englewood Municipal Code.

Jeremy Lott, Planner I was sworn in. Mr. Lott provided a brief overview of the property and variance request. Mr. Lott answered questions from the Board.

Jason Drautz, 4461 South Washington Street, was sworn in. Mr. Drautz testified regarding the variance criteria and the project. He answered questions from the Board.

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

**Moved by Member Randall Friesen  
Seconded by Member Anglea Schmitz**

*THAT CASE VAR2016-013, 4461 SOUTH WASHINGTON STREET, BE GRANTED A VARIANCE TO ENCROACH TWO FEET INTO THE REQUIRED FIVE FOOT SIDE SETBACK IN ORDER TO CONSTRUCT AN ADDITION TO AN EXISTING PRINCIPLE STRUCTURE. THIS IS A VARIANCE TO TABLE 16-6-1.1 OF THE ENGLEWOOD MUNICIPAL CODE.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Andy Taylor	x		
Carson Green	x		
Stacie Flynn	x		
Sue Purdy	x		
<b>Randall Friesen (Moved By)</b>	x		
<b>Anglea Schmitz (Seconded By)</b>	x		
	6	0	0

Motion carried 6-0.

Mr. Friesen stated the unique physical conditions are the structure was constructed with an egress window from the basement into the backyard that would be covered up if the addition were constructed within the required setback. The variance is consistent with the intent of the zone district regulations. The variance will not permanently impair the use or development of adjacent properties. The variance is not a self-imposed difficulty or hardship.

Ms. Flynn, Ms. Schmitz, Mr. Taylor, Ms. Purdy, and Chair Green concurred with Mr. Friesen.

**3. Approval of Minutes**

**Moved by Member Randall Friesen  
Seconded by Member Andy Taylor**

*TO APPROVE THE JULY 13, 2016 MINUTES.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
<b>Andy Taylor (Seconded By)</b>	x		
<b>Randall Friesen (Moved By)</b>	x		
Carson Green	x		
Sue Purdy			x

Tom Finn			x
Anglea Schmitz	x		
	4	0	2

Motion Carried.

**4. Approval of Findings of Fact**

**Moved by Member Anglea Schmitz  
Seconded by Member Randall Friesen**

*APPROVE THE FINDINGS OF FACT IN CASE VAR2016-009, 3575 SOUTH CHEROKEE STREET, CASE VAR2016-010, 3595 SOUTH CHEROKEE STREET, AND CASE VAR2016-011, 2880 SOUTH CORONA STREET AS AMENDED.*

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
<b>Randall Friesen (Seconded By)</b>	x		
<b>Anglea Schmitz (Moved By)</b>	x		
Andy Taylor	x		
Carson Green	x		
Stacie Flynn			x
Sue Purdy			x
	4	0	2

Motion Carried.

**5. Staff's Choice**

Staff had nothing further.

**6. Attorney's Choice**

Mr. Comer had nothing further.

**7. Board Member's Choice**

The Board had nothing further.

**8. Adjournment**

The meeting adjourned at 7:15 pm.



**MINUTES**  
**Englewood Planning and Zoning Commission**  
**Tuesday, October 4, 2016**  
**1000 Englewood Pkwy – City Council Conf. Rm. 7:00 PM**



**1. Call to Order/Roll Call**

Present: Brick, Fish, Kinton, Townley, Madrid, Pittinos, Austin  
Absent: Bleile (Excused), Coleman (Excused), Freemire (Excused)  
Also Present: Brook Bell, Planner II  
John Voboril, Long Range Planner II



**2. Approval of Minutes September 20, 2016**

**Fish moved;**  
**Madrid seconded: To approve the minutes of September 20, 2016 as written.**

**Aye: Brick, Fish, Madrid, Kinton**  
**Nays: None**  
**Abstain: Townley**  
**Absent: Bleile, Freemire, Coleman, Pittinos (arrived 7:05)**



**3. 2016-05 Ground Floor Commercial Requirements in the MU-B-1, MU-B-2 Zone Districts**

Mr. Bell reviewed the previous study session materials. This is the third study session on the topic of commercial requirements in the MU-B-1 and MU-B-2 zone districts. The requirement has been included in the Unified Development Code since 2007. There have been 5 variances granted to exempt developments from the requirement since the regulation has been in effect.

Mr. Bell researched the topic with developers and architects and presented his findings on the cost and challenges of building a residential building with commercial on the ground floor. The Commissioners discussed the financial hardship on developers because it is difficult to obtain financing for a mixed use building. Consensus was reached that the regulation is appropriate in the 3300, 3400 and 3500 blocks of South Broadway to preserve the commercial nature of the area. Mr. Bell will present draft code language at the next study session. Mr. Voboril will prepare a map of the blocks under consideration.



**4. 2013-01 Accessory Dwelling Units**

Mr. Voboril asked the Commissioners what zone districts they feel ADU's would be most appropriate. Staff recommends allowing ADU's in zones MU-R-3-A, MU-R-3-B, R-2-A, R-2-B zones because these zones already allow for higher density. Mr. Fish feels that ADU's are appropriate for R-1 districts due to larger lot sizes. Mr. Voboril pointed out that there are many single family homes in the recommended zone districts.

The Commissioners reached general consensus that allowing ADU's will increase options for home ownership including flexible, affordable housing. The Commissioners agreed that there should be an owner occupied provision. Mr. Voboril will be presenting information to City Council on October 10<sup>th</sup>.

**6. Public Forum**

*This is an opportunity for the public to bring forth issues to the Commission. Comments will not be allowed on pending development applications which must be presented during a formal Public Hearing.*

Jeremy Lambert, Englewood resident, addressed the Commissioners regarding his support for ADU's.



**7. Staff's Choice**

Mr. Bell asked the Commissioners if they are prepared to take case 2016-05 Ground Floor Commercial Requirements in the MU-B-1, MU-B-2 Zone Districts to public hearing. He will prepare a black line copy for their examination prior to the public hearing. Mr. Bell reminded the Commission that City Council will be discussing ADU's at the October 10<sup>th</sup> study session.

**8. Attorney's Choice**



Interim City Attorney Comer was not present at the meeting.



**9. Commissioner's Choice**

Mr. Brick expressed his appreciation for the citizens who attended the meeting.

Ms. Austin asked about the property at Clarkson and Hampden. It is a property that received a variance but is not being developed at this time. She asked Mr. Bell and Mr. Voboril how the Commissioners can assist staff. Mr. Brick commended staff for their preparation and professionalism.

Mr. Fish stated that he did not feel that if a Commissioner has made a decision regarding a case prior to the public hearing that they should not participate in the hearing.

**10. Adjournment**

Julie Bailey, Recording Secretary