
Council Newsletter



CITY MANAGER'S NOTES **July 22, 2010**

Upcoming Council Meetings

City Council will meet on **Monday, July 26, 2010**. The Study Session will begin at 6:00 p.m. in the Community Room. There is no Regular Meeting scheduled. The agenda is attached. Sandwiches will be available at 5:30 p.m.

The following meeting will be on **Monday, August 2nd**.

Informative Memoranda

The following are memoranda in response to Council's requests, as well as other informational items.

1. Letter from Brown and Caldwell concerning the Littleton/Englewood Wastewater Treatment Plant's renewed wastewater discharge permit.
2. Memorandum from the Code Enforcement Advisory Committee concerning the Off-Road Vehicle/Recreational Vehicle/Trailers: Regulations and Enforcement Ordinance.
3. Memorandum to City Employees concerning the 2010/2011 Budget Status.
4. Memorandum concerning the Project Update.
5. Calendar of Events.
6. Tentative Study Session Topics.
7. Minutes from the Keep Englewood Beautiful Commission meeting of May 11, 2010.
8. Minutes from the Code Enforcement Advisory Committee meeting of May 19, 2010.
9. Minutes from the Board of Adjustment and Appeals meeting of June 8, 2010.

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Prepared for: Littleton and Englewood Wastewater Treatment Plant, Colorado
Project Title: UV Disinfection Memo

Technical Memorandum

Subject: UV Disinfection at the L/E WWTP
Date: July 6, 2010
To: Dennis Stowe, Mary Gardner
From: Sarah Reeves and Kirk Petrik, Brown and Caldwell.

Prepared by: _____
Sarah Reeves, Project Engineer

Reviewed by: _____
Kirk Petrik, Project Manager

Limitations:

This document was prepared solely for L/E WWTP in accordance with professional standards at the time the services were performed and in accordance with the contract between L/E WWTP and Brown and Caldwell. This document is governed by the specific scope of work authorized by L/E WWTP and we have relied on information or instructions provided by L/E WWTP and other parties.

The Littleton and Englewood Wastewater Treatment Plant (L/E WWTP) received a renewed wastewater discharge permit effective September 30, 2009. The new permit requires L/E to meet discharge limits for multiple constituents, including new limits for *E. coli* and lower limits for ammonia. The change in *E. coli* and ammonia limits is the result of new regulations adopted by the Water Quality Control Commission (Commission).

- March 2007 – Commission adopted more restrictive ammonia standards based on EPA’s 1999 Ammonia Criteria.
- June 2005 – Commission switched from fecal coliform to *E. coli* as the regulated measure of bacteria in surface waters. The Division then developed an *E. coli* Total Maximum Daily Load (TMDL) for L/E’s stream segment that set L/E’s permit limit at the *E. coli* standard.

Both ammonia and *E. coli* have delayed effective dates. The permit allows L/E until January 1, 2014 to come into compliance with the *E. coli* limits, as it is a new constituent that was not in the previous permit. Because the changes in ammonia standards required significant improvements to wastewater treatment systems, the Commission granted a temporary modification of the standard that delayed the effective date of the new ammonia standards until January 1, 2011, and the permit allows L/E three additional years to come into compliance with the new, lower ammonia limits for the summer and winter months.

In evaluating the new ammonia limits and their impact to the facility, it appears that the current ammonia removal treatment facilities are substantial enough so no additional ammonia treatment is needed. This is good news as others, such as the Metro Wastewater Reclamation District, estimate they will spend \$200 million to come into compliance. However, the new ammonia limits will impact the effectiveness and reliability of the existing liquid chlorine disinfection process, which removes fecal coliform and *E. coli*. The liquid chlorine disinfection process depends on the presence of certain levels of ammonia to provide effective disinfection and stable process control. Compliance with the new lower ammonia limits will reduce the ammonia to a level beyond this point for stability in process operations, consequently putting L/E at risk for permit violations.

Since the existing disinfection system will not meet permit limitations based on the newly adopted ammonia and *E. coli* regulations, an alternative form of disinfection that does not rely on chlorine and maintains adequate and controllable disinfection is needed. An evaluation of non-chlorine disinfection systems for the L/E facility identified UV as the selected alternative for its low cost and effectiveness. UV technology has advanced and is now common in WWTP’s, and is the selected alternative in nearly all new installations.

L/E’s current permit lays out a compliance schedule for design, construction, and startup of the UV system. This schedule identifies annual milestones that must be met in order to maintain compliance with the discharge permit. The first milestone, due May 31, 2010, is for a study to pilot different UV manufacturers, and a report on progress in securing funds to design and build the UV system. Subsequent reports are due in May of each year to describe progress and approval on design in 2012 and construction in 2013. The final report is set for December 31, 2013, which must summarize construction and startup activities for full compliance with the January 1, 2014 *E. coli* and ammonia limits.

Besides allowing L/E to maintain permit compliance, UV has other benefits, which include:

- Protection of safety and health - No transport, storage, or handling of toxic chemicals.
- No toxic disinfection by-products, which are becoming more of a water quality issue because of their impact on drinking water.
- No subsequent chemical removal (like dechlorination) needed, as UV disinfected water does not harm the aquatic life in the receiving stream.
- Lower cost – UV has a potentially lower annual operating cost than chlorine.
- Very effective at removing *Cryptosporidium* and *Giardia*, which are highly resistant to chlorination.
- No change in odor, pH, or color of the water.
- Easy to operate compared to chemical systems.



Memorandum

TO: Michael Flaherty
FROM: Susan Wertz
DATE: July 22, 2010
SUBJECT: Code Enforcement Advisory Committee

At the Code Enforcement Advisory Committee meeting last evening, Chair Mosman appointed a subcommittee, comprised of all regular CEAC members and the alternate member, to study the Off-Road Vehicle/Recreational Vehicle/Trailers: Regulations and Enforcement ordinance.

Chair Mosman also called a Special Code Enforcement Advisory Committee meeting for August 18, 2010.



Memorandum

City Manager's Office

TO: All City Employees

FROM: Gary Sears, City Manager
Michael Flaherty, Deputy City Manager

DATE: July 22, 2010

SUBJECT: 2010/2011 Budget Status

As you are aware, the City of Englewood's economic outlook has been cause for concern over the last several years. And we are not alone as our nation finds itself in the greatest recession since the Great Depression—the impacts are continuing to be felt locally, regionally, nationally, and even globally.

Englewood's sales tax revenues have been essentially flat since 2002, but many of the costs associated with running the City have grown, particularly in areas such as pensions, health insurance, fuel, and utilities. Revenues for 2010 are still behind 2009 revenues and while we have seen some recent growth, the increase it is not sufficient enough to allow us to continue our present course.

Over the last few years we have taken actions to reduce costs and maximize revenues. We are well aware of the sacrifices that employees have made by accepting benefit reductions and wage freezes. You are all doing more with less and that has not gone unrecognized.

Until now, we have been able to avoid lay-offs and furloughs, as well as significant service impacts. In spite of our collective best efforts, this may no longer be the case. During the August 2nd City Council Study Session, we will be presenting some tough options for Council's consideration related to the remainder of 2010 and the 2011 budget year. The current proposal that the Department Directors and I have discussed includes some staffing reductions, facility schedule adjustments, furlough days for the remainder of 2010 and 2011, and a reduction and elimination of some programs and services.

While the decision is up to City Council, I want to make sure that employees are aware of the discussions and the possible outcomes. The proposed budget is not final, and will not be final until approved by City Council later this year. However, we need to be aware of, and prepared for, the potential for major changes that could affect both citizen services and employees.

I thank you for your continued efforts in the face of these very challenging times. If you have questions about the proposed budget adjustments, please bring them to your department director or to our office.

MEMORANDUM



TO: Gary Sears, City Manager

THROUGH: Rick Kahm, Director of Public Works ✓

FROM: David Henderson, Engineering/Capital Projects Administrator ✓

DATE: July 21, 2010

SUBJECT: PROJECT UPDATES –Concrete Utility Program 2010, Street Maintenance Projects 2010, Golf Course Clubhouse Basement Remodel, CityCenter Site Development, Englewood McLellan Reservoir Foundation, Air Quality/Energy Savings Projects)

CONCRETE UTILITY PROGRAM 2010

Thoutt Brothers Concrete continued removing and replacing concrete in the northwest quadrant.

STREET MAINTENANCE PROJECTS 2010

The Street Division has completed 32 blocks of asphalt overlay. Approximately 60 blocks are scheduled for 2010. **Dartmouth Ave., between Broadway and Santa Fe, will be rottomilled this week. Paving of Dartmouth is scheduled for next week and will require a complete closure of Inca St. while paving the intersection.** Street closures are listed on the City's web site and updated every few days.

GOLF COURSE CLUBHOUSE BASEMENT REMODEL

Remodel of the basement storage area continued. Improvements will include additional electrical service for 63 carts, mechanical system improvements to vent battery gases, and changes to the cart storage layout. **Regency Electric and Rogers & Sons have completed rough-in electrical and mechanical work. A complete electrical and gas shutdown of the facility is required to move power to the new electrical panel and supply natural gas to the new mechanical unit. This work is scheduled for July 29th at 10:00 PM.** Calcon Constructors, an Englewood General Contractor, is coordinating the work and taking care of miscellaneous construction items.

CITYCENTER SITE DEVELOPMENT

Alexan East and West Parcels

438 residential units. Alexan's occupancy level for June, 2010 is 92.7%. Commercial uses: Mile High Coffee, Let It Bead, Curves for Women, State Farm, Cuttin'It Loose, Jackson Hewitt Tax Service, Foothills Physical Therapy, and Creative Perspectives.

Parkway Retail / Office Buildings

Commercial uses: The International House of Pancakes (IHOP), Qdoba, GNC, Supercuts, Nails Center, CityCenter Dental Group, MMB Hearing, Tableaux Interior Design, Englewood Eyecare, Collective Licensing Int'l, Inc., M.P. Hayutin, LLC, CityCenter Wine and Spirits, Quizno's, Miller/Weingarten, Air Walk, "Insurance Company of the West", Printwear Express, and Fred Astaire Dance Studio, and Wellness Treatment Center.

Bally's Building

Tenants include Bally's, "Blondies Fire House Pub and Restaurant", and MaxFour.

Retail South of the Parkway

Tenants: Petco, Ross, Payless Shoes, Coldstone Creamery, Noodles, Sports Authority, and Office Depot.

Gold Mine Pad

Tenants include: Jamba Juice, Tokyo Joe's, and Mega Wraps, and Browncow.

CityCenter Site

EEFI continues project management of all infrastructure on the site. Staff is monitoring the security, sweeping, snow removal, and day porter services performed under the Common Area Maintenance. **The Museum of Outdoor Arts is installing “Mujer Del Lago” (translates to Lady of the Water) near the fountain. The concrete base has been constructed and they expect to install the artwork next week (see attached photo).**

Chuck E Cheese Expansion

Expansion of the Chuck E Cheese building continued. They are adding 2,958 square feet to the west side. The contractor (Parkway Construction & Associates) expects to complete the expansion by October 21st; they will not shut down the existing facility during construction.

Wal Mart Expansion

Wal Mart has submitted plans to construct a 10,488 square foot addition to the east side of the store. The project will eliminate the tire and auto section and add square footage for groceries. The building entrance will move east to the middle of the building. Wal Mart expects to select a contractor and begin around the end of August.

Bradley Station Environmental

EEFI’s environmental consultants prepared an Executive Summary Report (dated July 28, 2008). Updates will be provided as additional information is received.

ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF)

PA-84 West

The lease with TT of Denver has been executed and deposit has been made with the title company. EMRF continues to receive \$10,000 monthly draws against the deposit. Site plans have been delivered for review by EMRF and Douglas County. Construction is anticipated to begin in early summer.

PA-85 (RTD site)

RTD has paid the final billing in the amount of \$591,836.86. Finance has deposited this money in the LTAR fund.

AIR QUALITY/ENERGY SAVING PROJECTS

Flex Fuel Program

Currently, thirty-three of our fleet vehicles are running on E-85 ethanol fuel. All new replacement vehicles (less than ¾ ton) will be compatible with E-85. Approximately 50 Flex Fuel vehicles will be in our fleet within two years. Currently, the cost of E-85 fuel is approx. **\$0.96** less than regular unleaded gasoline. Thirteen of our fleet vehicles run on Compressed Natural Gas (CNG).

Diesel Retrofit

Retrofitting of our diesel powered vehicles is complete. Englewood is one of three municipalities in Colorado to meet the 2007 emissions standards for off-road vehicles.

Hybrid Vehicle Purchase

Delivery of two 2010 GMC Hybrid Sierra Pickups is expected in July and will be utilized within the Englewood Utilities Department.

“Green” Programs

We continue to work with our vendors to expand the Green product line as it becomes available. 90% of our custodial paper supplies are from recycled sources.

Energy Saving Projects

In 2001, the Public Works Traffic Division began an ongoing program to convert traffic signals from incandescent lamps to Light-Emitting-Diode (LED) bulbs. To date, 80% of our City maintained signals have been converted. LED traffic signals use 90% less energy than incandescent lamps, last 5 times longer, and provide better visibility.



**CITY OF ENGLEWOOD
2010 CALENDAR OF EVENTS**



Mon., July 26	6:00 p.m.	Study Session, Community Room
Mon., Aug. 2	5:30 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Aug. 3	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., Aug. 4	4:00 p.m.	Englewood Housing Auth., 3460 S. Sherman #203, Bd. Rm.
	5:45 p.m.	Cultural Arts Commission, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., Aug. 9	6:30 p.m.	Board/Commission Appreciation, Pirates Cove
Tues., Aug. 10	4:00 p.m.	NonEmergency Employees Retirement Board, PW Conf. Rm.
	5:00 p.m.	Water and Sewer Board, Comm. Dev. Conf. Rm.
	6:30 p.m.	Keep Englewood Beautiful, Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., Aug. 11	6:30 p.m.	Urban Renewal Authority, Comm. Dev. Conf. Rm.
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs., Aug. 12	Cancelled	Alliance for Commerce
	3:00 p.m.	Police Officers Pension Board, Public Works Conf. Rm.
	4:00 p.m.	Firefighters Pension Board, Public Works Conference Room
	5:30 p.m.	Parks and Recreation Commission, Romans Park, 1700 East Floyd Avenue
Mon., Aug. 16	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Aug. 17	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., Aug. 18	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., Aug. 23	6:00 p.m.	Community Meeting, Wastewater Treatment Plant

Wed., Sept. 1	4:00 p.m.	Englewood Housing Authority, 3460 S. Sherman #203, Board Room
	5:45 p.m.	Cultural Arts Commission, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., Sept. 6		City Hall Closed – Labor Day
Tues., Sept. 7	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Wed., Sept. 8	Cancelled	Urban Renewal Authority
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
	7:00 p.m.	Planning & Zoning, Council Conference Room
Thurs., Sept. 9	11:30 a.m.	Alliance for Commerce, Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Englewood Recreation Center, Aquatics Room
	6:30 p.m.	Transportation Advisory Committee, Council Conference Room
Mon., Sept. 13	6:00 p.m.	Study Session, Community Room
Tues., Sept. 14	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	6:30 p.m.	Keep Englewood Beautiful, Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., Sept. 15	6:30 p.m.	Code Enforcement Advisory Committee, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., Sept. 20	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., Sept. 21	7:00 p.m.	Planning & Zoning, Council Chambers
Sat. Sept. 25	8:30 a.m.	2011 Budget Workshop, Community Room
Mon., Sept. 27	6:00 p.m.	Study Session, Community Room
Mon., Oct. 4	6:00 p.m.	Study Session, Community Room

TENTATIVE TOPICS
FOR ENGLEWOOD CITY COUNCIL STUDY SESSIONS



August 2	Study Session & Regular Meeting Budget Update (starting @ 5:30 p.m.)
August 9	Study Session Board/Commission Appreciation Night @ Pirates Cove (6:30 p.m.)
August 16	Study Session & Regular Meeting Financial Report Budget Update
August 23	Study Session Community Meeting – WWTP
August 30	No Meeting Scheduled – 5 th Monday
September 7	Study Session & Regular Meeting – Tuesday Water Delivery Obligation Agreement with Aurora Catalyst Program Medical Marijuana Zoning/Licensing
September 13	Study Session
September 20	Study Session & Regular Meeting Financial Report
September 25	Saturday Budget Workshop
September 27	Study Session
October 4	Study Session & Regular Meeting
October 11	Study Session
October 18	Study Session & Regular Meeting Financial Report
October 25	Study Session
November 1	Study Session & Regular Meeting
November 8	Study Session

November 15	Study Session & Regular Meeting Financial Report
November 22	Study Session
November 29	No Meeting Scheduled – 5 th Monday
December 6	Study Session & Regular Meeting Aid To Other Agencies Board/Commission Reappointments
December 9	(Thursday) Breakfast Mtg. w/Littleton City Council @ WWTP
December 13	Study Session Financial Report
December 20	Study Session & Regular Meeting Holiday Dinner
December 27	No Meeting Scheduled
January 3	Study Session & Regular Meeting
January 10	Study Session Board and Commission Interviews
January 18	Study Session & Regular Meeting – Tuesday Financial Report
January 24	Study Session
January 31	No Meeting Scheduled – 5 th Monday
February 7	Study Session & Regular Meeting

FUTURE STUDY SESSION TOPICS

Historic Preservation
 Unrelated Persons per Household
 Flood Plain District
 July 4th Sponsorships
 Inclusive Cities
 ACE Committee Membership
 BID Liaison

7/21/2010



MINUTES May 11, 2010

1. Meeting Opening

The meeting was called to order at 6:30 p.m. in the City Council Conference Room. Chair Bayless presiding.



2. Roll Call

Present: Sunshine Cross, Dianna Miguez, Tom Winthrop, Susan Bayless, Jennifer Jones, Gary Nordlander, Audra Kirk, Cate Townley, Jill Wilson

Absent/Excused: Brett East, James Garnett, Cal Grant, Theresa Rinker

Guests: Englewood Impact Team
Rebecca Oehl
Ben, Pete, and Kate Greenly
Steve Scott



3. Approval of Minutes

Motion: Approve the April 13, 2010 Minutes as written. **Moved by** Gary Nordlander, **Seconded by** Sunshine Cross Motion carried.



4. Impact Team

Sgt. Christian Contos introduced the Impact Team— Joel Jose, Matthew Mander, Chad Read, and Perry Schellpfeffer. Sgt. Contos provided the history of the Impact Team, which was in effect from 1996 through 2003. When President Obama signed the American Recovery and Reinvestment Act, \$1 Billion was dedicated to law enforcement. The Englewood Police Department received a \$697,146 grant from the Department of Justice and were able to fill vacate positions and reinstate the Impact Team.

The team's priorities are developing partnerships with businesses and the community; forming partnerships with community groups, City departments, and other organizations outside the City; being visible in the community; and targeting problem locations within neighborhoods.

The team can hold landlords civilly and criminally responsible for the problems their tenants are causing. They also work with the various schools in Englewood.



5. Old Business

- *Arbor Day:* The event with the Parks Department was extremely successful. Approximately 50 trees were given away. The Parks Department has asked the Commission to be more involved in next year's event.
- *Englewood Cleanup Coupons:* Audra circulated the signup sheet for the distribution dates. The dates are in the *Citizen* and on the website.
- *Community Garden:* The grand opening is Saturday, May 15. It is also a work day; Commissioners were encouraged to bring a shovel and wheelbarrow. Trees and shrubs will be planted, and a lot of dirt needs to be moved. Volunteers are needed for watering and weeding the Food Bank plots.
- *Flower Garden at Depot:* Cate introduced Rebecca Oehl, who has volunteered to help with the flower garden. The Parks Department is cleaning out one-third of the bed, and the Commission will do what it can over the summer.
- *Recreation Center Garden:* Since the Commission is no longer maintaining the flower garden at the Recreation Center, the sign should be removed.



6. New Business

- *Community Appearance Index:* KAB changed the name from the Litter Index. Discussion ensued regarding last year's scoring and the process.



- *Energy Efficiency and Sustainability Fair:* The Commission will have a table at the event, which will be held on May 12, 7-8:30 pm on the second floor of the Civic Center.
- *Composting Class:* Gary and Tom will teach a class at the Community Garden. The class has been publicized in the Activities Guide.



7. Unscheduled Public Comment

Ben Greenly, a third-grader from Charles Hay Elementary, spoke to the Commission regarding placing single-stream recycling bins at the Englewood elementary schools and light rail station.

Audra stated that she spoke to Waste Management and there is a possibility that the Commission could receive a \$10,000 grant to fund a recycling bin for public use. Once a month the public could unload their recycling; it would need to be staffed by volunteers; and Waste Management would also have their trucks at the location. Discussion ensued.



Steve Scott, Executive Director of Love Englewood, presented information on the organization. He expressed interested in partnering with the Commission and using Love Englewood as a means of communicating Commission's events.



8. Staff's Choice

Audra had nothing further.

9. Council Member's Choice

A citizen emailed inquiring about one trash hauler for the City. Jill inquired about conducting an informal survey at Commission events to obtain citizens' input. Discussion ensued.

10. Commissioner's Choice

Commissioners had nothing further.

11. Adjourn

The meeting adjourned at 8:10 p.m.

Nancy Fenton, Transcriber

**CITY OF ENGLEWOOD
CODE ENFORCEMENT ADVISORY COMMITTEE
Minutes from the Meeting of
May 19, 2010**

I. CALL TO ORDER

 The regular meeting of the Englewood Code Enforcement Advisory Committee was called to order at 6:53 p.m. by Chair Mosman.

Roll Call

Present: Chair Mosman and Members Hart, Hinger, Hoagland, Wilson and Alternate Member Berger.

Absent/Excused: Members Bayless and Becker.

A quorum was present

Ex-Officio Members Present: Council Liaisons Gillit and McCaslin, and Staff Liaisons Flaherty and Sergeant Englert.

Ex-Officio Members Absent/Excused: None.

Guests Present: Citizen Andy Berger.

II. APPROVAL OF MINUTES

 A motion was made by Member Hoagland and seconded by Member Wilson to approve the minutes of the March 17, 2010 meeting. There being no changes, the minutes were approved as submitted.

III. PUBLIC OPEN FORUM

 No one was present for a Public Open Forum.

IV. NEW BUSINESS

 Council Liaison Gillit asked if the Committee has discussed working with the banks to maintain foreclosed properties. Chair Mosman confirmed this has been discussed and that Code Enforcement deals with banks and real estate people on posting notices and abatements. Discussion ensued.

V. UNFINISHED BUSINESS

a.  Status Report on Relations with the Post Office and Animal Control Issues

Postal supervisors are very pleased with our response to postal carrier complaints and our response on letters sent to properties with dog issues.

b.  Clarification of Zoning Requirements for Handicap Parking on Private Property

Sergeant Englert reported there is no zoning requirement that a private property parking lot owner must plow his parking lot. But if the private property parking lot owner does plow the lot and the lot is over 50 spaces, then he must have a

designated snow collection point which cannot be in the handicapped area. For this zoning issue, a citizen would contact the store manager who would contact the contractor to make it right. Code enforcement cannot issue a citation for blocking the handicapped zones. A short discussion followed.

c.  **Legality of Mace vs. Pepper Spray**

Any of the commercially available products, i.e. mace, pepper spray, or capsicum, are all legal and there are no restrictions. However, Sergeant Englert suggests citizens buy products from a reputable retailer. Discussion ensued.

d.  **Humane Society of the South Platte Valley (HSSPV) policy on accepting animals from the public on weekends**

Member Hart advised that the HSSPV has no restrictions on accepting animals from citizens during their regular hours of 11 a.m. to 6 p.m. Monday through Saturday and 12 noon to 5 p.m. on Sunday. Sergeant Englert advised that after hours, a citizen's options are to retain possession of the animal until the shelter opens or, if there is a safety issue, request that animal control pick it up. Officers are able to check an animal in at the HSSPV after hours. Officers also have access to a kennel inside the Fox building and can house an animal there for a short period. Discussion ensued.

VI. CODE ENFORCEMENT REPORT

 **March/April 2010 Statistical Reports**

Sergeant Englert reported on past and current enforcement trends and answered Committee questions. Discussion ensued on coyotes, cruelty and neglect issues, weeds, citizen possession of beehives and chickens in Englewood.

VII.  TOPICS FOR FUTURE MEETINGS

- Cost of residential abatement liens.
- Medical marijuana dispensaries.
- Status of City's mural ordinance.

VIII.  BOARDS AND COMMISSIONS

Chair Mosman advised that Board and Commission appointments will be made at the first City Council meeting in July. Member Hoagland then advised he did not reapply for another term on the Committee, and members expressed that he will be missed. If a Committee member knows of someone who is interested in serving on a Board or Commission, applications are available on the web site.

IX. ADJOURNMENT

 There being no further business, the meeting adjourned at 7:25 p.m. The next meeting will be July 21, 2010.

**CITY OF ENGLEWOOD
BOARD OF ADJUSTMENT AND APPEALS
MINUTES
JUNE 9, 2010**



1. Call to Order

The regular meeting of the Englewood Board of Adjustment and Appeals was called to order at 7:05 p.m. in the Englewood City Council Chambers, Chair Green presiding.

2. Roll Call

Present: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Spreace, Jordan May (entered at 7:10 pm).

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. Public Hearings:

Case #VAR2010-004

Best Built Garages

2750 South Lincoln Street

Chair Green declared the public hearing open, stating he had proof of posting and publication. He introduced the case by stating it is a variance to reduce the minimum required 40 foot lot width to 37.5 feet for the purpose of establishing dimensional requirements for an addition to

an existing one-unit dwelling. This is a variance to Table 16-6-1.1 of the Englewood Municipal Code.

Brook Bell, Planner was sworn in. Mr. Bell provided an overview of the property and neighborhood using PowerPoint slides.



Robert Erickson of Best Built Garages, 2497 West Fairplay Way, was sworn in. All the requirements are met for open space and setbacks. The hardship is that the lot is 2.5 feet too narrow.

In response to questions from the Board, Mr. Erickson responded that construction has not begun and that the addition would not be built over the sewer line.

Mr. Bell stated there are currently no dimensional standards within the UDC for lots with less than 40 feet of frontage. The variance request is to use the standards for a 40 foot lot. Any expansion in the R-2-B zone district on a lot smaller than 40 feet requires a variance.



Mr. Smith clarified; the only reason the Board is being asked to consider a variance is because the lot is not 40 feet. Mr. Bell stated that was correct. Mr. Smith inquired how many such lots were in the City. Mr. Bell responded that there are approximately 100 lots with 37.5 feet of frontage within the City.

Discussion ensued regarding 37.5 foot lots. Mr. Bell explained any construction on 37.5 foot lots require a variance. The lots are nonconforming; not the structures.

In response to questions from the Board, Mr. Bell responded there have been discussions at Council regarding nonconforming lots. Further, it only affects the R-2 and R-3 zone districts. The City only registers non-conforming uses; it does not register non-conforming lots or structures. Discussion ensued regarding non-conformities.



Motion: TO RECOMMEND THE COMMUNITY DEVELOPMENT DEPARTMENT REFUND THE APPLICANT HIS APPLICATION FEE. **Moved by** John W. Smith III, **Seconded by** Douglas Cohn.

Mr. Smith stated he doesn't believe a variance is needed. Chair Green agreed; especially if it is going to cause every property owner with less than 40 feet to file for variances when they want to expand their house. It is an issue that needs to be addressed in the Code.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Sprepace, Jordan May.



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 VAR2010-004, 2750 SOUTH LINCOLN STREET, BE GRANTED A VARIANCE TO REDUCE THE MINIMUM REQUIRED 40 FOOT LOT WIDTH TO 37.5 FEET FOR THE PURPOSE OF ESTABLISHING DIMENSIONAL REQUIREMENTS FOR AN ADDITION TO AN EXISTING ONE-UNIT DWELLING. **MOVED BY JOHN SMITH SECONDED BY MARCIE O'BRIEN**

Mr. Smith stated it meets all requirements under the Ordinance. The size of the lot is less than anything the City considered when it passed the Ordinance. City Council didn't consider lots smaller than 40 feet. It doesn't create any public health, safety, and welfare issues. It will not impair the development of any properties in the neighborhood. It is not a self-imposed difficulty because the lot existed prior to the zoning code regulations.

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

Mr. Smith voted yes for the reasons he previously stated.

Ms. Purdy, Ms. O'Brien, Mr. Sprepace, Mr. Cohn, Mr. May, and Chair Green voted yes, concurring with Mr. Smith.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Sprepace, Jordan May

The Chair instructed the applicant to contact staff for any additional or necessary information.



Case #VAR2010-006

Julie and Andy LeRoy
2919 South Ogden Street

Chair Green declared the public hearing open, stating he had proof of posting and publication. He introduced the case by stating it is a variance to exceed the maximum allowed driveway width of 20 feet by 8 feet within the front yard and extending to the intersecting street. This is a variance to Section 16-6-10:B.5.d.(6)a.4 and Section 16-6-3:F.3.b.(1)(a) of the Englewood Municipal Code.

Brook Bell, Planner was sworn in. Mr. Bell provided an overview of the property and neighborhood using PowerPoint slides.



Julie LeRoy, 1313 South Clarkson Street, #408, was sworn in. They wish the house to look aesthetically like the adjacent houses; therefore, they pushed the house back an additional 10 feet from the 25 foot front setback so it would be flush with the neighboring houses. The other unique feature is the property slopes to the south of the lot. Additionally, there is no rear access for a garage. The plan is to construct a 3-car garage. Alternative materials were considered, but they believe concrete is aesthetically more pleasing.

The lot is unique in that the majority of lots in the neighborhood average 50 feet of frontage. Their frontage is approximately 97 feet. Ms. LeRoy testified that a 20 foot driveway on 50 feet of frontage covers approximately 40 percent of the lot. They are requesting an additional 8 feet, which makes their front lot coverage only 29 percentage, which is significantly lower.

Safety issues were also considered, such as keeping cars off the streets and children in the neighborhood. They want the ability to have a driveway that is straight in and out, rather than flaring the garage out from the 25 foot setback. Aesthetically, the flared garage does not fit with the neighborhood. Mr. Smith countered that a 28-foot wide slab of concrete is not aesthetically pleasing, and it would be the only such driveway in the neighborhood. Ms. LeRoy pointed out that the neighbor's driveway was gravel.

Ms. LeRoy reiterated that the lot can accommodate a larger driveway and still have landscaping in the front.

Mr. Smith asked if alternatives such as a Hollywood driveway, landscaping between the single and double car garages, had been considered. Ms. LeRoy responded it had not.

The square footage of the driveway is 980 square feet; 780 square feet is permitted by Code. The lot is 13,368 square feet, which is considerably larger than other lots in the neighborhood.

In response to questions from the Board, Mr. Bell stated the 20 foot maximum driveway width is within the front 25 foot setback. Behind the front setback, the driveway can be wider. There is a limit on total lot coverage. The applicants' plan does not exceed their allowed lot coverage. Their lot coverage is approximately 31 percent; 40 percent is the allowed maximum.

Regarding safety, Ms. LeRoy stated it is very difficult to maneuver a vehicle from 20 feet into a third garage within that last 10 feet. Placing the house further back on the lot, increases drainage issues. A straight in/out garage is safer.

Mr. Smith reiterated that the neighborhood does not have other 28 foot driveways. Mr. Smith asked the applicant if she would consider flaring the driveway at 10 feet. The Board could

consider amending the variance; he is not convinced the applicants are requesting the minimum variance.

Ms. Purdy asked if 20 feet of the driveway could be concrete and then 8 feet of a different material, such as pavers. Mr. Bell stated there are some options; however, gravel is prohibited. Also, Hollywood driveways are prohibited by the Code; however, what Mr. Smith was referring to would be permitted by Code – landscaping in between the two car garage and the single car garage. Further, only the house is under construction. The plans that have been submitted shows a 20 foot driveway. The applicants were not attempting to obtain a 28 foot driveway prior to obtaining a variance. The plans show a flared driveway after the 25 foot setback.

Mr. Smith suggested a 20 foot wide driveway and then at 10 feet flare out wider for the third garage. Chair Green stated it would address the safety issue.

Ms. LeRoy reiterated that the City permits property owners with 50 foot lots 20 feet of concrete. She is asking for 28 feet on a 97 foot lot. Mr. Smith responded that she is also the only person asking for a 28 foot driveway in the City of Englewood.



Patrick Quinney, 7901 East Belleview, was sworn in. Mr. Quinney testified that he is a civil engineer and assisted with the site layout. The original layout with the 20 foot driveway and then flaring out to the 28 feet created a driveway which was extremely difficult to maneuver. The concern was the safety of making a turning maneuver when backing out of the garage, rather than backing straight out. It would be less difficult if the transition could be moved closer to the street. If the transition could begin at 10 feet from the street, it would provide 25 feet of maneuvering. The primary reason was the safety issue. They considered paver blocks and other materials adjacent to the concrete to meet the Code; however, Mr. Smith's suggestion of moving closer to the street had not been considered.

Mr. Quinney testified that the flare could not be a 45 or 90 degree angle. To blend in and look pleasing, it would need to be an "S" curve. To begin the flare at approximately 10 feet from the street makes it more manageable. It would need to be drawn out; however, the closer to the street the better for the transition. If the transition began 10 feet from the street, it would not be complete until 18 feet from the street.

Mr. Smith suggested continuing the case; the applicant has not considered all the alternatives. Mr. Smith asked the applicant if she would consider coming back next month after she and Mr. Quinney had time to meet and consider other alternatives such as the "S" curve or the 10 feet.

Mr. Quinney and Ms. LeRoy took a few minutes to confer. Chair Green stated the variance is effective 30 days after the variance is approved. Ms. LeRoy reiterated that there are safety concerns. She would prefer not to delay another month.

Mr. Smith stated that as presented he can't vote for the request because he doesn't believe all the alternatives have been considered; however, he doesn't want to vote against it if there are going to be safety issues. He wants to hear the alternatives.



The Board and Ms. Reid discussed the process and order of making and voting on motions, amendments, and reopening the public hearing after it has been closed.

Mr. Bell stated a new house cannot be constructed beyond the first one-third of the lot. In this case, the house could only go back an additional 13 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 VAR2010-006, 2919 SOUTH OGDEN STREET, BE GRANTED A VARIANCE TO EXCEED THE MAXIMUM ALLOWED DRIVEWAY WIDTH OF 20 FEET BY 8 FEET WITHIN THE FRONT YARD AND EXTENDING TO THE INTERSECTING STREET.
MOVED BY MARCIE O'BRIEN SECONDED BY DAVID SPRECACE

Ms. O'Brien stated she had no issues with the request. Mr. Spreccace stated there are special circumstances; the lot is very large. The variance of 8 feet is not extraordinary under the circumstances.

Mr. Cohn stated it would be a lot safer. Ms. Purdy stated it makes it a lot easier to maneuver.

Chair Green stated the driveway is extensively wider than anything else in the neighborhood. He surveyed the neighborhood. Additionally, there are no other three car garages in the neighborhood. Mr. Smith argued that it is self-imposed. Mr. May stated the applicants do not have alley access. Given the safety issue, the variance is the best solution.

Discussion ensued.



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

Mr. Smith voted no. It is a self-imposed hardship. Ms. Purdy voted yes.

Ms. O'Brien voted yes. The width of the property is 96.45 feet, which is 46.45 feet greater than the 50 foot minimum required for a one-unit dwelling in the R-1-C zone district. Further, with regard to safety, backing out of the driveway straight is the safest. None of the neighbors opposed the variance. The additional 8 feet will not impose public health, safety, and welfare issues. In fact, it should prevent any from occurring. No one spoke in opposition of the

variance. There are 8 supporting neighbors' statements and the surrounding properties are already developed. The variance is not self-imposed; the subject property does not have alley access.

Mr. Sprepace voted yes, concurring with Ms. O'Brien. With respect to the fourth criterion, the site plan shows a 20-foot driveway. As it currently exists, the hardship has not been imposed.

Messrs. May and Cohn voted yes, concurring with Ms. O'Brien.

Chair Green voted no, concurring with Mr. Smith. Further, it does not meet the first criterion. There are no unique physical conditions existing that warrant the additional width at the street. There are alternatives that satisfy the safety issue which do not create more width at the street, which is far beyond what exists in the neighborhood.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Douglas Cohn, Marcie O'Brien, Sue Purdy, David Sprepace, Jordan May.

No: Carson Green, John W. Smith III.

The Chair instructed the applicant to contact staff for any additional or necessary information.



Case #VAR2010-007

Melissa Bow-Richardson, DCC Architects, LLC

4775 South Pearl Street

Chair Green opened the public hearing and introduced the case by stating it is a request for variances to exceed the maximum allowed lot coverage of 40 percent by an additional 36 percent, and to reduce the required 200 feet lot width to 187.5 feet, and to encroach 2.5 feet into the required 25 foot rear setback, in order to construct an addition. These are variances to Table 16-6-1.1 of the Englewood Municipal Code.

Brook Bell, Senior Planner, was sworn in. Mr. Bell stated the applicant requested that the hearing be continued. The property was not posted because the church had not yet been able to have a meeting to review the latest plans.

Motion: CONTINUE CASE #VAR2010-007 TO JULY 14, 2010. **Moved by** John W. Smith III, **Seconded by** Douglas Cohn.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Sprepace, Jordan May.

Chair Green stated the public hearing is continued to July 14, 2010.



4. Approval of Minutes

- a. February 10, 2010

Motion: APPROVE THE FEBRUARY 10, 2010 MINUTES AS WRITTEN. **Moved by** John W. Smith III, **Seconded by** Marcie O'Brien.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Spreccace, Jordan May.



5. Findings of Fact

- a. Case #VAR2010-002, 431 East Girard Avenue

Mr. Smith recommended the Findings be amended to reflective of findings by the Board rather than by individual members.

Motion: APPROVE FINDINGS OF FACT IN CASE #VAR2010-002, 431 EAST GIRARD AVENUE, AS AMENDED. **Moved by** John W. Smith III, **Seconded by** Douglas Cohn.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Spreccace, Jordan May.



6. Staff's Choice

Mr. Bell stated there will be the one continued case in July and possibly two cases in August.

7. Attorney's Choice

Ms. Reid had nothing further.



8. Board Member's Choice

Mr. Cohn stated that a citizen spoke at City Council that she was having difficulty selling her house because her property was nonconforming.

Mr. Smith stated that is a different issue. Nonconforming uses cannot be modified; he believes. nonconforming uses should be allowed to have variances. Ms. Reid stated small lots are not nonconforming uses. The Board cannot affect nonconforming uses. Mr. Smith responded that the Board should be able to grant some changes to nonconformities. Ms. Reid clarified; the Board feels it is unnecessary for citizens to obtain variances for nonconforming lots.

Motion: THAT COMMUNITY DEVELOPMENT DEVELOP AND PRESENT TO CITY COUNCIL, ON AN EXPEDITED BASIS, A METHOD OF BUILDING ON NONCONFORMING LOTS. FURTHER, THAT COMMUNITY DEVELOPMENT REPORT ON THEIR PROGRESS AT THE JULY MEETING. **Moved by** John W. Smith III, **Seconded by** Douglas Cohn.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Spreccace, Jordan May.



Chair Green noted that in Case #VAR2010-001, 3518 South Bannock Street, the applicant testified that a large justification for the variance was safety. He needed egress for the upper units and would build a staircase from the upper deck to the ground. It appears the units are completed; however, there is no stairway. Chair Green stated that Mr. Meeks also testified his project was funded by a City program. Chair Green would like the property reviewed. Chair Smith agreed.

Motion: ASSISTANT CITY ATTORNEY REID REVIEW CASE #VAR2010-001, 3518 SOUTH BANNOCK STREET TO DETERMINE IF A STAIRWAY WAS REQUIRED FROM THE UPPER DECK. **Moved by** John W. Smith III, **Seconded by** David Spreccace.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Douglas Cohn, Carson Green, Marcie O'Brien, John W. Smith III, Sue Purdy, David Spreccace, Jordan May.

9. Adjourn

The Board had nothing further. The meeting adjourned at 8:35 p.m.

Nancy G. Fenton, Recording Secretary