



**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, JULY 25, 2011
COMMUNITY ROOM
6:00 P.M.**

- I. **Code Enforcement Recommendations**
City Council and staff will discuss the following recommendations from the Code Enforcement Advisory Committee - Hard Surfaces, Recreational Vehicles, Access to Rear and Side Yards, Sight Triangles, Vehicles Weight Limitations and 72-Hour Parking.
- II. **Eats and Beats Event**
City Council will discuss the Eats and Beats Event on June 25, 2011.
- III. **CHFA Murals of Englewood**
City Council will discuss the Colorado Housing and Finance Authority Murals of Englewood.
- IV. **City Manager's Choice**
- V. **City Attorney's Choice**
- VI. **City Council's Choice**

Photographs showing examples of the definitions will be presented Monday night.



CITY OF ENGLEWOOD
COMMUNITY DEVELOPMENT

TO: Planning and Zoning Commission
THRU: Alan White, Director, Community Development
FROM: Tricia Langon, Senior Planner
DATE: September 16, 2008
SUBJECT: Case 2008-11: Title 16: Unified Development Code Amendments
Related to Hard Surface and Commercial Vehicle Weight

RECOMMENDATION:

Staff requests that the Planning and Zoning Commission review, take public testimony, and forward to City Council a recommendation for adoption of the attached proposed amendments to Title 16: Unified Development Code (UDC) of the Englewood Municipal Code related to hard surface and commercial vehicle weight.

BACKGROUND:

Pursuant to 16-2-1.B4 of the Englewood Municipal Code, the Commission is authorized to review and make recommendations to City Council regarding updates to Title 16: UDC. Please note that recent "housekeeping" amendments reviewed by Planning and Zoning Commission are not included in the text of the proposed amendments as adoption of proposed "housekeeping" Ordinance is not complete at this time.

Two topics are addressed in this UDC amendment proposal: (1) maximum weight of a commercial vehicle allowed to be parked on residential property, and (2) hard surface driveway and parking pad standards. The amendments are intended to coordinate UDC terms and definitions with other Titles of the Englewood Municipal Code.

ANALYSIS:

Vehicle Weight

The proposed amendment to 16-5-4.D2c(1) modifies the maximum weight of a commercial vehicle stored on property in any residential zone district from 6,000 pounds to 7,000 pounds. Chapter 6: Vehicles of Title 11: Public Ways and Property makes several references to vehicle weight limit of 7,000 pounds (70 c.w.t.). In addition, the City utilizes a 7,000 pound weight limit when restricting truck traffic in certain areas. The amendment to Title 16 is proposed in the interest of consistency, ease of enforcement of regulations, and conservation of resources since the traffic signs already use the 7,000 pound limit.

For informational purposes, c.w.t. is the abbreviation for hundredweight, where wt is weight and c stands for one hundred, as in the Roman numeral C being equal to 100. A hundredweight is equal to 100 pounds.

Hard Surface

The Commission recently discussed driveways and parking pad materials within the UDC "Housekeeping" amendments. The Commission recommended that dirt, gravel and grasscrete surfaces be prohibited for driveways and parking pads. The intent was that driveway and parking pad surfaces should be of a hard material so not to easily erode. The material should also be durable so not to readily deteriorate or spread material into the public way as a vehicle enters the street.

Three proposed amendments relating to hard surface driveway and parking pad standards are part of a set of amendments to Titles 11, 15 and 16 designed to use the same terms throughout the Englewood Municipal Code. Previously each Title used similar but not the same language to discuss parking surfaces. This created issues with interpretation as well as enforcement of the various Codes. As purposed, each Title would use the same language for *hard surface*, as related to driveways and parking pads. The term will mean "a durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City". This language modifies the recommended "housekeeping" amendment language with the inclusion of brick pavers, but retains the basic intent of that recently recommended amendment.

PROPOSED AMENDMENTS:

16-5-4: Accessory Uses.

D. *Prohibited Accessory Uses.*

2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:

- a. Automotive Repair. Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
- b. Outdoor Storage of Inoperative Vehicles. The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
- c. *Parking of Commercial Vehicles.*

(1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open-space area. The

size of such commercial vehicles shall not exceed vehicle weight of ~~six~~ seven thousand ~~(6,000)~~ (7,000) pounds ~~(60 70 c.w.t. cwt)~~.

- (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.
- (3) No commercial vehicle shall be stored on public property or in the public right-of-way.

16-6-4: Off-Street Parking and Loading Requirements.

O. *Surface Cover.* Off-street parking and loading spaces shall be of a ~~hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust-free surfacing materials (e.g., chip seal surfacing)~~ hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City to serve a principal permitted residential use.

16-6-10: Design Standards and Guidelines.

B. *Residential Design Standards.*

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

d. *Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.*

- (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.
- (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.
- (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').

- (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City ~~durable hard surface approved by the City. Surfacing materials that may be used include concrete, asphalt, exposed aggregate, or Grasscrete.~~ Prohibited materials include dirt and gravel, grasscrete or other porous material. Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.

[NOTE: The remainder of 16-6-10 contains no changes and is therefore not included here]

16-11-2: Definition of Words, Terms, and Phrases.

Hard Surface: As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, ~~exposed aggregate,~~ brick pavers, or similar alternate materials approved by the City.

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

September 16, 2008

I. CALL TO ORDER



The regular meeting of the City Planning and Zoning Commission was called to order at 7:03 p.m. in the Council Chambers of the Englewood Civic Center, Vice Chair Knoth presiding.

Present: Roth, King, Welker, Calonder, Krieger, Knoth, Fish, Brick

Absent: Bleile

Staff: Alan White, Community Development Director
Nancy Reid, Assistant City Attorney
Mike Flaherty, Deputy City Manager

II. APPROVAL OF MINUTES

September 3, 2008

Fish moved:

Roth seconded: TO APPROVE THE SEPTEMBER 3, 2008 MINUTES

Vice Chair Knoth asked if there were any modifications or corrections.

There were none.

AYES: Roth, Calonder, Knoth, King, Brick

NAYS: None

ABSTAIN: Krieger, Welker, Fish

ABSENT: Bleile

Motion carried.

III. PUBLIC HEARINGS



CASE #2008-11

Amendments to Title 16 Related to Hard Surface and Commercial Vehicle Weight

Brick moved:

Krieger seconded: THE PUBLIC HEARING ON CASE #2008-11 BE OPENED

AYES: Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger
NAYS: None
ABSTAIN: None
ABSENT: Bleile

Motion carried.

Mr. White, Community Development Director, was sworn in. He stated for the Commission's consideration tonight is case #2008-11, Amendments to the Unified Development Code (UDC) of the Englewood Municipal Code related to hard surface and commercial vehicle weight. He stated he had already submitted for the record proof of publication of which the notice was published in the *Englewood Herald* on August 29, 2008 as well as the Staff report. The request tonight is that the Commission review, take public testimony and forward to City Council a recommendation for approval of the proposed amendment.

The Planning and Zoning Commission is authorized by the UDC to review and make recommendations to City Council regarding updates to the UDC. The amendments are intended to coordinate UDC terms and definitions with other Titles of the Englewood Municipal Code. Please note that recent "housekeeping" amendments reviewed by Planning and Zoning Commission are not included in the text of the proposed amendments as adoption of proposed "housekeeping" Ordinance is not complete at this time.

Two topics are addressed in this UDC amendment proposal: (1) maximum weight of a commercial vehicle allowed to be parked on residential property and (2) hard surface driveway and parking pad standards.

VEHICLE WEIGHT

The proposed amendment to 16-5-4.D2c(1) modifies the maximum weight of a commercial vehicle stored on property in any residential zone district from 6,000 pounds to 7,000 pounds. Mr. White said the only place in the Englewood Municipal Code where vehicle weight limits are restricted to 6,000 pounds is in Title 16. Elsewhere in the Code and traffic signs use the vehicle weight limit of 7,000 pounds. In addition, the City utilizes a 7,000 pound weight limit when restricting truck traffic in certain areas.

HARD SURFACE

Three proposed amendments relating to hard surface driveway and parking pad standards are part of a set of amendments to Titles 11, 15 and 16 designed to use the same terms throughout the Englewood Municipal Code. Hard surface, as related to driveways and parking pads, will mean "a durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City."

Mr. White offered to answer any questions the Commission might have.

Mr. Welker said the only clarification he had was that the Commission is talking about commercial vehicles only, not personal recreational vehicles, motor homes, buses, etc. that might weigh in excess of 7,000 pounds.

Mr. White stated that was correct.

Mr. King asked what determines a commercial vehicle. Ms. Krieger said they are used commercially and Mr. Brick said he thought they were licensed commercially through the Department of Motor Vehicles.

Ms. Reid said, in her personal opinion, commercial vehicles are licensed as such and that is usually what the police department goes with if they have a question about whether a vehicle is or is not commercial. Even if a van was licensed commercially, it probably does not weigh over 7,000 pounds. A large moving van, even if it wasn't licensed commercially, the police department would consider it commercial for purposes of enforcement.

Mr. King said getting back to the issue of parking commercial vehicles the amendment says they cannot exceed 7,000 pounds and in event shall more than one commercial vehicle be stored on a property. If you had two commercial vehicles stored on a property because they had a plumbing company sign on the side how does that fit into this. Ms. Reid said all she can talk to is the enforcement of the commercial. Ms. Krieger said she also wondered how that would work, although that is not really what we dealing with tonight. Technically, we are only dealing with the change to 7,000 pounds.

Mr. Welker said he understands that, but feels it is something that should be looked at. The definition of commercial vehicle is vague. Ms. Krieger said she did not disagree. He said if he were a plumber and had a vehicle loaded full of pipe it would definitely be over 7,000 pounds. It may not have a sign on it and may not even be a large truck. There are discrepancies that are not enforceable by our terms.

Ms. Krieger said she also wondered what storing it on the street means....parking it on the street, parking overnight on the street...what is storing it on public property or public right-of-way?

Mr. Welker said he was disturbed by the section that states that an over the road tractor trailer wasn't considered a commercial vehicle. Ms. Krieger said they are not allowed. Mr. Welker said he understands that.

Mr. White read the definition for commercial vehicle from the Code book. It reads: Any vehicle designed, maintained or used primarily for the transportation of property. He said that definition is fairly broad.

Mr. Welker said the problem with this part of the Code is that it is so vague. Why make one small change in the Code to try to make it clearer and leave huge gaps in what we are allowing to be parked? Mr. Fish said are you asking Staff if they are prepared to review and discuss that tonight. Mr. Welker said he doesn't believe we are ready to have a public hearing if you can't answer simple questions about what's a commercial vehicle. Ms. Krieger said Mr. White read the definition, but it is just extremely vague. Mr. Brick said based on the definition Mr. White read, would the Commission be willing to move from 6,000 to 7,000 pounds? He said he also believes the definition needs to be changed, but would we be comfortable making the change to 7,000 pounds. Mr. Welker said if he were driving around the City trying to enforce this particular provision, 7,000 pounds is pretty hard to figure out if the vehicle weighs that without a scale. Ms. Krieger said yes, but can see why it needs to be changed to 7,000 pounds. Mr. Welker said we are trying to clarify something, but are only doing part of the job that needs to be done. As Zoning Commission this is one of the issues that we need to consider...what vehicles are being parked around our City. Mr. Brick asked if the Commission could proceed by making an amendment to the proposed language. Mr. King said he doesn't see where it says that no vehicle can weigh over 7,000 pounds; it says no commercial vehicle can weigh over 7,000 pounds. Mr. Welker said that's why I asked the first question about whether this pertains to only commercial vehicles because I also know that motor homes can easily weigh over 7,000 pounds. Mr. King said that's not a commercial vehicle even though it weighs over 7,000 pounds. Ms. Krieger said you could park it on your property. Mr. King said it's an interpretation of what a commercial vehicle is. Mr. Fish asked if the only issue is that commercial vehicle is poorly defined or are there other issues. Mr. King said his point was that this amendment is to try to limit the weight of vehicles, but it really only speaks to commercial vehicles yet commercial vehicles aren't really defined. If there becomes an issue the person will just say it's not a commercial vehicle and it will be up to enforcement to prove it is.

Mr. Brick said instead of trying to decide this tonight the Commission might think about tabling this particular issue for further discussion at a study session.

Vice Chair Knoth asked Mr. White if he wanted the Commission to discuss just the change from 6,000 to 7,000 pounds and come back to the other issues that have been brought up at a later time.

Mr. White said he believed some of the issues brought up were addressed in other parts of the Code, but he said he only had Title 16 with him. What we are talking about is parking of commercial vehicles on private property. In answer to Mr. King's question regarding having two commercial vehicles parked on your property, Mr. White said the Code states "in no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open-space area" even if they are less than 7,000 pounds. You can have zero if more than 7,000 pounds and one if less than 7,000 pounds. He said he did not believe the amendment was meant to address motor homes, RV's, trailers, etc.

Mr. Welker said on a personal basis, he has a neighbor across the alley from him parking a flat bed truck that is sometimes loaded, a wood chipper and a trenching machine; all parked on private residential property. The City has been citing another neighbor for parking landscaping equipment on public roads. Without being able to define that these are commercial vehicles parked on private properties we have several violations and he doesn't believe we have clear definitions of what they are in the City's Code. He believes they need to be addressed. If the Commission makes the one little change tonight we may never see this issue back again in my lifetime. Ms. Krieger said that also concerns her and she is also concerned that the Code is telling you what you can park in your garage and doesn't believe what is in someone's garage is anybody's business. She said she feels that if a resident has a vehicle identified as for business and is parked in the garage she doesn't feel that is impacting anyone in the neighborhood, but we don't want numerous large commercial vehicles parked on the street either. Mr. Welker said that is what he basically has going on in his neighborhood. Mr. Welker said we need to define what is going on here, because as a zoning issue it's a little different than simply the weight. Mr. Fish asked Mr. Welker if he was prepared to put forth an amendment. Mr. Welker said he is not; he wants Staff to look into the issue further before they present it to the Commission as a simple amendment so the Commission can deal with the issue of parking commercial vehicles in our neighborhoods. Ms. Krieger said we need a definition at the very least.

Mr. Fish said we don't have a solution so all we can do is reject it or pass it. Mr. Welker said whether we table the amendment for a future time or deny it, by bringing it up now it is going to go back and be discussed.

Ms. Krieger asked Ms. Reid what the Commission's options are.

Ms. Reid said you could table this motion as it is and ask Staff to look at it again or you can make a motion to reject the amendment based on the fact that this is not sufficient and the whole issue as you have discussed tonight needs to be addressed.

Ms. Krieger asked Mr. White if there was any pressing reason this amendment should go forward tonight. Mr. White said none other than for making the job of code enforcement officers easier. Mr. White said there will always be instances where you will have to do interpretations of whether a vehicle is commercial or not.

Mr. Welker said he feels this amendment is not addressing the real problem within the zoning ordinance about what we can have around our City. He doesn't believe it is a weight issue because you can't verify the weight of most vehicles. In his opinion the weight is not the real problem in Englewood to the zoning ordinance. He said if he doesn't stand in the way of it right now and try to get at the point of what we have as an issue within the City then he's not doing a good job for the City.

Mr. Fish said tonight's amendment was meant to be just for housekeeping; what you are raising is a much larger issue that we have not been briefed on or discussed. He said he feels Mr. Welker is right in that there are many problems in the Code, but didn't feel making the change to 7,000 pounds is a problem.

Ms. Krieger said there isn't any reason not to fix all of it while the issue is before us. Mr. Fish said we would need Staff and we would need to look at other parts of the Code and we haven't done that yet. Ms. Krieger said that is why we want to table the issue. The Commission asked Mr. White what is on the Commission's schedule for the next month to six weeks. He stated there is a Study Session scheduled for October 7th and a Public Hearing on October 21st. He said this issue could be included in the Study Session on October 7th and the Public Hearing could continue on the 21st. Ms. Krieger asked if that was enough time for Staff to prepare. Mr. White said that was enough time to at least provide the information from the other sections in the Code and see if that addresses your concerns or not.

Ms. Reid explained if the Commission continues the hearing once it has been opened it has already been published, it's already been noticed and therefore it does not need to be republished. If anyone is interested in the issue and are here tonight they have been informed that it will be continued.

Mr. Knoth asked if the Commission wanted to discuss the issue of hard surface tonight or continue that part of the amendment also. The Commission stated they wanted to continue the amendment in its entirety as it is all one case.

Welker moved:

Krieger seconded: THE PUBLIC HEARING ON CASE #2008-11 BE CONTINUED
TO OCTOBER 21, 2008

AYES: Brick, Roth, Welker, King, Krieger
NAYS: Fish, Calonder
ABSTAIN: Knoth
ABSENT: Bleile

Mr. Fish voted no because he said he didn't feel the Commission needs to hold Staff hostage in this way. He said he felt the Commission could pass this amendment and deal with the other issues separately.

Mr. Brick vote yes because he feels a month's wait is not that crucial.

Mr. Welker said yes as he believes there some issues to consider that there aren't answers to tonight.

Mr. Krieger votes yes and agrees with Mr. Welker.

Mr. Roth voted yes as he feels there are other issues that need to be discussed. He's not even sure weight is really the real issue as it's something that can't be measured by an enforcement officer; you should be dealing with height and weight.

Mr. King voted yes and said he doesn't feel the Commission is holding Staff hostage; we're just trying to get some clarification.

Motion carried.



CASE #2008-12
Amendments to Title 16 Related to the Sign Code and Flags

Krieger moved:

Fish seconded: THE PUBLIC HEARING ON CASE #2008-12 BE OPENED

AYES: Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger

NAYS: None

ABSTAIN: None

ABSENT: Bleile

Motion carried.

Mr. White, Community Development Director, was sworn in. He stated for the Commission's consideration tonight is case #2008-12, Amendments to the Unified Development Code (UDC) of the Englewood Municipal Code allowing the display of flags connected to activities of a business district or merchant association. He stated he had already submitted for the record proof of publication of which the notice was published in the *Englewood Herald* on August 29, 2008 as well as the Staff report. The request tonight is that the Commission review, take public testimony and forward to City Council a recommendation for approval of the proposed amendment.

The Planning and Zoning Commission is authorized by the UDC to review and make recommendations to City Council regarding updates to the UDC.

This topic was discussed with the Planning and Zoning Commission at a study session on August 5, 2008. There was some discussion about including merchant associations, but upon further reflection by Staff they felt that should not be included in the Ordinance as there is really no control of merchant's associations by the City.

The Business Improvement District wants to display "Sale Day" flags one day per month within the Business District. Currently, the Code does not allow the display of flags for

anything other than cities, states or nations. This Code amendment would extend the ability to display flags to city approved business improvement districts.

Flags of cities, states or nations are limited to 35 square feet in area and are not subject to any permitting process. Staff suggests the BID "Sale Day" flags not be subject to any permitting process as well, but Staff did suggest the size be limited to 15 square feet. They will be displayed from flag holders that will suspend the flags over the public sidewalk.

Mr. White offered to answer any questions the Commission might have.

Mr. King said in an effort to make it easier on Code Enforcement, since it seems that the conventions in this particular election cycle are approximately 60 days from the election day, the Code says elections signs shall not be posted more than forty-five (45) calendar days prior to the election date, would it make sense to extend that date out to 60 days.

Mr. Brick said he also saw that and it is a violation and code enforcement should go around and collect the signs. Mr. Welker said there probably have been signs up continuously for three months or more already this year.

Mr. White said it has been discussed at study session that the whole sign code needs to be updated. The Commission decided to leave corporate flags and other sign issues for when the entire sign code is discussed. He said he would be happy to take a recommendation back to Staff regarding the election signs, but tonight's discussion is in regards to the "Sale Day" flags.

Mr. Welker suggested in 16-6-13 E3(b) the name specifically of the business improvement district or to require them to have a logo that has their name in it be included.

Mr. Knoth asked if the flags were limited to 15 square feet per side. Mr. White said that was correct.

Krieger moved:

King seconded: THE PUBLIC HEARING ON CASE #2008-12 BE CLOSED

AYES: Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger

NAYS: None

ABSTAIN: None

ABSENT: Bleile

 Motion carried.

Krieger moved:

Welker seconded: CASE #2008-12, AMENDMENTS TO TITLE 16 UNIFIED DEVELOPMENT CODE RELATED TO THE SIGN CODE AND

FLAGS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:

1. THE FIRST SENTENCE OF 16-6-13 E 3(b) SHALL READ: FLAGS OF CITY APPROVED BUSINESS IMPROVEMENT DISTRICTS, PROVIDED THE FLAGS DISPLAY ONLY THE NAME, EMBLEM AND/OR THE LOGO OF THE ORGANIZATION AND NO INDIVIDUAL BUSINESS NAMES.

AYES: Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger
NAYS: None
ABSTAIN: None
ABSENT: Bleile

Motion carried.

IV. CAPITAL IMPROVEMENT PROJECTS

 Mr. White stated there is a section in the Charter that requires the Planning and Zoning Commission to submit a list of recommended capital projects to the City Manager. Mr. White introduced Mr. Flaherty, Deputy City Manager.

Mr. Flaherty said one of his functions at the City is to provide for initial review of capital project requests and to make preliminary recommendations that go to City Council. Mr. Flaherty reviewed the two spreadsheets included in the meeting packet. One is a very detailed and extensive spreadsheet that lists all capital projects on a city-wide basis, including those that are proprietary, enterprise, special revenue and restricted funds. The projects for which you have authority to recommend on relate to Funds 30 and 31. Fund 30 is the Public Improvement Fund and Fund 31 is the Capital Projects Fund. The second spreadsheet identifies all of the projects that were submitted by department directors for 2009 consideration. The total number of projects submitted has a dollar figure of nearly \$8.7 million. Unfortunately, the City only has about \$2 million to spend. Revenue projections for 2009 are just slightly over \$2 million, which is considerably lower than it has been in most recent years. Slightly more than \$4 million was approved in 2008 for public improvement capital projects funds. The source of funding for capital improvement and public improvement funds come from the PIF or the use tax funds. Revenues for 2009 were presented. Total projects recommended at this time amount to \$1,998,980. Council has not acted on this yet and could very well make changes. The recommended projects were reviewed.

Mr. Flaherty said the Planning and Zoning Commission's recommendations are certainly of value to City Council and to the City Manager's office and we appreciate your time. He offered to answer any questions the Commission might have.

Mr. Knoth asked if anyone had any questions.

Mr. Welker said he believes this is a waste of our time. The information we received and in the format it was in was virtually unreadable to me. He said he spent about an hour on it and decided it was completely a waste. He didn't know what the codes meant, what funds we were looking at that the Commission has any input on, the timing sucks and we've had better information in the past.

Mr. Brick seconded that. He said the document was poor to read. He said if you really want my recommendation I need to understand the material. It probably would be better brought to a study session and if we needed to do something official we could do it in a public hearing format.

Mr. Flaherty said he would certainly accept those criticisms and try to provide better information in the future.

Mr. White asked the Commission if there was something they have received in the past that was in a better format. Mr. Welker said when you look at a spreadsheet that each page is two pages horizontally with no headings it is virtually a chore to try to straighten it out. He said he would rather see it in microprint and use a magnifying glass to read, plus he said he did not know what the codes and abbreviations meant. He said he virtually could not prepare for the meeting with what was brought to him. He said he came to the meeting with only the expectation of information on it and basically what I am hearing is we don't have any money and we're not going to do anything anyway so it doesn't matter what you say. That may be the truth, but it's not what I like to hear when I'm being asked to give my time to the City for something like this.

Mr. White asked if a summary would have been easier to understand. Mr. Welker said something that was decipherable, with a legend so that the Commission could understand, and identification of which categories we were looking at.

Mr. Flaherty said the inclusion of all the City-wide funds probably should not have been included because you are not taking action on all of the funds. He said the Commission's criticism is well founded and he will take it back with him for future reference.

Mr. Brick said some of the columns can be eliminated from the material presented to the Commission. Mr. Welker also asked that the spreadsheet show how a project might be funded over a period of years.

Ms. Krieger said she has always felt it is a waste of the Commission's time to review the projects. She said she doesn't feel as most of what we are looking at has anything to do with the Planning and Zoning Commission.

Mr. Calonder asked if the Charter could be changed so this issue does not come before the Planning and Zoning Commission. Ms. Reid said changes to the Charter require an election. Mr. Welker said the idea of the Charter is that it has some public input and this is the type of Commission that might provide that. Ms. Krieger said she can understand that, but short of hours and hours of study we can't get anything out of this to give worthwhile input. Mr. Welker said in past years we have had better meetings where we actually made some recommendations and discussed some projects that people cared about such as the pedestrian bridge across Hampden. There were issues that had something to do with land use and patterns of use in the City that nobody else in the City was looking at.

Ms. Flaherty said let me tell you what I have heard and see if you agree with my assessment:

1. Don't present information that the Commission cannot act on.
2. Show information in a context that is more than one year.
3. Present in a form the Commission can understand.
4. Present information in a timelier manner.

Mr. Brick said on the 2009 Preliminary Capital Projects Recommendation Revised chart it would be helpful to sort by department as it would be easier to read. Mr. Flaherty said they were intended to be at least marginally prioritized, but if you prefer by department we could certainly do that. Mr. Brick said since the priority number was not included on the spreadsheet we did not understand that.

Mr. Welker said part of the Commission's role is to establish that priority so if you give the list to us in an order we have to look at it in I have a problem with that. He said he would like to see the list before the City sets the priorities. Mr. Flaherty said if the Commission would like to see the items as they were submitted by each department he would be happy to do that. Mr. Brick said he would like to see it by department and by priority.

Mr. Welker said next year he does not want to see the same thing, he would like to have a chance to look at the things the Commission may be able to have some interest in. Mr. Fish asked for a better description of items. Some on the current document didn't mean a thing.

Mr. Flaherty thanked the Commission. Ms. Krieger thanked Mr. Flaherty for his time.

Mr. Fish asked if the Commission needs to make any recommendations on this issue. Ms. Reid said the Commission does need to vote. She offered several options.

Brick moved:

Krieger seconded:

THE COMMISSION RELUCTANTLY RECOMMENDS THE CAPITAL IMPROVEMENT PROJECTS BUDGET AS PRESENTED DUE TO THE FACT THERE WAS NOT SUFFICIENT TIME OR

INFORMATION PROVIDED FOR THE COMMISSION TO
REVIEW AND DO AN ADEQUATE JOB.

AYES: Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger
NAYS: None
ABSTAIN: None
ABSENT: Bleile

Motion carried.

V. PUBLIC FORUM

There was no public present.

VI. DIRECTOR'S CHOICE

 Mr. White had nothing further to report.

VII. STAFF'S CHOICE

 Staff had nothing further to report.

VIII. ATTORNEY'S CHOICE

 Ms. Reid had nothing further to report.

IX. COMMISSIONER'S CHOICE

 Mr. Brick said he would not be in attendance at the October 7th meeting.

The meeting adjourned at 8:25 p.m.

Barbara Krecklow, Recording Secretary



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CITY OF ENGLEWOOD
COMMUNITY DEVELOPMENT

TO: Planning and Zoning Commission
THRU: Alan White, Director, Community Development *AW*
FROM: Tricia Langon, Senior Planner *TL*
DATE: October 21, 2008
SUBJECT: Case 2008-11: Title 16: Unified Development Code Amendments
Related to Hard Surface and Commercial Vehicle Weight

RECOMMENDATION:

Staff requests that the Planning and Zoning Commission reopen the public hearing, review, take public testimony, and forward to City Council a recommendation for adoption of the attached proposed amendments to Title 16: Unified Development Code (UDC) of the Englewood Municipal Code related to hard surface and commercial vehicle weight.

BACKGROUND:

The public hearing for Case 2008-11 was opened on September 16, 2007. Members of the Commission questioned the adequacy of the definition of the term "commercial vehicle" and other issues relating to the maximum weight of a commercial vehicle stored on residential property. The Commission voted to continue the public hearing to October 21, 2008 so that staff could research and address their concerns.

During the October 7, 2008 study session Community Development staff requested additional time to prepare a thorough analysis of the issues including commercial vehicle definition, weight and/or size limits, conflict and compatibility with other Titles of the Englewood Municipal Code, and obtain Code Enforcement and Police Department input. By consensus the Commission agreed to reopen the public hearing and consider the proposed amendments on October 21, 2008. Staff will bring the larger issue of commercial vehicles in residential districts back to the Commission at a later date.

Pursuant to 16-2-1.B4 of the Englewood Municipal Code, the Commission is authorized to review and make recommendations to City Council regarding updates to Title 16: UDC. Please note that recent "housekeeping" amendments reviewed by Planning and Zoning Commission are not included in the text of the proposed amendments as adoption of proposed "housekeeping" Ordinance is not complete at this time.

Two topics are addressed in this UDC amendment proposal: (1) maximum weight of a commercial vehicle allowed to be parked on residential property, and (2) hard surface driveway and parking pad standards. The amendments are intended to coordinate UDC terms and definitions with other Titles of the Englewood Municipal Code.

ANALYSIS:

Vehicle Weight

The proposed amendment to 16-5-4.D2c(1) modifies the maximum weight of a commercial vehicle stored on property in any residential zone district from 6,000 pounds to 7,000 pounds. Chapter 6: Vehicles of Title 11: Public Ways and Property makes several references to vehicle weight limit of 7,000 pounds (70 c.w.t.). In addition, the City utilizes a 7,000 pound weight limit when restricting truck traffic in certain areas. The amendment to Title 16 is proposed in the interest of consistency, ease of enforcement of regulations, and conservation of resources since the traffic signs already use the 7,000 pound limit.

For informational purposes, c.w.t. is the abbreviation for hundredweight, where wt is weight and c stands for one hundred, as in the Roman numeral C being equal to 100. A hundredweight is equal to 100 pounds.

Hard Surface

The Commission recently discussed driveways and parking pad materials within the UDC "Housekeeping" amendments. The Commission recommended that dirt, gravel and grasscrete surfaces be prohibited for driveways and parking pads. The intent was that driveway and parking pad surfaces should be of a hard material so not to easily erode. The material should also be durable so not to readily deteriorate or spread material into the public way as a vehicle enters the street.

Three proposed amendments relating to hard surface driveway and parking pad standards are part of a set of amendments to Titles 11, 15 and 16 designed to use the same terms throughout the Englewood Municipal Code. Previously each Title used similar but not the same language to discuss parking surfaces. This created issues with interpretation as well as enforcement of the various Codes. As purposed, each Title would use the same language for *hard surface*, as related to driveways and parking pads. The term will mean "a durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City". This language modifies the recommended "housekeeping" amendment language with the inclusion of brick pavers, but retains the basic intent of that recently recommended amendment.

PROPOSED AMENDMENTS:
16-5-4: Accessory Uses.

D. Prohibited Accessory Uses.

2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:

- a. Automotive Repair. Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
- b. Outdoor Storage of Inoperative Vehicles. The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
- c. *Parking of Commercial Vehicles.*
 - (1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open-space area. The size of such commercial vehicles shall not exceed vehicle weight of ~~six~~ seven thousand ~~(6,000)~~ (7,000) pounds ~~(60 70 c.w.t. cwt)~~.
 - (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.
 - (3) No commercial vehicle shall be stored on public property or in the public right-of-way.

16-6-4: Off-Street Parking and Loading Requirements.

O. *Surface Cover.* Off-street parking and loading spaces shall be of a ~~hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust free surfacing materials (e.g., chip seal surfacing)~~ hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City to serve a principal permitted residential use.

16-6-10: Design Standards and Guidelines.

B. *Residential Design Standards.*

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

d. *Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.*

- (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.
- (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.
- (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').
- (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City ~~durable hard surface approved by the City. Surfacing materials that may be used include concrete, asphalt, exposed aggregate, or Grasserete.~~ Prohibited materials include dirt and gravel, grasscrete or other porous material. Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.

[NOTE: The remainder of 16-6-10 contains no changes and is therefore not included here]

16-11-2: Definition of Words, Terms, and Phrases.

Hard Surface: As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, ~~exposed aggregate,~~ brick pavers, or similar alternate materials approved by the City.

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
Regular Meeting
October 21, 2008

I.  CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:02 p.m. in the Council Chambers of the Englewood Civic Center, Chair Bleile presiding.

Present: Bleile, Roth, King, Welker, Calonder, Krieger, Knoth, Fish, Brick

Absent: None

Staff: Tricia Langon, Senior Planner
Nancy Reid, Assistant City Attorney
Harold Stitt, Manager
Audra Kirk, Planning Technician

Guests: Gregory Tan, Greenberg Traurig
Ed Dolan, All Recycling
Christopher Neumann, Greenberg Traurig
Scot Uhrig, All Recycling
Lee Eisenheim, EnviroSure Solutions, LLC

II.  APPROVAL OF MINUTES

October 7, 2008

Knoth moved:

Krieger seconded: TO APPROVE THE OCTOBER 7, 2008 MINUTES

Chair Bleile asked if there were any modifications or corrections.

There were none.

AYES: Roth, Welker, Krieger, Calonder, Knoth, Fish, King

NAYS: None

ABSTAIN: Brick, Bleile

ABSENT: None

Motion carried.

III. PUBLIC HEARINGS



CASE #USE2008-012 – CONDITIONAL USE PERMIT AT 1607 WEST HARVARD AVENUE

Fish moved:

Krieger seconded: THE PUBLIC HEARING ON CASE #USE2008-012 BE OPENED

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Planning Technician, Audra Kirk, was sworn in. She stated before the Commission tonight is Conditional Use Case #USE2008-12. It was submitted by the applicant All Recycling South for Conditional Use approval to allow a solid waste transfer station in an I-2 zone district. She stated for the record the Notice of Public Hearing was published in the *Englewood Herald* on October 3, 2008 and the applicant provided certification that the property was continuously posted from October 6, 2008. Also included for the record is a copy of the Staff Report.

The proposed solid waste transfer station will be located on six properties totaling approximately 2 ½ acres that will be combined through an administrative process. The properties involved are:

- 1607 West Harvard Avenue
- 1604 West Harvard Avenue
- 1754 West Wesley Avenue
- 1750 West Wesley Avenue
- 1744 West Wesley Avenue
- 1770 West Wesley Avenue

These properties are bordered by West Wesley Avenue on the north, West Harvard Avenue to the south and a vacated portion of West Pecos Street to the east.

For the last forty years these properties have been used together as a salvage and wrecking yard. Currently there are three buildings located on the properties. Two of the buildings will be demolished in order to construct a new structure and a new concrete drive isle. The transfer station will be located on Lot 8 and will be approximately 15,000 square feet and 25 to 30 feet in height. This size and bulk is not out of character with the adjacent properties which are also zoned I-2.

The plan right now provides for:

1. On-site stacking for seven large-scale trucks,
2. Screening at interior and exterior property lines to mitigate noise, transfer station operations and to help contain litter on the site,
3. Landscaped areas designed to City standards, and
4. The plan meets all Englewood Municipal Codes.

The Planning and Zoning Commission review must determine if the request is consistent with the Comprehensive Plan and meets the five criterion found in 16-2-12 Conditional Use Permits.

The plan does support the goals of the Comprehensive plan in the following ways:

1. The proposed use will create a balanced mix of businesses and
2. Improve the building stock in the I-2 district.

The Five criterion that must be met are:

1. The use must be permitted as a Conditional Use in the zone district in which it is proposed to be located:

Table 16-5-1.1: Table of Allowed Uses, a waste transfer station is permitted within the I-2 zone district.

2. The Conditional Use will not create significant adverse impacts on existing or future development.

The transfer station is expected to generate approximately 300 vehicle trips per day. 200 of these trips will be waste trucks, 50 semi-trailer (transfer) trucks and 50 mixed vehicles. The quantity of traffic generated by the proposed transfer station will be dispersed fairly evenly throughout the day. The peak of the traffic is expected to occur after the morning rush hour with a significant drop before the evening rush hour. The number of vehicle trips per day does not exceed traffic generation beyond what would be generated by a use-by-right in the zone district.

A traffic study was completed in June 2008. Per that traffic study, multiple routes are available leading to South Raritan Street, which feeds the site via West Wesley Avenue and West Harvard Avenue. In order to avoid impacts to the residential areas, customers will be directed to routes that bypass South Zuni Street and South Tejon Streets north of Yale Avenue. The preferred and recommended routes direct the trucks to come into the site from South Raritan Street. South Raritan Street can be accessed directly from West Evans Avenue on the north or through various streets in the I-1 district to the south.

3. The number of off-street parking spaces shall not be less than the requirements of Section 16-6-4 of the Englewood Municipal Code.

A waste transfer station is not specifically listed, therefore:

Section 16-6-4.E.5 of the Unified Development Code, Unlisted Uses, state that, "In reviewing a development application for a use not specifically listed, the City Manager or designee, shall apply the standard for the use that is most similar to the proposed use".

Industrial Service and/or manufacturing require an area equal to one quarter the gross floor area occupied by the use in a structure. Using this formula, the amount of parking required would be four spaces. The proposed plan provides for nine spaces including one handicapped parking space.

4. Meets all other applicable provisions of the Englewood Municipal Code.

This project did go through the Development Review Team and was reviewed and approved by all City departments.

5. If the application is for a Conditional Use telecommunications tower or antenna, it shall also conform with any additional standards and requirements for such uses specified in Chapter 16-7 of the Englewood Municipal Code.

This criterion is not applicable as telecommunication use is not part of this application.

Staff recommends the approval of the requested Conditional Use to allow a solid waste transfer station in an I-2 zone district.

Ms. Kirk offered to answer any questions the Commission might have.

Mr. Brick stated he did not notice bicycle parking being included in the Site Plan. Ms. Kirk said bicycle parking has not been identified yet, but that will be a requirement before the plan is approved through the Building Department.

Mr. Fish asked Ms. Kirk if she could comment on the traffic analysis on any level. Ms. Kirk said she is not a specialist in the area of traffic, but it did go through the Development Review Team and the Public Works Division did approve the traffic study, which has been revised. She said any questions regarding traffic would need to be directed to Ladd. Mr. Fish said you have no comment as Staff on the increase or decrease or issues of traffic surrounding this area. Ms. Kirk said besides the fact there will be an obvious increase in traffic, the routes that have been laid out going through South Raritan are the routes that will be recommended. The traffic study indicates there will be directional postings on

*Recycle
hearings*

streets directing people to the waste transfer station in order to keep the trucks out of the residential areas. Mr. Fish said o.k.

Chair Bleile asked if there were any further questions. There were not. He thanked Ms. Kirk for her testimony.

Mr. Greg Tan of the law firm of Greenberg Traurig, was sworn in. He stated he represents All Recycling South in this matter. He said they appreciate the opportunity to be heard and expects his comments to be fairly brief. He noted he also had a short slide presentation. He introduced Mr. Ed Dolan who is President of All Recycling North, which is a transfer station north of Englewood in Adams County. Ed has ten years of experience operating a transfer station and is expected to be the one to operate the Englewood facility we are discussing tonight.

Mr. Tan stated this project has been a long time in the making. We first approached the Development Review Team back in September of 2007 to get their preliminary comments on the project. Since that time we have continued our discussions with individual members of the team. We have had meetings with Audra Kirk in zoning, Ladd Vostry in traffic and Larry Nimmo in engineering. The purpose was to get their feedback and to put together a proposal that they could be comfortable with and that they would be comfortable in recommending for your approval. As you have heard tonight, Staff has recommended approval for the proposal and we believe that this is at least in part due to the time and the thoughtful consideration that we have put into the proposal. The project does meet the Englewood Municipal Code requirements for approval of a Conditional Use.

He stated he would briefly summarize what the use is we are talking about to clarify any misconceptions that may be out there. We are proposing a transfer station. This is completely different from a landfill. The purpose of a transfer station is to provide a destination for drop off of solid waste. After it is dropped off it is gathered and placed in transfer trucks and transported to the landfill, which is the permanent destination. This means that the waste doesn't stay on site for more than a matter of hours and by state law will not be on site for more than 24 hours. In addition, it's important to point out that the transfer station will not accept any hazardous waste or any liquid waste.

At this time Mr. Tan began his slide presentation. He pointed out the subject property on a copy of the Englewood zoning map. He noted the area to the east of the proposed project is in Denver and that too is an industrial area. The neighbor to the east is the Excel Arapahoe Coal Fired Power Plant.

In order to earn approval the proposal has to satisfy the criteria set forth in the Englewood Municipal Code. As Staff has pointed out our application does satisfy the criteria set for this in the Englewood Municipal Code. It is consistent with the Comprehensive Plan, promotes the health, safety and welfare of the community and it will not cause significant adverse

impacts to the surrounding neighborhood. He said he would like to briefly touch on some of the factors that would support the Commission's findings. They are:

1. **Necessary service.** A transfer station will provide a necessary service to the City of Englewood. A transfer station provides a local destination for the collectors of waste to drop off the waste. It eliminates the need to travel long distances to dispose of it ultimately in a landfill. Currently, Englewood has one transfer station. This facility will add an additional disposal option both for the general public and for commercial waste haulers.

2. **Redevelopment.** This project entails pretty significant redevelopment of this property. Currently the property is more or less dormant. There is some storage of autos and salvage materials on the site and part of this project the site will be redeveloped literally from the ground up. It will be regraded, repaved, a new solid perimeter fence will be installed around the site, several old buildings will be taken out and a brand new transfer building will be constructed. All of these improvements will increase both the aesthetics and the actual value of the property.

3. **Revenue.** The Englewood Municipal Code contains a surcharge for waste disposed of at a transfer station of 20 cents per cubic yard. Based on our estimates of the volume that will be processed at this facility we estimate the tipping fee will generate \$200,000 to \$300,000 in revenues for the City annually.

4. **Jobs.** All recycling expects to hire 15 to 20 employees in connection with the operation of this facility.

5. **Traffic.** Traffic is certainly an impact we need to address. We are looking at whether the proposed use will cause a significantly greater impact than a use-by-right. What Staff has found and what we have found is that that is not the case with this facility. We are aware there is a residential area a couple blocks to the west and as Staff pointed out we will be requiring our customers to avoid Zuni and Tejon Streets in those residential areas and to limit their ingress and egress to and from the City to the industrial zoned area streets.

6. **Building Heights and Bulk.** A new 15,000 square foot transfer building will be constructed on the site. It will be approximately 25 to 30 feet in height, metal beam construction, and will have metal roofing. Basically, from the outside it will appear as a warehouse. This is in line with the character of the neighborhood.

7. **Screening, Loading, Traffic Circulation.** We will also be constructing a solid perimeter fence around the facility. All of the operations and traffic circulation will be within the site and screened from view.

8. **Noise, Light, Glare, Dust.** There will be some operational noise as a result of the operations. The processing of the waste will occur within the transfer building. We don't anticipate an excessive amount of noise and certainly not more than would be appropriate in an industrial area. The entire site will be paved and swept daily and do not anticipate dust will be an issue.

9. **Existing Infrastructure.** There isn't a whole lot of demand for infrastructure, there is not a lot of water, energy or waste water demand from this use. We don't anticipate any impact on schools or housing or on other governmental services.

10. **Parking.** The parking requirement is four spaces; we are proposing nine. We believe that will be more than sufficient to cover any parking needs for the site.

In summary, we believe, as does Staff, that this proposal meets all the requirements set forth in the Municipal Code for approval of a Conditional Use and therefore, we request that the Commission approve our application without conditions. Mr. Tan thanked the Commission and offered to take any questions the Commission might have.

Mr. Welker asked if he was the only one who was going to give testimony. Mr. Tan said yes unless he needs assistance with any of your questions. Mr. Welker said he had a number of questions; some them operational.

Mr. Ed Dolan, President of All Recycling South was sworn in.

Mr. Welker asked what "processing waste" means.

Mr. Dolan said in this facility the processing primarily would be to consolidate smaller loads of waste into one larger load so it can be transported more efficiently through the City out to a landfill. Also, at this facility we will be recycling metals. We will be using equipment to physically remove metals from the waste stream and divert them from the landfill. With a facility such as this, and in the future depending on commodity prices, landfill costs, fuel costs, etc. we may want to explore diverting more materials out of the waste stream.

Mr. Welker asked Mr. Dolan to basically go through how the waste haulers dump and from that point how it is consolidated, recycled and loaded onto trucks.

Mr. Dolan said commercial haulers will be coming across a truck scale to be weighed. That will determine the rate that they will pay. When they come in they will untarp their loads, open their tailgates and dump onto what we call the tipping floor, which is inside the building. A tipping floor is a solid concrete floor. He pointed out the area on a slide. General public, pick up trucks and trailers will be segregated in another area. Some sort of physical barrier will be constructed so that they are not dumping where the commercial haulers are dumping. Once the load has been dumped onto the tipping floor some type of grapple machine, such as the one we use at our facility in Adams County, will remove metals to be recycled. After that a loader will push the waste to a loading area and dump it over the top of semi-trailers.

Mr. Welker asked if they crush the waste. Mr. Dolan said it will depend on the mixture of the loads. We need to be conscious of not putting too much weight into the trailers. We do use grapples to tap the waste down at our other facility, but that is not always needed. If you have a load of concrete or asphalt you may not even want to load the trailer 100% full.

Mr. Welker said other than what you call hazardous or liquid waste, you don't distinguish between other things like concrete that can be recycled elsewhere or road debris. You basically load it and haul it away.

Mr. Dolan said at our current facility we will pull out large pieces of concrete or asphalt if they can easily be identified. One, we can avoid paying a tipping fee and have those recycled and also it saves on the wear and tear of the aluminum trailers. Typically, when we see loads of that type coming in from job sites it is already broken up pretty small so it's hard to identify it and pull it out without putting in a full blown sorting system, which is extremely expensive. It's not practical with the way we are going to be loading at this facility.

Mr. Welker said so you are not really a high tech operation, not processing via a conveyor belt or separating the waste magnetically or any other processing.

Mr. Dolan said that was correct. Mr. Welker asked if they would be using the railroad. Mr. Dolan said no they would not be.

Mr. Welker asked if the facility is continually supervised so that somebody doesn't slip in some liquid or hazardous waste.

Mr. Dolan said absolutely. The equipment operators are trained to identify not allowed waste or potentially not allowed waste. Depending on the volume we are accepting at the time we may employ spotters, who are also trained. An example would be 55 gallon drums that are sealed up. They would be segregated. Batteries are another item that would be removed. We would have the customer take it to the proper disposal site or if that's not possible we will do it ourselves. Our commercial customers that are supplying the vast majority of the waste stream sign agreements as to what we will take. Every single load that comes in, when they sign their weight ticket, there is a statement on there stating they are not bringing those non allowed wastes in and if they are they are either responsible to remove it or for the expense to remove it. At our other facility in Adams County the commercial haulers are actually getting these types of agreements signed with their customers that are filling their containers. They are trying to stop those types of wastes before they get into their containers and trucks.

Mr. Welker said the supervision you respond to is personnel, not remote cameras. Mr. Dolan said no, we want actual people visually inspecting the loads. Mr. Welker said he is more concerned when the waste is being unloaded. He asked if Mr. Dolan has any concept of what the frequency of the over the road vehicles will be that you will take away from the facility per day. Mr. Dolan said approximately 50 outgoing loads per day. Mr. Welker asked what landfill will be used. Mr. Dolan said most likely all waste will go to Allied's Tower landfill by DIA. Mr. Welker said you talk about hours of operation of approximately 12 hours a day five days a week with a partial day on Saturday; I am assuming that is to accept waste. He noted there is a request in the write-up that is requesting no conditions

on hours of operation. He said he is more concerned about the hours you accept waste and when you haul it away, not when you may work on-site. He was reticent about having an open-end guarantee there won't be a condition added. He had concerns about a round the clock operation.

Mr. Welker said he realizes the building has to be relatively open to get big trucks in, but he is concerned about wind and water exposure and trash being blown and washed away. He asked if there has been any concern in this regard at other facilities. Mr. Welker stated he is familiar with the present Englewood facility. Mr. Dolan said the design is similar to the present Englewood facility, the facility we own and operate in Adams County and the one Waste Management operates in Commerce City. We will be dumping inside the facility and the waste will be protected from most precipitation. It would take a tremendous amount of rain or water to saturate the waste and not hold it.

Mr. Welker asked Mr. Dolan if they were processing mostly dry material. Mr. Dolan said that was correct. Mr. Welker asked if Mr. Dolan had any idea of what their service area would be. Mr. Dolan said approximately a ten mile radius. Mr. Welker asked if there is any fire suppression in the building itself should something spill or a fire occur. Mr. Dolan said there are hydrants in the street on the north side of the building and All Recycling will have the appropriate amount of extinguishers, but we are not going to be training our employees to be firefighters. He stated at some time there will be a fire...somebody will put their hot coals from the grill into the trash and when it hits the floor it may ignite. They have the necessary heavy equipment to be able to isolate that from the rest of the trash pile so that it doesn't spread. Mr. Welker said your process would be more to isolate it and then have the fire department put it out. Mr. Dolan said that was correct. He said in the past six years the North Washington Fire Department has responded to our north facility once or twice and they were both very minor incidences.

Mr. Welker said he is concerned about ground water contamination. He asked if All Recycling is going to contain virtually everything you would wash down on the site. Mr. Dolan said yes. He pointed out the storm water containment areas on the map. He said they do plan on complying with all the City's regulations regarding storm water. Mr. Welker asked if the build out that will be done initially is basically all that would be done on the site or do you foresee any expansion of building size or capacity. Mr. Dolan said the only thing he could possibly see changing is part of the use of the building we're proposing to build in order to accommodate more recycling. There shouldn't be a need for a bigger facility. Mr. Welker asked if the building located on the south side of the site is for offices. Mr. Dolan said yes, that's correct. That is an existing building we will retain. We will also be doing maintenance of equipment there.

Mr. Brick asked if All Recycling South will require all incoming loads be covered. Mr. Dolan said they yes they will be. Rates are doubled for any loads not covered. All commercial customers will be required to cover loads in their service agreement.

Mr. King asked if there are any current environmental issues on the site that they need to mitigate. Mr. Dolan said he is not aware of any. Mr. Welker asked if an assessment has been done on the site. Mr. Dolan said he believed a Phase I was done when it was purchased. He said he was not involved in the purchase process and would have to check with the owners. Mr. Welker said he would ask the City that perhaps they should be informed of any problems.

Mr. Fish asked Mr. Dolan about the loss of materials both coming to and from the facility. How do you keep materials on the trucks leaving the facility? Mr. Dolan said all the semi-loads are tarped. It's all done mechanically. The other thing we do is when the truck is finished loading it pulls up next to scaffolding and the drivers go up and clean off the entire top of the trailer. There's about a 6 inch lip around the top where small debris can accumulate. Mr. Fish said in your traffic analysis you talked about the primary times at which your customers would be coming in would be between the two rush hours. How does that work? Mr. Dolan said it is somewhat through design by the hauling companies. They want to be out on the arterial roads during the non-rush hour times. Most municipalities now don't allow for collection to happen until 7 a.m. By the time they fill the vehicle it is mid-morning. They may go out and fill it again with the intention of getting those trucks back in their yard around 4. We can see customers at 4:30 or 5 in the morning...sometimes they have loaded their truck the day before and rather than drive through rush hour they will park the vehicle and come in early in the morning. Mr. Fish said your facility is open 12 ½ hours a day, but you are receiving materials during this concentrated period and the rest of the time they are sorting and processing. He asked when their vehicles would be leaving. Mr. Dolan said they will be leaving pretty evenly throughout the day. Mr. Fish said you mentioned in your report that if there is problem with odor, a misting odor abatement system will be installed. If there are problems within the neighborhood do you have a process in place to take that feedback from whatever source. How do you determine if there is a problem or not? Mr. Dolan said at their current facility in Adams County we know our neighbors and it has been several years since anyone has come to him with any concerns, but we have an open door facility. We need to be good neighbors to those around us. There will be management there and the owners are located right across the street. We also will be responsible to the City; if the City receives complaints we will need to clear up those issues quickly. He said it is their intention to invest millions of dollars into this facility with the intention of running for a long time. We understand the only way that is going to happen is if we are good neighbors to all in Englewood.

Chair Bleile asked how All Recycling's rates fall into line with the current facility in Englewood. Mr. Dolan said they have not been set, but will be competitive. Our current facility is a little cheaper than Waste Management up north.

Mr. Welker asked if there are any other facilities within five miles of Waste Management's current facility in this part of the City. Mr. Dolan said there is not.

Mr. Roth said one of the statements made in your packet was that the number of vehicle trips per day does not exceed the traffic generation beyond what would be generated in a use-by-right. How did you determine what a use-by-right number would be? Mr. Tan said by use-by-right we mean uses that are allowed in the I-2 zone that don't need any type of approval in order to operate. There is a list of uses-by-right and some standard traffic generation tables that we used to make that conclusion. Mr. Fish noted it is in Appendix B of the packet.

Mr. Roth said exit and entry routes have been set up. He said although it is a very small volume making the left hand turn off of Raritan onto west bound Evans, I'm guessing a truck driver will make that once before he looks for an alternate route. He stated he also has experience with the other facility in Englewood and in doing river clean ups just west of the facility there was a great deal of material that exited their site. It took several of us all day in that section. How will your process eliminate some of that? Mr. Dolan said the design of the building should help protect the facility from wind more than the Waste Management facility's currently does. Beyond that, some paper is going to leave the property. In our current facility we employ full time trash pickers who patrol the inside property and the surrounding two block area. Also, we will have solid fencing that will help prevent small pieces from getting through.

Mr. Brick asked if All Recycling is committing to policing a two block area surrounding the Englewood facility. Mr. Dolan said yes.

Mr. Welker asked if the business is regulated or monitored....do you have a business license from the state? Mr. Dolan said no, there is no license from the state, but there are solid waste regulations that the state has. We have touched on a few already such as waste needs to be removed within a 24 hour period and to create a separate dumping area for the public as opposed to the commercial dumping vehicles. We are subject to state inspections. He stated he has never had the pleasure of a state complaint or had them come to the facility other than when it opened and they came to see it.

Mr. Welker said he has a follow-up question for the City on the same issue. What is the City's monitoring process for collecting complaints and dealing with issues? Ms. Kirk said the Conditional Use is good for a period of one year and during that period if we do receive complaints the Community Development office will keep track of them. If there are complaints Staff will review that when the year is up and their review is due. Mr. Welker asked if there is an annual review every year. Ms. Kirk said yes.

Chair Bleile asked if there were any further questions. There were none.

PUBLIC TESTIMONY

Mr. John Hanson was sworn in. Mr. Hanson said he has a sign company on the corner of Harvard and Raritan. In the past, during the winter months when we have a good

snowstorm that stretch of road where it looks like you plan on bringing your trucks out will generally be snow covered and is untouched by the City. He asked if there were any plans to deal with that by All Recycling or the City.

Ms. Reid informed Mr. Hanson that during a hearing the public can pose rhetorical questions for the Commission and they may discuss or ask questions later; it is not a question and answer forum. Mr. Hanson said o.k. He said the road issue may be something you might want to consider. He said he would not want one of the trash trucks to slide into one of his employee's vehicles.

Mr. Brick said he would think that would be a concern to the waste haulers as well. He said he doubted there will be any changes from the City.

Mr. Hanson said he was more interested to know what exactly was going on and all of his questions had been answered.

Chair Bleile asked if anyone else wished to speak. There was no one.

Fish moved:

Knoth seconded: THE PUBLIC HEARING ON CASE #USE2008-012 BE CLOSED

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Chair Bleile asked if there was any discussion or comments.

Mr. Brick said other than the public testimony regarding that one stretch of street he saw no public objection at the hearing and believes the information we were given more than adequately shows that this use fits the Comprehensive Plan and also it's an opportunity to improve that area. He said he is a little bit concerned about odor and agrees with Mr. Roth regarding the safety of turning vehicles off of Raritan. Other than that this is an opportunity to create new jobs and provide an opportunity for some competition in an area that has been closed to competition for a long time.

Chair Bleile shared the same sentiments.

Mr. Welker said he asked a lot of questions and received pretty good answers to them within the realm of what has been worked out. The fact that the company operates another facility in the metro areas basically says they have encountered most of the problems we

will have. The company seems equipped to deal with issues that might come up and seem committed to being a good citizen.

Mr. Fish said there is bound to be an impact on traffic in developing the area, but is an appropriate use for that area. The traffic study indicates it is a reasonable amount.

Mr. Welker said he feels the road system in that area is capable of directing the traffic and in the couple of places where there may be a left turn problem onto Evans they can use Tejon where there is a light. Mr. King noted Raritan is a lightly traveled street.

Chair Bleile said the only minor flag that caught his eye is that the application stated no conditions. Mr. King said you have to consider that the landfills are only open during daylight hours and who is going to be bringing loads in during the night. Mr. Welker noted All Recycling can monitor their delivery hours that they accept waste. He said he didn't believe that there is going to be any noise that will bother anyone because they are quite a ways away from any residential. Mr. Roth noted they also will be located next to the power plat.

Welker moved:

Brick seconded:

CASE #USE2008-012, CONDITIONAL USE PERMIT FOR A SOLID WASTE TRANSFER STATION IN AN I-2 DISTRICT AT 1607 WEST HARVARD AVENUE, BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION.

There being no further comments Chair Bleile called for a vote.

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Krieger, Fish

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

At this time all public departed.



CONTINUATION OF CASE #2008-11 – AMENDMENTS TO TITLE 16 RELATED TO HARD SURFACE AND COMMERCIAL VEHICLE WEIGHT

Knoth moved:

Krieger seconded: THE PUBLIC HEARING ON CASE #2008-11 BE REOPENED

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger

NAYS: None

ABSTAIN: None
ABSENT: None

Motion carried.

Senior Planner, Tricia Langon, was sworn in. Stated for the Commission's consideration this evening is CASE #2008-11 from September 16, 2008 for proposed Amendments to the Unified Development Code (UDC) of the Englewood Municipal Code pertaining to Hard Surface and Maximum Weight of Commercial Vehicles in Residential Districts. Previously at the September 16, 2008 hearing proof of publication of the Public Hearing was submitted. That publication was in the *Englewood Herald* on August 29, 2008. The Staff Report was also submitted. The request before the Commission is to review, take public testimony and forward to City Council a recommendation for approval of the proposed Amendments.

Two topics are addressed in this UDC amendment proposal:

(1) Maximum weight of a commercial vehicle allowed to be parked on residential property. This proposed amendment to 16-5-4.D2c(1) modifies the maximum weight of a commercial vehicle stored on property zoned residential from 6,000 pounds to 7,000 pounds. There are three purposes for this Amendment: (1) for Municipal Code consistency, Chapter 6: Vehicles of Title 11: Public Ways and Property has multiple references to that 7,000 pound limit and the traffic division regulations are based on the 7,000 pound weight limit, (2) to simplify enforcement of regulations and (3) conservation of resources since the traffic signs in the City already use the 7,000 pound limit.

(2) The second area deals with Hard Surface and they are also made in the interest of Englewood Municipal Code consistency. Title 16 is the area that the Planning Commission is considering and Amendments to Title 16 are accompanied by amendments to Titles 11 and 15. They are designed to use the same terms throughout the Municipal Code for Hard Surface as related to parking areas.

Each of Titles 11, 15 and 16 uses very similar, but not the same language to discuss parking surface, so there are different interpretations and enforcement problems. Title 16 (zoning) says that no gravel material is allowed for driveway surface. Title 15 (Health and Sanitation) says that gravel is an approved material, which creates an enforcement issue.

The three proposed amendments in the UDC are in Sections:

1. 16-6-4.O.: Off-Street parking and Loading Requirements
2. 16-6-10.B.5.d.(4): Residential Driveways and parking Pads within the Front Yard or Setback Area.
3. 16-11-2: Definition of Words, Terms, and phrases.

In those three Sections of Title 16 and in the various sections of Titles 11 and 15 throughout the Municipal Code the term "Hard Surface" will mean a durable surface of concrete, asphalt, brick, pavers or similar alternate materials approved by the City. The intent is that drive-way and parking surfaces throughout the City would be hard surface so that they are durable, will not easily erode, will not readily deteriorate or spread material into the public way. This Amendment also prohibits dirt, gravel, and grasscrete surfaces for parking areas.

The purpose of all the Amendments is for consistency throughout all Titles in the Englewood Municipal Code.

Ms. Langon offered to answer any questions.

Mr. King noted in the Staff Report it was noted the Public Hearing was opened on September 17, 2007, it should be 2008.

Fish moved:

Knoth seconded: THE PUBLIC HEARING ON CASE #2008-11 BE CLOSED

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Fish, Krieger

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

Mr. Knoth moved:

Mr. Roth seconded: CASE #2008-11 HARD SURFACE AND COMMERCIAL VEHICLE WEIGHT AMENDMENTS TO TITLE 16 UNIFIED DEVELOPMENT CODE BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION.

Mr. Brick said he believes the Amendment promotes the cleanliness of residential neighborhoods and also the integrity of the residential neighborhood, making sure it is easy to enforce where there is abuse by commercial vehicles.

Mr. King stated he would vote yes with the general understanding that Staff pursue the definition of "commercial vehicle" in the future.

AYES: Brick, Knoth, Roth, King, Krieger, Fish, Calonder, Bleile, Welker

NAYS: None

ABSTAIN: None

ABSENT: None

Motion carried.

IV. PUBLIC FORUM

 There was no public present.

V. DIRECTOR'S CHOICE

 Mr. White was not present.

VI. STAFF'S CHOICE

 Ms. Langon noted in the meeting packet there was a memo regarding changes to Board and Commission appointments. She asked the Commission to please review. Ms. Krieger and Mr. Bleile's terms expire in February 2009. At the November 4th meeting we will have applications and deadline for submittal if you wish to reapply. The deadline is November 26th.

Future meetings include:

November 4: Priorities, Small Area Plan Update (John Voboril) and Landscape Amendments

Mr. Calonder had a concern with that day being Election Day and members being late. Mr. Welker said he would like to keep that meeting as short as possible. Ms. Reid said if we have a quorum we'll move ahead and if we don't we won't.

November 18: Landscape Amendments and Public Hearing for Planned Unit Development Vacation for Englewood Estates off Quincy Avenue.

December 2: Wrap up for the year.

December 16: The members all agreed to cancel this meeting.

Ms. Langon noted with all the Amendments to the Uniform Development Code within the last few months out of the 300 and some pages of the UDC more than half are affected by changes. The copies of the UDC the members have now are outdated and the copy on the web is also not up to date. She cautioned the members that if they are using their UDC it is not up to date. As soon as the changes have been codified you will be given a new copy of the entire code.

Chair Bleile asked if anyone wished to have an electronic version versus a paper copy. Ms. Krieger said you can't bring that to a meeting. Chair Bleile said he would much prefer it on a disk. Mr. Brick said he would like both.

VII. ATTORNEY'S CHOICE

 Ms. Reid has nothing further to report.

VIII. COMMISSIONER'S CHOICE

 Mr. Fish asked what is happening at the Brown house at S. University and Dartmouth Avenue.

Ms. Langon said the Joshua School, which is a school for autistic children, has bought the property and gone through a variance. The school is a use-by-right if the property has 200 foot of street frontage. That property had 159 feet so they went through a variance and public hearing and received their variance for the lot width and also for the side setback. When the house was originally moved onto that property as a residential use it met the side setbacks. As a school or a non-residential use it did not meet one of the side setbacks. With those two variances they vacated all other variances on the property. The use variance for office use is now gone. Interior work is currently being done. The number of children at the school is expected to be approximately 16.

Mr. Brick asked about the property at 4915 S. Galapago or Fox, he isn't sure of the address. He said there is a condemned sign on the property.

Ms. Langon said that would be a building division, health and safety or housing code issue. She offered to look into it if Mr. Brick could provide the correct address.

The meeting adjourned at 8:35 p.m.

Barbara Krecklow, Recording Secretary

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #2008-11,)	
FINDINGS OF FACT, CONCLUSIONS)	
AND RECOMMENDATIONS RELATING)	FINDINGS OF FACT AND
TO THE UNIFIED DEVELOPMENT CODE)	CONCLUSIONS OF THE
HARD SURFACE AND COMMERCIAL)	CITY PLANNING AND
VEHICLE WEIGHT AMENDMENTS)	ZONING COMMISSION
)	
INITIATED BY:)	
Community Development Department)	
1000 Englewood Parkway)	
Englewood, CO 80110)	

Commission Members Present: Bleile, Krieger, Calonder, Brick, King, Knoth, Roth, Welker, Fish

Commission Members Absent: None

This matter was heard before the City Planning and Zoning Commission on September 16, 2008 and October 21, 2008 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from staff. The Commission received notice of Public Hearing, the Staff Report, and a copy of the proposed amendments to Title 16 Unified Development Code which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witness, and reviewing the pertinent documents, the members of the City Planning and Zoning Commission made the following Findings and Conclusions.

FINDINGS OF FACT

1. THAT the Public Hearing on the Unified Development Code Hard Surface and Commercial Vehicle Weight Amendments was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
2. THAT notice of the Public Hearing was published in the Englewood Herald on August 29, 2008.
3. THAT the Staff report was made part of the record.

4. THAT the Unified Development Code was adopted in 2004 and it was the first major rewrite of the zoning and subdivision regulations in over 20 years.
5. THAT because of the size of the Unified Development Code, small oversights and errors were inevitable and would be addressed through updating amendments.
6. THAT the amendments are designed to correct omissions and provide clarity to existing regulations.
7. THAT the amendments are designed to provide consistency to Titles 11, 15 and 16 of the Englewood Municipal Code.
8. THAT the amendments to the UDC, previously reviewed at Study Session, were presented.

CONCLUSIONS

1. THAT the Public Hearing on the Unified Development Code Hard Surface and Commercial Vehicle Weight Amendments was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
2. THAT notice of the Public Hearing was published in the Englewood Herald on August 29, 2008.
3. THAT the Unified Development Code was adopted in 2004 and it was the first major rewrite of the zoning and subdivision regulations in 20 years.
4. THAT because of the size of the Unified Development Code, small oversights and errors were inevitable and would be addressed through updating amendments.
5. THAT the amendments are designed to correct omissions and provide clarity to existing regulations.
6. THAT the amendments are designed to provide consistency to Titles 11, 15 and 16 of the Englewood Municipal Code.
7. THAT the previously discussed amendments were forwarded to City Council.

DECISION

THEREFORE, it is the decision of the City Planning and Zoning Commission that Case #2008-11 Unified Development Code Hard Surface and Commercial Vehicle Weight Amendments should be referred to the City Council with a favorable recommendation.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on October 21, 2008, by Mr. Knoth, seconded by Mr. Roth, which motion states:

CASE #2008-11. HARD SURFACE AND COMMERCIAL VEHICLE WEIGHT AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION.

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Krieger, Fish
NAYS: None
ABSTAIN: None
ABSENT: None

Motion carried.

These Findings and Conclusions are effective as of the meeting on October 21, 2008.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

Brian Bleile, Chair

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

October 7, 2008

I. CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:05 p.m. in the Community Development Conference Room of the Englewood Civic Center, Chair Bleile presiding.

Present: Bleile, Roth, King, Welker, Calonder, Krieger, Knoth, Fish

Absent: Brick

Staff: Tricia Langon, Senior Planner

Guest: Ed Dolan, All Recycling

II. APPROVAL OF MINUTES September 16, 2008

Welker moved:

Knoth seconded: TO APPROVE THE SEPTEMBER 16, 2008 MINUTES

Chair Bleile asked if there were any modifications or corrections.

Mr. King noted on page 7, second paragraph he voted yes instead of no.

AYES: Roth, Welker, Krieger, Calonder, Knoth, Fish, King

NAYS: None

ABSTAIN: Bleile

ABSENT: Brick

Motion carried.

APPROVAL OF FINDINGS OF FACT

Case #2008-12, Sign Code and Flag Amendments

Krieger moved:

King seconded: TO APPROVE THE FINDINGS OF FACT FOR CASE #2008-12

Chair Bleile asked if there were any modifications or corrections.

There were none.

AYES: Roth, Welker, Krieger, Calonder, Knoth, Fish, King
NAYS: None
ABSTAIN: Bleile
ABSENT: Brick

Motion carried.

III.  AMENDMENTS TO TITLE 16 RELATED TO LANDSCAPING

Ms. Langon said this is the initial kick-off of the landscaping discussion. For background, the first landscaping ordinance was in the 1985 code, which consisted of about 5 pages. The first rewrite was in 1996 and it was expanded to 15 pages. Now we are looking at more updates and rewrites to make the Code easier to use and to understand. She stated she has been looking at a number of landscape ordinances and feels the Commission can take parts of those and parts out of the Englewood Ordinance and come up with a good Ordinance. She said what she did not want to do tonight is to give the Commission copies of various codes and have you pick and choose. What will help her as she goes through the process is if she has a better understanding of what the Commission and the City is looking for as far as landscaping goes.

She asked the Commission what landscaping means to you. The following is the list the Commissioners provided:

- Growing things
- Beautify the City
- Hardscape
- Non hardscape
- Xeriscape
- Non growing things
- Open Space
- Non-structural things – benches, paseos, rocks, water features, artwork, walkways
- Trees – minimum number
- Shrubs – minimum number
- Ground cover – minimum number
- Buffer zones
- Non weeds
- Area – minimum amount
- Right-of-way area
- Hardscape – retaining walls
- Screening
- Berms
- Green roof
- Permanency

Mr. Welker felt at some point Staff needs to address the hierarchy of things, such as encouraging trees, minimum number of certain items, differentiate between ground cover that is growing and trees, etc.

The next question she asked was: What is the purpose of landscaping?

- Beautify the City
- Buffer
- "Green"
- Health – both physical and mental
- Cleans air and water
- Creates oxygen
- Creates shade
- Visual Change
- Environmental health
- Regulate temperature
- Retain soil – slows run off
- Defines space
- Place creator
- Pedestrian friendly
- Human friendly (Humanity)

She said eventually we'll take all these words and put them into a purpose statement and eventually come up with a definition, whether it is our current one or some version of it. She said the one thing she would like the Commission to not do is come up with a laundry list of what landscaping is.

Ms. Langon distributed two handouts. The first was a copy of the current definition of landscaping and the different sections of the current landscape code and the second was the first two sections of the Landscape Code.

Mr. Fish asked if regulations for noxious weeds are included in the Landscape Code. Ms. Langon stated they are not.

Ms. Langon said at a future study session she would print out the definition of landscaping from the other codes to cut and paste from and also to see how they are laid out. She said Englewood's Code may be a bit long and could be shortened. One of the biggest changes we need to be looking at is more differentiation between residential and commercial landscaping.

Mr. Welker asked if Staff would be looking to incorporate some of what has been discussed in the Medical Small Area Plan to reword for the whole code. Mr. Langon said yes, there will not be two separate landscaping codes.

She said she believed photographs would be helpful for everyone. Mr. Welker said he would be happy to take pictures as he travels around the City.

Applicability will be discussed. Is the code for just new construction or across the board?

Mr. Welker said obviously, when landscaping has been there a while it's an enforcement issue, but you can't enforce something that is not written as a standard. Ms. Krieger had concerns that people will remove landscaping and rock their entire front yard. Ms. Langon said there is a maintenance clause that states you cannot take out the required landscaping on a property.

Ms. Langon asked the Commission to email her with their thoughts and ideas between meetings. She also asked them to write down the address of properties they photograph in case she wants to go out to the property.



AMENDMENTS TO TITLE 16, RELATED TO HARD SURFACE AND COMMERCIAL VEHICLE WEIGHT

Ms. Langon stated she read the minutes from the last meeting and as she understands there wasn't a major issue on the hard surface part of the discussion. Mr. Fish said we did not even discuss it. Ms. Krieger said no, we did not, but no one seemed to care to either. Mr. Welker said there really wasn't an issue about the weight itself; it was all the other things in that section of the Code that weren't being discussed.

Mr. Fish said his impression was that we never discussed the hard surface issue itself because after discussion regarding the weight change we continued the hearing.

Ms. Langon said you're saying it was not discussed within the public hearing. Mr. Welker said it wasn't discussed in detail.

Ms. Krieger asked if anyone on the Commission had a problem with the hard surface amendment. She said she did not. The other Commissioner's did not.

Ms. Langon outlined several options for the Commission in the Staff Report. The purpose of both Amendments was to bring the UDC in line with other sections of the Code. She cited several examples. She said she understood there were concerns regarding the definition of commercial vehicle as there are multiple versions within the Municipal Code and the State defines a commercial vehicle in another way. This is a larger issue than just making adjustments within the UDC and also it is a policy issue that is a Council discussion of what is or isn't a commercial vehicle.

Ms. Krieger asked if it was a current discussion point. Ms. Langon said she knew Council had been talking about parking in neighborhoods and various other things. What Planning and Zoning can do is look at some definition terminology and make recommendations.

Whether it is within these Amendments or separately, that's part of what this is. The purpose of the Amendments was to have uniformity among the codes and if we can at least get uniformity that's a step forward. If the definitions are uniform throughout the code it is going to be easier to make future changes.

Mr. Knoth said he believes the Commission understood that, but felt there were other issues we wanted to discuss and were afraid if we passed the amendments as is we would never have the opportunity to make changes to the other parts of the code.

Mr. Welker said we have so little control over our agenda when something like this comes forward we want to address it.

Mr. King said his understanding is the changing of the weight applies to commercial vehicles, but there is no definition for commercial vehicle. Ms. Langon stated there is a definition for commercial vehicle. He asked what it was. Ms. Krieger said Mr. White read the definition from the Code at the Public Hearing. Everyone agreed it is a poor definition. Ms. Langon said that definition is not the issue of these Amendments. She said she is trying to move the Amendments forward so that we can have continuity; then we can come back and look at the other issues. It is hard to enforce if the Zoning Code states 6,000 pounds and other parts of the Code states 7,000 pounds.

Chair Bleile said this is a waste of time talking about the difference between 6,000 and 7,000 pounds. If the code is 7,000 consistently throughout then the only issue the Commission should be talking about is changing that variable. Ms. Krieger said we disagree. Chair Bleile said he understands the other issues, but doesn't believe the Commission should hold up this change. Ms. Krieger said she agrees with Mr. Welker that in the past some things have never ever come back to the Commission. Chair Bleile said the Commission controls what we are going to discuss. The other members did not agree. Mr. Welker said that's part of the problem.

Mr. Welker asked Staff now that this issue has been put on the table, what kind of time frame can we expect to see further discussion on this. He asked if a six month timeframe was reasonable. Ms. Langon said she believed so, as least to discuss it. She said she is not saying it will be done in six months. Chair Bleile said he personally feels Ms. Langon will not let the commercial vehicle discussion fall off our radar screen.

Mr. Welker said he is in agreement that the two little issues are really little issues and doesn't believe there is a lot of reason or even desire to stand in the way of clarifying something as long as we can get some commitment.

Ms. Langon offered four options to the Commission:

1. Table the public hearing for the hard surface and commercial vehicle amendments. This means it may or may not come up again. The Commission agreed this was not an option.

2. Continue the October 21st public hearing for the hard surface and commercial vehicle amendments to a particular date. This gives Staff time to try and prepare, but not enough time to coordinate with other areas. This was not an option either.

3. Amend the Case request by removing the commercial weight limit amendment and proceed with only the public hearing for proposed hard surface amendments on October 21st. The Commission decided that was not an option either.

4. Proceed with the public hearing on October 21st for the proposed hard surface and commercial vehicle weight amendments as written provided Staff prepares an analysis of commercial vehicle parking in residential zones and keeps the Commission apprised of its progress.

Chair Bleile suggested the Commission ask City Council to put a moratorium on enforcement. That way it will make the City Council act. Ms. Krieger said if we're going to do that we might as well not do anything.

Discussion continued on what the definition of a commercial vehicle is. Mr. Welker said he feels this definition can be redefined more clearly. He said he would make a motion at the next meeting to go with option #4. He said the intent was never to hold Staff hostage to get this done, but to say this is an important issue.

Mr. Welker said he would like to hold a discussion with City Council on how the Commission can introduce something that we feel is important to the agenda, not just City Council saying what is important to them. Ms. Langon said that is an option. Mr. Fish asked if this is the way to force issues, to withhold approval of something until there is action. Chair Bleile said if you propose a moratorium for enforcement that definitely triggers somebody to do something. Mr. Welker said we don't have the power to write the moratorium.

Ms. Langon said she doesn't believe the Commission needs to force an issue or a moratorium when you already have the authority within the Code to paraphrase "updates of the title". It's a matter of whether you want to use it. She read the applicable section of the Code. She asked if that was what the Commission is asking to do. Mr. Welker said it is exactly what we are asking.

Mr. Fish said he had read that and said an individual would have to write something up and bring it to a session. Mr. Welker said we could make a motion at a public hearing that we would like to discuss this issue within a timeframe. Ms. Langon reminded the Commission that Council reads the minutes and all you really need to do is in your minutes do a motion or a recommendation that Staff take something to Council. The other thing is to request that the Commission hold a meeting with Council. There have been in the past Study Sessions where the Planning and Zoning Commission met with Council. If you do that you

need to come with an agenda of what you want to discuss. It could be a short list of topics the Commission thinks is of importance to the City.

Ms. Langon suggested for a November meeting we take a half hour or so and white board things that are of importance to you, the areas you would like to see worked on, and maybe prioritize some of them. She said she could also bring the Department priority items and the Council priority items and see where they all match.

Mr. Welker said maybe that type of meeting should be held once or twice a year.

Ms. Langon said we've covered more ordinance work this year than in past years. Part of that reason is because Director White gave me the directive early on in the year that I was to spend the majority of my time doing ordinance work.

Chair Bleile asked Ms. Langon what the goal is that she wanted to see relative to the hard surface and commercial vehicle weight question. She said she wants to know what to expect and how to handle things at the next meeting as to whether she needs to prepare something that would address all aspects, including how definitions and other things worked with other departments and other areas of the Code or could we move these two Amendments forward with the understanding that the larger issue will be brought back before the Commission.

Ms. Krieger said you answered our question for us too...it's not a simple matter of just writing a better definition because there are so many different layers to this.

Mr. Fish said Mr. White stated at the last meeting he promised that Staff would bring back to this meeting all the parts of the Code that are impacted. He said he didn't think Staff could do that so quickly. Ms. Langon said probably if she didn't already have a lot to do and hadn't been out of the office for a week. Ms. Krieger said all Mr. White said he would do was to try and find a definition for commercial vehicle in the rest of the Code since he didn't have the complete Code at the hearing.

Mr. Welker asked the members if anyone had a problem with going forward with proposal number 4, which is to clear up these two items with the understanding that the other issues will be brought back to us. They did not.

Ms. Krieger said she thought the Recording Secretary did a super job on the September minutes. Mr. Welker concurred.

The Recording Secretary thanked the Commission for the compliment.

IV. PUBLIC FORUM

 There was no public present. Mr. Dolan left the meeting at the beginning of the hard surface and commercial vehicle weight discussion.

V. DIRECTOR'S CHOICE

 Director White was not present.

VI. STAFF'S CHOICE

 Ms. Langon stated the October 21st meeting will be two public hearings. The first will be a Conditional Use for a trash transfer station and the second will be the continuation of Case #2008-11.

VII. ATTORNEY'S CHOICE

 Ms. Reid was not present.

VIII. COMMISSIONER'S CHOICE

 Mr. Welker said he liked what the Commission talked about tonight as far as a future agenda item.

Chair Bleile concurred.

The meeting adjourned at 8:25 p.m.

Barbara Krecklow, Recording Secretary



MEMORANDUM

TO: Mayor Woodward and Members of City Council

THROUGH: Gary Sears, City Manager

FROM: Michael Flaherty, Deputy City Manager

DATE: June 23, 2011

SUBJECT: Residential Parking/Hard Surface Requirements

The Code Enforcement Advisory Committee report to City Council of April 25, 2011, is attached for City Council information and review in conjunction with Study Session Agenda Item #2 for Monday, June 27, 2011. The CEAC report includes information and recommendations related to residential parking of recreational and off-road vehicles and hard surface parking.

Code Enforcement Advisory Committee Action Plan

--Review existing codes regarding RV's and other recreational Equipment, parking and storing in the City of Englewood--

- I. Put together the information needed to study the situation
 - A. Existing Codes and requirements
 - B. City Maps identifying some of the different lot configurations in residential areas
 - C. Identify types, sizes, weights, etc on current RV's, boats, trailers and other popular recreational equipment that needs to be parked, stored and maintained by owners.
 - D. Actually visit some of the areas and situations that are needing to be seen in order to identify potential questions.
- II. Obtain code and enforcement information from other communities who have or are dealing with similar issues
- III. Listen to and ask for other citizen input that may offer insight or reasonable solutions towards dealing with the issues
- IV. Work closely with other boards and committees in order to avoid conflict in codes and enforcement procedures that are in place
- V. Any updates or progress will be forwarded to city council through Mike Flaherty, Deputy City Manager, until the committee feels it has had adequate information and time to make educated and thoughtful recommendations for City Council to consider.
- VI. When the Code Enforcement Advisory Committee feels that we have studied these questions and issues as thoroughly as possible and listened and talked to any who wish to comment or bring information and when we have exhausted our resources and problem solving skills, we will ask for time at a regular City Council meeting to present our recommendations.

Chapter 9

INOPERABLE MOTOR VEHICLES, OFF-ROAD VEHICLES AND TRAILERS*

- 15-9-1: Inoperable Motor Vehicles.
- 15-9-2: Vehicles, Off-Road (ORV), and Trailers.

15-9-1: Inoperable Motor Vehicles.

This Chapter is intended to address the proper storage of inoperable motor vehicles, off-road vehicles and trailers. It shall be unlawful and considered a nuisance for any person to store, maintain or keep any inoperable motor vehicle, off-road vehicle or trailer in violation of this Chapter.

The owner of an inoperable motor vehicle, off-road vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or trailer is stored, shall be responsible for the maintenance of such vehicle in compliance with this Chapter.

A. *Inoperable Motor Vehicles in All Residential Zone Districts.*

1. No inoperable motor vehicle shall be stored within the front yard.
2. No person shall store or work on any inoperable motor vehicle within the front yard or in or on any public property or right-of way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. No inoperable motor vehicle may be stored in a carport. An inoperable motor vehicle may be stored in a fully enclosed garage or similar structure.
4. One (1) inoperable motor vehicle may be stored in a rear or side yard if it is

on a hard surface, and screened from view of adjacent properties and public rights-of-way.

B. *Inoperable Motor Vehicles in Zone Districts Other Than Residential (including TSA District and PUDs).*

1. No inoperable motor vehicle shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to a permitted and/or licensed automotive use.

(Ord. 98-39; Ord. 02-32; Ord. 03-44; Ord. 04-15)

15-9-2: Vehicles: Off-Road (ORV) and Trailers.

A. *Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.*

1. No ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000)

*Editor's note—Ord. 04-15, adopted March 15, 2004, amended the title of ch. 9 to read as herein set out. Ch. 9 previously was titled "Vehicles, Inoperable."

pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

B. Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

(Ord. 03-44; Ord. 04-15; Ord. 07-4)

Chapter 6

VEHICLES

- 11-6-1: Parking/Storage Regulations in All Districts.
 11-6-2: Parking/Storage Regulations for Residential Districts.

11-6-1: Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.

D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.

E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.

F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.

G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.

H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.
(Ord. 98-39)

11-6-2: Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
2. A road tractor, truck tractor or semi-trailer.
3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or

on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:

- a. No motor vehicle or vehicles shall be occupied or used for living or house-keeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
- b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street. (Ord. 98-39; Ord. 00-7)

Douglas Cohn
3051 S. Marion St.
Englewood, Co., 80113

April 23, 2011

CITIZEN'S INITIATIVE

In order to preserve and maintain the existing property rights of the people of Englewood on their own use of private property, this ordinance will protect the right of parking vehicles on private property. No vehicle weight restrictions are to be applied to private property. All recreational vehicles (RV's, trailers, ATV's, boats, campers, camper shells, and any other vehicle that is defined as a "ORV" by Englewood Municipal Code) are allowed to be parked and stored on private property with the location and placement at the discretion of the property owner. Business labeled vehicles are allowed to be parked on private property. The city cannot limit the number of vehicles to two per household. Any surface on private property permeable or non-permeable except for grass is an allowable surface for parking and storage of a vehicle. Any existing laws in conflict with the wording of this ordinance shall be repealed.

This letter is the official notification to the City of Englewood, the City Council and the voters of the city that a legislative initiative is going to be placed on the ballot at the regularly scheduled municipal election in November, 2011.

This initiative will **ONLY** apply to private property and will not affect any codes relating to rights of way, streets or public areas.

This initiative will modify the Englewood Municipal Code 2000 in the following areas.

Title 15 Chapter 9 sections 1 and 2

Title 11 Chapter 6 sections 1 and 2

Title 15 Chapter 1 section 2

Title 16 Chapter 5 section s, sub sections 1b and 2c

Title 16 Chapter 6 section 4 sub section O

Title 16 Chapter 6 section 10 sub section 5d4

This initiative affirms all existing private property rights and will modify all elements of the code having to do with the parking and storage of all types of RV's, ORVs, trailers, work trucks etc. It will also modify all sections of the code that refer to hard surfaces, parking pads, and drive ways.

This initiative is being brought forward by the following people:

Douglas Cohn 3051 S. Marion St. Englewood, 80113
Carolyn Fulton 4955 S. Lipan Dr. Englewood, 80110

In order to preserve and maintain the existing property rights of the people of Englewood on their own use of private property. This ordinance will protect the right of parking vehicles on private property. No vehicle weight restrictions are to be applied to private property. All recreational vehicles (RV's, trailers, ATV's, boats, campers, camper shells, and any other vehicle that is defined as a "ORV" by Englewood Municipal Code) are allowed to be parked and stored on private property with the location and placement at the discretion of the property owner. Business labeled vehicles are allowed to be parked on private property. The city cannot limit the number of vehicles to two per household. Any surface on private property permeable or non-permeable except for grass is an allowable surface for parking and storage of a vehicle. Any existing laws in conflict with the wording of this ordinance shall be repealed.

 DRAFT

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011 _____

COUNCIL BILL NO. _____
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTION 2(C), OF THE
ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO HARD SURFACES.

WHEREAS,

; and

WHEREAS,

; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending
Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
 2. A road tractor, truck tractor or semi-trailer.
 3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
 4. A tow truck or automobile wrecker.
 5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in ~~the front yard of the front setback of the principal structure~~ unless located on ~~a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~

~~a hard surface of concrete, asphalt, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~ or similar alternate materials approved by the City Manager or designee. *(Code Enforcement Advisory Committee)*

concrete or asphalt of sufficient thickness to support the weight of parked vehicles, brick, concrete or stone pavers with a minimum depth of two and one-fourth inches (2 ¼") and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half inches (3 ½"). Crushed hard rock shall have a nominal gradation of one and one-half inches (1 ½") (100 percent passing a 1 ¾ inch screen and less than 10 percent passing a 1 ¼ inch screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used. (Littleton Code)

- 3 In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
- 5 No person shall occupy any vehicle in violation of the following:
 - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
 - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, "Definitions" of the Englewood Municipal Code 2000, to read as follows, with unchanged definitions:

15-1-2: Definitions

Hard Surface: A surface ~~as defined in 16-11-2(B) EMC.~~

~~a surface of concrete, asphalt, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~ or similar alternate materials approved by the City Manager or designee. *(Code Enforcement Advisory Committee)*

A surface of concrete or asphalt of sufficient thickness to support the weight of parked vehicles, brick, concrete or stone pavers with a minimum depth of two and one-fourth inches (2 ¼") and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half inches (3 ½"). Crushed hard rock shall have a nominal gradation of one and one-half inches (1 ½") (100 percent passing a 1 ¼ inch screen and less than 10 percent passing a 1 ¼ inch screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used. (Littleton Code)

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsection O, of the Englewood Municipal Code 2000, to read as follows:

16-6-4: Off-Street Parking Loading Requirements.

- O. **Surface Cover.** Off-street parking and loading spaces shall be of a ~~hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust free surfacing materials (e.g. chip seal surfacing)~~ to serve a principal permitted residential use.

~~a hard surface of concrete, asphalt, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~ or similar alternate materials approved by the City Manager or designee. *(Code Enforcement Advisory Committee)*

concrete or asphalt of sufficient thickness to support the weight of parked vehicles, brick, concrete or stone pavers with a minimum depth of two and one-fourth inches (2 ¼") and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half inches (3 ½"). Crushed hard rock shall have a nominal gradation of one and one-half inches (1 ½") (100 percent passing a 1 ¼ inch screen and less than 10 percent passing a 1 ¼ inch screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used. (Littleton Code)

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 10, Subsection B, Paragraph 5, Letter d, Number 4, of the Englewood Municipal Code 2000, to read as follows:

16-6-10: Design Standards and Guidelines.

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.

d. Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.

- (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.
- (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.
- (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').
- (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with ~~a durable hard surface approved by the City. Surfacing materials that may be used include concrete, asphalt, exposed aggregate, or Grasserete.~~

~~a hard surface of concrete, asphalt, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~ or similar alternate materials approved by the City Manager or designee. *(Code Enforcement Advisory Committee)*

concrete or asphalt of sufficient thickness to support the weight of parked vehicles, brick, concrete or stone pavers with a minimum depth of two and one-fourth inches (2 ¼") and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half inches (3 ½"). Crushed hard rock shall have a nominal gradation of one and one-half inches (1 ½") (100 percent passing a 1 ¾ inch screen and less than 10 percent passing a 1 ¼ inch screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used. (Littleton Code)

~~Prohibited materials include dirt, gravel, crushed concrete and Grasserete.~~ Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.

[EDITORS NOTE: The remainder of 16-6-10, contains no changes and is therefore not included here]

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2, of the Englewood Municipal code 2000, to read as follows:

16-11-2: Definition of Words, Terms and Phrases.

Hard Surface: As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, exposed aggregate, brick pavers, or similar alternate materials approved by the City.

a surface of concrete, asphalt, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface, or similar alternate materials approved by the City Manager or designee. (Code Enforcement Advisory Committee)

concrete or asphalt of sufficient thickness to support the weight of parked vehicles, brick, concrete or stone pavers with a minimum depth of two and one-fourth inches (2 ¼") and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half inches (3 ½"). Crushed hard rock shall have a nominal gradation of one and one-half inches (1 ½") (100 percent passing a 1 ¾ inch screen and less than 10 percent passing a 1 ¼ inch screen), River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used. (Littleton Code)

Section 6 Grandfather Clause A gravel driveway or parking pad existing prior to shall be allowed to remain unless or until a site plan is required under 16-2-9(A) EMC which affects the driveway. Maintenance of a grandfathered driveway is specifically allowed and shall not be considered as an "alternative" or "resurfacing" under 16-2-9(A)(3) EMC.

Section 7. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 8. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 9. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 10. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 11. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2011 for thirty (30) days.

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. _____
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO **72 HOUR PARKING**. (Code Enforcement Advisory Committee Recommendation)

WHEREAS,

; and

WHEREAS,

; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

11-6-1: - Parking/Storage Regulations in All Districts.

- A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.
- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours ~~within any one week~~ within any consecutive fourteen (14) day period.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours ~~within any one week~~ within any consecutive fourteen (14) day period while being expeditiously loaded or unloaded.

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
 1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
 2. A road tractor, truck tractor or semi-trailer.
 3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
 4. A tow truck or automobile wrecker.
 5. A church bus or school bus not used for school or church purposes.

- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
 2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
 3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
 4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6) in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
 5. No person shall occupy any vehicle in violation of the following:
 - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
 - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

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

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

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

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

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

Introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2011 for thirty (30) days.

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Loucrishia A. Ellis

 **DRAFT**

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO. _____
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, OF THE
ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO **PARKING FOR RECREATIONAL
VEHICLES** (Code Enforcement Advisory Committee Recommendations)

WHEREAS,

; and

WHEREAS,

; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending
Title 15, Chapter 1, Section 2, and Title 16, Chapter 11, Section 2(B), of the Englewood
Municipal Code 2000, by inserting in alphabetical to order to read as follows:

15-1-2: Definitions.

and

16-11-2: Definition of Words, Terms, and Phrases.

B. Definition of words, Terms, and Phrases.

Recreational Vehicle

A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or
driven and primarily designed as temporary living accommodation for recreational, camping and
travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-
propelled motor homes.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending
Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

11-6-1: - Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor,
truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer, recreational vehicle
or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or

special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.
- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.
- I. The owner of an inoperable motor vehicle, off-road vehicle, recreational vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or any trailer is stored, shall be responsible for such vehicle in compliance with this Chapter.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more recreational vehicles, motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) including recreational vehicles.
2. A road tractor, truck tractor or semi-trailer.
3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.

- C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
3. In no case shall more than one commercial vehicle or recreational vehicle be parked or stored on property in any residential zone district, whether in a ~~private garage or~~ carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
5. No person shall occupy any vehicle in violation of the following:
 - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection (b) below;

- b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, recreational vehicle, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

15-9-2: - Vehicles: Off-Road (ORV) and Trailers.

A. Recreational Vehicles Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No Recreational Vehicle, ORV or any type of trailer shall be stored within the front yard
2. No person shall store or work on any Recreational Vehicle, ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

B. Recreational Vehicles, Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No Recreational Vehicle, off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed Recreational Vehicle, ORV and trailer uses.

Section 5. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of

competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 7. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2011 for thirty (30) days.

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Loucrishia A. Ellis

DRAFT

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO.
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, AND TITLE 16, CHAPTER 5, SECTION 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO **VEHICLE WEIGHT LIMITATIONS**. (Code Enforcement Advisory Committee Recommendation)

WHEREAS,

; and

WHEREAS,

; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

11-6-1: - Parking/Storage Regulations in All Districts.

- A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of ~~seven~~ **ten** thousand (7,000 **10,000**) pounds (~~70 C.W.T.~~) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.
- B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether

loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

- C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.
- D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.
- E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.
- F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.
- G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.
- H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: - Parking/Storage Regulations for Residential Districts.

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
 - 1. Any vehicle with an empty weight in excess of ~~seven ten thousand (7,000)~~ ten thousand (10,000) pounds (70 C.W.T.). This limitation shall not apply to recreational vehicles.
 - 2. A road tractor, truck tractor or semi-trailer.
 - 3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.

4. A tow truck or automobile wrecker.
 5. A church bus or school bus not used for school or church purposes.
- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
 2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
 3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of ~~seven~~ ~~ten~~ thousand (~~7,000~~ ~~10,000~~) pounds (~~70 C.W.T.~~).
 4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
 5. No person shall occupy any vehicle in violation of the following:
 - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
 - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, of the Englewood Municipal Code 2000, to read as follows:

16-5-4: Accessory Uses.

- C. *Accessory Uses Permitted.* Table 16-5-1.1 includes accessory uses and shows in which zoning district a specific accessory use is permitted. If an accessory use is not listed in Table 16-5-1.1, but satisfies all the general standards set forth in subsection 16-5-4.B EMC, the City Manager or designee may allow its establishment according to the procedures and criteria in Section 16-5-1.B EMC, "Unlisted Uses." In addition, all unlisted accessory uses

shall be subject to compliance with the general, dimensional, and operational standards set forth in this Section 16-5-4 EMC.

1. Home Occupation. Occupations customarily incidental to the principal use as a residence may be allowed when conducted in the same dwelling, provided the following standards are met:
 - a. *Districts Allowed.* Home occupations are allowed in the following districts: R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B. Only one (1) home occupation shall be permitted per dwelling unit. Home occupations may be permitted accessory to principal residential uses located in nonresidential districts (e.g., in a manufactured home park located in an industrial district) provided the home occupation complies with all requirements of residential district home occupations herein.
 - b. *Where Allowed on Site.* The home occupation shall be operated entirely within the dwelling unit and only by the person or persons maintaining a dwelling unit therein. The home occupation shall not have a separate outside entrance. The home occupation shall not be conducted in a detached accessory structure.
 - c. *Registration.* All home occupations shall register with the City.
 - d. *Sales.*
 - (1) *On the Premises.* The sale on the premises of items that have been made, grown, or prepared on the premises shall be permitted. The sale on the premises of any item that has not been made, grown, or prepared on the premises shall be prohibited.
 - (2) *Off the Premises.* Sales off the premises of such items as personal or household goods such as those products offered by Avon, Amway, Fuller Brush, Watkins, etc., shall be permitted.
 - e. *Operational Requirements.*
 - (1) No assistants or employees that are not residents of the principal dwelling unit shall be employed in the home occupation.
 - (2) The hours and manner of such uses and the noise created thereby shall not interfere with the peace, quiet, or dignity of the neighborhood and adjoining properties.
 - (3) Incidental storage shall be allowed for items made on the premises and/or sold off the premises consistent with this Section.
 - (4) The home occupation, including storage of materials, equipment, inventory, and/or supplies, shall not utilize more than three hundred (300) square feet; provided, however, that this does not apply to permitted home care accessory uses.

(5) The use of electric motors shall be limited in power, with a total limitation of one and one-half (1½) horsepower, and no single unit over three-fourths (¾) horsepower.

f. *Prohibited Uses.* In no event shall any home occupation include the following business or commercial activities:

- (1) Animal hospital or kennel, animal daycare, breeders, except licensed canine and feline breeders.
- (2) Asphalt paving business.
- (3) Barbers, hairdressers, cosmetologists, beauticians or any activity involving the skin, hair or nails.
- (4) Body, mechanical repair, or modification of motor vehicles.
- (5) The sale, storage, manufacture, or assembly of guns, knives or other weapons or ammunition.
- (6) Dump trucks.
- (7) Restaurants.
- (8) Towing business.
- (9) Processes involving the dispensing, use, or recycling of hazardous or flammable substances and materials.
- (10) Automotive vehicles sales requiring a state dealer's license.

2. **Parking Area, Surface.**

a. *Parking Area, Surface (R-2-B District Only).* When an R-2-B district abuts or is adjacent to a MU-B-2 district, the portion of the lot adjacent to the business district may be used as a parking area by any commercial establishment to a depth of twenty-five feet (25') if the following conditions are met:

- (1) The parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.
- (2) The paved parking area must be of hard surface to prevent the movement of dirt and debris from the parking area onto the public right-of-way.
- (3) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.
- (4) Provisions must be made for the collection of trash as per City ordinance.

- (5) The final design of the parking area must be approved by the City Manager or designee.
- (6) No storage of vehicles is permitted and the lot is to be used solely for the parking of employees or customers.
- (7) No vehicles in excess of ~~seven~~ ten thousand (~~7,000~~ 10,000) pounds may be parked in the parking area.
- (8) The minimum width of the parking area shall be fifty feet (50').
- (9) The City Manager or designee may deny the use of any lot as a parking area if the above provisions are not met or if conditions are unsafe. The ruling may be appealed to the Board.

b. *Parking Area, Surface (TSA District Only)*. Surface parking areas, noncommercial and accessory to a principal use, are allowed subject to the following additional conditions:

- (1) General. Such surface parking area shall be maintained as long as the principal permitted use is maintained, or until alternative parking is provided for such principal use.
- (2) Location.
 - (a) An accessory surface parking area may be located within six hundred feet (600') of the lot containing the principal use, either within the TSA district or within a zone district that permits noncommercial parking lots, subject to a City-approved alternative parking plan and pursuant to the Station Area Standards and Guidelines, as applicable.
 - (b) Accessory surface parking lots are prohibited within the transit station subarea.
 - (c) *Remote Parking Areas*. Pursuant to Section 16-6-4 EMC, required parking may be provided as an accessory use within four hundred feet (400') of the principal use, either within the same district or within a district that permits noncommercial parking lots. Such parking lots must be maintained as long as the principal permitted use is maintained, or alternate parking provided. Approval of an alternative parking plan is required (administrative process), pursuant to Section 16-6-4.D EMC. Such lots shall be paved, shall require a building permit, and shall be subject to the landscaping requirements of Section 16-6-7.M EMC.

3. Satellite Dish Antenna.

- a. *Small Satellite Dish Antennas*. Satellite dish antennas of one (1) meter or less in diameter are permitted accessory uses in all residential and nonresidential zoning districts. Such dishes shall not be located within the public right-of-way.

b. *Large Satellite Dish Antennas.*

- (1) Satellite dish antennas measuring one (1) meter or more are permitted accessory uses in all zoning districts. Any roof-mounted dishes shall submit an engineer's certificate to the City. Such dishes shall not be located within the public right-of-way.
 - (2) As applied only to large satellite dish antennas accessory to a principal residential use, to the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, such antennas shall:
 - (a) Be located in the rear yard of the residential use; and
 - (b) Be screened from view from adjacent public rights-of-way; and
 - (c) Be of a color harmonious with their surroundings. There shall be no advertising in words or pictures, other than the manufacturer's name in small letters.
4. **Service Unit or Facility.** Service units or facilities shall be allowed as accessory uses in the MU-R-3-B district. Such uses include, but are not limited to, barber or beauty shops, gift shops, coffee shops, and dining facilities for the convenience of the tenants. Such uses shall comply with underlying zone district requirements, including the dimensional requirements set forth in Section 16-6-1 EMC.
5. **Swimming Pool.** Swimming pools are allowed as accessory uses in all districts. See Title 8 EMC.
6. **Wholesale Sales and Distribution.** Wholesale sales and distribution shall be allowed as an accessory use in MU-B-1 and MU-B-2 districts provided the principal use maintains an active retail license and is open to the public for retail trade.

D. *Prohibited Accessory Uses.*

- I. **Prohibited in All Zoning Districts.** The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:
 - a. *Use of Travel Trailer or Recreational Vehicle (RV) as a Residence.* The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.
 - b. *Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business.* The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:
 - (1) The sale of goods or merchandise at a City-approved or sponsored event; or

- (2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or
 - (3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or
 - (4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.
2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
- a. *Automotive Repair.* Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
 - b. *Outdoor Storage of Inoperative Vehicles.* The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
 - c. *Parking of Commercial Vehicles.*
 - (1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open-space area. The size of such commercial vehicles shall not exceed vehicle weight of ~~six~~-ten thousand (6,000 10,000) pounds (~~60 C.W.T.~~).
 - (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.
 - (3) No commercial vehicle shall be stored on public property or in the public right-of-way.

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

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

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

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

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

Introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2011 for thirty (30) days.

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Loucrishia A. Ellis

 DRAFT

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO.
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PROPERTIES WITHOUT ACCESS TO REAR AND SIDE YARDS.

WHEREAS,

; and

WHEREAS,

; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

15-9-2: - Vehicles: Off-Road (ORV) and Trailers.

A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No ORV or any type of trailer shall be stored within the front yard.

No off road vehicle or trailer shall be stored within the front yard unless a showing of proof is provided stating that the property cannot accommodate access to rear or side yard. In such a case, the guidelines established by the distance guidelines and hard surface guidelines must be abided by. reference: 15-9-2 and 11-6-2 C2. Upon showing proof that there is not access to rear or side yards, detached campers may be stored in front yards and side yards in accordance with above described guidelines. (Code Enforcement Advisory Committee)

2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.

3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.
4. An exception to the requirement that these items located above must be stored in the rear yard may be made for those properties where there is no reasonable access, as defined, from public property to the rear yard.

a) for purposes of this Title, a lack of reasonable access shall be determined by the City Manager or designee on a case by case basis as to whether the obstruction which prevents access to the rear yard makes it physically impossible to access the rear yard without extensive construction or cost to the owner.

i) by way of example but not limitation, a solid privacy or chain link fence, small trees; small shrubs; flowers, etc. which are removable will not be considered a lack of "reasonable access" to the rear or side yard. Masonry walls; large trees or permanent structures may be considered an obstruction to "reasonable access."

b) The reasonableness of the City Manager or designee's decision is appealable to the Board of Adjustment and Appeals as provided in 16-2-1(C) EMC.

c) the property must have a legal curb cut and driveway from the public street.

(Adapted from Model Zoning Special Exceptions)

B. Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 1, Subsection C, of the Englewood Municipal Code 2000, to read as follows:

16-2-1: Administrative and Review Roles.

The following entities comprise the review and decision-making bodies with respect to administering this Title. The roles and functions of these bodies are described in this Section and summarized in the table contained in Section 16-2-2 EMC below.

C. Board of Adjustment and Appeals.

1. **Administrative and Review Roles Under this Title.** The Board of Adjustment and Appeals ("Board") shall have the following responsibilities in administering this Title:

- a. *Appeals from Building Permit Denials.* The Board shall have power to hear and determine appeals from refusal of building permits.
- b. *Administrative Appeals.* In addition to such other jurisdiction as authorized by law, the Board shall have the jurisdiction and power:
 - (1) To hear and decide appeals from and to review any order, requirement, decision, or determination by the Chief Building Official or any employee in the enforcement of this Title, or similar Uniform Codes adopted by the City, except the Model Traffic Code, by the City Manager or designee or Traffic Engineer under 15-9-2 EMC and to hear and decide all matters referred to it, or upon which it is required to pass under this Title or any amendment hereto.
 - (2) In deciding upon appeals, the Board may reverse or affirm, wholly or partly, or modify any notice, order, requirement, decision, or determination of any employee of the City in the enforcement of this Title, and to make such order, requirement, decision or determination as in its opinion ought to be made and, to that end, shall have all the powers of the enforcing agent.
- c. *Zoning Variances.* The Board shall have the jurisdiction and power in specific cases to make specific exceptions to the terms, or modify the strict application of the provisions of this Title, according to the procedures within and consistent with the general purpose of this Title.

2. Procedures:

- a. *Rules and Regulations.* The Board shall adopt, publish, and make available such procedural rules and regulations as the Board deems necessary to carry into effect the provisions of this Title.
- b. *Board Shall Keep Minutes.* The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.
- c. *Render Decision Within Thirty-Five Days.* The Board shall render its decision within thirty-five (35) days after the public hearing is closed.
- d. *Decisions to be Based on Findings.* Every decision shall be based on findings of fact and every finding of fact shall be supported in the record of the hearing. All testimony shall be presented publicly; the Board shall not take notice of any fact and shall not consider the personal knowledge of any member unless, the fact of which, notice is taken and made part of the record.
- e. *Authority to Attach Conditions.* The Board shall have the authority to require any reasonable stipulation or condition that it finds might be necessary to properly protect the general welfare.
- f. *Required Number of Votes.* The quorum for the Board shall be five (5) members thereof. The following chart outlines the number of affirmative votes required to approve any decision based on the number of board members present:

TABLE 16-2-1.1: REQUIRED NUMBER OF VOTES

Number of Board Members Present	Number of Affirmative Votes Required
7	5
6	5
5	4

D. *City Manager or Designee.* The City Manager, including but not limited to the Development Review Team, shall have those administration and review roles as shown in Section 16-2-2 EMC, "Summary Table of Administrative and Review Roles". In addition, the City Manager or designee shall have the following responsibilities in administering this Title:

1. **Approval of Unlisted Uses.** The City Manager or designee shall have the authority to approve principal or accessory uses that are not listed in the use tables contained in Chapter 16-5 EMC. The applicable procedures and review criteria for such determinations are found in Section 16-5-1.B EMC, "Unlisted Uses".

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

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

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

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

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

Introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2011 for thirty (30) days.

James K. Woodward, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011

COUNCIL BILL NO.
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 1 AND TITLE 11,
CHAPTER 6, SECTION 2(C), OF THE ENGLEWOOD MUNICIPAL CODE 2000,
PERTAINING TO **SIGHT TRIANGLE**.

WHEREAS,

; and

WHEREAS,

; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending
Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

15-9-2: - Vehicles: Off-Road (ORV) and Trailers.

A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

1. No ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000) pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.
4. However, upon proof that property cannot accommodate access to side or back yard storage front drive and side yard storage will be allowed, with hard surface requirements and a distance requirement of not less than (15 or 10) feet from edge of existing sidewalk, if an existing driveway in front is used.

If parking is on side of house or garage, it must be (10 or 15) feet from side walk boundary. (Code Enforcement Advisory Committee)

4. No vehicle may block visibility of pedestrians or other vehicles on a public street or alley. All vehicles must comply with an approved site distance triangle
 - a. The City Traffic Engineer shall determine compliance with sight distance triangle standards in connection with this Title and shall be authorized to vary these standards depending on site conditions.
 - b. No parked vehicle or trailer over three feet (3') in height above the grade of the adjacent street, alley or driveway shall be parked in a manner that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at the intersections of streets, alleys or driveway.
 - c. Figure 15-9-2 should be used as a guide to determine sight distance requirements at streets/driveways access (typical). Vehicles should be parked/stored at least ten feet (10') from back edge of the sidewalk or fifteen feet (15') from the curb where there is no sidewalk. For properties where there is no sidewalk or curb, the sight distance shall be determined by the City Traffic Engineer.
 - d. The reasonableness of the Traffic Engineer's decision is appealable to the Board of Adjustments and Appeals as provided in 16-2-1(C) EMC.

(Adapted from Title 16 EMC Fence Visibility Site Distance Triangle)

Figure 15-9-2

- B. **Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).**
 1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
 2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the ____ day of _____, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the ____ day of _____, 2011 for thirty (30) days.

ATTEST:

James K. Woodward, Mayor

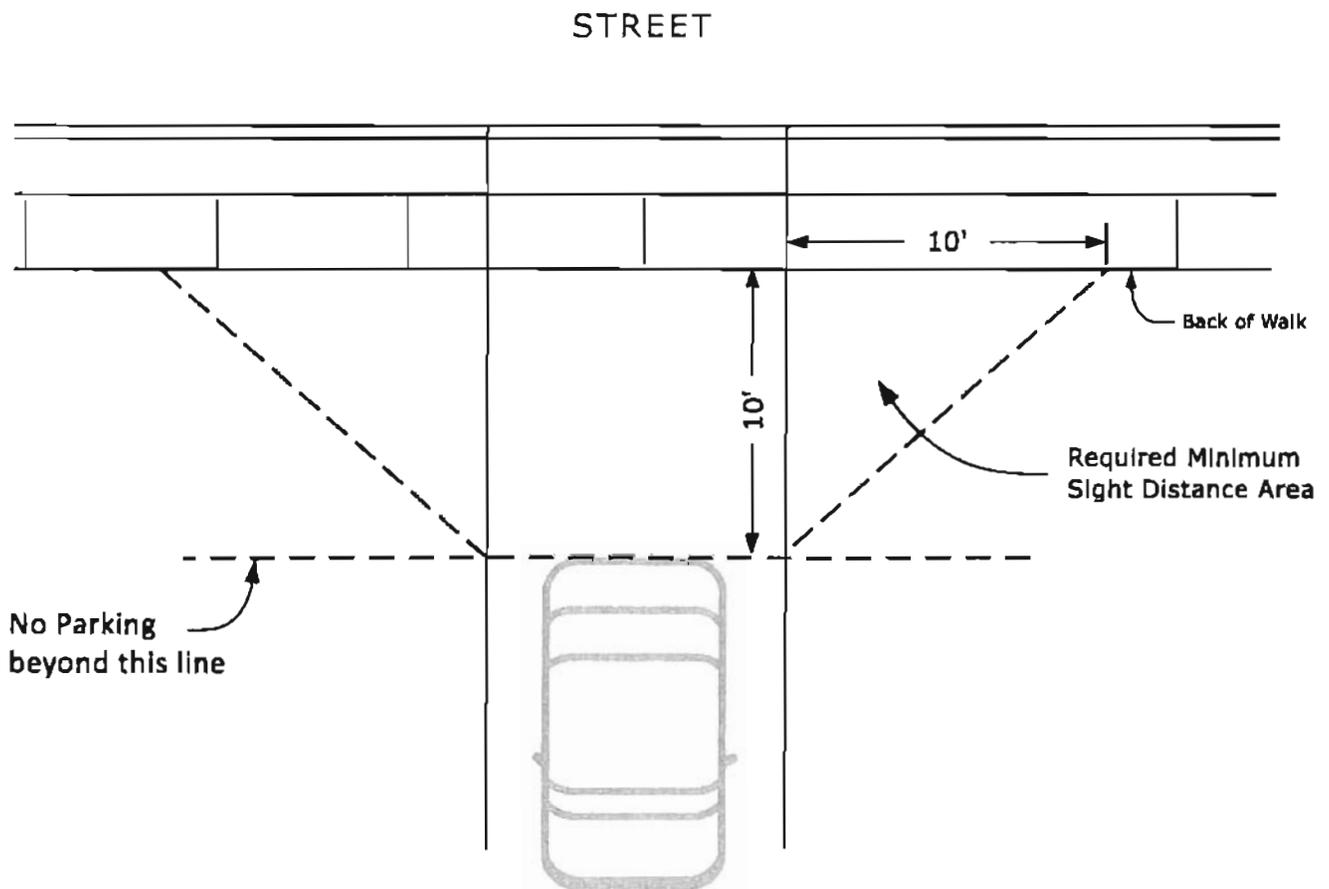
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the ____ day of _____, 2011.

Loucrishia A. Ellis

Figure 15-9-2

Driveway/Street Sight Distance (Typical)



Englewood Business Interest District (EBID) Eats and Beats Event Cost Sharing Proposal

From Council Member Linda Olson

The EBID has been actively working on a clear identity and marketing strategy to revitalize the district for retail success. This process has netted a new marketing identity, signage, website, brochure, safety/business watch program and a special event premiered as Eats and Beats on June 25th 2011. The Eats and Beats event was the first of its kind to help attract both old and new customers to the area through a music and food festival. The BID is hoping to make this an annual event. In an effort to support the BID and its efforts to create community and promote retail sales generating events that stimulate the economy, the following proposal is being submitted by Linda Olson for discussion/consideration.

Year 1: Expenses came close to \$65,000 for this first year event. Revenues were just over \$20,000, balancing the cost of the event at \$45,000. This planned deficit will be paid for 2010 and 2011 accounts set aside for this event. Evaluation of the event is ongoing to determine ways to economize on the 2nd year but overall reports are positive about the viability of this event. It will most likely take 3 years to establish this event as a place making contributor to the downtown district.

Eats and Beats 3 Year Support Proposals for City Contribution from the LATR Fund:

	Proposal 1	Proposal 2	Proposal 3
2011:	\$15,000	-0-	\$5,000
2012:	\$10,000	\$10,000	\$10,000
2013:	\$5,000	\$5,000	\$5,000
2014:	-0-	-0-	-0-
Total:	\$30,000	\$15,000	\$20,000



financing the places where
people live and work

NOTIFICATION TO THE LOCAL JURISDICTION
CHIEF EXECUTIVE OFFICER
2011 LOW-INCOME HOUSING TAX CREDIT PROGRAM

July 7, 2011



Mayor Jim Woodward
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110

1981 Blake Street
Denver, CO 80202

Re: Murals of Englewood

Dear Honorable Woodward:

303.297.chfa (2432)

800.877.chfa (2432)
toll free

303.297.7305
tdd

The Colorado Housing and Finance Authority (CHFA) is, by executive order of Governor Ritter, administrator of the Federal Low-Income Housing Tax Credit Program (LIHTC) in Colorado. The LIHTC program was created by the 1986 Tax Reform Act to encourage the production and preservation of affordable rental housing. The LIHTC is a ten-year federal income tax credit available to owners of low-income housing who commit to keeping the units' rent and income restricted for a minimum of 15 years.

348 Main Street
Grand Junction, CO 81501

By law, CHFA is required to notify the chief executive officer of the local jurisdiction where a LIHTC project is being proposed for the purpose of providing an opportunity for comment on the proposed project. We would appreciate your assistance in this matter.

970.241.2341

800.877.8450
toll free

Please provide us with your comments on the attached form, attach any additional information, and sign and return the form to our office as soon as possible.

Sincerely,

Paula K. Harrison
Tax Credit Officer

colorado housing and finance authority

NOTIFICATION TO THE LOCAL JURISDICTION

Project Name: Murals of Englewood
Project Address: 3500 South Sherman Street, Englewood
Project Sponsor: Murals Limited Liability Limited Partnership
Type of Project: New Construction
Number of Units: 50 low-income units, 50 total units

1. Do you view this proposed project as being consistent with the development and preservation of the housing plan in your community?

2. If proposed project is not viewed as consistent with local housing needs and priorities, please explain why.

3. Other Comments:

Signature

Title

Print Name

Return this portion to:

CHFA, Attention: Paula K. Harrison, Tax Credit Officer
1981 Blake Street, Denver, CO 80202

PROPOSED DEVELOPMENT

The Murals at Englewood ("Murals")
3500 South Sherman Street
Englewood, Colorado

DEVELOPER

Everwood Development, LLC

ARCHITECT

Parikh Stevens Architects

PROJECT DESCRIPTION

Interestingly, Everwood Development was introduced to the City of Englewood via another "like" project we are working on in Westminster, Colorado. After hearing of our involvement in Westminster, the City of Englewood contacted us regarding potential development opportunities available in their community. We quickly identified the property located at 3500 South Sherman Street as a priority redevelopment site for the City. The site, located at the corner of South Sherman Street and East Hampden Avenue, acts as a gateway to the city and to the sprawling medical campuses of Swedish and Craig Hospitals. It currently sits in a state of blight, with a free standing three-story dilapidated building – most recently occupied by the Englewood Masonic Lodge – which will have to be demolished prior to the commencement of construction. Everwood Development officially obtained site control of the parcel in April 2011 via purchase/option agreement.

Everwood believes successful partnerships begin with communication. To that extent, we have had numerous meetings with the City of Englewood regarding our vision for the site, the standards of development expected by the city, what is allowed under current zoning regulations, and any potential resources the City of Englewood might be able to provide to the project.

The current design of the project reflects our discussions with the city. It adheres to the existing zoning code, which means *NO FURTHER PUBLIC HEARINGS OR APPROVALS* are needed to move forward with the project if it is successful in obtaining tax credits. In addition, we have already engaged a proven architectural firm in Parikh Stevens, and also a highly experienced civil engineer in Atwood Associates, to begin working with the city on crucial design features such as layout and storm water detention. The project formally submitted for Preliminary Site Plan review in early June, and on June 21st the development team met with the city to formally go through the preliminary review. This is a unique process in which a representative from each of the City's main departments (fire, public works, police, parks, etc.) attends to provide feedback to the development team. This feedback has been implemented into the plans which are submitted as part of this project. Other than formal site plan approval (which is administrative) and securing a building permit, this project from a governmental approval process is "ready to proceed".

The proposed project will be 100% affordable (see unit mix and rents below) and include 50 rental apartments and 6,600 square feet of medical office/retail space. The project will be four (4) stories of new wood-frame construction a flat roof and a varied exterior façade using masonry, glass, fiber cement siding, and architectural metals.

Project features include on-site management, a community room, tot lot and pocket park, bike storage and a secure access entrance system. Unit amenities include air conditioning, in-unit washer & dryers, mini-blinds, carpet, a coat closet, refrigerator, stove, dishwasher and garbage disposals. Unit finishes will be of high quality and durability and include such unique features as granite countertops and low-flow plumbing fixtures.

The site not only has high volume traffic and excellent visibility, but it is also in close proximity to public transportation, employment opportunities, services, and community facilities. Therefore, the location is ideal for both commercial and residential tenants.

Transportation

The City of Englewood provides a free "circulator" shuttle called, **art**, has exceeded ridership expectations since it began operating in September of 2004. This free shuttle transports riders to 19 stops connecting CityCenter Englewood, businesses in downtown Englewood, and the medical facilities in and near Craig Hospital and Swedish Medical Center. The shuttles run every fifteen minutes. There is an **existing** stop located on Sherman Street immediately in front of the proposed "Murals" project. The shuttle route includes an innovative public art project that placed sculptures at most of the shuttle stops. The majority of the artwork is offered for sale, with the City keeping a portion of the proceeds from any sale. The shuttle is funded by the Regional Transportation District (RTD) and the City of Englewood (see enclosed route map). The **art** also includes a stop at the CityCenter Englewood Light Rail Station which provides linkages to downtown Denver. The **art** stop is also a regular RTD stop for public bus routes #12 and #35.

Employment / Services

Swedish Medical Center

Englewood's largest employer, Swedish Medical Center, a part of HealthOne, is internationally recognized for its medical care. Swedish is a 368 bed acute care hospital and general care facility, with a neurotrauma center, Women Services, and Children's Health Services. Swedish is also known for its stroke program as it treats more strokes than any other hospital in Colorado. Related programs include outpatient surgical facilities, orthopedics, oncology and cardiovascular medicine. **(Swedish is 0.15 miles from "Murals")**

Craig Hospital

Since 1956, Craig Hospital has specialized in helping spinal cord and brain injury patients resume quality lives. This 80-bed facility, located in Englewood, is known around the world for its excellence in the treatment of spinal cord and brain injury patients. Craig emphasizes a balanced, comprehensive, and personalized approach to treatment focusing on both the physical and psychological well-being of the patient. **(Craig Hospital is 0.45 miles from "Murals")**

Kaiser Permanente

Kaiser offers outpatient health care services, including: internal medicine, pediatrics, family practice, laboratory, radiology, dermatology, speech therapy, trauma, allergy, optometry, optical dispensing and an on-site pharmacy. **(Kaiser is 1.0 miles from "Murals")**

The location of the proposed "Murals" project is second to none which will ensure a project that is feasible for the long term and in the short term "The Murals" will continue the renaissance currently taking place within Englewood.

DEVELOPMENT STRATEGY

The site contains a three story building that will have to be demolished prior to construction. The surrounding land uses are as follows:

- o North: Various Medical Office
- o South: Safeway Grocery Store
- o East: Medical Office Building and Retail
- o West: Various Commercial and Retail Uses

The site currently holds a "MUB1 zoning designation. This zoning lends itself well to our vision. The Murals at Englewood will consist of four (3) stories of residential rental housing above one (1) story of medical office/retail for a total of four (4) stories.

Although the current zoning allows for more units and retail space than we are currently programming, our plan is derived from analyzing the potential financing tools available to us along with market demand. We have determined the economic breakpoint is reached at fifty (50) units when using conventional debt financing paired with equity generated by 9% low-income housing tax credits.

As mentioned the development will consist of fifty units composed as follows:

Unit Type	# of DU	Proposed Net Monthly Contract Rent Per Unit	Rent Limit	Income Limit
1BR	2	\$550	40%	40%
2BR	1	\$655	40%	40%
3 BR	1	\$751	40%	40%
1BR	12	\$696	50%	60%
2BR	17	\$831	50%	60%
3BR	11	\$954	50%	60%
1BR	2	\$843	60%	60%
2BR	2	\$1,007	60%	60%
3BR	2	\$1,158	60%	60%

This will be a true mixed-income project, targeting rents at a variety of rent levels to meet the housing needs of the diverse demographic that surrounds the site.

The first floor of the project will consist of approximately 6,600 square feet of medical office/retail space (see site plan for layout). We have already begun working with a highly experienced commercial real estate broker with ties to both Swedish and Craig Hospitals with the intention of pre-leasing the commercial space for medical office use. This would provide a much needed service both to residents and to the community, which has seen little "new" medical office space constructed over the previous ten years.

FINANCIAL ANALYSIS

Because of the current state of both the equity and debt markets and because of the competitiveness of 9% low-income housing tax credits, it was realized to make this project a reality it would take substantial cooperation from potential GAP funding sources.

Inclusion of the project sources of funds listed below stems from positive discussions with the Colorado Department of Local Affairs (DOLA). In addition, we have talked to multiple tax credit investors and feel confident in obtaining 90+ cents per dollar of tax credits.

Lastly, this project does NOT rely on any income generated by the commercial component in order to be successful. Neither affordable housing lenders, nor tax credit syndicators possess much of an appetite for mixed-use development. However, as mentioned previously, zoning regulations required the inclusion of a retail/office component, as is common with most urban infill sites in prime locations today. If needed, we could replat and condo out the commercial space. However, the process of doing so is time consuming and would only add more cost to the project. Instead, we will use a "Master Lease" structure, and by not relying on commercial revenue this eliminates any risk associated with this type of financing structure should there be an issue leasing the commercial space. However, the market study shows demand for this space and once leased, the commercial income generated will provide an attractive upside to the project.

From our discussion with the above mentioned parties, we have prepared the following Sources and Uses statement:

Total Development Cost (TDC)		\$11,702,900
Name of Source	Amount	Per Unit
Conventional First Mortgage (non-HUD)	\$1,974,000	\$39,480
Syndication Proceeds*	\$9,217,438	\$184,348
State DOLA HOME Funds	\$450,000	\$9,000
Deferred Developer Fee	\$61,462	2,845
TOTAL	\$11,702,900	\$234,058**

** The Per Unit Cost includes cost of the commercial space as well. Subtracting out the costs associated with the commercial space, the Per Unit Cost of the residential component is \$215,783. The commercial component will be funded with First Mortgage proceeds. No tax credit equity will be used to fund commercial costs.

PROJECT ARCHITECTURAL

Everwood Development is working with local firm Parikh Stevens Architects. From experience, we know the importance of having a local architect that is not only familiar with city codes and processes, but also understands the local history and architectural style. Parikh Stevens has been involved in the design and development of similar projects in terms of both type and scope. They have worked with for-profit and non-profit developers, in addition to corporations and governmental agencies.

Given the long and storied history of Englewood it is important that we incorporate elements of the past with the promise of the future. Our preliminary drawings show a contemporary urban design which highlights Englewood's strong "art" scene. However, the City of Englewood also has a unique history which includes mining and aviation. We hope to incorporate this rich history into the final design as well.

We have narrowed in on a concept and design compatible with the area. We are also exploring sustainable and energy efficient features. We currently plan to incorporate the following "green" strategies.

- Redevelopment of an urban site
- Utilize site with easy access to public transportation
- Prevent pollution from construction activities
- Provide at least 20% landscaped open space

- Provide enhanced storm water quality and detention systems
- Use a high reflectance roofing material for at least 75% of the roof area
- Prevent light pollution
- Provide water efficient landscaping
- Use water efficient plumbing fixtures
- Use energy efficient lighting and HVAC fixtures
- Prevent use of CFC based refrigerants
- Use recycled content in building materials
- Use regionally manufactured building materials
- Use rapidly renewable building materials
- Use FSC certified wood
- Provide a well sealed envelope for the building
- Provide ample natural ventilation & light
- Use low-emitting paints, adhesives & sealants.
- Use low-emitting carpets and agrifiber products.
- Provide covered storage for the occupant's bicycles
- Provide recycling for occupants

It is important to have a project that not only has significant curb appeal but also has a layout that is functional and practical today and in the years to come. As a result of positive feedback, we are confident that the design is headed in the right direction and will achieve these goals.

LONG TERM VISION

Everwood Development does not view The Murals at Englewood as a "one-off" project. Our organization has a resume of experience totaling over 10,000 units developed and/or constructed and a combined 70+ years in the production of multifamily housing throughout the country. We are committed to a continued presence in the State of Colorado and look to becoming a long term partner in creation of affordable housing opportunities to the many people who need them. To that extent, we will continue working in a cooperative manner with the lenders, investors, agencies, cities and neighborhoods with which we do business.

PROPOSED PROJECT TEAM

DEVELOPER & GENERAL PARTNER: Everwood Development, LLC

The savvy development partners at Everwood Development have a history of creating projects that work. These projects include apartments, supportive housing, historic preservation, mixed-use, and in-fill single family homes. Creating linkages between partners, the development team maintains positive relationships with equity partners and city and state leaders. How do we make it work? We focus on quality and sustainable designs that exceed expectations and result in a positive cash-flow. In addition, we pay attention to meeting community needs such as historic preservation, preserving neighborhood legacies, mixed-use, linkages to services and transportation, neighborhood stabilization, social services and green practices.

During the construction process, each partner closely monitors costs to bring projects in on time and on budget. A broad range of experience also enables each partner to maximize the entire package and maximize equity. Collectively, the Everwood development partners have developed over \$600 million dollars in Minnesota and nationally. (Please see attached Developer Profile).

3550 Labore Road, Suite 10
Saint Paul, MN 55110
651-787-4012 / www.everwooddevelopment.com

Key Contacts:

Ryan Sailer, Partner
612-508-4627 / _____

✦ Mr. Sailer will be the lead contact point for the development team.

David Dye
612-747-1318 / _____

Marv Kotek
651-787-0687 / _____

ARCHITECT: Parikh Stevens Architects

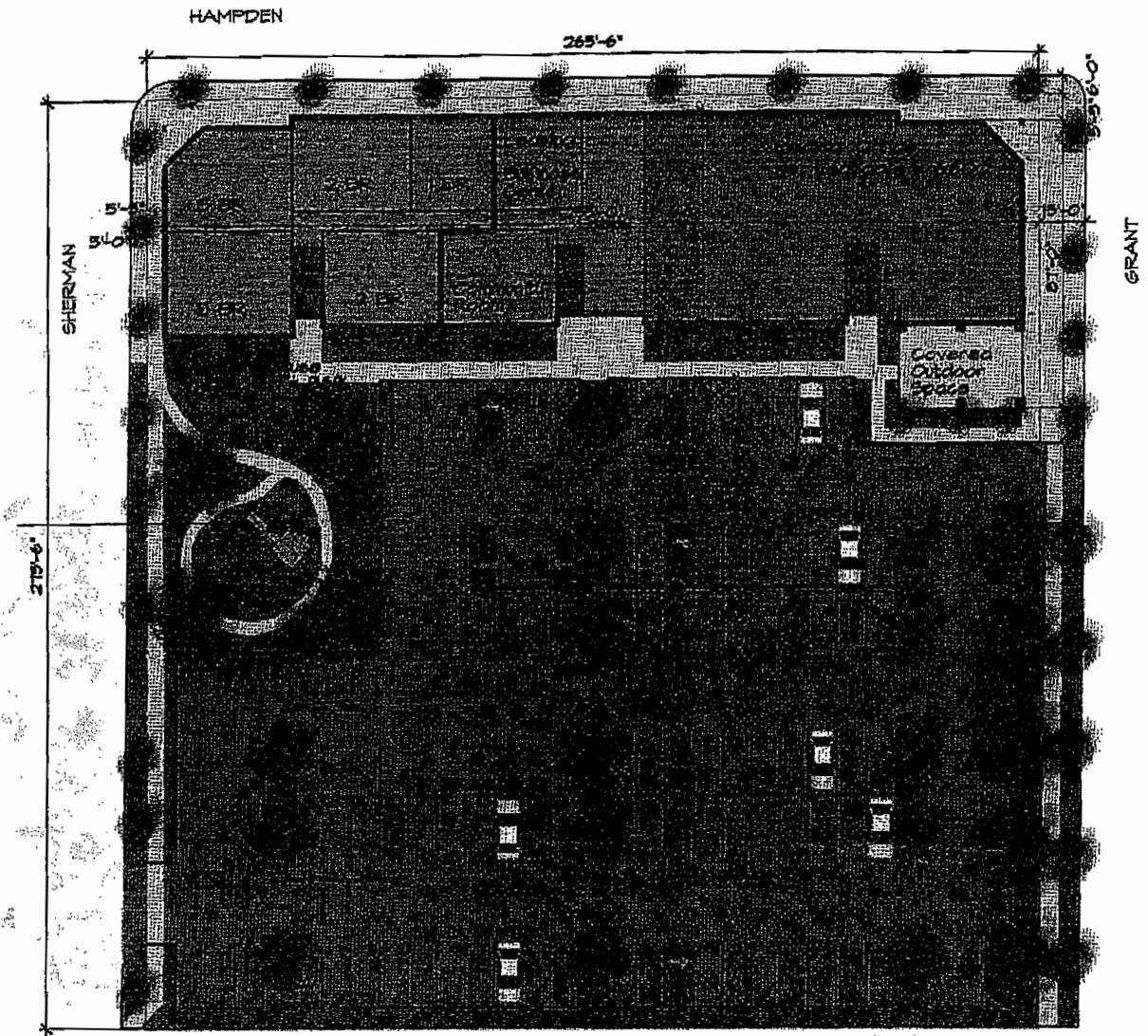
Parikh Stevens Architects is a Denver firm specializing in architecture, urban planning and interior design. We service an extensive list of clients ranging from homeowners to developers to corporations to non-profit and governmental organizations. Parikh Stevens skillfully manages the talents of all the design and building process players, while nurturing the involvement of its clients through the planning, design, and construction phases.

Parikh Stevens has recently been certified as MWBE, DBE, and SBE by the City of Denver and State of Colorado.

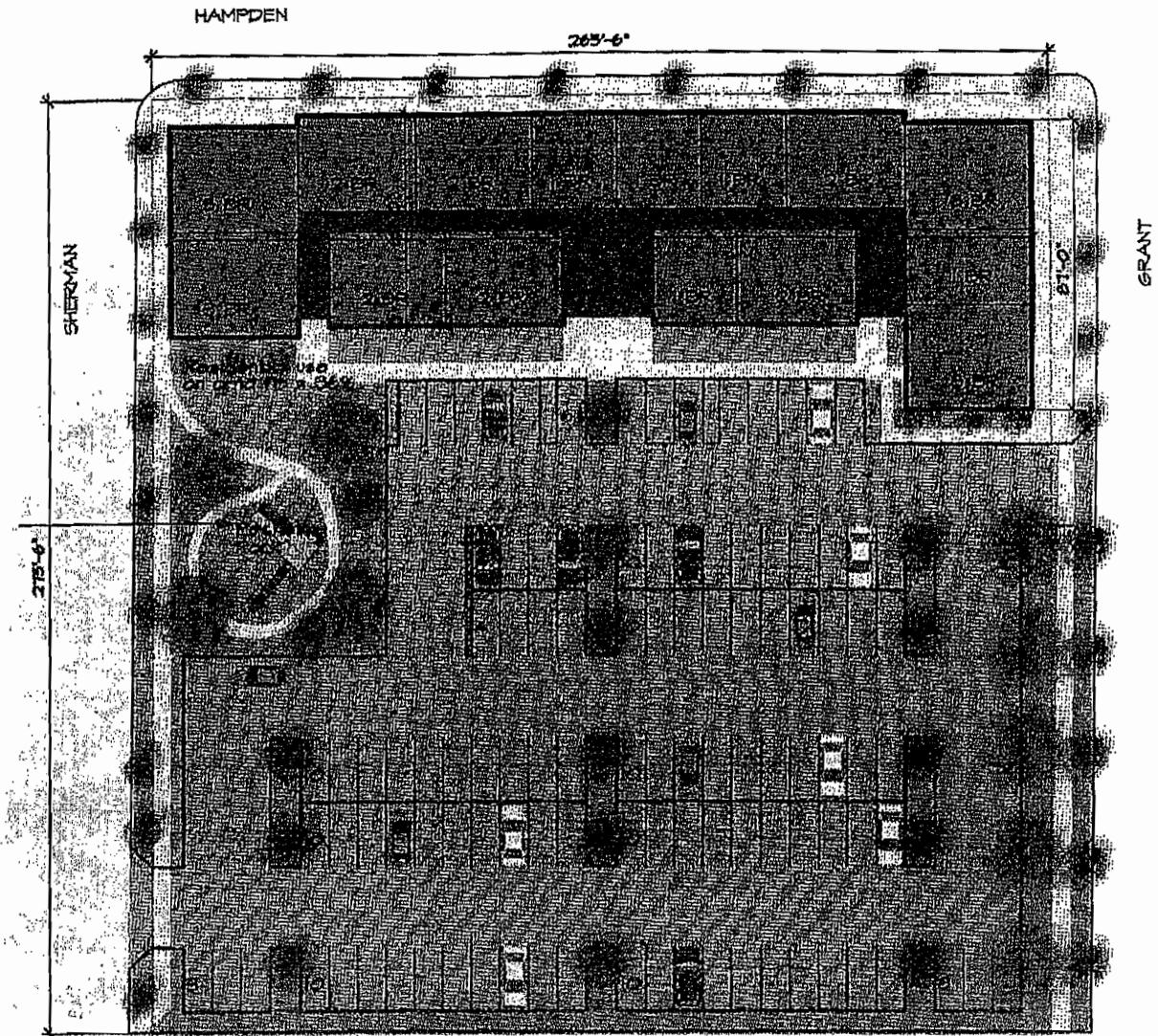
3457 Ringsby Court
Suite 209
Denver, CO 80216
303-825-2595 / www.parikhstevens.com

Key Contacts:

Harsh Parikh, Principal
303-825-2595 / _____



North
 ▲ GROUND FLOOR PLAN / SITE PLAN
 1" = 60'



North
 2ND, 3RD & 4TH FLOOR PLANS
 1" = 60'

Scheme - STATS

Unit Mix

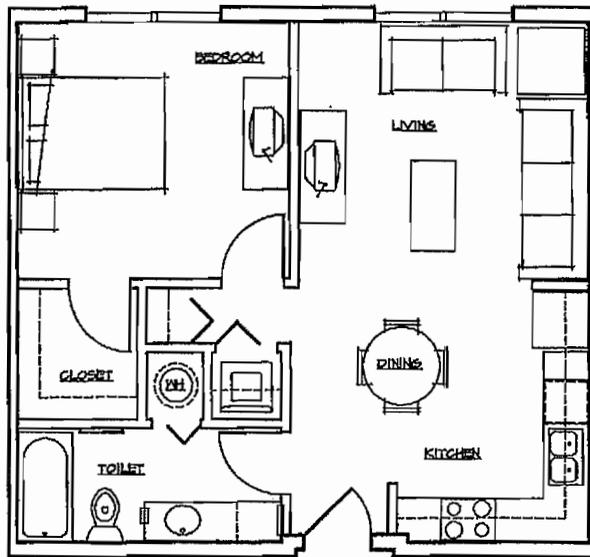
	1 BR Unit	2 BR Unit	3 BR Unit	Totals
Ground Floor	1	2	2	5
Second Floor	5	6	4	15
Third Floor	5	6	4	15
Fourth Floor	5	6	4	15
Totals	16	20	14	50

Parking Requirements

Use	Qty	Stalls per	Stalls Req'd
1 bedroom units	16	1.5	24
2 bedroom units	20	1.5	30
3 Bedroom units	14	2	28
Medical Office	6600	300	22
Total	-	-	104

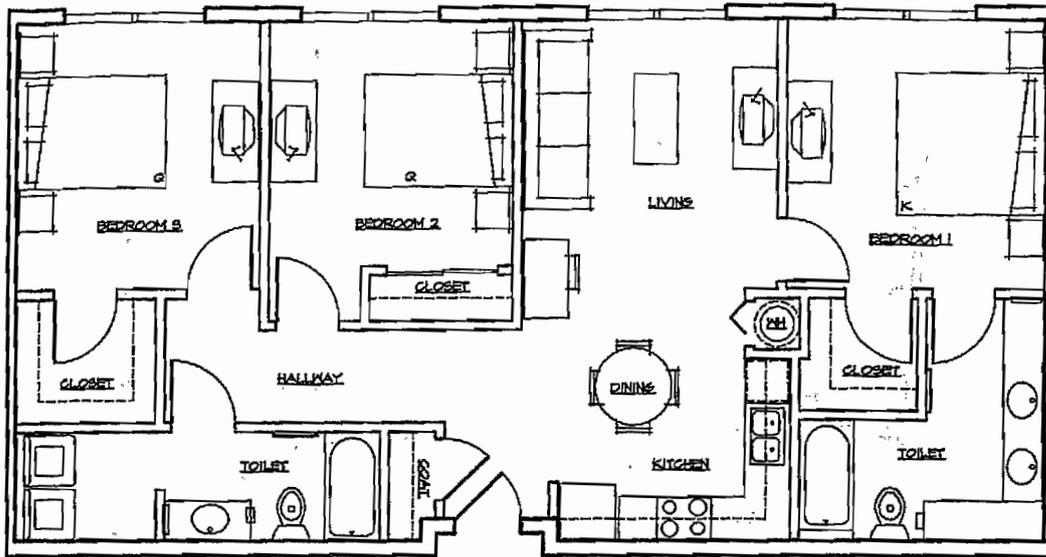
Other Stats

Off Street Parking Spaces	107
Building Stories	4
Building GFA	65,000 sf



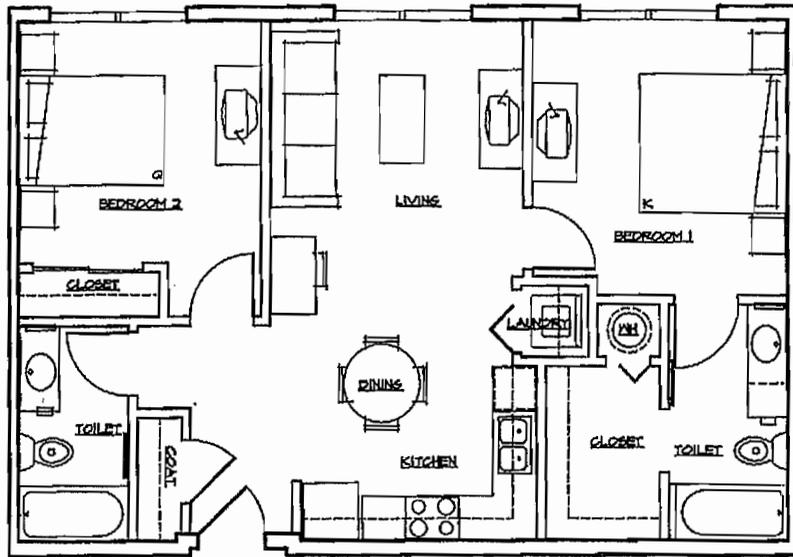
REPRESENTATIVE UNIT PLANS

1 BEDROOM UNIT / 700 sf



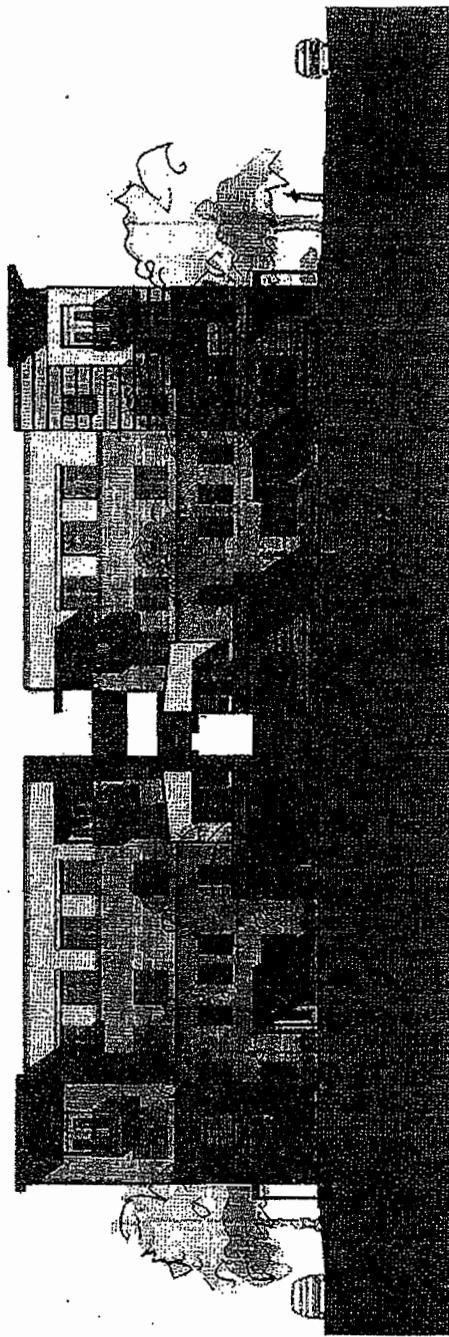
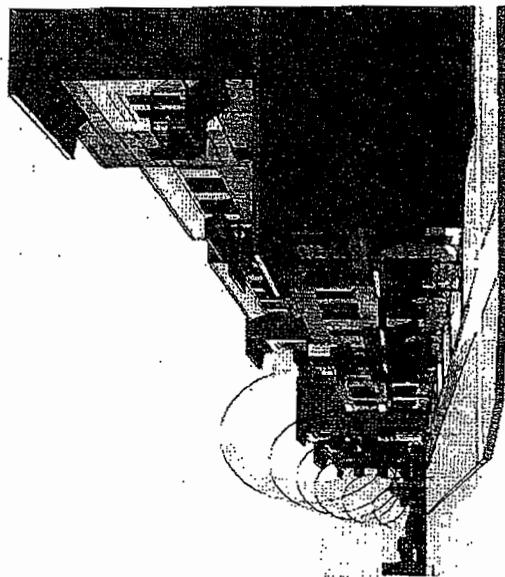
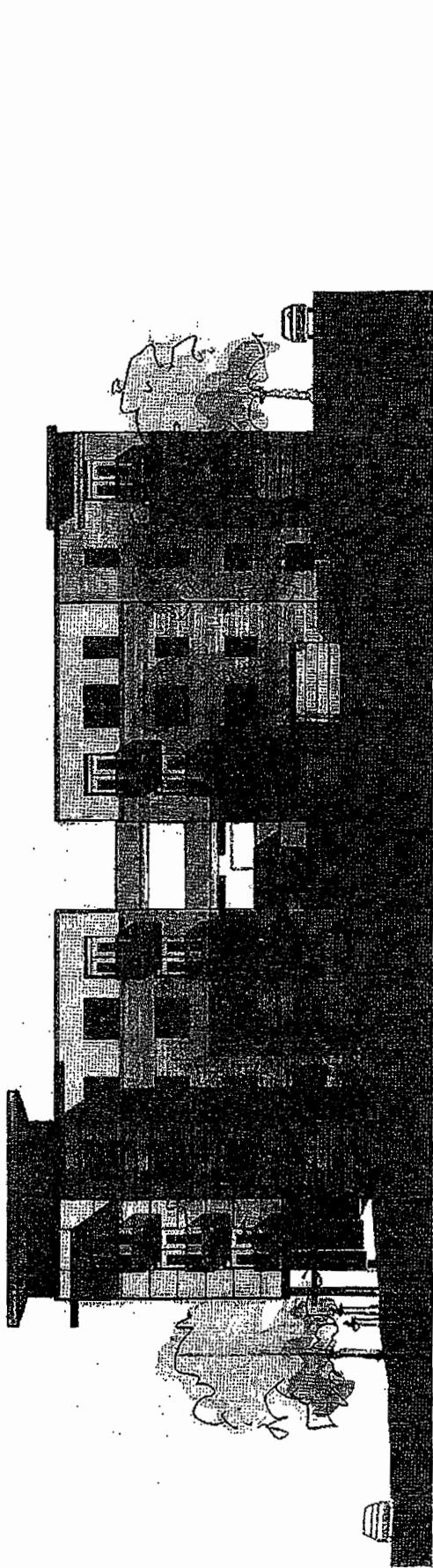
REPRESENTATIVE UNIT PLANS

2 BEDROOM UNIT / 900 sf



REPRESENTATIVE UNIT PLANS

2 BEDROOM UNIT / 900 sf



Architectural Aesthetics Sample

Response from Mayor Woodward concerning the Colorado Housing and Finance Authority letter concerning the Murals of Englewood

1. No. The City of Englewood's Comprehensive Plan provides for and encourages low income affordable housing throughout the City. The geographic location of this proposed low income affordable project is not consistent with City Council's vision for the area.
2. Currently within a five block radius of the proposed location are four other larger subsidized low income housing projects. We believe it is not in the best interests of the City or the immediate neighborhood to saturate this or any other neighborhood with an overabundance of low income or affordable housing. We think the sheer number of low income housing in such a confined area will affect the quality of life for all of the residents, stunt economic growth in the area and brand it as a low income area of the City.

This project or similar low income affordable housing projects are welcomed and encouraged, however would fit much better in other geographic areas of the City. Our intentions are to have as much diversity throughout our entire City as possible; and not intentionally or inadvertently identify or brand one area as low income.

3. We would welcome the developer and his proposed development on this site as a market driven product, but not low income affordable housing.