

**Agenda for the  
Regular Meeting of the  
Englewood City Council  
Monday, April 2, 2012  
7:30 pm**

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

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.
5. Consideration of Minutes of Previous Session.
  - a. Minutes from the Regular City Council Meeting of March 19, 2012.
6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)
  - a. Don Cameron will be present to address City Council regarding landscaping in the 4700 block of South Santa Fe Circle.
7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

Council Response to Public Comment

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
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8. Communications, Proclamations, and Appointments.
  - a. Proclamation declaring Friday, April 20, 2012, as Arbor Day.
  - b. Letter from Jerad Harbaugh announcing his resignation from the Planning and Zoning Commission.
  - c. Letter from Chad Knoth, Planning and Zoning Commission Chair, recommending Catherine Townley be moved from an Alternate Member to a Regular Member.
  
9. Consent Agenda Items.
  - a. Approval of Ordinances on First Reading.
  - b. Approval of Ordinances on Second Reading.
    - i. Council Bill No. 13 – Approving an Intergovernmental Agreement entitled “Federal Equitable Sharing Agreement and Certification” authorizing the acceptance of forfeiture monies from the Department of Justice and the Department of the Treasury.
    - ii. Council Bill No. 14 – Authorizing an intergovernmental agreement accepting \$218,000 from the South Metro Drug Task Force.
    - iii. Council Bill No. 19 – Authorizing the application for and acceptance of funds from Colorado Department of Transportation and National Highway Traffic Safety Administration for programs related to traffic safety education and enforcement through calendar year 2013.
  - c. Resolutions and Motions.
    - i. Recommendation from the Library to approve a resolution authorizing the 2012 Food for Fines program. **Staff Source: Dorothy Hargrove, Director of Library Services.**
  
10. Public Hearing Items. (None Scheduled.)
  
11. Ordinances, Resolutions and Motions
  - a. Approval of Ordinances on First Reading.





**PROCLAMATION**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the United States and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in the City of Englewood increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the City of Englewood, Colorado has been recognized for 27 consecutive years as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways; and

WHEREAS, the State of Colorado will celebrate Arbor Day on April 20th, 2012;

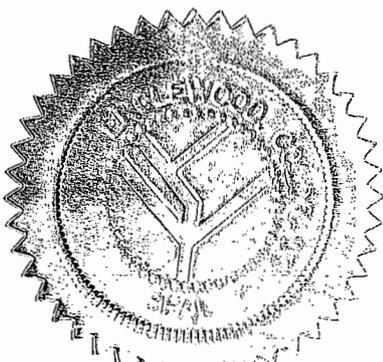
NOW THEREFORE, I, Randy P. Penn, Mayor of the City of Englewood, Colorado, hereby recognize

**ARBOR DAY**

in the City of Englewood, Colorado, and I urge all Englewood citizens to support efforts to care for our trees and woodlands and to support our City's efforts to protect our trees and woodlands.

Further, I urge all Englewood citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

GIVEN under my hand and seal this 2<sup>nd</sup> day of April, 2012.



\_\_\_\_\_  
Randy P. Penn, Mayor

Tricia Langon, *Senior Planner*  
City of Englewood Planning and Zoning Commission  
1000 Englewood Parkway  
Englewood, Colorado 80110  
303-762-2342

3/20/2012

Dear Tricia,

With this letter I wish to inform you that I will be resigning from my position with the City of Englewood Planning and Zoning Commission as of tonight's meeting 3/20/2012. I have enjoyed working with you and the P&Z Commission over the past 7 months and appreciate all that I have learned. I regret any inconvenience that this may cause. I have found that available time is dwindling and that I haven't been able to fully engage with the content and commit 100% to the Commission. I wish you and the Commission all the best going forward.

Sincerely,

Jerad Harbaugh

303-520-4776

Cc: Barbara Krecklow, *Community Development Department*, Chad Knoth, *Chair*

March 23, 2012

Mayor Penn and City Council  
1000 Englewood Parkway  
Englewood, Colorado 80110

Dear Mayor Penn and City Council Members:

As Chair of the Planning and Zoning Commission I am requesting that you consider the appointment of Alternate Ms. Catherine Townley to the Commission position vacated by the recent resignation of Mr. Jerad Harbaugh.

Sincerely,



✓ Chad Knoth, Chair  
Englewood Planning and Zoning Commission

## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
 SERIES OF 2012

COUNCIL BILL NO. 13  
 INTRODUCED BY COUNCIL  
 MEMBER WOODWARD

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION" BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF TREASURY AND THE CITY OF ENGLEWOOD, COLORADO ACCEPTING FORFEITURE MONIES.

WHEREAS, this Agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of the federally forfeited cash, property, proceeds and any interest earned thereon, which are equitably shared with participating law enforcement agencies; and

WHEREAS, Englewood periodically receives monies from the Justice Department and Treasury Department for participation or assistance provided to these agencies such as IRS, DEA and the FBI; and

WHEREAS, one of these federal groups is the South Metro Drug Task Force, which in exchange for the Englewood Police Department's commitment of one officer to the South Metro Drug Task Force for a 2 year period, received the funds in the amount of \$218,000, these funds were to offset the Englewood Police Department's cost of the officer's salary; and

WHEREAS, to participate in the program, the City annually signs the Equitable Sharing Agreement and Certification which in turn is submitted to the federal government certifying compliance with federal forfeiture guidelines; and

WHEREAS, authorization of this Agreement is required for the City of Englewood's continuation of participation in the United States Department of Justice Federal Equitable Sharing and Certification and will authorize the City's participation in this program for 2010, 2011, 2012 and 2013.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the "Federal Equitable Sharing Agreement and Certification" between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2010, attached hereto as "Exhibit A".

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes the "Federal Equitable Sharing Agreement and Certification" between the United States Department

of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2011, attached hereto as “Exhibit B”.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes the “Federal Equitable Sharing Agreement and Certification” between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2012, which will be received in February 2013.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes the “Federal Equitable Sharing Agreement and Certification” between the United States Department of Justice, United States Department of Treasury and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property for 2013, which will be received in February 2014.

Section 5. The federal forfeiture funds, proceeds and or property are received from the Department of Justice and Treasury Department. The federal forfeiture funds, proceeds and or property are to be used in accordance with federal statutes and guidelines. The costs to the City are limited to the costs of processing and accounting of the funds, which costs are budgeted annually in the Police and Fire budgets.

Section 6. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2010.

Section 7. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2011.

Section 8. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2012.

Section 9. The City Manager is hereby authorized to sign said Intergovernmental Agreement between the United States Department of Justice and the City of Englewood, Colorado pertaining to the disbursement, with restrictions, of federally seized or forfeited cash or other property, on behalf of the City of Englewood for 2013.

Introduced, read in full, and passed on first reading on the 19th day of March, 2012.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23<sup>rd</sup> day of March, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of March, 2012 for thirty (30) days.

Read by title and passed on final reading on the 2nd day of April, 2012.

Published by title in the City's official newspaper as Ordinance No. \_\_\_\_, Series of 2012, on the 6th day of April, 2012.

Published by title on the City's official website beginning on the 4th day of April, 2012 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. \_\_\_\_, Series of 2012.

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Kerry Bush



Summary of Shared Monies Spent		Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the <i>Justice Guide</i>	\$0.00	\$0.00
b	Total spent on overtime	\$0.00	\$0.00
c	Total spent on informants, "buy money," and rewards	\$0.00	\$0.00
d	Total spent on travel and training	\$0.00	\$0.00
e	Total spent on communications and computers	\$0.00	\$0.00
f	Total spent on weapons and protective gear	\$0.00	\$0.00
g	Total spent on electronic surveillance equipment	\$0.00	\$0.00
h	Total spent on buildings and improvements	\$0.00	\$0.00
i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)		
j	Total spent on other law enforcement expenses (complete Table D, page 3)		
k	Total Expenditures in Support of Community-based Programs (complete Table E, page 3)		
l	Total Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
m	Total spent on matching grants (complete Table G, page 3)		
n	<b>Total</b>	\$0.00	\$0.00
o	Did your agency receive non-cash assets? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, complete Table H, page 3.		

Please fill out the following tables, if applicable.

**Table A: Members of Task Force**  
Agency Name

Agency Name	NCIC/ORI/Tracking Number

**Table B: Equitable Sharing Funds Received from other Agencies**

Total the amount transferred to each agency on separate lines

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

**Table C: Equitable Sharing Funds Transferred to Other Agencies**

Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

**Table D: Other Law Enforcement Expenses**

Description of Expense	Justice Funds	Treasury Funds

**Table E: Expenditures in Support of Community-based Programs**

Refer to § VIII.A.1.m and Appendix C of the *Justice Guide*

Recipient	Justice Funds	

**Table F: Windfall Transfers to Other Government Agencies**

Refer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

Recipient	Justice Funds	Treasury Funds

**Table G: Matching Grants**

Refer to § VIII.A.1.h of the *Justice Guide* and p. 22 of the *Treasury Guide*

Matching Grant Name	Justice Funds	Treasury Funds

**Table H: Other Non-Cash Assets Received**

Source	Description of Asset
Justice <input type="radio"/>	
Treasury <input type="radio"/>	

**Table I: Civil Rights Cases**

Name of Case	Type of Discrimination Alleged			
	<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender
<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other		

Paperwork Reduction Act Notice

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# Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

**1. Submission.** This Document must be submitted to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov) within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 5) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.

**2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

**3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.

**4. Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

**6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

## Affidavit - Amended Form

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations under the Equitable Sharing Agreement and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice and/or Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

**During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?**       Yes     No

**If you answered yes to the above question, complete Table I**

**Agency Head**

See ¶ 2 on page

Signature: \_\_\_\_\_

Name: Thomas Vandermee

Title: Chief of Police

Date: \_\_\_\_\_

**Governing Body Head**

See ¶ 2 on page

Signature: \_\_\_\_\_

Name: Gary Sears

Title: City Manager

Date: \_\_\_\_\_

**Subscribe to Equitable Sharing Wire:**

The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.


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FOR AGENCY USE ONLY

Entered by \_\_\_\_\_

Entered on \_\_\_\_\_



FY End: 12/31/2010

Date Printed: March 17, 2011 06:41

NCIC: CO0030100 Agency: Englewood Police Department

Phone: 303-762-2466

State: CO Contact: Thomas Vandermee

E-mail: \_\_\_\_\_



Summary of Shared Monies Spent		Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the <i>Justice Guide</i>		
b	Total spent on overtime		
c	Total spent on informants, "buy money," and rewards		
d	Total spent on travel and training		\$945.45
e	Total spent on communications and computers		\$10,894.58
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
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i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)		
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Please fill out the following tables, if applicable.

**Table A: Members of Task Force**  
Agency Name

NCIC/ORI/Tracking Number

	<table border="1" style="width: 100%; height: 30px;"> <tr> <td style="width: 10%;"></td> </tr> </table>										

**Table B: Equitable Sharing Funds Received from other Agencies**

Total the amount transferred to each agency on separate lines

Transferring Agency Name, City, and State

Justice Funds

Treasury Funds

Agency Name: Arapahoe County Sheriff's Office	\$218,000.00	
NCIC/ORI/Tracking Number: C O 0 0 3 0 0 0 0		

**Table C: Equitable Sharing Funds Transferred to Other Agencies**

Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State

Justice Funds

Treasury Funds

Agency Name:		
NCIC/ORI/Tracking Number:		

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Recipient	Justice Funds	

**Table F: Windfall Transfers to Other Government Agencies**

Refer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

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# Equitable Sharing Agreement

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- 1. Submission.** This Document must be submitted to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov) within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 5) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.
- 2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.
- 4. Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.
- 5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

- 6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

## Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

**During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?**       Yes     No

**If you answered yes to the above question, complete Table I**

**Agency Head**

See ¶ 2 on page

Signature: \_\_\_\_\_

Name: John Collins

Title: Chief of Police

Date: 2-2-12

**Governing Body Head**

See ¶ 2 on page

Signature: \_\_\_\_\_

Name: Gary Sears

Title: City Manager

Date: 2/14/12

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Entered by _____	
Entered on _____	Date Printed: February 02, 2012 12:46
<input type="radio"/> FY End: 12/31/2011	<input checked="" type="radio"/> NCIC: CO0030100    Agency: Englewood Police Department    Phone: 303-762-6946
<input type="radio"/> State: CO    Contact: John Collins	E-mail: _____

## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
 SERIES OF 2012

COUNCIL BILL NO. 14  
 INTRODUCED BY COUNCIL  
 MEMBER WOODWARD

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR THE ACCEPTANCE OF AN AWARD TO FUND AN ENGLEWOOD POLICE OFFICER FOR 2011 AND 2012 TO BE ASSIGNED TO THE SOUTH METRO DRUG TASK FORCE.

WHEREAS, Englewood was notified in April of 2011 that it had been selected by the Executive Board of the South Metro Drug Task Force to receive funding; and

WHEREAS, the Englewood Police Department committed and assigned one officer to the South Metro Drug Task Force for a 2 year period; and

WHEREAS, in May 2011 Englewood received the funds from the South Metro Drug Task Force, these funds were to offset the Englewood Police Department's cost of the officer's salary; and

WHEREAS, in June 2011 an Englewood Police Officer began his assignment at South Metro Drug Task Force; and

WHEREAS, with the passage of this Ordinance the Englewood City Council authorizes the Intergovernmental Agreement and acceptance of the award of funds;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the Intergovernmental Agreement for the acceptance of an award to fund an Englewood Police Officer for 2011 and 2012 to be assigned the South Metro Drug Task Force, attached hereto as "Exhibit A".

Section 2. The funds received are from the South Metro Drug Task Force Federal Forfeiture Account which, because the South Metro Drug Task Force is not recognized as a legal entity are passed through the Arapahoe County Sheriff's Office and approved by the District Attorney of the 18<sup>th</sup> Judicial District of Colorado.

Introduced, read in full, and passed on first reading on the 19th day of March, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of March, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of March, 2012 for thirty (30) days.

Read by title and passed on final reading on the 2nd day of April, 2012.

Published by title in the City's official newspaper as Ordinance No. \_\_\_\_, Series of 2012, on the 6th day of April, 2012.

Published by title on the City's official website beginning on the 4th day of April, 2012 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. \_\_\_\_, Series of 2012.

---

Kerry Bush

# South Metro Drug Task Force

P.O. BOX 549  
LITTLETON, CO 80160-549  
720-748-2995 FAX 720-748-2945

## AGENDA

April 21, 2011 9:00 a.m.

Arapahoe County Sheriff's Office Administration Building

### SMDTF Forfeiture Board

#### First item of business:

Approval of below funds to be accepted as deposited into the South Metro Drug Task Force State Forfeiture Account:

1. Proceeds from case 07-377  
2008CV-536, *(Flores) Disbursement Check from Courts:*  
\$ 1,197.50
2. Proceeds from case 09-201  
2009CV-2378, *(Hix) Disbursement Check from Courts:*  
\$ 666.48
3. Proceeds from case 08-229  
2008CV-2158, *(Thortvedt) Disbursement Check from Courts*  
\$ 1,425.34
4. Proceeds from case 09-397  
2010CV-21, *(Davis) Disbursement Check from Courts*  
\$ 1,655.68

Total amount requested to be authorized for deposit -SMDTF State Forfeiture Account:  
\$4,945.00

The request before the Board is to have \$4,945.00 be accepted as deposited in the South Metro Drug Task Force State Forfeiture Account.

#### Second item of business:

Approval to transfer the personnel funding for two (2) FTE's out of the SMDTF Federal Forfeiture Account that was approved at the February 3, 2011 Forfeiture Board meeting, to the Arapahoe County Sheriffs Office Federal Forfeiture Account. The funds are being transferred to the Arapahoe County Sheriffs Office Federal Forfeiture Account since SMDTF is unable to enter into a contract with the selected agencies.

The costs are broken down as follows:

(2) FTE for 2 years:	2 x \$100.00 per year	= \$400,000.00
(2) Vehicle Leases:	2 x \$13,000.00 per year	= \$26,000.00
(2) Pac-set Radios:	2 x \$5000.00	= \$10,000.00

**Total: = \$436,000.00**

The request before the Board is to move the previously approved personnel funds for two (2) FTE's, monies for their vehicle leases, and Pac-Set Radios to the Arapahoe County Sheriffs Office Federal Forfeiture Account in the amount of \$436,000.00.

**Third item of business:**

**Approval to utilize State Forfeiture Funds for 9 SMDTF Agents and 1 Sergeant, to attend the 2011 Colorado Drug Investigators Association (CDIA) 9<sup>th</sup> Annual Conference in Breckenridge.**

The costs are broken down as follows:

Conference Fee:	\$175.00 each x 10	= \$1,750.00
Hotel Room:	\$100.00 a night x 3 nights x 10 rooms	= \$3,000.00
Per Diem for 3 days:	\$56.00 a day x 3 days x 10	= \$1,680.00

(Per Diem rate obtained from ACSO Budget and Logistics)

**Total Cost: \$6,430.00**

The request before the Board is to have up to \$6,430.00 available from the State Forfeiture Fund Account to be used for attendance at the 2011 CDIA Conference.

Arapahoe County Sheriff's Office  
Forfeiture Fund Board  
Telephone Board Meeting  
April 26, 2011  
8:00 a.m.

1. Meeting brought to order on April 26, 2011 by Gail Thrasher at 8:00 am.
2. Board Members Present: Commissioner Frank Weddig, Sheriff Grayson Robinson, and Deputy District Attorney Leslie Hansen.
3. Business Items
  - a. Fund Balance Report
    - i. Gail Thrasher reported that the fund balance is \$60,147.63
  - b. Transfer of monies from South Metro asset forfeiture to the Arapahoe County Sheriff's Office.
    - i. Gail Thrasher reported that the Arapahoe County Sheriff's Office received a check from South Metro Drug Task Force in the amount of \$436,000 on Friday, April 22, 2011. She told the other Board members that the Treasurer's Office should deposit the funds on Tuesday, April 26, 2011 but it may take 3 days to clear.
  - c. Transfer of ½ of the funds to Englewood Police Department and the other ½ to Littleton Police Department.
    - i. Gail Thrasher reported that the money will be used to fund one officer at Englewood P.D. and one officer at Littleton P.D. for a 2 year exclusive assignment at South Metro Drug Task Force.
    - ii. Sheriff Robinson explained the importance of having South Metro personnel. He stated that South Metro is not a legal entity and that they serve as a subgroup of the agencies. He stated that after having discussions with Legal, they decided that the best route would be to transfer the funding to the Arapahoe County Sheriff's Office. The Arapahoe County Sheriff's Office would then distribute the funds to the two agencies. He said that an IGA would not be needed. He was going to draft a letter to the 2 Chiefs of Police. The letters will contain an area for a signed acknowledgement from each agency and that would be all that is needed.
    - iii. Leslie Hansen had questions about what was being funded. The Sheriff explained that the funding will be for salary and benefits for the two officers for a two year exclusive assignment and also for radios and vehicle leases for these officers. She then asked if there were any restrictions on the use of forfeiture funds for salaries. The Sheriff stated that he received two legal opinions, one from the County Attorney's Office and one from the D.A.'s Office. The person from the D.A.'s Office is on the South Metro Asset Board. Both opinions were that it was ok to use the funds for salaries and benefits.

Arapahoe County Sheriff's Office  
Forfeiture Fund Board  
Telephone Board Meeting  
April 26, 2011  
8:00 a.m.

- d. Two motions were requested to be made and two votes were taken
  - i. Motion was requested to be made to accept the funds from South Metro asset forfeiture
    - 1. Motion made by Commissioner Weddig
    - 2. Motion seconded by Sheriff Robinson
  - ii. Vote was taken to accept the funds from South Metro asset forfeiture
    - 1. All votes were in favor
  - iii. Motion was requested to be made to transfer ½ of the funds received by the Sheriff's Office to Englewood P. D. and the other ½ to Littleton P.D. to fund the two agents for a two year exclusive assignment at South Metro
    - 1. Motion was made by Commissioner Weddig
    - 2. Motion seconded by Leslie Hansen
  - iv. Vote was taken to transfer ½ the funds received by the Arapahoe County Sheriff's Office to Englewood P.D. and the other ½ to Littleton P. D. to fund the two agents for a two year exclusive assignment at South Metro
    - 1. All votes were in favor

4. Other Business

There was no other business to conduct and the meeting was adjourned at 8:08 a.m., April 26, 2011.

**ARAPAHOE COUNTY SHERIFF'S OFFICE  
PURCHASE ORDER REQUEST**

DIVISION  
NUMBER:

DATE  
REQUESTED: 4/27/2011

REQUIRED  
DATE: ASAP

SHIP TO  
ADDRESS: Arapahoe County Sheriff's Office  
13101 East Broncos Pkwy  
Centennial, CO 80112

SUGGESTED  
VENDOR: Englewood Police Department

Vendor #2000012593

ACCOUNT NUMBER	DESCRIPTION	QT	UOM	QUOTED UNIT PRICE	TOTAL COST
227010015	We received a check in the amount of \$436,000 from South Metro on Friday, April 22nd. The money will be used to fund one officer at Englewood P.D. and one officer at Littleton P.D. for a 2 year exclusive assignment at South Metro Drug Task Force.	1			218,000.00
<b>TOTAL</b>					<b>\$ 218,000.00</b>

**SPECIAL INSTRUCTIONS:**  
PLEASE SHIP TO 13101 EAST BRONCOS PARKWAY CENTENNIAL, 80112

BUREAU: Public Safety and Detentions

REQUESTED BY: \_\_\_\_\_  
Gail Thrasher

DATE: 4-28-11

APPROVED BY: \_\_\_\_\_

DATE: 4-28-11

**ARAPAHOE COUNTY SHERIFF'S OFFICE  
PURCHASE ORDER REQUEST**

**DIVISION  
NUMBER:**

**DATE  
REQUESTED:** 4/27/2011

**REQUIRED  
DATE:** ASAP

**SHIP TO  
ADDRESS:** Arapahoe County Sheriff's Office  
13101 East Broncos Pkwy  
Centennial, CO 80112

**SUGGESTED  
VENDOR:** Littleton Police Department

Vendor #2000011815

ACCOUNT NUMBER	DESCRIPTION	QT	UOM	QUOTED UNIT PRICE	TOTAL COST
227010015	We received a check in the amount of \$436,000 from South Metro on Friday, April 22nd. The money will be used to fund one officer at Englewood P.D. and one officer at Littleton P.D. for a 2 year exclusive assignment at South Metro Drug Task Force.	1			218,000.00
<b>TOTAL</b>					<b>\$ 218,000.00</b>

**SPECIAL INSTRUCTIONS:**  
PLEASE SHIP TO 13101 EAST BRONCOS PARKWAY CENTENNIAL, 80112

**BUREAU:** Public Safety and Detentions

**REQUESTED BY:** Gail Thrasher

**DATE:** 4-28-11

**APPROVED BY:** \_\_\_\_\_

**DATE:** 4-28-11

## BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
 SERIES OF 2012

COUNCIL BILL NO. 19  
 INTRODUCED BY COUNCIL  
 MEMBER WOODWARD

AN ORDINANCE AUTHORIZING INTERGOVERNMENTAL AGREEMENTS FOR THE APPLICATION FOR AND ACCEPTANCE OF COLORADO DEPARTMENT OF TRANSPORTATION GRANTS AWARDED TO THE CITY OF ENGLEWOOD FOR VARIOUS PROJECTS RELATED TO TRAFFIC SAFETY EDUCATION AND ENFORCEMENT DURING CALENDAR YEARS 2011, 2012, and 2013.

WHEREAS, the Colorado Department of Transportation (CDOT) has solicited city police departments throughout the State of Colorado, including the City of Englewood, to participate in traffic safety education and enforcement programs; and

WHEREAS, some of the funds are State funds and some are Colorado Department of Transportation (CDOT) pass-through of Federal Funds; and

WHEREAS, CDOT often gives little notice when they announce their safety campaigns, the application and notice of awards are done by e-mail; and

WHEREAS, the passage of this Ordinance will authorize the City of Englewood to accept funding from the Colorado Department of Transportation (CDOT) for various projects related to traffic safety, education and enforcement for all projects initiated in 2011, 2012, and 2013.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the acceptance of the Colorado Department of Transportation Grants awarded to the City of Englewood for funding of various projects related to traffic safety, education and enforcement during calendar years 2011, 2012, and 2013.

Section 2. The City Manager is hereby authorized to apply for and accept Colorado Department of Transportation grants awarded to the City of Englewood for and on behalf of the City of Englewood, Colorado for the calendar years 2011, 2012, and 2013. The applications for three of the 2012 grants are attached hereto as samples; see Exhibits A, B and C.

Section 3. The Traffic Safety and Education program funds such as mini grants for education and the Click It or Ticket program are received from the Colorado Department of Transportation which are passed through from the U.S. Department of Transportation and the National Highway of Transportation and Safety Administration - State and Community Safety. These funds are used to reimburse the City for personnel overtime costs for these projects so the costs to the City are limited to the costs of processing and accounting of the funds, which costs are budgeted annually in the Police budget.

Section 4. The funds for the “High Visibility Impaired Driving “ Program are State of Colorado funds which are used to reimburse the City for personnel overtime costs for these projects so the costs to the City are limited to the costs of processing and accounting of the funds, which costs are budgeted annually in the police budget.

Introduced, read in full, and passed on first reading on the 19th day of March, 2012.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 23<sup>rd</sup> day of March, 2012.

Published as a Bill for an Ordinance on the City’s official website beginning on the 21st day of March, 2012 for thirty (30) days.

Read by title and passed on final reading on the 2nd day of April, 2012.

Published by title in the City’s official newspaper as Ordinance No. \_\_\_\_, Series of 2012, on the 6th day of April, 2012.

Published by title on the City’s official website beginning on the 4th day of April, 2012 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

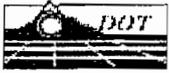
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Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. \_\_\_\_, Series of 2012.

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Kerry Bush



# 2012 HIGH VISIBILITY IMPAIRED DRIVING ENFORCEMENT: JANUARY - JUNE, 2012



## APPLICATION FOR FUNDS

CDOT's Office of Transportation Safety (OTS) will provide funding for overtime enforcement of Colorado's impaired driving laws for the Super Bowl\*, St. Patrick's Day, High School Prom, Memorial Day, and the first two days of the July 4th holiday period. The selection and funding of participating agencies will be based on:

- The mission, goals, strategy and objectives of CDOT,
- problem identification data relating to impaired driving related caused injury and fatal crashes,
- and statistical analysis of local, state, and federal impaired driving related statistics.

### TO APPLY FOR THE CAMPAIGNS

Your agency agrees to:

1. provide overtime to officers for enforcement of Colorado's impaired driving laws at checkpoints, saturations patrols, increased patrols, or as dedicated enforcement cars;
2. utilize only officers who are currently SFST certified to conduct roadside maneuvers;
3. Report your enforcement plans and activity to the CDOT website before the specified deadlines;
4. Contact CDOT's Public Relations Office prior to issuing a local press release to coordinate media efforts;
5. Submit claims on CDOT forms with backup documentation within 45 days after the end of each enforcement period.
6. Submit a final report on agency letterhead summarizing activity, arrests and crashes compared to last year, overall results of the enforcement, and any significant events that occurred, with each claim.

**\*Super Bowl funding will be limited to agencies in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld counties.**

To apply for consideration of funding, return this form via email no later than: **January 9, 2012**

To: Bruce Sheetz at

Phone: (303) 757-9355

(**Complete** project coordinator, secondary contact, and budget/finance information is required)

Agency: Englewood Police Department

Project Coordinator: Sgt. Mike O'Connor

Phone Number: 303-762-2432

Email Address: \_\_\_\_\_

Secondary Contact: Toni Arnoldy

Phone Number: 303-762-2490

Email Address: \_\_\_\_\_

Budget/Finance: Kathy Cassai

Phone Number: 303-762-2411

Email Address: \_\_\_\_\_

### ENFORCEMENT PERIODS

HOLIDAYS	HOURS	HOURLY RATE	TOTAL
Super Bowl*		\$0.00	\$0.00
St. Patrick's Day	38.00	\$52.00	\$2,000.00
High School Prom	38.00	\$52.00	\$2,000.00
Memorial Day	19.00	\$52.00	\$1,000.00
June 29 & 30	19.00	\$52.00	\$1,000.00

**TOTAL FUNDING REQUEST**

**\$6,000.00**

**CONTACT PERSON AND ADDRESS WHERE YOUR PURCHASE ORDER AND REIMBURSEMENT CHECK ARE TO BE SENT:**

ADDRESS: 1000 Englewood Pkwy

CITY: Englewood

ZIP CODE: 80110

ATTENTION: Kathy Cassai



Verbal



CITY OF ENGLEWOOD  
POLICE DEPARTMENT

Office of Transportation Safety  
2012 Mini Grants

Coalition Name: ENGLEWOOD POLICE DEPARTMENT

Address: 3615 S ELATI STREET

City, State, Zip: ENGLEWOOD, CO 80110

County: ARAPAHOE

Project Director: Toni Arnoldy

Title: Community Relations Specialist

Phone: 303-762-2490

Fax: 303-783-6909

Email:

\_\_\_\_\_  
Signature of Project Director

02/01/2012

Date

2012 Mini Grant Application

Impaired Driving St. Patrick's Day

Please describe the following topics:

1. Problem Identification (describe the problem in your area)

The current problem in Englewood is the increasing number of driving while impaired citations, arrests and accidents.

Each year in Colorado, more than 30,000 people are arrested for DUI and nearly 200 people are killed in alcohol-related traffic crashes - representing approximately 40% of Colorado's total motor vehicle fatalities.

- filed under: Traffic Safety, Programs, Impaired Driving, Heat is On

It has also been reported that Arapahoe County and the City of Englewood are one of the few city and counties in the state where fatal DUI accidents have been on the rise.

2. Project Goals (clearly state what you want to accomplish)

The Project Goals are:

- Educate the citizens of Englewood on the danger, consequences and cost of Driving While Impaired.
- Heighten the awareness of not only the dangers, but also the increasing number of fatalities and injuries in Colorado each year during the St. Patrick's Day Holiday.
- Reduce the number of DUI citations and accidents

**3. Project Activities (describe the activities you will or hope to accomplish)**

- On St. Patrick's Day, Officers will visit the local bars and liquor stores to educate both the patrons and the staff of the possible dangers and consequences of driving while impaired.
- Increase patrol in high accident/incident areas.
- Hand out information pamphlets and flyers with the facts on Driving While Impaired.
- Give out information on the alternate modes of transportation that are available in the city.

**4. Project Evaluation (how do you plan to measure the outcome of your activities?)**

- Will compare the number of driving while impaired citations, arrests and accidents of the first quarter 2011 to the first quarter (after event) in 2012.

## Budget Summary & Narrative

Next to each category, please explain what you are using your funds for.

1. Salaries \$ 496.17

- This request is due the fact that our department is currently at minimum staffing and cannot budget for any OT or release officers from their normal duties. This will supplement for the Overtime of one Traffic Sergeant, two Traffic officers, and Community Relations.

2. Operating Expenses \$ 258.00

- This is for key chains that will be dispersed during the education and serve as a reminder to NOT Drink and Drive.
- Leslie Chase stated that she would extend the award to cover the cost of the key tags.

3. Travel (mileage) \$ 0

4. Contractual \$ 0

**Total amount Requested** **\$ 754.17**

Verbal

motorcycle safety

EX-101-B



CITY OF ENGLEWOOD  
POLICE DEPARTMENT

Office of Transportation Safety  
2012 Mini Grants

Date of Proposal: 02/08/2012

Name of Organization/Coalition: Englewood Police Department

Mailing Address: 3615 S Elati Street

City, State, Zip: Englewood, CO 80110

County: Arapahoe

Project Title: Motorcycle Rider Awareness

Project Director: Brian Taylor

Title: Master Police Officer

Phone: (303) 783-6814

Fax: (303) 761-4086

Email:

Total Dollar Amount Requested: \$730.54

Project Dates: APRIL AND MAY OF 2012

02/08/2012

Signature of Project Director

Date

## 2012 Mini Grant Application

### 1. **Problem Identification** (describe the problem in your area)

The problem in our area is the number of motorcycle/scooter riders that do not wear the proper equipment or have a clear understanding of the motorcycle laws and safety requirements.

### 2. **Project Goals** (clearly state what you want to accomplish)

- Reduce the numbers of motorcycle crashes and fatalities.
- Educate riders on the importance of operating a motorcycle sober and safely.
- Educate riders on what is the proper equipment and what the law requires.
- Provide the class participants with night eye protection.
- Provide some participants with riding gloves for hand protection.

### 3. **Project Activities** (describe the activities you will or hope to accomplish)

- Hold a class or community forum to include riders, business owners, and citizens.
- Provide participating riders with proper safety equipment.
- Educate the participants on what the law requires, and the importance of riding safety and riding sober.

### 4. **Project Evaluation** (how do you plan to measure the outcome of your activities?)

- Reduce the number of motorcycle fatalities in Englewood.
- Observe a reduction of the number of motorcycle crashes and DUI citations.
- Reduction of the number of motorcycle violations cited by the officers on a daily basis.

Budget Summary & Narrative

Next to each category, please explain what you are using your funds for.

1. **Salaries** \$ 505.54

This request is due the fact that our department is currently at minimum staffing and cannot budget for any OT or release officers from their normal duties. This will supplement for the Overtime of one motorcycle sergeant, two motorcycle traffic officers, and community relations.

2. **Operating Expenses** \$ 225.00

50 pair of clear safety glasses @2.00 each = \$100

A pair for the rider, a pair for the passenger.

25 pair of leather riding gloves @5.00 each = \$125

3. **Travel (mileage)** \$ 0

4. **Contractual** \$ 0

**Total amount Requested** \$ 730.54



# 2012 CLICK IT OR TICKET CAMPAIGNS



EXHIBIT C

## RURAL, NIGHTTIME, AND MAY MOBILIZATION ENFORCEMENT WAVES

### APPLICATION FOR FUNDS

#### Campaign Goals:

Increase compliance with Colorado's occupant protection and graduated drivers licensing (GDL) laws and increase public awareness of the likelihood of receiving a ticket and suffering serious or fatal injuries for failing to properly use occupant protection systems.

#### TO APPLY FOR THE CAMPAIGNS

#### Your agency agrees to:

1. Provide overtime enforcement of Colorado's child passenger safety, GDL, and adult occupant protection laws through speeding and other aggressive/hazardous driving contacts during authorized time periods;
2. **Strictly enforce** all child, teen, and adult driving violations with a **zero tolerance** (no warnings) stance;
3. Conduct pre and post seat belt surveys and enter results on the CDOT website by specified deadlines;
4. Report all requested enforcement activity (both overtime funded and regular duty) to the CDOT website by specified deadlines;
5. Provide CDOT with a copy of your agency's current seat belt policy (if not on file with OTS);
6. Submit claims for reimbursement on current CDOT forms with backup documentation within 45 days after the end of each enforcement period;
7. Return local benefit documentation on your agency letterhead (mandatory requirement for funding).

\*Nighttime funding will be limited to agencies in Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld counties.

#Rural funding is offered to counties not listed above in the nighttime campaign. There is no guarantee that all requests can be met. Funding will be based on available funds, the amount of the requests, unbelted fatality rates, and compliance rates in applying counties.

#### Allowable Charges:

1. pay for enforcement activities at your agency's overtime or set enforcement rate;
2. pay for conducting pre (**within 1 week prior to start of enforcement**) and post (**withing 1 week after the end of enforcement**) seat belt surveys, at a maximum of 2 hours per survey.

To apply for consideration of funding, please return this form via email by: **February 29, 2012**

To: Bruce Sheetz, OTS Law Enforcement Coordinator, at [bruce.sheetz@dot.state.co.us](mailto:bruce.sheetz@dot.state.co.us)

(Complete project coordinator and secondary contact information are required)

Agency: Englewood Police Department

Project Coordinator: Toni Arnoldy

Phone Number: 303.762.2490

Email Address: \_\_\_\_\_

Secondary Contact: Mike O'Connor

Phone Number: 303.762.2432

Email Address: \_\_\_\_\_

ENFORCEMENT WAVES	ESTIMATED ENFORCEMENT HOURS	FUNDING REQUEST
#RURAL - 04/02 - 04/08	_____	_____
MAY MOBILIZATION - 05/21 - 06/03	55.00	\$2,900.00
*NIGHTTIME - 07/23 - 07/29	35.00	\$2,000.00
	90.00	\$4,900.00
	TOTALS	

ADDRESS AND CONTACT WHERE YOUR PURCHASE ORDER AND REIMBURSEMENT CHECK ARE TO BE SENT:

PO BOX/ADDRESS: 3615 S Elati ST

ATTENTION: Karen Kennedy

EMAIL ADDRESS: \_\_\_\_\_

PHONE NUMBER: 303.762.2460



## Toni Arnoldy

---

**From:** Sheetz, Bruce  
**Sent:** Tuesday, March 06, 2012 2:17 PM  
**To:** Sheetz, Bruce  
**Cc:** Chase, Leslie; Gould, Carol  
**Subject:** 2012 Click It Or Ticket Funding Allocations

This message is being bcc'd to agency contacts that applied for 2012 Click It Or Ticket enforcement funding.

Below are the agency allocations for Click It Or Ticket enforcement for rural and May Mobilization enforcement. Nighttime funding allocations will be announced at a later date, and are dependent upon CDOT receiving additional occupant protection funding from NHTSA.

No agency was funded at 100% of their request. Allocation amounts were based on the agency's past performance, their location in regards to unbelted injuries and fatalities, seat belt compliance rates, and CDOT's Problem Identification. **If your agency does not want the allocated amount, please contact me immediately so we can disperse your funds to other agencies.** Purchase orders are being created today, and should be sent out to your agency well in advance of the first enforcement period, which is rural and starts on April 2<sup>nd</sup>.

Claim forms, survey forms and instructions, and activity reporting forms will be sent out to your agency in the near future. While no enforcement plans are required for seat belt enforcement, pre and post enforcement surveys are. The pre survey should be completed prior to the start of enforcement, and the post survey should be done within the week after enforcement ends. The survey forms are not to be sent to CDOT, but kept in the agency's records. The results are required to be posted on the CDOT Traffic Safety website by specified deadlines.

AGENCY		RURAL	MAY	TOTAL	AGENCY
ADAMS COUNTY	SO		\$6,000.00	\$6,000.00	GILPIN COUNTY
ALAMOSA	PD		\$1,200.00	\$1,200.00	GLENWOOD SPRINGS
ALAMOSA COUNTY	SO	\$1,000.00	\$2,000.00	\$3,000.00	GOLDEN
ARAPAHOE COUNTY	SO		\$12,000.00	\$12,000.00	GRAND JUNCTION
ARVADA	PD		\$2,200.00	\$2,200.00	GREENWOOD VILLAGE
AULT	PD		\$1,000.00	\$1,000.00	HUERFANO COUNTY
AURARIA CAMPUS	PD		\$1,000.00	\$1,000.00	JEFFERSON COUNTY
AURORA	PD		\$14,000.00	\$14,000.00	LAFAYETTE
AVON	PD	\$1,200.00	\$1,700.00	\$2,900.00	LAKEWOOD
BAYFIELD MARSHAL	PD	\$700.00	\$1,400.00	\$2,100.00	LAMAR
BOULDER	PD		\$5,500.00	\$5,500.00	LARIMER COUNTY
BRECKENRIDGE	PD	\$1,000.00	\$1,300.00	\$2,300.00	LAS ANIMAS COUNTY
BRIGHTON	PD		\$800.00	\$800.00	LITTLETON
CASTLE ROCK	PD		\$3,500.00	\$3,500.00	LOGAN COUNTY
COLORADO SPRINGS	PD		\$5,000.00	\$5,000.00	LONE TREE
COMMERCE CITY	PD		\$3,000.00	\$3,000.00	LONGMONT

CORTEZ	PD	\$350.00	\$350.00	\$700.00	LOVELAND
CRAIG	PD	\$1,000.00	\$900.00	\$1,900.00	MANITOU SPRINGS
DACONO	PD		\$800.00	\$800.00	MANZANOLA
DENVER	PD		\$5,500.00	\$5,500.00	MESA COUNTY
DILLON	PD	\$2,000.00	\$3,500.00	\$5,500.00	MINTURN
DURANGO	PD	\$750.00	\$1,500.00	\$2,250.00	MONTE VISTA
EAGLE COUNTY	SO		\$2,500.00	\$2,500.00	MONTEZUMA COUNTY
EDGEWATER	PD		\$500.00	\$500.00	NORTHGLENN
EL PASO COUNTY	SO		\$1,400.00	\$1,400.00	PARKER
ENGLEWOOD	PD		\$2,300.00	\$2,300.00	PUEBLO
ESTES PARK	PD		\$2,000.00	\$2,000.00	PUEBLO COUNTY
EVANS	PD		\$750.00	\$750.00	SILVERTHORNE
FORT COLLINS	PD		\$4,000.00	\$4,000.00	STEAMBOAT SPRINGS
FORT LUPTON	PD		\$750.00	\$750.00	STERLING
FORT MORGAN	PD	\$900.00	\$1,500.00	\$2,400.00	THORNTON
FRASER/WINTER PARK	PD	\$500.00	\$800.00	\$1,300.00	WALSENBURG
FREDERICK	PD		\$1,000.00	\$1,000.00	WASHINGTON COUNTY
FREMONT COUNTY	SO	\$500.00	\$1,000.00	\$1,500.00	WESTMINSTER
FRISCO	PD	\$1,500.00	\$2,500.00	\$4,000.00	WHEAT RIDGE
GARFIELD COUNTY	SO	\$500.00	\$600.00	\$1,100.00	WOODLAND PARK

Thank you for your interest in this program and please contact me if you have questions.

Bruce Sheetz  
Law Enforcement Coordinator  
Office of Transportation Safety, CDOT  
4201 E. Arkansas Avenue  
Denver, Colorado 80222  
Office 303-757-9355  
Cell 720-219-9649

## COUNCIL COMMUNICATION

<b>Date:</b> April 2, 2012	<b>Agenda Item:</b> 9 c i	<b>Subject:</b> Englewood Public Library's 2012 "Food for Fines" program
<b>Initiated By:</b> Library Department		<b>Staff Source:</b> Dorothy Hargrove, Director of Library Services

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The Library has sponsored this popular program since 1990, and each year the City Council has voiced its support. In 2003, the annual Food for Fines program was expanded to twice a year at the request of the Library Board, and subsequently approved by City Council, for two weeks during the late spring as well as two weeks between Thanksgiving and Christmas as a way to allow patrons to reduce or eliminate their overdue fines while providing a valuable service for the community.

### RECOMMENDED ACTION

The Library Department recommends City Council approve a resolution authorizing the Library Department to implement both its spring and fall *Food for Fines* programs from Monday, May 21 through Sunday, June 3, 2012 and again from Monday, November 26 through Sunday, December 9, 2012.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

For over 20 years, the Englewood Public Library has provided its "Food for Fines" program as a way for those patrons with fines on their overdue EPL materials to "pay" them off through the donation of non-perishable food items that are, in turn, forwarded to Inter-Faith Community Services for their food bank for distribution to financially disadvantaged families in the Englewood area. The maximum fine accrual is \$5.00 per item, and the Library requires a donation of two non-perishable food items to cancel one overdue fine. Charges for lost or damaged items are not included in this program. This program has been warmly received and supported by the public since its inception, and Library patrons now look forward to it as a way of helping others while relieving their own financial obligations. This program also encourages patrons to return overdue library materials and thus make these materials available to others in the community. The program presents a positive image of the Library and the City and is a "win-win" situation for everyone involved.

### FINANCIAL IMPACT

Food for Fines reduces the General Fund revenue provided by overdue fees. These revenues traditionally drop about 50% during each of the Library's two-week Food for Fines programs, for an estimated loss in revenue of about \$500.00, or a total of \$1,000 for the year. Historically, each of

these two biannual events raises an average of \$1,500 to \$2,000 in donated food items for the Inter-Faith Community Services food bank.

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#### **LIST OF ATTACHMENTS**

Proposed Resolution

RESOLUTION NO. \_\_\_\_\_  
SERIES OF 2012

A RESOLUTION AUTHORIZING THE ENGLEWOOD PUBLIC LIBRARY TO IMPLEMENT THE "2012 FOOD FOR FINES" PROGRAM FROM MONDAY, MAY 21, 2012 THROUGH SUNDAY, JUNE 3, 2012 AND MONDAY, NOVEMBER 26, 2012 THROUGH SUNDAY, DECEMBER 9, 2012.

WHEREAS, the Englewood Public Library has sponsored a "Food for Fines" program since 1990; and

WHEREAS, the "Food for Fines" program allows patrons with overdue fines to "pay" them off through the donation of non-perishable food items; and

WHEREAS, the food items are then forwarded to the InterFaith Community Services for their "food bank" distribution to financially disadvantaged families in the Englewood area; and

WHEREAS, the program is a benefit to the community in that the disadvantaged are assisted; the air is cleared with respect to fines; the City receives its library materials back and the program presents a positive image of the Library and the City.

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

Section 1. The Englewood City Council hereby authorizes the Englewood Public Library to implement the "2012 Food For Fines" program from May 21, 2012 through June 3, 2012 and November 26, 2012 through December 9, 2012. The collected food will then be forwarded to the InterFaith Community Services for distribution to financially disadvantaged families in the Englewood area.

ADOPTED AND APPROVED this 2nd day of April, 2012.

ATTEST:

\_\_\_\_\_  
Randy P. Penn, Mayor

\_\_\_\_\_  
Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. \_\_\_\_\_, Series of 2012.

\_\_\_\_\_  
Kerry Bush, Deputy City Clerk

## COUNCIL COMMUNICATION

<b>Date:</b> April 2, 2012	<b>Agenda Item:</b> 11 a i	<b>Subject:</b> Ordinance Amending Title 16 of the Englewood Municipal Code 2000 Pertaining to the Establishment of a MU-R-3-C Zone District; Elimination of the M-O-1 Overlay Zone District; and the Subsequent Amendment of the Official Zoning Map to Rezone Portions of Medical District Sub-area 3 from MU-R-3-B to MU-R-3-C, and from MU-R-3-B/M-O-1 to M-1
<b>Initiated By:</b> Community Development Department		<b>Staff Source:</b> John Voboril, Long Range Planner II

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council made economic development a top Council goal in early 2006, and has continued to reaffirm this goal as a top priority as recently as January of this year. The Englewood Downtown and Medical District Small Area Plan was created to help the City promote economic development in areas deemed appropriate for high intensity commercial, medical, and residential development, and protect adjacent residential neighborhoods from inappropriately scaled development. After first focusing on Medical District areas of change with the adoption of the new Medical Zone Districts in 2008, City Council and the Planning and Zoning Commission turned their focus to zoning reforms in adjacent residential neighborhoods.

The following is a chronology of City Council meetings related to Medical District sub-area 3:

- December 6, 2010** Public Hearing on Englewood Downtown and Medical District Small Area Plan Amendments to Goal and Objectives
- December 20, 2010** Adoption of Englewood Downtown and Medical District Small Area Plan Amendments to Goals and Objectives by Resolution
- December 12, 2011** Medical District Sub-area 3 PZC Recommendations Study Session

### RECOMMENDED ACTION

Community Development recommends adoption of a proposed bill for an ordinance amending the Unified Development Code to establish the MU-R-3-C Mixed Use High Density Residential and Limited Office Zone District and the related zoning change to the Official Zoning Map rezoning portions of Medical District Sub-area 3 from MU-R-3-B to MU-R-3-C Mixed Use High Density Residential and Limited Office Zone District, and portions of Medical District Sub-area 3 from MU-R-3-B/M-O-2 to M-1 Mixed Use Medical, Office, and High Density Residential Zone District, as shown in Exhibit A. Staff further recommends setting a public hearing for April 16, 2012 to gather input on the proposed amendment.

## BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

In their analysis of Medical District Sub-area 3, Planning and Zoning Commission members recognized that the area bordered by Pearl Street on the west, and the Clarkson-Emerson alley on the east, consisted predominantly of multi-unit residential and limited office uses, and that existing single unit homes in this area are predominantly investor-owned. The Commission's recommendations for Medical District Sub-area 3 include allowing the hospitals to redevelop hospital-owned properties just north of Girard Avenue; preventing further hospital expansion north of these hospital-owned properties; and undertaking zoning reforms that seek to encourage redevelopment of investor-owned properties at a scale appropriate for the neighborhood. A set of community stakeholders meetings were held to assess the feelings of residents and property owners concerning appropriate development standards for future development in Medical District Sub-area 3, which were incorporated into the goals and objectives of the Englewood Downtown and Medical District Small Area Plan.

Community Development staff and Planning and Zoning Commission members worked through the regulatory details of what would later develop into the MU-R-3-C Zone District in a series of four study sessions held in the winter and spring months of 2011. The concepts developed by staff and the Planning and Zoning Commission were shared with City Council at the December 12, 2011 study session:

1. Remove Museum/Cultural as an allowed land use
2. Remove Overnight, In-patient Hospital Facility as an allowed land use
3. Remove Parking Structure and Surface Parking as allowed *principal* land uses
4. Retain Out-patient Clinic as an allowed land use
5. Retain Medical Laboratory as an allowed land use
6. Add Massage Therapy as an allowed land use
7. Lower maximum height limit from 60 to 40 feet
8. Remove floor area ratio limitation
9. Institute a maximum office/medical facility building size of 30,000 SF, the same size as existing apartment buildings in sub-area 3
10. Reduce side setbacks for office/medical and multi-unit residential from 15 to 5 feet
11. Remove driveway location requirement for multi-unit residential development
12. Remove land area per residential unit requirement in favor of regulating density through maximum height limit and minimum off-street parking standards
13. Reduce minimum lot size for office/medical development from 24,000 SF to 6,000 SF

Public hearings were held by the Planning and Zoning Commission on the proposal to amend Title 16 of the Unified Development Code to include a Mixed Use High Density Residential and Limited Office Zone District (MU-R-3-C), and the subsequent proposal to amend the Official Zoning Map to

rezone portions of Medical District Sub-area 3 from MU-R-3-B to MU-R-3-C, and from MU-R-3-B/M-O-2 to M-1 was held on March 6<sup>th</sup>, 2012. The Planning and Zoning Commission made a formal motion to recommend approval of the Unified Development Code amendments creating the MU-R-3-C Zone District, and amendments to the Official Zoning Map to rezoning portions of Medical District Sub-area 3 under ownership of the hospital from MU-R-3-B/M-O-2 to M-1 Mixed Use Medical, Office, and High Density Residential Zone District, while rezoning the remaining portions of Medical District Sub-area 3 from MU-R-3-B to the new MU-R-3-C Mixed Use High Density Residential and Limited Office Zone District.

### **FINANCIAL IMPACT**

No direct financial costs are anticipated from the adoption of the proposed amendments.

### **LIST OF ATTACHMENTS**

Planning and Zoning Commission Public Hearing Minutes, March 6, 2012  
Planning and Zoning Commission Public Hearing Findings of Fact, March 6, 2012  
Proposed Bill for Ordinance

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
March 6, 2012**

**Minutes and audio are available at:**  
<http://www.englewoodgov.org/Index.aspx?page=152>

**I. CALL TO ORDER**



The regular meeting of the City Planning and Zoning Commission was called to order at 7:04 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Knoth presiding.

Present: Bleile, Roth, King, Welker, Knoth, Fish, Brick, Kinton  
Townley (alternate)

Absent: Harbaugh

Staff: Alan White, Community Development Director  
John Voboril, Long Range Planner  
Nancy Reid, Assistant City Attorney

**II. APPROVAL OF MINUTES**

February 22, 2012



Roth moved:

Fish seconded: TO APPROVE THE FEBRUARY 22, 2012 MINUTES

Chair Knoth asked if there were any modifications or corrections.

There were none.

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: Welker

ABSENT: Harbaugh

Motion carried.

### **III. PUBLIC HEARINGS**



#### **CASE #2012-01, Amendment of UDC to Establish a NPO (Neighborhood Preservation Overlay) Zone District**

Brick moved:

Welker seconded: TO OPEN CASE #2012-01

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: None

ABSENT: Harbaugh

Motion carried.

Mr. Voboril presented background information on the Englewood Downtown and Medical District Small Area Planning process to date.

Summary of the neighborhood Preservation Overlay:

Prohibits the following land uses:

- Hospital
- Clinic
- Laboratory
- Office, type 1 (general)
- Office, type 2 (limited)
- Parking facility or structure, principal use
- Parking area, surface, principle use
- Conversions of single unit houses to office use

Limits the number of attached residential units to two per 50 feet of lot frontage.

Allows the existing multi-unit apartment buildings to be redeveloped at existing densities.



#### **Public Testimony**

Testimony was heard from 8 citizens.



Bleile moved:

Welker seconded: TO CLOSE CASE #2012-01

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

The Commission called a 10 minute recess. The meeting reconvened with all members of the Commission previously in attendance.

Welker moved:

Brick seconded: TO AMEND THE ORIGINAL MOTION TO INCLUDE A 40 FOOT HEIGHT RESTRICTION IN THE OVERLAY DISTRICT.

AYES: Bleile, Roth, King, Brick, Welker  
NAYS: Fish, Kinton, Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

Brick moved:

Fish seconded: THAT CASE #2012-01 AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE RELATED TO THE CREATION OF NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT REGULATIONS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:

1. Include a 40 foot height restriction.



Mr. Fish stated in looking at Section 5 of Roadmap Englewood and at the overlay characteristics provided by Staff that are intended to preserve the existing character and balance of land use, when the mature residential neighborhood appears to be the main reason for this, I don't find that anywhere in Roadmap Englewood. To overlay something like this over this diverse area would not only be not in compliance with what Englewood wants to see but believes it would damage the properties and take away rights.

Mr. Brick said on page 85, Section 5: Housing, of Roadmap Englewood 2003, it says "The City of Englewood recognizes the value of home ownership and the property improvements and is committed to increasing the home ownership levels in the City, as well as assisting current homeowners with home improvements. Understanding Housing in

Englewood requires looking beyond housing type to housing tenure and maintenance. About two thirds of Englewood homes are single family dwellings of which 85% are owner-occupied. Of the one third that are multi-family homes, less than 3% are owner-occupied. Taken together, 50% of Englewood homes are occupied by their owners. Nationally, about 66% of homes are owner-occupied. The City is committed to increasing Englewood owner-occupancy rates to more closely reflect national rates." Goal #2 states "Improve the quality of the City's existing housing stock"; under Objective 2.1 it states "Encourage home ownership, property improvement, and house additions". In the Medical District Small Area Plan Goal A, Medical Area Sub-area 2, Objective 2A.1 states "Reduce the number of single unit rental homes through conversion to home ownership". By establishing the Overlay you are inducing home ownership.

Mr. Welker stated he feels some of tonight's discussion is premature in that the boundaries of this district were really the intention of the third part of the public hearing tonight. He stated that an NPO District as an overlay is an advancement in the types of discussions the Commission has had that have been either been to one extreme, downzoning, or to the other extreme, opening the area up to mixed-use on a grander scale. While over time this area may evolve into being a denser, more commercial type of district based on pressure from ownership and use of adjoining properties the north two blocks are kind of a transition between strict single family homes and commercial development. Putting them in an overlay district that allows them to be kept as is, which is primarily single family homes or duplexes, is appropriate. He doesn't feel the bugs are worked out of the paperwork just yet. It would have been better if this issue had gone through the steps that were omitted; a Planning and Zoning study session and either a neighborhood meeting or a study session in which the public attended.

Mr. Kinton said he concurs there are still many issues left to work out.

Mr. Roth stated there are too many issues to work out. There are too many potential takings. As it is would be pretty fair target for a legal challenge. The non-conforming issues need to be addressed. He is not comfortable with making current conforming uses non-conforming.

Mr. Bleile quoted a sentence from one of Director White's letters which he said he feels sums up the Planning and Zoning Commission superbly: "The role of zoning in the context of planning a neighborhood is to have a stabilizing and predictable effect on development patterns in the context of approved plans and visions for future development". He stated creating an overlay is a great idea; the intent was good. The issue needs to be vetted out more. Areas south of Girard between Girard and Floyd are vastly different than they are north of Floyd.

Mr. King said he not opposed to an overlay. This area is fairly diverse and that may be the only way to go. The Planning and Zoning Commission has a fiduciary responsibility to the entire community. Otherwise, we would just allow everybody to zone their properties

whatever they wanted or would have no zoning at all. Non-conforming use is complicated. He supports going to an R-2 north of Floyd, other two areas not so sure. He doesn't like potentially taking away rights from people. The issue is just too vague.

Mr. Knoth stated he is against down zoning.

AYES: Brick  
NAYS: Bleile, Roth, Welker, Knoth, King, Fish, Kinton  
ABSTAIN: None  
ABSENT: Harbaugh

Motion failed.

Bleile moved:

Kinton seconded: THAT CITY COUNCIL ALLOW THE PLANNING AND ZONING COMMISSION THE OPPORTUNITY TO SCHEDULE ADDITIONAL STUDY SESSIONS TO WORK OUT THE DETAILS BEFORE THIS ISSUE IS PLACED BACK ON THE CALENDAR FOR ANOTHER PUBLIC HEARING.

AYES: Brick, Bleile, Roth, Welker, King, Fish, Kinton  
NAYS: Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion passed.

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**CASE #2012-02, Amendment of UDC to Establish MU-R-3-C Zone District**



Welker moved:

Fish seconded: TO OPEN CASE #2012-02

AYES: Roth, Welker, Fish, King, Brick, Kinton  
NAYS: Bleile, Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

Mr. Voboril presented background information on the Englewood Downtown and Medical District Small Area Planning process to date.

Summary of MU-R-3-C Zone District:

- Remove Museum/Cultural as an allowed land use.
- Remove Overnight, In-patient Hospital Facility as an allowed land use.
- Remove Parking Structure and Surface parking as allowed ***principal*** land uses.
- Retain Out-patient Clinic as an allowed land use.
- Retain Medical Laboratory as an allowed land use.
- Add Massage Therapy as an allowed land use.
- Lower maximum height limit from 60 to 40 feet.
- Remove floor area ratio limitation.
- Institute a maximum office/medical facility building size of 30,000 SF, the same size as existing apartment buildings in Sub-area 3.
- Reduce side setbacks for office/medical and multi-unit residential from 15 to 5 feet.
- Remove driveway location requirement for multi-unit residential development.
- Remove land area per residential unit requirement in favor of regulating density through maximum height limit and minimum off-street parking standards.
- Reduce minimum lot size for office/medical development from 24,000 to 6,000 SF.



**Public Testimony**

Testimony was taken from one citizen.



Welker moved:

Bleile seconded: TO CLOSE CASE #2012-02

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: None

ABSENT: Harbaugh

Motion carried.

A motion was made that failed for lack of a second.



King moved:

Welker Seconded: *CASE #2012-02, AMENDMENTS TO THE OFFICIAL ZONING MAP TO REZONE AN AREA OF THE CITY MU-R-3-C BE RECOMMENDED FOR*

*APPROVAL TO CITY COUNCIL WITH A FAVORABLE  
RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING  
CORRECTIONS TO THE STAFF REPORT:*

1. *Page 4, #5 should read MU-R-3-C, not MU-R-3-B.*
2. *Page 4, #6 should read Section 16-6-1(C)(1), not Section 16-6-1(E)(1)*

Mr. Fish said he has reviewed the materials provided by Staff. There has been minimal public input other than to the process, but not to the substance of this motion. He stated he has reviewed the tables and finds the idea of an MU-R-3-C zone district compelling, but some of the proposed tables seem to be in conflict. The Commission did a lot of work to put together the MO-1 overlay for good reason and considering the intent of the third case tonight he is troubled by the removal of that.

Mr. Brick stated in Section 7 of Roadmap Englewood under Business Employment that in Goal 1, Objective 1.2 it states "Actively engage in attracting new businesses to the City". In Goal 5, Objective 5.1 it states "Encourage the development of mixed-use projects in order to achieve a vibrant community". Objective 5.2 states "Increases the value and appeal of Englewood's retail and industrial corridors in order to stimulate economic growth".

Mr. Welker stated even though the Planning and Zoning Commission did not specifically discuss MU-R-3-C this is a fitting classification for the use of the area that it is proposed. He stated he has no problem with changing the area zoned MO-1 to M-1 because of what M-1 allows.

Mr. Kinton finds that the designation of an MU-R-3-C zone district reasonable.

Mr. Roth stated he has concerns changing the MO-1 to M-1, however the area is small enough he doesn't believe there would be room to build a 145 foot building on that section of land.

Mr. King said this is another unique area but this area is also highly, densely populated with units and other uses and is very concentrated. It definitely needs to be set aside from the adjoining neighborhoods as the Commission has discussed many times in the past.

AYES: Bleile, Roth, Welker, Knoth, King, Brick, Kinton  
NAYS: Fish  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

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**CASE #ZON2012-004, Amendment of Official Zoning Map Adopting NPO Zone District for portions of Medical District Sub-Area 2 and Medical District Sub-Area 3 from MU-R-3-B to MU-R-3-C and M-1**

Welker moved:  
Roth seconded: TO OPEN CASE #ZON2012-004

AYES: Roth, Welker, Fish, King, Brick, Kinton  
NAYS: Bleile, Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

Mr. Voboril presented background information on Medical District Sub-areas 2 and 3 Planning process to date.

Summary of Case No. ZON2012-004

- Amendment of the Official Zoning Map adopting NPO Zone District for portions of Medical District Sub-area 2.
- Amendment of the Official Zoning Map Rezoning portions of Medical District Sub-area 3 from MU-R-3-B to MU-R-3-C and M-1

**Public Testimony**

There was no public testimony.



Roth moved:  
Welker seconded: TO CLOSE CASE #ZON2012-004

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton  
NAYS: None  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

Several motions were made that were either withdrawn or died for a lack of a second.



Welker moved:

Bleile seconded: *CASE #ZON2012-004, AMENDMENTS TO THE OFFICIAL ZONING MAP BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:*

- 1. The area discussed as Sub-area 2 Overlay District be exempted from this approval and the area be remanded to the Planning and Zoning Commission for clarification.*



Mr. Fish stated the proposed MU-R-3-C zone district is appropriate for the area as it promoted potential business improvement, which is one of the goals of Roadmap Englewood. He does not object to the height restrictions.

Mr. Brick votes yes because it clarifies Goal 5.1 of Section 7 of Roadmap Englewood, which states "Encourage the development of mixed-use projects in order to achieve a vibrant community".

Mr. King stated he felt the stakeholders in this area were very favorable of this plan and it could make sense for this area.

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton  
NAYS: None  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

#### **IV. PUBLIC FORUM**



There was no further public comment.

#### **V. ATTORNEY'S CHOICE**



Ms. Reid had nothing further to report.

#### **VI. STAFF'S CHOICE**



Director White stated the March 20<sup>th</sup> meeting will be a Public Hearing on Denver Seminary PUD Amendments to allow a bank drive-thru.

**VII. COMMISSIONER'S CHOICE**



Mr. Brick, Mr. Welker, Mr. Bleile, Mr. Fish and Mr. Knoth commented on tonight's meeting.

The meeting adjourned at 11:00 p.m.

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Barbara Krecklow, Recording Secretary

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION**

**IN THE MATTER OF CASE #2012-02, )  
FINDINGS OF FACT, CONCLUSIONS )  
AND RECOMMENDATIONS RELATING )  
TO THE AMENDMENT OF THE UNIFIED )  
DEVELOPMENT CODE ESTABLISHING THE )  
MU-R-3-C MIXED USE HIGH DENSITY )  
RESIDENTIAL DISTRICT AND LIMITED )  
OFFICE ZONE DISTRICT )  
)  
)  
)  
)  
**INITIATED BY: )  
COMMUNITY DEVELOPMENT )  
DEPARTMENT )  
1000 ENGLEWOOD PARKWAY )  
ENGLEWOOD, CO 80110 )****

**FINDINGS OF FACT AND  
CONCLUSIONS OF THE  
CITY PLANNING AND  
ZONING COMMISSION**

Commission Members Present: Fish, King, Knoth, Roth, Welker, Kinton, Brick, Bleile, Townley

Commission Members Absent: Harbaugh

This matter was heard before the City Planning and Zoning Commission on March 6, 2012 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from staff and the public. The Commission received notice of Public Hearing, the Staff Report, and a copy of the proposed amendment to the Official Zoning Map which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witnesses, 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 Amendment of the Unified Development Code establishing the MU-R-3-C Mixed Use High Density Residential District and Limited Office Zone 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 February 17, 2012 and was on the City's website from February 15<sup>th</sup> through 27<sup>th</sup>, and again from February 28<sup>th</sup> through March 6, 2012 with a corrected case number.
3. **THAT** residents, property owners, and business owners having personal interests within and one block beyond the original Downtown and Medical District study area boundaries were invited to participate as community stakeholders in the Medical District Phase II stakeholder meeting planning process.
4. **THAT** community stakeholder meetings were held on April 1, 15, and 27, 2010 in order to gather feedback on stakeholder preferences for zoning reform strategies that were later incorporated into amendments to the Englewood Downtown and Medical District Area Plan.
5. **THAT** the Planning and Zoning Commission held four study sessions to develop conceptual zoning reforms that were used by staff to develop the new MU-R-3-C base zone district.
6. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
7. **THAT** all testimony received from staff members and the public has been made part of the record of the Public Hearing.
8. **THAT** the goal of the new MU-R-3-C zone regulations is to allow property owners more regulatory flexibility and protect neighboring residential property owners and residents from inappropriately-scaled development.
9. **THAT** the proposed amendments related to the creation of a MU-R-3-C Zone District are consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan and the Englewood Downtown and Medical District Small Area Plan.
10. **THAT** the proposed Amendments related to the creation of a MU-R-3-C Zone District should be adopted as part of Title 16: Unified Development Code of the Englewood Municipal Code.

### **CONCLUSIONS**

1. **THAT** the Public Hearing on the Amendment of the Unified Development Code establishing the MU-R-3-C Mixed Use High Density Residential District and Limited Office Zone 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 February 17, 2012 and was on the City's website from February 15<sup>th</sup> through February 27<sup>th</sup>, and again February 28<sup>th</sup> through March 6, 2012 with a corrected case number.
3. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
4. **THAT** all testimony received from staff members and the public has been made part of the record of the Public Hearing.
5. **THAT** the goal of the new MU-R-3-C zone regulations is to allow property owners more regulatory flexibility and protect neighboring residential property owners and residents from inappropriately-scaled development.
6. **THAT** the proposed amendments related to the creation of a MU-R-3-C Zone District are consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan and the Englewood Downtown and Medical District Small Area Plan.
7. **THAT** the proposed Amendments related to the creation of a MU-R-3-C Zone District should be adopted as part of Title 16: Unified Development Code of the Englewood Municipal Code.

### **DECISION**

**THEREFORE**, it is the decision of the City Planning and Zoning Commission that Case #2012-02, Amendment to the Official Zoning map to rezone an area of the City 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 March 6, 2012, by Mr. King, seconded by Mr. Welker, which motion states:

*CASE #2012-02, AMENDMENTS TO THE OFFICIAL ZONING MAP TO REZONE AN AREA OF THE CITY MU-R-3-C BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CORRECTIONS TO THE STAFF REPORT:*

1. *Page 4, #5 should read MU-R-3-C, not MU-R-3-B.*
2. *Page 4, #6 should read MU-R-3, not MU-R-B and Section 16-6-1(C)(1), not Section 16-6-1(E)(1)*

AYES: Knoth, Roth, Welker, King, Brick, Bleile, Kinton  
NAYS: Fish  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

These Findings and Conclusions are effective as of the meeting on March 6, 2012.

**BY ORDER OF THE CITY PLANNING & ZONING COMMISSION**

---

Chad Knoth, Chair

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION**

**IN THE MATTER OF CASE #ZON2012-004, )  
FINDINGS OF FACT, CONCLUSIONS )  
AND RECOMMENDATIONS RELATING )  
TO THE AMENDMENT TO THE OFFICIAL )  
ZONING MAP TO REZONE AREAS OF THE )  
CITY )  
)  
)  
)  
)  
)  
**INITIATED BY: )  
COMMUNITY DEVELOPMENT )  
DEPARTMENT )  
1000 ENGLEWOOD PARKWAY )  
ENGLEWOOD, CO 80110 )****

**FINDINGS OF FACT AND  
CONCLUSIONS OF THE  
CITY PLANNING AND  
ZONING COMMISSION**

Commission Members Present: Bleile, Fish, King, Knoth, Roth, Welker, Kinton, Brick, Townley

Commission Members Absent: Harbaugh

This matter was heard before the City Planning and Zoning Commission on March 6, 2012 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 amendment to the Official Zoning map which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witnesses, 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 Amendments to the Official Zoning Map to Rezone an area of the City 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 February 17, 2012 and was posted on the City's website from February 15<sup>th</sup> through February 27<sup>th</sup>, and again February 28<sup>th</sup> through March 6, 2012 with a corrected case number.

3. **THAT** residents, property owners, and business owners having personal interests within and one block beyond the original Downtown and Medical District study area boundaries were invited to participate as community stakeholders in the Medical District Phase II stakeholder meeting planning process.
4. **THAT** community stakeholder meetings were held on April 1, 15 and 27, 2010 in order to gather feedback on stakeholder preferences for zoning reform strategies that were later incorporated into amendments to the Englewood Downtown and Medical District Area Plan.
5. **THAT** over the course of a four month period in early 2011, Planning and Zoning Commission members held a series of four study sessions focused on each aspect of the existing MU-R-3-B zoning requirements in Medical District sub-area 3 in order to identify changes.
6. **THAT** a neighborhood meeting was held on July 23, 2011 to discuss options for the 3200 block of Sherman Street and the 3200, 3300 and portions of the 3400 block of South Grant.
7. **THAT** City Council held two study sessions with Community Development staff to select a Neighborhood Preservation Overlay Zone District as the preferred option for the 3200 block of Sherman Street and the 3200, 3300 and portions of the 3400 block of Grant Street, as well as the zoning reforms for Sub-area 3 as recommended by the Planning and Zoning Commission.
8. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
9. **THAT** the Neighborhood Preservation Overlay Zone District (NPO) as supplementary zoning regulations to the underlying MU-R-3-B Mixed Use Medium to High Density Residential and Limited Office Zone District for the 3200 block of South Sherman Street, the 3200 and 3300 blocks of South Grant Street, and the MU-R-3-B zoned portions of the 3400 block of South Grant Street, all within Medical District Sub-area 2, is consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan.
10. **THAT** the proposed action would rezone the first 100 feet north of Girard Avenue between Pearl and Clarkson Street, and the first 225 feet north of Girard Avenue between Clarkson Street and the Clarkson-Emerson Street alley, which include, hospital-owned properties to M-1 Medical.

11. **THAT** the proposal to rezone an area of the City generally bounded by South Pearl Street, East Floyd Avenue, the South Clarkson-Emerson Street alley and East Girard Avenue from MU-R-3-B (Mixed Use Medium to High Density Residential and Limited Office Zone District) to MU-R-3-C (Mixed Use High Density Residential and Limited Office Zone District), and from MU-R-3-B/MO-1 (Mixed Use Medium to High Density Residential and Limited Office Zone District/Medical Overlay) to M-1 (Mixed Use Medical, Office, and High Density Residential Zone District), all within Medical District Sub-area 3, is consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan.
12. **THAT** the proposal to rezone portions of Medical District Sub-area 2 and 3 should be adopted as an amendment to the Official Zoning Map of the City of Englewood.

### CONCLUSIONS

1. **THAT** the Public Hearing on the Amendments to the Official Zoning Map to Rezone an area of the city 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 February 17, 2012 and was posted on the City's website from February 15<sup>th</sup> through February 27<sup>th</sup>, and February 28<sup>th</sup> through March 6, 2012 with a corrected case number.
3. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
4. **THAT** all testimony received from staff members and has been made part of the record of the Public Hearing
5. **THAT** the Neighborhood Preservation Overlay Zone District (NPO) as supplementary zoning regulations to the underlying MU-R-3-B Mixed Use Medium to High Density Residential and Limited Office Zone District for the 3200 block of South Sherman Street, the 3200 and 3300 blocks of South Grant Street, and the MU-R-3-B zoned portions of the 3400 block of South Grant Street, all within Medical District Sub-area 2, is recommended not to be adopted as an amendment to the Official Zoning Map of the City of Englewood, that further study is needed.
6. **THAT** the proposed action would rezone the first 100 feet north of Girard Avenue between Pearl and Clarkson Street, and the first 225 feet north of Girard Avenue between Clarkson Street and the Clarkson-Emerson Street alley, which include, hospital-owned properties to M-1 Medical.

7. **THAT** the proposal to rezone an area of the City generally bounded by South Pearl Street, East Floyd Avenue, the South Clarkson-Emerson Street alley and East Girard Avenue from MU-R-3-B (Mixed Use Medium to High Density Residential and Limited Office Zone District) to MU-R-3-C (Mixed Use High Density Residential and Limited Office Zone District), and from MU-R-3-B/MO-1 (Mixed Use Medium to High Density Residential and Limited Office Zone District/Medical Overlay) to M-1 (Mixed Use Medical, Office, and High Density Residential Zone District), all within Medical District Sub-area 3, is recommended to be adopted as an amendment to the Official Zoning Map of the City of Englewood.

### **DECISION**

**THEREFORE**, it is the decision of the City Planning and Zoning Commission that Case #ZON2012-004, Amendment to the Official Zoning map to rezone an area of the City should be referred to the City Council with the recommendation which follows.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on March 6, 2012, by Mr. Welker, seconded by Mr. Bleile, which motion states:

*CASE #ZON2012-004, AMENDMENTS TO THE OFFICIAL ZONING MAP BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:*

1. *The area discussed as Sub-area 2 Overlay District be exempted from this approval and the area be remanded to the Planning and Zoning Commission for clarification.*

AYES: Fish, Knoth, Roth, Welker, King, Bleile, Brick, Kinton, Harbaugh  
NAYS: None  
ABSTAIN: None  
ABSENT: None

Motion carried.

These Findings and Conclusions are effective as of the meeting on March 6, 2012.

**BY ORDER OF THE CITY PLANNING & ZONING COMMISSION**

---

Chad Knoth, Chair

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012

COUNCIL BILL NO. 20  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO ESTABLISHMENT OF A M-U-R-3-C ZONE DISTRICT; ELIMINATING THE M-O-1 OVERLAY ZONE DISTRICT, AND THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REZONE PORTIONS OF THE MEDICAL DISTRICT SUB-AREA 3.

WHEREAS, the Englewood Unified Development Code (UDC) was adopted in 2004, as the first comprehensive zoning code update since 1985; and

WHEREAS, the Englewood City Council made economic development a top Council goal; and

WHEREAS, the Medical Zone and Overlay District Amendments to the Unified Development Code (UDC) rezones property to establish more development-friendly regulations in the immediate vicinity of Swedish Medical Center and Craig Hospital to take advantage of development interest in the area; and

WHEREAS, the Englewood Planning and Zoning Commission conducted a Public Hearing and recommended approval of these amendments at its March 6, 2012 Meeting;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes, pursuant to Title 16, Chapter 1, Section 8, of the Englewood Municipal Code 2000, the rezoning of certain parcels as shown on the attached Exhibit A, and amending the Official Zone District Map to reflect those rezonings.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 1, Subsections A and B, of the Englewood Municipal Code 2000 to read as follows:

**16-3: ZONE DISTRICTS**

**16-3-1: General Provisions.**

A. *Establishment of Base Zoning Districts.* The following base zoning districts are hereby established:

<b>TABLE 16-3-1.1: BASE ZONING DISTRICTS</b>	
<b>Name</b>	<b>Description</b>
<b>Residential One Dwelling Unit Districts</b>	
<b>R-1-A</b>	<b>A large lot size, one dwelling unit residential district</b>
<b>R-1-B</b>	<b>A medium lot size, one dwelling unit residential district</b>
<b>R-1-C</b>	<b>A small lot size one dwelling unit residential zone district</b>
<b>Residential One and Multi-Dwelling Unit Districts</b>	
<b>R-2-A</b>	<b>A low-density one and multi-dwelling unit residential zone district</b>
<b>R-2-B</b>	<b>A medium-density one and multi-dwelling unit residential zone district</b>
<b>Mixed-Use Residential/Limited Office-Retail Districts</b>	
<b>MU-R-3-A</b>	<b>A low-density residential and limited office zone district</b>
<b>MU-R-3-B</b>	<b>A medium to high density residential and limited office zone district</b>
<b><u>MU-R-3-C</u></b>	<b><u>A high density residential and limited office zone district</u></b>
<b>Mixed-Use Medical Districts</b>	
<b>M-1</b>	<b>A mixed-use medical, office, and high density residential zone district</b>
<b>M-2</b>	<b>A mixed-use medical, office, high density residential and limited retail zone district</b>
<b>Mixed-Use Commercial Districts</b>	
<b>MU-B-1</b>	<b>A mixed-use central business zone district</b>
<b>MU-B-2</b>	<b>A general arterial business zone district</b>
<b>TSA</b>	<b>A mixed-use district intended for land uses adjacent to light rail transit stations</b>
<b>Industrial Districts</b>	
<b>I-1</b>	<b>A light industrial zone district</b>
<b>I-2</b>	<b>A general industrial zone district</b>
<b>Special Purpose Districts</b>	
<b>PUD</b>	<b>Planned Unit Development</b>

B. *Relationship of Base Districts to Overlay Districts.* Lands within the City may be classified into one of the base zoning districts, as described above, and may also be classified as an overlay district (See, for example, Chapter 16-4 EMC, "Flood Plain Overlay District.") An overlay district is a land use classification that lies over the base zoning allowing for additional uses and development standards different from the base zoning. Where the property is classified in an overlay district as well as a base zoning district, then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards governing a base district and those governing an overlay district, the standards governing the overlay district shall control.

<b>TABLE 16-3-1.2: OVERLAY DISTRICTS</b>	
<b>Name</b>	<b>Description</b>
<b>M-O-1</b>	A medical overlay district covering a portion of the MU R-3-B base residential zone district.
<b>M-O-2</b>	A medical overlay district covering a portion of the R-2-B base residential zone district.

C. *Compliance with District Standards.* No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with the zoning district regulations of this Chapter 16-3 EMC, the use regulations of Chapter 16-5 EMC, the development standards of Chapter 16-6 EMC, and all other applicable regulations of this Title.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 2 "District Characteristics" and Title 16, Chapter 3, Section 2, Subsection D, "Residential Districts" of the Englewood Municipal Code 2000 to read as follows:

**16-3-2: District Characteristics.**

One of the goals of the City is to encourage a variety of housing types to meet the needs of differing income levels and varying household structures. The regulations for these districts are designed to stabilize and protect the essential characteristics of the districts, to allow for certain conditional and limited uses that are controlled by specific limitations governing the impact of such uses, and to promote a compatible neighborhood environment.

**[EDITORS NOTE: 16-3-2(A)(B) and (C) remain unchanged.]**

D. Special Purpose Districts.

1. PUD: Planned Unit Development District. The PUD district is intended as an alternative to conventional land use regulations. The PUD district combines use, density, design, and Zoning Site Plan considerations into a single process, and substitutes procedural protections for many of the substantive requirements of this Title. Designation of a PUD district shall comply with the procedural requirements of Section 16-2-7 EMC.

2. ~~M-O-1: Medical Overlay District. This overlay district covers a portion of the MU R-3-B base residential zone district, that retains the base district permitted land uses and residential density requirements, but substitutes Medical Zone District lot dimension, parking, and landscaping requirements in support of medical district development.~~
  
32. M-O-2: Medical Overlay District. This overlay district covers a portion of the R-2-B base residential zone district and allows a property the option to develop under R-2-B regulations or under M-2 regulations when it is included as part of a larger adjacent M-2 zoned site with street frontage on Hampden Avenue. Retail use shall be prohibited in the M-O-2 overlay district.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 1, Subsection C, Table of Allowed Uses, of the Englewood Municipal Code 2000, to read as follows:

16-5-1: Table of Allowed Uses.

[EDITORS NOTE: 16-5-1(A) and (B) remain unchanged.]

C. Table of Allowed Uses.

TABLE 16-5-1.1: TABLE OF ALLOWED USES																	
P = PERMITTED USE C = CONDITIONAL USE A = ACCESSORY USE T = TEMPORARY USE L = LIMITED USE																	
C-A = ACCESSORY USE APPROVED CONDITIONALLY L-A = ACCESSORY USE APPROVED WITH LIMITED USE PROCEDURE																	
Use Category	Use Type	Residential									Non-Residential						Additional Regulations
		R 1 A	R 1 B	R 1 C	R 2 A	R 2 B	MUR 3 A	MUR 3 B	<u>MUR</u> 3 C	M 1	M 2 MO 2	M U B 1	M U B 2	T S A	I 1	I 2	
<b>RESIDENTIAL USES</b>																	
Group Living	Group living facility, large/special						C	C	<u>C</u>	C	C	P	P				16-5-2.A.1
	Group living facility, small	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P			16-5-2.A.1
	Small treatment center						C	C	<u>C</u>	C	C	P	P				16-5-2.A.1
Household Living	Live/work dwelling									P	P	P		P	L	L	16-5-2.A.2
	Manufactured home park														P		16-5-2.A.3
	Multi-unit dwelling				P	P	P	P	<u>P</u>	P	P	P	P	P			16-5-2.A.4 16-6-1.C.4
	One-unit dwelling	P	P	P	P	P	P	P	<u>P</u>	P	P						16-5-2.A.5 16-5-2.A.6
	One-unit dwelling on a small lot	P	P	P	P	P	P	P	<u>P</u>	P	P						16-5-2.A.6
	Boarding or				C	C	C	C	<u>C</u>	C	C						16-5-2.A.7

	rooming house																
<b>PUBLIC/INSTITUTIONAL USES</b>																	
Animal Shelter	Not-for-profit animal shelter															P	P
Emergency Temporary Shelter	Housing shelter, food shelter						C							C			
Government and City	All other buildings and facilities not specified under the Public/Institutional Uses category	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
Library	Public									P	P	P	P	P			
Museum/Cultural	All uses						P	P		P	P	P	P	P			
Park and Open Space	Athletic field	C	C	C	C	C	C	C	<u>C</u>						C	P	P
	Community garden	C	C	C	C	C	C	C	<u>C</u>	C	C				C		
	Park	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
Religious Assembly	Religious institutions and associated accessory uses	P	P	P	P	P	P	P	<u>P</u>	P	P	L	L	L	L	L	
School	Education institution	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	C			
Telecommunication Facility (See Chapter 16-7, "Telecommunications," for applicable use-related guidelines and standards)	Alternative tower structure	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P
	Antenna (microwave antenna, sectorized panel antenna, whip antenna)	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P

	Tower structure	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	C	C	P	P	
Transportation Facility	RTD maintenance facility														P	P		
	Transit center														P			
Utility Facility (not including Telecommunication Facility)	Major utility facility															P	P	16-5-2.B.1
	Minor utility facility (as a principal use of land)	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	C	C	C	C	
<b>COMMERCIAL USES</b>																		
Adult Use	All types as defined in Chapter 16-11													P		P		16-5-2.C.1
Agricultural Use	Greenhouse/nursery, raising of plants, flowers, or nursery stock															P	P	16-5-2.C.2
Animal Sales and Service	Animal shelter															P	P	
	Kennel/day care												L			P	P	
	Pet store (live animal sale)										P	P	P	P	P	P	P	
	Small animal veterinary hospital or clinic										L	L	P	C	P	P	P	

Assembly	Assembly hall or auditorium, hall rental for meetings or social occasions											P	P	P	C	P	P		
	Membership organization (excluding adult use)											P	P	P	C	P	P		
Dependent Care	Dependent care center (less than 24-hour care, any age)	C	C	C	C	C	P	P	<u>P</u>	P	P	P	P	P	C			16-5-2.C.7	
Entertainment/ Amusement: Indoor	Amusement establishment											C	C	C	C	C	C		
	Hookah Lounge											P	P	P		P	P		
	Physical fitness center/spa											P	P	P	P	P	P		
	Theater and performance /concert venue, not including adult entertainment													P	P	P	P	P	
Entertainment/ Amusement: Outdoor	General outdoor recreation													C		C	C		

Financial Institution	Check cashing facility											P		P		P	P		
	Financial institution, with drive-through service													L		P	P		
	Financial											P	P	P	P	P	P		

	institution, without drive-through service																	
Food and Beverage Service	Brewpub									P	P	P	P	P	P			
	Caterer									P		P		P	P			
	Microbrewery												P	P	P			
	Restaurant, bar, tavern with or without outdoor operations									P	P	P	P	P	P			
	Restaurant, with drive-through service												L		P	P		
	Take out and delivery only										P		P		P			
Medical/Scientific Service	Clinic							P	<u>P</u>	P	P	P	P	P	P	P		
	Hospital							P		P	P		P		P	P		
	Laboratory (dental, medical or optical)							P	P	<u>P</u>	P	P	P	P	P	P		

Medical Marijuana	Medical Marijuana Center										P	P	P		P	P	<u>16-5-2.C.13</u> <u>16-5-4.C.1.f</u>
	Medical Marijuana Optional Premises Cultivation Operation										A	A	A		P	P	<u>16-5-2.C.13</u> <u>16-5-4.C.1.f</u>
	Medical Marijuana Infused Products Manufacturer										A	A	A		P	P	<u>16-5-2.C.13</u> <u>16-5-4.C.1.f</u>

Office	Office, type 1 (general)								P	<u>P</u>	P	P	P	P	P	P	P			
	Office, type 2 (limited)						P	P	<u>P</u>	P	P	P	P	P	P	P	P	16-5-2.C.8		
Retail Sales and Service (Personal Service)	Crematorium																C			
	Dry cleaner, drop-off site only										P	P	P	P	P	P				
	Instructional service										P		P	P	P	P				
	Massage therapy									<u>P</u>	P	P	P	P	P	P				
	Mortuary											P		P						
	Personal care											P	P	P	P	P	P			
	Service: photography studio and photo lab, upholstery, printer, locksmith, tailor											P	P	P	P	P	P			
	Tattoo and body-piercing establishment																P	P		
Retail Sales and Service (Repair and Rental)	Equipment rental													L		P	P			
	Repair shop (not including auto)											P	P	P	P	P	P			
Retail Sales and Service (Sales)	Antique store											P	P	P	P	P	P			
	Art gallery											P	P	P	P	P	P			
	Auction house													P		P	P			

	Buy-back, second-hand, thrift, consignment stores, Large										P			P			P	P		
	Buy-back, second-hand, thrift, consignment stores, Small										P	P		P			P	P		
	Convenience store										P			P	P		P	P		
	Grocery/specialty food store										P	P		P	P		P	P		
	Internet sales location										P			P			P	P		
	Liquor store										P	P		P	P		P	P		
	Pawnbroker																P	P		16-5-2.C.10
	Retail sales, general merchandise										P	P		P	P/C		P	P		For TSA, P if ≤20,000 sq. ft., C if > 20,000 sq. ft. of gross le floor area
School	Trade or business school										P	P		P	C		P	P		16-5-2.C.12
Studio	Radio/television broadcasting studio, recording/film studio										P			P			P	P		
Vehicle and Equipment	Automobile pawnbroker													P			P	P		16-5-2.C.10

	Automotive sales, rental												L		P	P	16-5-2.C.3
	Automotive service and repair, including body or fender work														P	P	16-5-2.C.4
	Automotive service and repair, not including body or fender work												L		P	P	16-5-2.C.4
	Automotive service station (gasoline facility)												L		P	P	16-5-2.C.5
	Car wash, auto detailing												L		L	L	16-5-2.C.6; 16-5-2.C.4
	Commercial storage of operable vehicles														P	P	16-5-2.C.3
	Fuel dispensing												L		P	P	
	Parking facility, structure (operable vehicles), principal use						C	C		C	C	L	L	C	P	P	16-5-2.C.3 16-5-2.C.14
	Parking area, surface (operable vehicles), principal use						C	C		C	C	L	L	C	P	P	16-5-2.C.9 16-5-2.C.3
	Recreational vehicles and boats, sales or rental												L		P	P	
Visitor	Bed and									P	P			P			

Accommodation	breakfast																	
	Hotel									P	P			P	P	P		
	Hotel, Extended Stay									P	P					P		
Wholesale	Sales and distribution														P	P		
<b>MANUFACTURING/INDUSTRIAL USES</b>																		
Industrial Service	Industrial service, light														C	P	P	16-5-2.D.3 (TSA only)
	Industrial service, heavy																P	
Manufacturing, Including Processing, Fabrication, or Assembly	Manufacturing , light														C	P	P	16-5-2.D.4 (TSA only)
	Manufacturing , heavy																P	

Warehouse/Stora ge	Fuel storage (principal use)																L		
	Mini-storage facility															P	P		
	Moving and storage															P	P		
	Outdoor storage																P	P	16-6-7.K3c(5)
	Storage yard for vehicles, equipment, material, and/or supplies																P	P	16-5-2.D.6
	Warehousing and/or storage																P	P	
Waste/Salvage	Automobile wrecking/																C	P	16-5-2.D.1

	salvage yard																		
	Commercial incinerator																C		
	Hazardous waste handling															C	C	16-5-2.D.2	
	Recycling operation, all processing occurs within enclosed structure															P	P	16-5-2.D.5	
	Recycling operation, some or all processing occurs outside an enclosed structure															C	C	16-5-2.D.5	
	Sanitary service																	C	
	Waste transfer station (not including hazardous waste)															C	C		

**ACCESSORY USES – See Section 16-5-4 for additional regulations**

Home Care Accessory Uses (Accessory to Principal One-Unit Dwelling Uses Only)	Adult dependent care	C-A	A	A	A	A	A	A	<u>A</u>	A	A							
	Family child care home	C-A	A	A	A	A	A	A	<u>A</u>	A	A							
	Infant/toddler home	C-A	A	A	A	A	A	A	<u>A</u>	A	A							
	Large child care home		L- A	L- A	L- A	L- A												
Other Accessory Uses	Caretaker's quarter									A	A	A	A		A	A		
	Dormitory												A		A	A		
	Home occupation		A	A	A	A	A	A	<u>A</u>	A	A			A				16-5-4.C.1
	Minor utility facility (as	L-A	L- A	L- A	L- A	L- A	L-A	L- A	<u>L-A</u>	L-A	L- A	L-A	L- A	L- A	L- A	L- A	L- A	16-5-2.B.1

	accessory use of land)																	
	Parking area (surface)					A	A	A	<u>A</u>	A	A	A	A	A	A	A	A	16-5-4.C.2
	Parking garage									A	A			A				
	Satellite dish antenna	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	A	A	A	A	16-5-4.C.3
	Service units or facility							A	<u>A</u>	A	A			A			16-5-4.C.4	
	Swimming pool	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	A	A	A	A	16-5-4.C.5
	Wholesale sales and distribution									A	A	A	A				16-5-4.C6	

**TEMPORARY USES – See Section 16-5-5 for additional regulations**

	Car wash	T	T	T	T	T	T	T	<u>T</u>	T	T	T	T	T	T	T	T	T	
	Expansion or replacement of existing facilities	T	T	T	T	T	T	T	<u>T</u>	T	T	T	T		T	T		T	T
	Farmers market										T	T	T	T	T	T			
	Food Vendor Carts									T	T	T	T	T	T	T			
	Mobile storage (with or without building permit)	T	T	T	T	T	T	T	<u>T</u>	T	T	T	T	T	T	T		T	T
	Real estate sales or leasing office (also model homes)	T	T	T	T	T	T	T	<u>T</u>	T	T	T	T	T	T	T		T	T
	Outdoor Sales (e.g., tent sales, parking lot sales, seasonal sales, windshield repair, sales											T	T	T	T	T	T		

	from retail vendor carts, etc.)																	
	Special event (e.g., carnival, bazaar, fair)	T	T	T	T	T	T	<u>T</u>	T	T	T	T	T	T	T		T	T
	Tents, canopies	T	T	T	T	T	T	<u>T</u>	T	T	T	T	T	T	T		T	T
<b>USES NOT MENTIONED</b>		See 16-5-1.B for procedures and criteria for approving unlisted uses, including unlisted accessory and temporary uses.																

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

**16-5-2: Use-Specific Standards.**

**[EDITORS NOTE: 16-5-2(A) and (B) remain unchanged.]**

C. *Commercial Uses.*

**[EDITORS NOTE: 16-5-2(C)(1) and (C)(7) remain unchanged.]**

8. Office.

a. *Office. Type 2 (Limited).*

- (1) In the MU-R-3-A, ~~and MU-R-3-B,~~ and MU-R-3-C districts, this includes administrative and professional offices where the following activities are prohibited:
  - (a) Sale of goods or merchandise;
  - (b) On-site storage of materials or equipment, except incidental to office operation;
  - (c) On-site storage of materials, equipment, or vehicles;
  - (d) On-site parking of business vehicles during non-business hours; and
  - (e) On-site dispatch of personnel or equipment.

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, of the Englewood Municipal Code 2000, to read as follows:

**16-6-1: Dimensional Requirements.**

**[EDITORS NOTE: 16-6-1(A) remain unchanged.]**

- B. *Summary Table of Dimensional Requirements for Principal Uses and Structures.* All principal structures and uses shall be subject to the intensity and dimensional standards set forth in the following Table 16-6-1.1. These standards may be further limited by other applicable sections of this Title. Additional regulations for the residential districts, and special dimensional regulations related to lot area, setbacks, height, and floor area are set forth in the subsections immediately following the table. Rules of measurement are set forth in subsection 16-6-1.A EMC. Dimensional requirements for accessory structures are set forth in subsection 16-6-1.I EMC.

**TABLE 6-1.1. SUMMARY OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL STRUCTURES**

	Min Lot Area (sq. ft)	Max FAR	Max Lot Coverage (%)	Min Lot Width (ft)	Max Height (ft)	Minimum Setbacks (ft)		
						Front	Each Side [1] & [2]	Rear
<b>R-1-A District</b>								
One-Unit Dwelling	9,000	None	35	75	32	25	7	20
One-Unit Dwelling on a Small Lot [5]	6,000 [4]	None	40	50	32	25	5	20
All Other Allowed Uses	24,000	None	35	200	32	25	25	25
<b>R-1-B District</b>								
One-Unit Dwelling	7,200	None	40	60	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	6,000 [4]	None	40	50	32	25	5	20
All Other Allowed Uses	24,000	None	40	200	32	25	25	25
<b>R-1-C District</b>								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,500 [4]	None	35	37	32	25	3	20
All Other Allowed Uses	24,000	None	40	200	32	25	25	25
<b>R-2-A District</b>								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling (Maximum 2 units)	3,000 per unit	None	40	25 per unit [4]	32	25	5	20
All Other Allowed Uses	24,000	None	60	200	32	25	25	25
<b>R-2-B District</b>								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling (Maximum Units Based on Lot Area & Lot Width)	3,000 per unit	None	60	25 per unit [4]	32	25	5	20
All Other Allowed Uses	24,000	None	60	200	32	25	25	25

**TABLE 16-6-1.1: SUMMARY OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL STRUCTURES**

	Min Lot Area (sq ft)	Max FAR	Max Lot Coverage (%)	Min Lot Width (ft)	Max Height (ft)	Minimum Setbacks (ft)		
						Front	Each Side [1] & [2]	Rear
<b>MU-R-3-A District</b>								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling (Maximum Units Based on Lot Area & Lot Width)	3,000 per unit	None	60	25 per unit [4]	32	25	5	25
Private Off-Street Parking Lots	12,000	None	70	None	n/a	25	15	15
Office, Limited	15,000	1.5 (Excluding the gross floor area of parking structures)	50	None	32	25	15	25
All Other Allowed Uses	24,000	None	60	200	32	25	25	25
<b>MU-R-3-B District (See Additional Regulations Following the Table)</b>								
One-Unit Dwelling	6,000	None	40	50	32	15	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling (Maximum Units Based on Lot Area & Lot Width)	2-4 units: 3,000 per unit; Each additional unit over 4 units: 1,000 per unit [4]	None	75	None	2-4 units: 32 More than 4 units: 60	15	2-4 units: 5 More than 4 units: 15	25
Office, Limited	24,000	1.5 (Excluding the gross floor area of parking structures)	75	None	60	15	15 [3]	25
All Other Allowed Uses	24,000 [4]	None	75	None	60	15	15	25
<b>MU-R-3-C District (See Additional Regulations Following the Table)</b>								
<u>One-Unit Dwelling</u>	<u>6,000</u>	<u>None</u>	<u>40</u>	<u>50</u>	<u>32</u>	<u>15</u>	<u>5</u>	<u>20</u>
<u>One-Unit Dwelling on a Small Lot [5]</u>	<u>4,000</u>	<u>None</u>	<u>35</u>	<u>40</u>	<u>32</u>	<u>15</u>	<u>3</u>	<u>20</u>

**TABLE 16-6-1.1: SUMMARY OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL STRUCTURES**

	Min Lot Area (sq.ft)	Max FAR	Max Lot Coverage (%)	Min Lot Width (ft)	Max Height (ft)	Minimum Setbacks (ft)		
						Front	Each Side [1] & [2]	Rear
<u>Multi-Unit Dwelling</u>	<u>6,000</u>	<u>None</u>	<u>75</u>	<u>None</u>	<u>40</u>	<u>15</u>	<u>5</u>	<u>20</u>
<u>Office, Limited</u>	<u>6,000</u>	<u>None</u>	<u>75</u>	<u>None</u>	<u>40</u>	<u>15</u>	<u>5</u>	<u>20</u>
<u>All Other Allowed Uses</u>	<u>24,000</u> [4]	<u>None</u>	<u>75</u>	<u>None</u>	<u>40</u>	<u>15</u>	<u>5</u>	<u>20</u>
<b>MU-B-1 District (See Additional Regulations Following the Table)</b>								
Live/Work Dwelling	None	None	None	None	100	0 and no more than 5 feet	0	5
Multi-Unit Dwelling [4]	None	None	None	None	100	0 and no more than 5 feet	0	5
All Other Allowed Uses	None	None	None	None	100	0 and no more than 5 feet	0	5
<b>MU-B-2 District (See Additional Regulations Following the Table)</b>								
Multi-Unit Dwelling [4]	None	None	None	None	60	0 and no more than 5 feet	0	5
All Other Allowed Uses	None	None	None	None	60	0 and no more than 5 feet	0	5
<b>TSA District</b>								
<i>Please refer to Section 16-6-14 EMC, of this Chapter and the applicable Station Area Design Standards and Guidelines for intensity and dimensional standards.</i>								
<b>I-1 AND I-2</b>								
All Allowed Uses Except Manufactured Home Parks	None	2:1	None	None	None	Where a building abuts upon, adjoins, or is adjacent to a residential zone district, minimum setbacks of 10 ft on all sides are required, except as required in Section 16-6-7.K, "Screening Requirements."		
Manufactured Home Parks	See Section 16-5-2.A.3, above.							

**TABLE 16-6-1.1: SUMMARY OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL STRUCTURES**

	Min Lot Area (sq ft)	Max FAR	Max Lot Coverage (%)	Min Lot Width (ft)	Max Height (ft)	Minimum Setbacks (ft)		
						Front	Each Side [1] & [2]	Rear

**Notes to Table:**

- [1] The minimum side setback stated in this table for one-unit attached and multi-unit dwellings shall apply to the entire dwelling structure, and not to each individual dwelling unit located in the structure.
- [2] The minimum side setback standard for principal residential dwellings in the residential (R) zone districts, as stated in this Table, shall apply to such dwellings that existed on the Effective Date of this Title. However, principal residential dwellings existing on the Effective Date of this Title, and which as of that date are not in compliance with the minimum side setback standards established in this Table, shall not be considered nonconforming structures due solely to the dwelling's noncompliance with the minimum side setback. Such dwellings are "grandfathered," and shall be considered legal, conforming structures for the purposes of sale and development under this Title and other City building and safety regulations. See Section 16-9-3 (Nonconforming Structures), below.
- [3] The minimum separation between principal buildings located on the same or adjoining lots, whether or not the lots are under the same ownership, shall be fifteen feet (15').
- [4] See Section 16-6-1.C for additional dimensional standards appropriate to the zone district.
- [5] Small lot of record on or before February 23, 2004.

**TABLE 16-6-1.1a: SUMMARY OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL STRUCTURES LOCATED WITHIN MEDICAL ZONE DISTRICTS AND OVERLAYS**

	Min Lot Area (sq ft)	Max Lot Coverage (%)	Min Lot Width (ft)	Max Height (ft)	Max Retail Gross Floor Area (sq ft)	Minimum Setbacks (ft)						
						Front	Front: Upper Story Setback Above 60 Feet	Side: Adjacent Street [1] & [2]	Side: Adjacent Alley [1] & [2]	Side: Adjacent Side [1] & [2] (Lots fronting Hampden, Jefferson, or the 3500 blocks of Logan and Clarkson)	Side: Adjacent Side [1] & [2] (Lots fronting all other streets)	Rear
M-1 and M-2 Districts, M-O-1 and M-O-2 Overlay (See Additional Regulations Following the Table)												
Live/Work Dwelling	6,000 [4]	None	None	32	10,000 [4]	0 and no more than 10	NA	0 and no more than 10	5	0	5	5 [4]
One-Unit Dwelling	6,000	40	50	32	NA	15	NA	5	5	5	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	35	40	32	NA	15	NA	3	3	3	3	20
All Other Allowed Uses	6,000 [4]	None	None	Height Zone 1: 145 Height Zone 2: 60 Height Zone 3: 32 [4]	10,000 [4]	0 and no more than 10	20 [4]	0 and no more than 10	5	0	5	5 [4]

**Notes to Table:**

- [1] The minimum side setback stated in this table for one-unit attached and multi-unit dwellings shall apply to the entire dwelling structure, and not to each individual dwelling unit located in the structure.
- [2] The minimum side setback standard for principal residential dwellings in the residential (R) zone districts, as stated in this Table, shall apply to such dwellings that existed on the Effective Date of this Title. However, principal residential dwellings existing on the Effective Date of this Title, and which as of that date are not in compliance with the minimum side setback standards established in this Table, shall not be considered nonconforming structures due solely to the dwelling's noncompliance with the minimum side setback. Such dwellings are "grandfathered," and shall be considered legal, conforming structures for the purposes of sale and development under this Title and other City building and safety regulations. See Section 16-9-3 (Nonconforming Structures), below.
- [3] The minimum separation between principal buildings located on the same or adjoining lots, whether or not the lots are under the same ownership, shall be fifteen feet (15').
- [4] See Section 16-6-1.C for additional dimensional standards appropriate to the zone district.
- [5] Small lot of record on or before February 23, 2004.

C. *Additional Dimensional and Development Standards*

1. Multi-Unit Development Standards in R-2-A, R-2-B, MU-R-3-A, ~~and MU-R-3-B~~ and MU-R-C Districts.
  - a. *Applicability.* The following standards apply to all multi-unit dwellings constructed or converted after the effective date of this Section.
  - b. Multi-unit dwellings existing on the effective Date of this Section and which as of that date are not in compliance with standards established by this Section, shall not be considered nonconforming due solely to the dwelling's noncompliance with the standards of this Section. Such dwellings are "grandfathered," and shall be considered legal, conforming structures for the purposes of sale and development under this Title.
  - c. *Property having rear alley access.*
    - (1) Minimum lot width shall be 25 feet per unit.
    - (2) Driveway access from the public street shall be prohibited, except for:
      - (a) Corner lots where garage, carport or parking pad may be accessed from the side street.
      - (b) Dwellings with four (4) or more units may have one driveway accessing the street.
    - (3) Parking pads within the front yard or front setback shall be prohibited.
  - d. *Property without rear alley access.*
    - (1) Minimum lot width shall be 30 feet per unit.
    - (2) Garages, carports and parking pads shall be off-set behind the front building line of each unit by a minimum of 5 feet.
    - (3) Minimum separation between driveways or parking pads of attached units shall be 20 feet.
    - (4) Maximum driveway and/or parking pad width within front yard or front setback shall be 10 feet per unit.
    - (5) The maximum garage door width on the front facade of the structure shall be 9 feet per unit.
    - (6) A parking pad may be located in the front yard or front setback only when a garage or carport is not provided.
    - (7) An opaque fence or wall shall be provided between driveways or parking pads on adjacent properties.
    - (8) Units that provide attached garages behind the rear building line of the principal structure may reduce the principal structure's rear setback to 10 feet.
    - (9) It is recognized that because of the wide variety of multi-unit development options, the City Manager or designee may on a case-by-case basis consider minor deviations to d (2)

through (7) above, whenever such deviations are more likely to satisfy the intent of this subsection.

2. *MU-R-3-B District.*

- a. The minimum lot area standards set forth in Table 16-6-1.1 apply to parcels of land containing less than forty-three thousand five hundred sixty (43,560) square feet (1 acre). Parcels of land containing forty-three thousand five hundred sixty (43,560) square feet (1 acre) or more may be developed at a density of one (1) unit per one thousand eighty-nine (1,089) square feet.
- b. The minimum lot area standards set forth in Table 16-6-1.1 for "office limited" and "all other allowed uses" shall not apply to an existing structure converted to accommodate an allowed nonresidential principal use on a lot having less than twenty-four thousand (24,000) square feet, provided the allowed conversion complies with district residential design standards and required off-street parking and landscaping requirements.

3. *MU-R-3-C District.*

- a. The maximum office building gross floor area is limited to no more than 30,000 square feet.

34. *Residential Use in MU-B-1 and MU-B-2 Districts.*

- a. Dwelling units may be incorporated into the same building as the commercial use (not as a stand-alone use)
- b. The commercial use occupies the majority of the ground floor of the building, and is directly accessible from an adjacent public street or sidewalk.

45. *MU-B-2 District.*

- a. Relief from front setback requirements set forth in Table 16-6-1.1 may be provided in the situations listed below conditioned on the establishment of a strong development edge along the front property line.
  - (1) Addition to an existing building.
  - (2) Commercial lots with more than two hundred fifty (250) feet of commercial zoning and lot depth.
  - (3) Drive-thru uses.
  - (4) Outside dining.

56. *M-1, M-2, ~~M-O-1~~ and M-O-2 Districts.*

- a. *Minimum Lot Size Exemption:*

Lots less than 6,000 square feet in size in existence on the effective date of this title are exempt from the minimum lot size requirements.

- b. *Height Zones.*

Height Zone boundaries are depicted in Figure 16-6 (2a).

Figure 16-6(2a): Medical Zone and Medical Overlay District Height Zone Boundaries

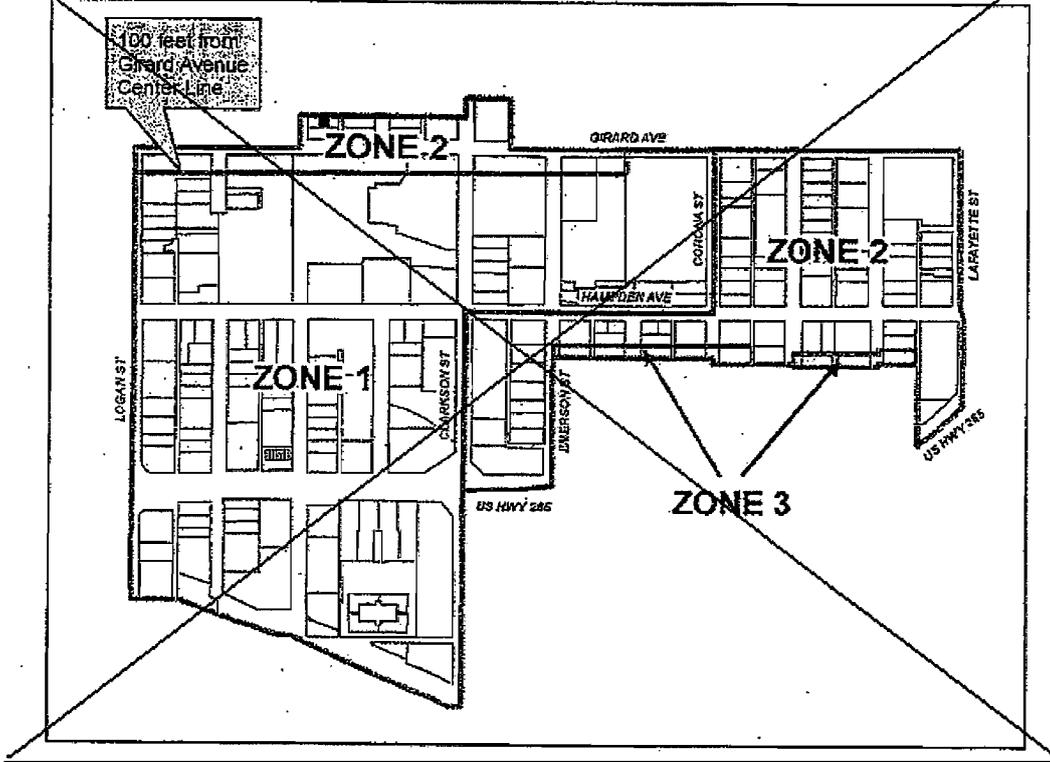
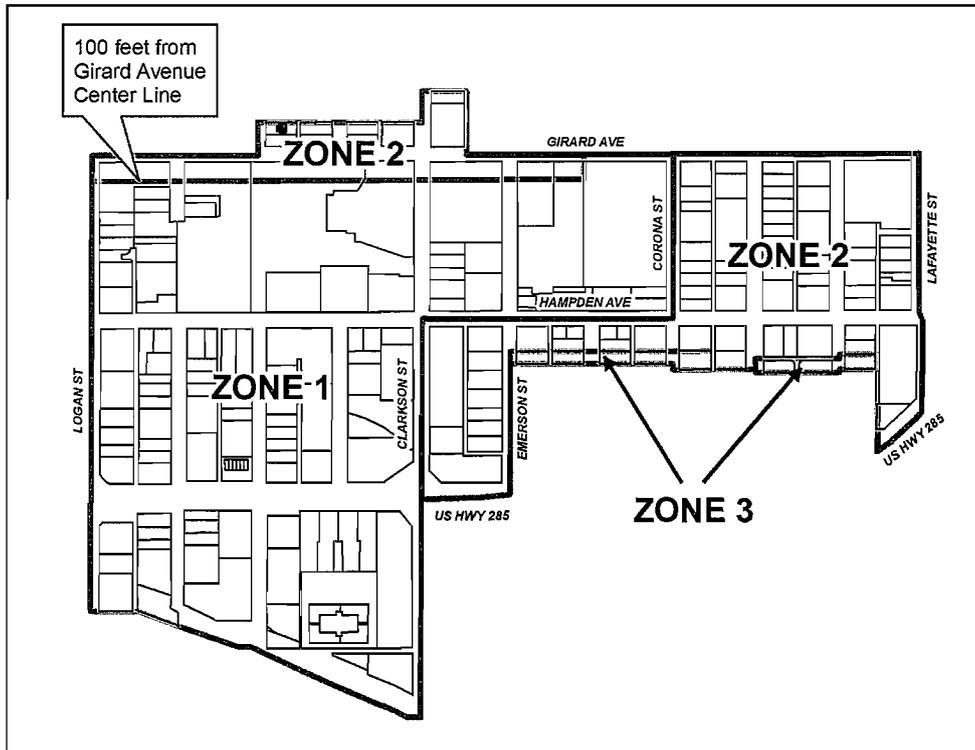


Figure 16-6(2a): Medical Zone and Medical Overlay District Height Zone Boundaries



c. *Maximum Retail Gross Floor Area Exemption:*

Properties directly adjacent on two sides to an arterial street and a collector street as classified by the Department of Public Works are exempt from the maximum retail gross floor area restriction.

Figure 16-6(2b): Properties Exempt from the Max. Retail Gross Floor Area Requirement (Gray)

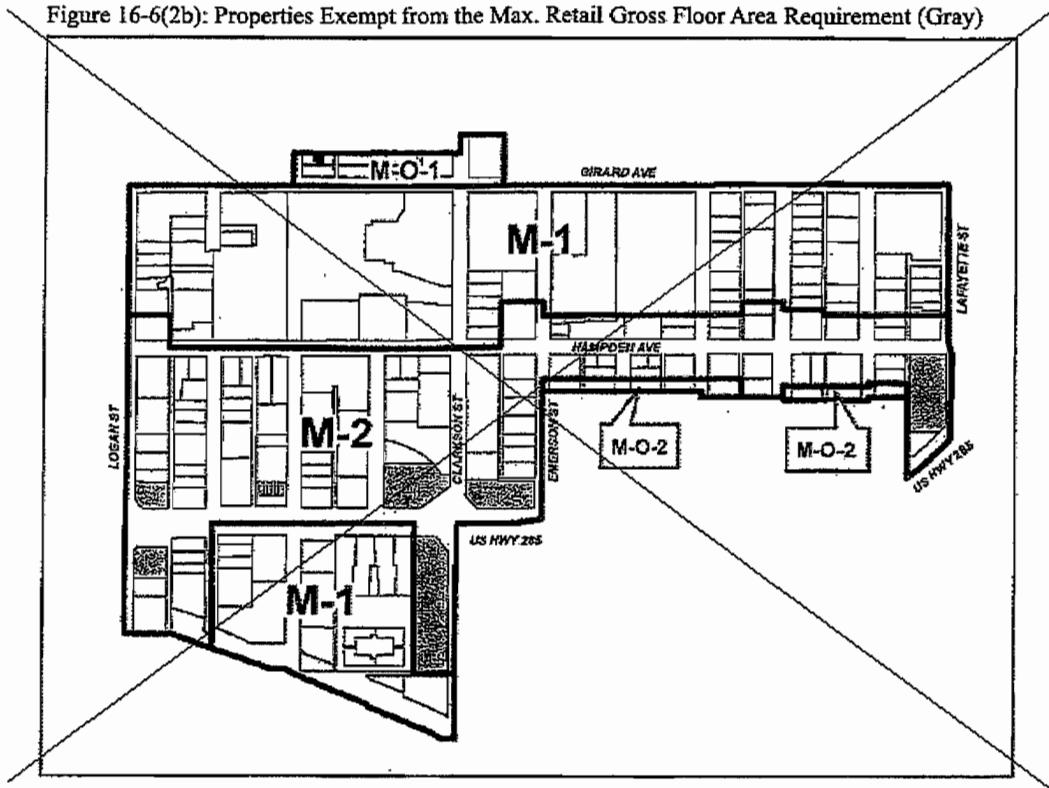
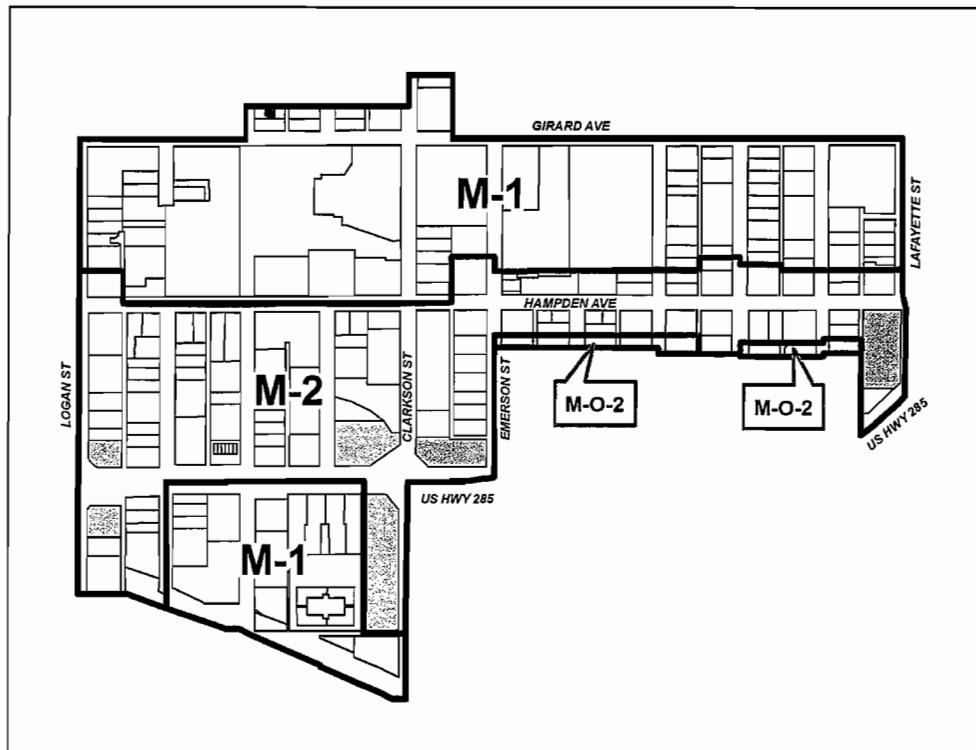


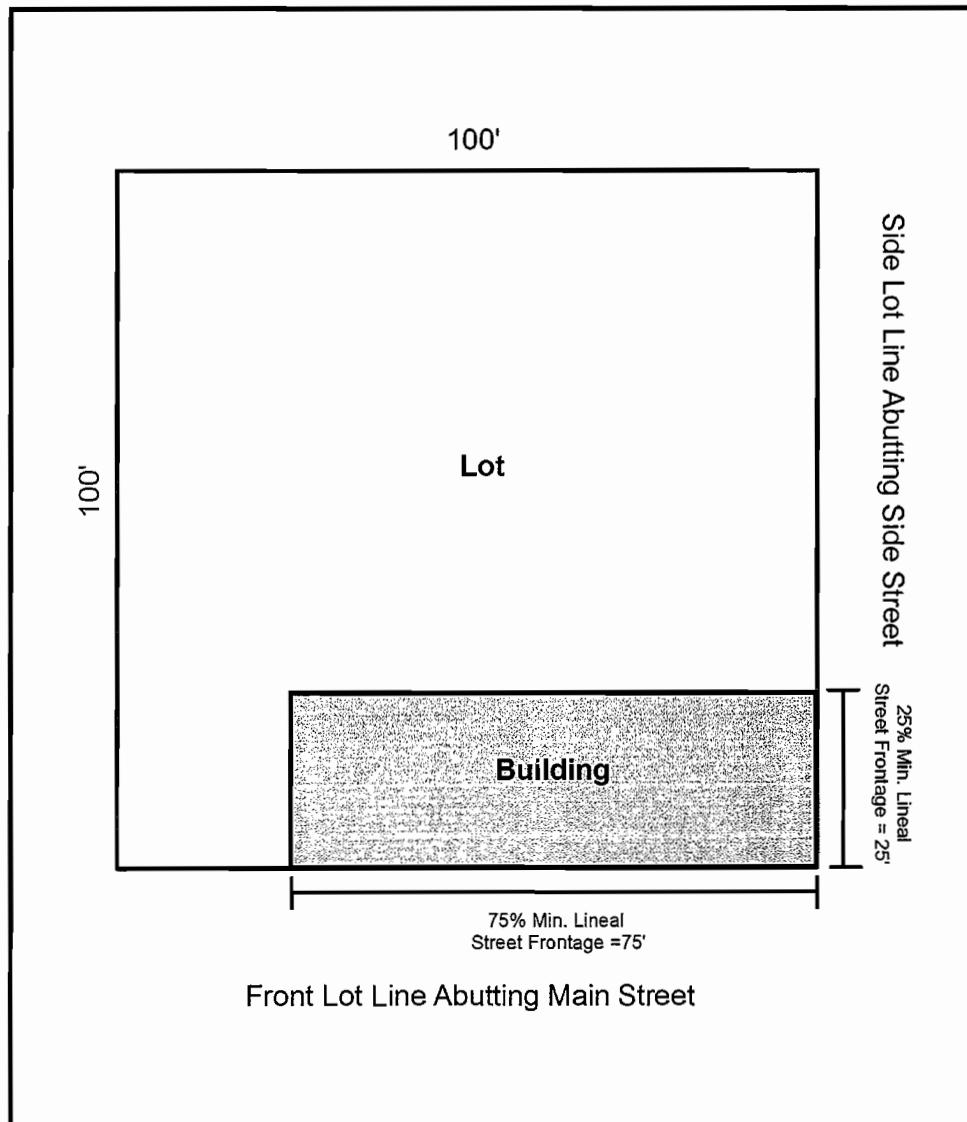
Figure 16-6(2b): Properties Exempt from the Max. Retail Gross Floor Area Requirement (Gray)



d. *Minimum Linear Street Frontage:*

1. Building frontages are required to cover a minimum distance of 75% of the length of the front lot line, measured adjacent to and parallel with the front lot line.
2. Building frontages are required to cover a minimum distance of 25% of the length of the side lot line abutting a street, measured adjacent to and parallel with the side lot line.

Figure 16-6(2c): Minimum Lineal Street Frontage Example: 100x100' Lot

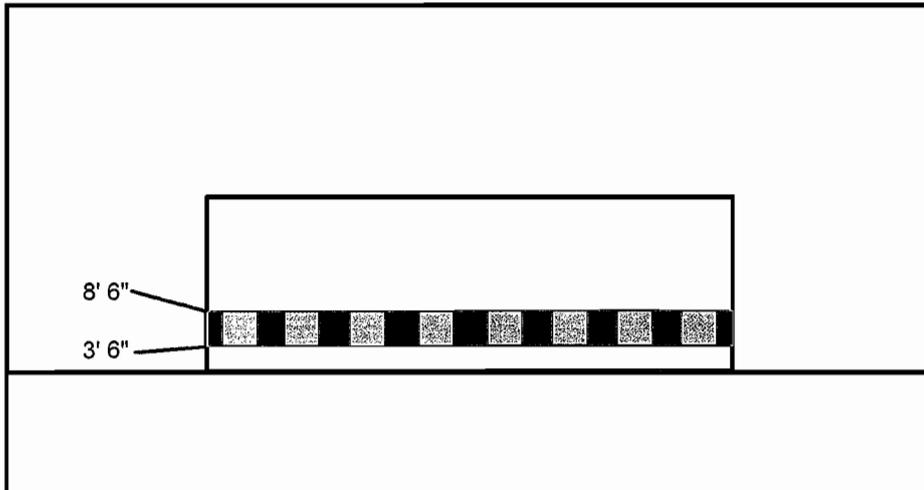


e. Zone of Transparency:

New construction and additions of ground floor retail space fronting on a public street, shall incorporate transparent glass for a percentage of the lineal street frontage of the first floor. These windows shall be a minimum of five feet (5') high and mounted not more than three feet six inches (3'6") high above the interior floor level for a total height of eight feet six inches (8'6").

1. A 60% minimum building lineal zone of transparency measured adjacent to and parallel with the front lot line is required.
2. A 25% minimum building lineal zone of transparency measured adjacent to and parallel with the side lot line fronting a public street is required.

**Figure 16-6(2d): Zone of Transparency**



f. Required Building Entrances:

All buildings shall have a primary ground floor entrance fronting a public street.

g. Setback Requirements:

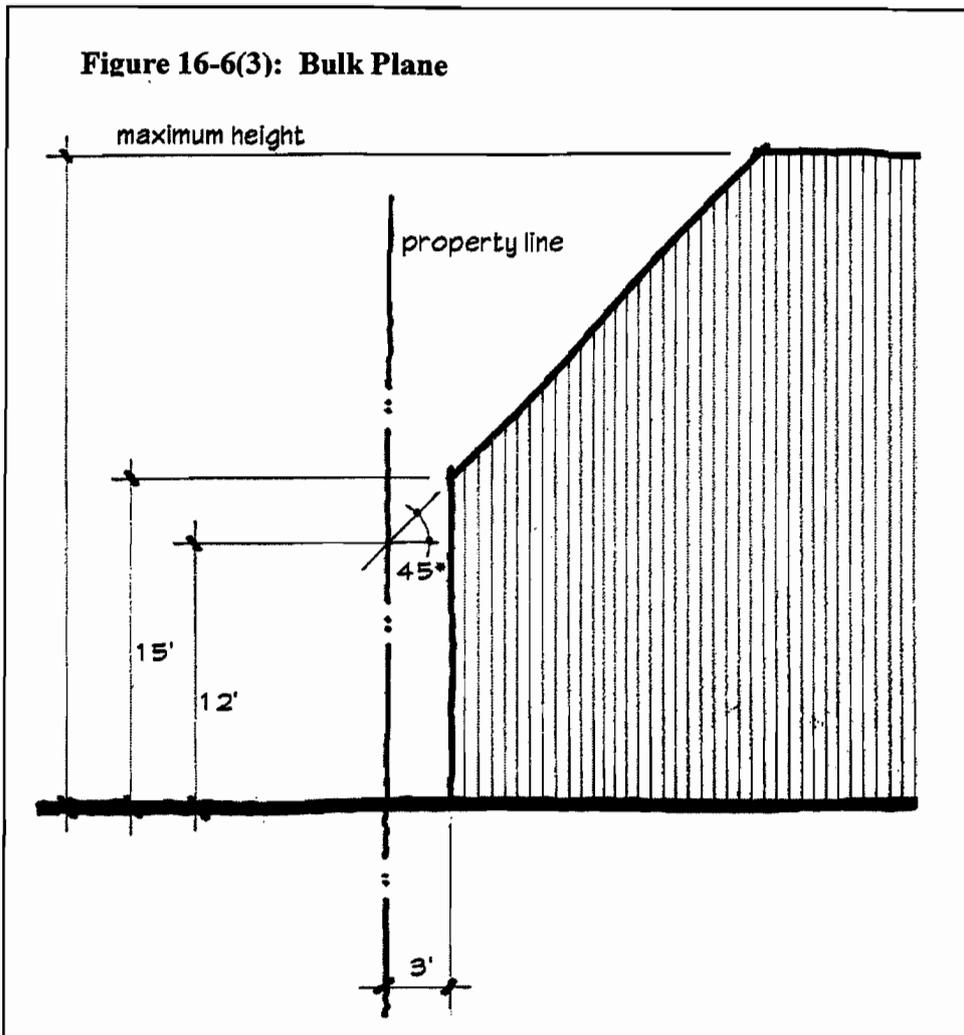
1. Minimum side setback may be reduced to 0 feet to conform with an adjacent structure's 0 foot rear or side setback.
2. Minimum rear setback may be reduced to 0 feet for lots less than 100 feet deep.
3. Open air balconies may extend 10 feet into the upper story front setback.
4. Relief from front setback requirements set forth in table 16-6-1.1 may be provided for outside dining areas on the establishment of a strong development edge along the front property line.

**[EDITORS NOTE: 16-6-1(D) through (F) remain unchanged.]**

G. *Bulk Plane Requirements.*

1. Intent. The bulk plane requirements in this subsection are intended to ensure that new residential development, including additions and expansions of existing dwellings, provides adequate light and privacy to neighboring properties. In addition, the bulk plane requirements are intended to assure greater design compatibility in terms of building mass and scale within Englewood neighborhoods.
2. Applicability and Exceptions.
  - a. *Applicability.* Except as exempt by this subsection, the bulk plane requirements in this subsection shall apply to:
    - (1) All new residential development subject to the Residential Design Standards and Guidelines in Section 16-6-10.B. EMC;

- (2) All new residential development on legal, nonconforming lots that have lot widths less than the minimum required by the applicable zone district; and
  - (3) All new residential development on small lots.
- b. *Exceptions.*
- (1) The bulk plane requirements in this subsection shall not apply to new residential development in the MU-B-1, MU-B-2, M-1, M-2, ~~M-O-1~~, M-O-2, or TSA districts. The bulk plane requirements in this subsection shall not apply to structures or portions of structures exempt from the maximum height limits, as specified in subsection 16-6-1.E.1 EMC.
  - (2) Dormers with window(s) may partially protrude through the bulk plane defined below for a maximum cumulative length of fifteen (15) linear feet, measured horizontally at the point of intersection with the bulk plane, and provided the vertical height of a dormer window does not extend above the height of the ridgeline of the roof surface from which the dormer protrudes.
  - (3) Eaves may extend up to twenty-four inches (24") into the bulk plane, provided it does not project further into a side setback than the maximum projection allowed by 16-6-1:F5(b)(1). The extension shall be measured horizontally from the building wall to the furthest extent of the eave.
  - (4) Gutters may extend into the bulk plane, regardless of whether the eave projects into the bulk plane.
3. Bulk Plane Requirements. Except as specifically excepted in subsection G.2, above, no part of any structure subject to these bulk plane requirements (including air conditioner, elevator penthouses, and other mechanical equipment) shall project through the following defined bulk planes, which define a building envelope for the subject lot:
- a. A horizontal line that is located directly above the side lot line and which passes through a point twelve feet (12') above the midpoint of such side lot line; and
  - b. The intersecting lines that extend over the lot at a pitch of 12:12 (45-degree angle) from the horizontal lines defined in paragraph (a) above.



*Commentary to Figure 16-6(3) [above]: The shaded portion of the illustration above depicts the defined bulk plane, which must contain the entire dwelling structure (with limited exceptions for projecting dormers and chimneys). The bulk plane is measured at a forty-five degree ( $45^{\circ}$ ) angle from a horizontal line located directly above each side lot line and which passes through a point twelve feet (12') above the midpoint of such side lot line. The fifteen feet (15') vertical height shown in the illustration indicates the point where the bulk plane in this example inclines toward the center of the lot, accounting for a three foot (3') side setback required in several of the residential zone districts.*

**[EDITORS NOTE: 16-6-6(H) and (I) contain no changes and are therefore not included here]**

Section 7. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 3, Subsection F– “Vehicle Access and Circulation” of the Englewood Municipal Code 2000 to read as follows:

**16-6-3: Streets and Vehicle Access and Circulation.**

**[EDITORS NOTE: 16-6-3(A) through (E) remain unchanged.]**

F. *Vehicle Access and Circulation.*

1. Access to Public Roads. All new lots shall have direct or indirect access to a dedicated public street, through one (1) or more access points approved by the City. In addition to direct access to a dedicated public street, access may be provided through private streets or through alleys.
  - a. No back-out driveways from any type of use shall be permitted onto an arterial street.
  - b. No back-out driveways or back-out parking spaces from multi-unit residential on sites with alley access, commercial, or industrial uses shall be permitted onto a public street. This requirement shall not prohibit back-out driveways or parking spaces onto an alley.
2. Traffic Impact Analysis. A traffic impact analysis (TIA) shall be required with applications for development review and approval when trip generation during any peak hour is expected to exceed one hundred (100) vehicles, based on traffic generation estimates when trip generation during any peak hour is expected to exceed one hundred (100) vehicles, based on traffic generation estimates of the Institute of Transportation Engineers' Generation Manual (or any successor publication). The City may also require a TIA for:
  - a. Any project that proposes access to a street with level of service (LOS) "D" or below;
  - b. Any application for a rezoning;
  - c. Any case where the previous TIA for the property is more than two (2) years old;
  - d. Any case where increased land use intensity will result in a fifteen percent (15%) or greater increase in traffic generation; and
  - e. Any case in which the traffic engineer determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.
  - f. When access points are not defined or a Zoning Site Plan is not available at the time the TIA is prepared, additional studies may be required when a Zoning Site Plan becomes available or the access points are defined.
3. New Intersections and Curb-Cuts.
  - a. *General Rules.* The number of intersections and curb-cuts on streets and highways shall be minimized consistent with the basic needs of ingress and egress. Intersections and curb-cuts shall be designed to provide the greatest safety for both pedestrians and motorists.
  - b. *Driveways, Residential.*
    - (1) One-Unit and Multi-Unit Dwellings Containing Up to Three (3) Units.
      - (a) The width of any driveway leading from the public street to a one-unit dwelling, or multi-unit dwelling containing up to three (3) units shall not exceed twenty feet (20') at its intersection with the street.
      - (b) See also Section 16-6-1C.4 EMC, "Multi-Unit Development Standards in R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B, and MU-R-3-C Districts," for additional driveway standards that apply to multi-unit dwellings on properties with or without alley access.

- (c) See also Section 16-6-10.B. EMC, "Residential Design Standards and Guidelines," for additional driveway standards that apply to new residential development, including substantial expansions or alterations of existing dwellings, in the R-1, R-2, and R-3 zone districts.
- (2) Multi-Unit Dwellings Containing Four (4) or More Units.
- (a) The width of any entrance driveway to a multi-unit dwelling containing four (4) or more units shall not exceed twenty-five feet (25') at its intersection with the street, unless the applicant can demonstrate that additional width is required to adequately accommodate anticipated driveway volumes.
  - (b) In new multi-unit developments not located within MU-R-3-C, M-1, M-2, M-O-1 and M-O-2 districts containing ten (10) or more units, vehicular access shall be spaced no closer than twenty-five feet (25') to any adjacent property line. However, the City may reduce this setback requirement to permit a single vehicular access point that can serve two (2) adjacent properties or where compliance with these requirements would deny vehicular access to a property.
- c. *Driveways, Nonresidential.* The location and size of driveways leading from the public street to a nonresidential or mixed-use building is subject to the following conditions:
- (1) No portion of any driveway shall be closer than forty feet (40') to the curb line of an intersecting street, or closer than ten feet (10') from a fire hydrant, catch basin, or end of curb radius at corners.
  - (2) In new non residential developments not located within MU-R-3-C, M-1, M-2, M-O-1 and M-O-2 districts, vehicular access shall be spaced no closer than twenty-five feet (25') to any adjacent property line. However, the City may reduce this setback requirement to permit a single vehicular access point that can serve two (2) adjacent properties or where compliance with these requirements would deny vehicular access to a property.
  - (3) Only one (1) access per street frontage shall be permitted, unless a Zoning Site Plan or traffic impact analysis shows, and the City agrees, that additional access points are required to adequately accommodate driveway volumes and that additional access will not be detrimental to traffic flow.
  - (4) The width of any entrance driveway shall not exceed thirty feet (30') measured along its intersection with the property line.

Section 8. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 6, "Fences and Retaining Walls" of the Englewood Municipal Code 2000 to read as follows:

**16-6-6: Fences and Retaining Walls.**

**[EDITORS NOTE: 16-6-6(A) through (E) remain unchanged.]**

*F. Fence Standards.*

- 1. Permitted Fence Location, Class, and Height by Zone District. It shall be unlawful for any person to erect a fence or for any property owner to allow a person to erect a fence that does not

conform to the standards enumerated in this Section and the standards for all zoned districts, as described in Tables 16-6-6.1 thru 16-6-6.4:

TABLE 16-6-6.2: FENCE STANDARDS FOR RESIDENTIAL DISTRICTS				
Zone District	Fence Location	Permitted Fence Class	Permitted Maximum Height (in feet)	Additional Requirements
R-1-A R-1-B R-1-C R-2-A R-2-B	FRONT SETBACK: a. Solid Construction	1, 4	3	<ul style="list-style-type: none"> <li>Fences in a front yard shall not interfere with or obstruct visibility within a required sight distance triangle.</li> </ul>
	b. Open Construction	2, 3, 4, 5, 6	4	
MU-R-3-A MU-R-3-B MU-R-3-C	FRONT SETBACK: a. Solid Construction	1, 4	3	
	b. Open Construction: i. Residential	2, 3, 4, 5, 6	4	
	ii. Nonresidential	1, 2 4, 5, 6	6 4	
R-1-A R-1-B R-1-C R-2-A, R-2-B, MU-R-3-A, MU-R-3-B MU-R-3-C	SIDE SETBACK/FENCES BEHIND THE FRONT SETBACK LINE: Solid and/or Open Construction	1, 2, 3, 4, 5, 6	6, except as noted in Additional Requirements	<ul style="list-style-type: none"> <li>Fences in a side yard shall not interfere with or obstruct visibility within a required sight distance triangle.</li> </ul>
R-1-A R-1-B R-1-C R-2-A, R-2-B, MU-R-3-A, MU-R-3-B MU-R-3-C	REAR SETBACK: Solid and/or Open Construction	1, 2, 3, 4, 5, 6	6, except as noted in Additional Requirements	<ul style="list-style-type: none"> <li>Fences in a rear yard shall not interfere with or obstruct visibility within a required sight distance triangle.</li> </ul>

**TABLE 16-6-6.3: FENCE STANDARDS FOR BUSINESS DISTRICTS**

<b>Zone District</b>	<b>Fence Location</b>	<b>Permitted Fence Class</b>	<b>Permitted Maximum Height (in feet)</b>	<b>Additional Requirements</b>
M-1, M-2, M-O-1, M-O-2, MU-B-1, MU-B-2, TSA	AREA WITHIN 15 FEET OF FRONT PROPERTY LINE:			Fences in a front yard shall not interfere with or obstruct visibility within a required sight distance triangle. • A combination fence may be permitted where a solid masonry base shall have a maximum height of three (3) feet, and decorative metal material built on top of that base shall have a maximum height of three (3) feet and shall be at least 75% open.
	a. Solid Construction	1, 4, 5	3	
	b. Open Construction	1, 2, 4, 5	3	
		2	6	
	AREA BEYOND 15 FEET OF FRONT PROPERTY LINE	1, 2, 3, 4, 5, 6, 7	6	Fences in rear and side yards shall not interfere with or obstruct visibility within a required sight distance triangle.

**[EDITORS NOTE: Table 16-6-6.4 and the remainder of 16-6-6 remain unchanged.]**

Section 9. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 7, “Landscaping and Screening” of the Englewood Municipal Code 2000 to read as follows:

**16-6-7: Landscaping and Screening.**

**[EDITORS NOTE: 16-6-7 (A) through (D) remain unchanged.]**

**E. Minimum Landscape Requirements.**

1. Landscaping Standards in Residential (R) Zone Districts.
  - a. Applicability. Landscaping requirements of this Section shall apply in all R-1, R-2, and R-3 zone districts.
  - b. Landscaping Requirements. The minimum Required Landscaped Area and Plant Material quantities in residential zone districts shall be determined by Table 16-6-7.3 EMC.

**TABLE 16-6-7.3: MINIMUM LANDSCAPE REQUIREMENTS IN RESIDENTIAL ZONES**

Uses	Required Landscaped Area (RLA) (% of site)	Principal Structure to Curb <sup>1,2</sup>	Side Yards and Rear Yard	Trees		Shrubs	
				Minimum Tree Quantity (Per sq. ft. of RLA)	Minimum % of Trees between Principal Structure and Curb	Minimum Shrub Quantity (Per sq. ft. of RLA)	Minimum % of Shrubs between Principal Structure and Curb
One-Unit dwelling	40	The area, (excluding driveway, parking areas, walkways and public sidewalks) bounded by the front façade of the principal structure, side property lines, and the curb shall be landscaped.	The remainder of any Required Landscaped Area (RLA) requirement may be provided within side or rear yards.	1/625 <sup>3</sup>	50	1/100	30
Multi-Unit dwelling (2 to 4 units)	40			1/625 <sup>3</sup>	50	1/100	30
Multi-unit dwelling (more than 4 units)	25			1/625 <sup>3</sup>	50	1/100	30
Non-Residential Uses	25			1/625 <sup>3</sup>	50	1/100	30
Private Off-street Parking Lots	See Section 16-6-7(F) EMC						

<sup>1</sup> Corner lots. Corner lots shall also landscape the area between the side edge of the principal structure and the curb, exclusive of driveways, parking areas, walkways and public sidewalks. In addition to the minimum tree quantity above, corner lots shall provide one tree per seventy-five linear feet (75') along the side lot line exclusive of driveways.

<sup>2</sup> Exceptions for area between public sidewalk and curb:

- areas greater than three feet (3') wide shall be landscaped with living material.
- areas less than three feet (3') wide may be landscaped with living or non-living material.

<sup>3</sup> When the Required Landscaped Area is less than one thousand two-hundred and fifty (1,250) square feet, a minimum of two (2) trees shall be required.

2. Landscaping Standards for Commercial (MU) and Medical (M) zone districts.
  - a. Applicability. Landscaping standards of this Section shall apply in all MU-B-1, MU-B-2, M-1, M-2, ~~M-O-1~~, and M-O-2 zone districts.
  - b. Landscaping Requirements. The minimum landscaping requirements in commercial and medical zone districts shall be determined by Table 16-6-7.4 EMC.

**TABLE 16-6-7.4: MINIMUM LANDSCAPE REQUIREMENTS IN COMMERCIAL AND MEDICAL ZONES**

Use	Required Landscaped Area (% of site)	Principal Structure to Curb <sup>1, 2, 3</sup>	Side Yards and Rear Yard	Trees		Shrubs	
				Minimum Tree Quantity (Per sq. ft. of RLA)	Minimum % of Trees between Principal Structure and Curb	Minimum Shrub Quantity (Per sq. ft. of RLA)	Minimum % of Shrubs between Principal Structure and Curb
Residential 1 - 4 Dwelling Units	25 <sup>6</sup>	The area, (excluding driveway, parking areas, walkways and public sidewalks) bounded by the front façade of the principal structure, side property lines, and the curb shall be landscaped.	The remainder of any Required Landscaped Area (RLA) requirement may be provided within side or rear yards.	1/625 <sup>4</sup>	50	1/100	40
Residential Multi-Unit Dwelling (>4 units)	20 <sup>5, 6</sup>			1/625 <sup>4</sup>	50	1/100	40
Commercial Single Use	10 <sup>5, 6</sup>			1/325 <sup>4</sup>	50	1/50	40
Commercial Mixed Use (two or more land uses on site)	10 <sup>5, 6</sup>			1/325 <sup>4</sup>	50	1/50	40
Private Off-street Parking Lots	See Section 16-6-7(F) EMC						

<sup>1</sup> Corner lots. Corner lots shall also landscape the area between the side edge of the principal structure and the curb, exclusive of driveways, parking areas, walkways and public sidewalks. In addition to the minimum tree quantity above, corner lots shall provide one tree per seventy-five linear feet (75') along the side lot line exclusive of driveways.

<sup>2</sup> Exceptions for area between public sidewalk and curb:

- areas greater than three feet (3') wide shall be landscaped with living material.
- areas less than three feet (3') wide may be landscaped with living or non-living material.

<sup>3</sup> If non-paved area between the principal structure and the curb is not large enough to accommodate the minimum percent of trees, then trees in approved tree grates are required, provided a five feet (5') clear space for pedestrians is maintained. See Table 16-6-7.9 EMC for incentives.

<sup>4</sup> When the Required Landscaped Area is less than six-hundred and twenty-five (625) square feet, a minimum of two (2) trees shall be required.

<sup>5</sup> Fee-in-Lieu may be used to off-set up to fifty percent (50%) of the Required Landscape Area, but shall not be utilized for area between the principal structure and the curb. See Section 16-6-7(H)(3) EMC.

<sup>6</sup> Alternative Compliance methods as detailed in Section 16-6-7(H) EMC may be utilized.

**[EDITORS NOTE: 16-6-7 (E)(3) through 16-6-7(I) remain unchanged.]**

Section 10. 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 11. 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 12. 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 13. 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 14. 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 2<sup>nd</sup> day of April, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 6<sup>th</sup> day of April, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 4th day of April, 2012 for thirty (30) days.

\_\_\_\_\_  
Randy P. Penn, Mayor

ATTEST:

\_\_\_\_\_  
Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy 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 2nd day of April, 2012.

\_\_\_\_\_  
Kerry Bush

**Legal Description for a Rezoning of Portions of Medical District Sub-area 3 from MU-R-3-B to MU-R-3-C**

That part of the SE quarter of Section 34, and the SW quarter of Section 35, Township 4 South, Range 68 West of the 6th P.M., situated within the City of Englewood, Arapahoe County, Colorado, more particularly described as follows:

Beginning at the intersection of the centerlines of East Floyd Avenue and South Pearl Street; then easterly a distance of 829.25 feet to the extended centerline of the north-south alley of Block 44, Evanston Broadway Addition; thence southerly a distance of 420 feet along the centerline of the north-south alley of Block 44, Evanston Broadway Addition; thence westerly a distance of 8 feet to the southeast corner of Lot 16, Block 44, Evanston Broadway Addition; thence westerly a distance of 135 feet along the south line to the southwest corner of said lot; thence westerly a distance of 30 feet to the centerline of South Clarkson Street; thence southerly a distance of 125 feet along the centerline of South Clarkson Street; thence westerly a distance of 30 feet to the southeast corner of Lot 30, Block 1, West View Addition; then westerly a distance of 125 feet along the south line of Lot 30, Block 1, West View Addition to the southwest corner of said lot; thence westerly a distance of 16 feet to the southeast corner of Lot 21, Block 1, West View Addition; thence westerly a distance of 125 feet along the south line of Lot 21, Block 1, West View Addition to the southwest corner of said lot; thence westerly a distance of 60 feet to the southeast corner of Lot 30, Block 2, West View Addition; thence westerly a distance of 125 feet along the south line of Lot 30, Block 2, West View Addition to the southwest corner of said lot; thence westerly a distance of 16 feet to the southeast corner of Lot 21, Block 2, West View Addition; thence westerly a distance of 125 feet along the south line of Lot 21, Block 2, West View Addition to the southwest corner of said lot; thence westerly a distance of 30 feet to the centerline of South Pearl Street; thence northerly a distance of 547.7 feet to the centerlines of East Floyd Avenue and South Pearl Street, the point of beginning.

**Legal Description for a Rezoning of Portions of Medical District Sub-area 3 from MU-R-3-B/M-O-1 to M-1**

That part of the SE quarter of Section 34, and the SW quarter of Section 35, Township 4 South, Range 68 West of the 6th P.M., situated within the City of Englewood, Arapahoe County, Colorado, more particularly described as follows:

Beginning at the intersection of the centerlines of East Girard Avenue and South Pearl Street; thence easterly a distance of 825 feet to the intersection of the centerlines of East Girard Avenue and the extended north-south alley of Block 44, Evanston Broadway Addition; thence northerly a distance of 255 feet along the centerline of the north-south alley of Block 44, Evanston Broadway Addition; thence westerly a distance of 8 feet to the northeast corner of Lot 17, Block 44, Evanston Broadway Addition; thence westerly a distance of 135 feet along the north line of Lot 17, Block 44, Evanston Broadway Addition to the northwest corner of said lot; thence westerly a distance of 30 feet to the South Clarkson Street centerline; thence southerly a distance of 125 feet along the centerline of South

Clarkson Street; thence westerly a distance of 30 feet to the northeast corner of Lot 29, Block 1, West View Addition; thence westerly a distance of 125 feet along the north line of Lot 29, Block 1, West View Addition to the northwest corner of said lot; thence westerly a distance 16 feet to the northeast corner of Lot 22, Block 1, West View Addition; thence westerly a distance of 125 feet along the north line of Lot 22, Block 1, West View Addition to the northwest corner of said lot; thence westerly a distance of 60 feet to the northeast corner of Lot 29, Block 2, West View Addition; thence westerly a distance of 125 feet along the north line of Lot 29, Block 2, West View Addition to the northwest corner of said lot; thence westerly a distance of 16 feet to the southeast corner of Lot 21, Block 2, West View Addition; thence westerly a distance of 125 feet along the south line of Lot 21, Block 2, West View Addition to the southwest corner of said lot; thence westerly a distance of 30 feet to the centerline of South Pearl Street; thence southerly a distance of 130 feet to the intersection of the centerlines of East Girard Avenue and South Pearl Street, the point of beginning.



Area Proposed for new MU-R-3-C  
Mixed Use Multi-unit Residential and  
Limited Office Zone District

Area Proposed to be  
Rezoned to M-1 Medical

**LEGEND**

- Proposed Rezoning Boundaries
- Subarea Boundary

*City of Englewood, Colorado*  
*Englewood Medical District*  
*Small Area Plan:*  
*Proposed Sub-area 3 Rezoning*

March 2012

## COUNCIL COMMUNICATION

<b>Date:</b> April 2, 2012	<b>Agenda Item:</b> 11 a ii	<b>Subject:</b> Ordinance Amending Title 16 of the Englewood Municipal Code Pertaining to the Establishment of a Neighborhood Preservation Overlay Zone District (NPO) and the Subsequent Amendment of the Official Zoning Map to Rezone Portions of Medical District Sub-area 2 from MU-R-3-B to MU-R-3-B/NPO
<b>Initiated By:</b> Community Development Department		<b>Staff Source:</b> John Voboril, Long Range Planner II

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council made economic development a top Council goal in early 2006, and has continued to reaffirm this goal as a top priority as recently as January of this year. The Englewood Downtown and Medical District Small Area Plan was created to help the City promote economic development in areas deemed appropriate for high intensity commercial, medical, and residential development, and protect adjacent residential neighborhoods from inappropriately scaled development. After first focusing on Medical District areas of change with the adoption of the new Medical Zone Districts in 2008, City Council and the Planning and Zoning Commission turned their focus to zoning reforms for adjacent residential neighborhoods.

The following is a chronology of City Council meetings related to Medical District Sub-area 2:

- December 6, 2010** Public Hearing on Englewood Downtown and Medical District Small Area Plan Amendments to Goal and Objectives
- December 20, 2010** Adoption of Englewood Downtown and Medical District Small Area Plan Amendments to Goals and Objectives by Resolution
- March 10, 2011** Medical District Zoning Reform Process Study Session
- June 20, 2011** Analysis of Rezoning Alternatives for the 3200 Block of Sherman Street, and the 3200, 3300, and a Portion of the 3400 Block of Grant Street Study Session
- July 18, 2011** City Council/Planning and Zoning Commission Joint Study Session on Medical District Sub-area 2
- August 15, 2011** Sub-area 2 Rezoning Schedule Based on Traditional Planning Process Study Session
- December 12, 2011** Medical District Sub-area 2 Overlay and Rezoning Options Study Session

## **RECOMMENDED ACTION**

Community Development recommends adoption of a proposed bill for an ordinance amending the Unified Development Code to establish the Neighborhood Preservation Overlay Zone District and the related zoning change to the Official Zoning Map establishing the Neighborhood Preservation Overlay Zone District as supplemental regulations to the underlying MU-R-3-B zone district for the 3200 blocks of Sherman Street, the 3200 and 3300 blocks of Grant Street, and portions of the 3400 block of Grant Street, as shown in Exhibit A. Staff further recommends setting a public hearing for April 16, 2012.

## **BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED**

At the beginning of the Medical District Phase II planning process, Planning and Zoning Commission members envisioned Girard Avenue as a natural boundary between areas of residential stability north of Girard, and areas that should remain open for potential change south of Girard. Commission members envisioned rezoning the 3400 blocks of Logan and Grant Streets to M-1 Medical, while pursuing zoning reforms for the portions of sub-area 2 north of Girard Avenue that would prevent hospital expansion, limit the size of office uses, lower maximum building height, and encourage the selective replacement of single family rental properties with new multi-unit residential development.

Based on public testimony at the December 6, 2010 City Council public hearing on amendments to the Englewood Downtown and Medical District Small Area Plan goals and objectives, changes were made to the proposed goals and objectives that sought to protect single and two-unit uses in sub-area 2 by rezoning to an R-1 or R-2 zone district. In early 2011, City Council requested Community Development staff to present a timeline and process for approving zoning changes for Medical District sub-area 2, which were presented at a March, 2011 Council study session. At this time, Council directed staff to begin developing zoning alternatives for the area. Zoning alternatives were presented to Council at the June 20<sup>th</sup> Council study session, and later presented to stakeholders at a neighborhood meeting held on July 23, 2011. Council also invited Planning and Zoning Commissioners to attend the July 18, 2011 study session to discuss differences concerning the direction for Medical District sub-area 2. Another City Council study session was held on August 15<sup>th</sup> to take a second look at a rezoning process timeline. The proposed timeline allowed staff and Planning and Zoning Commission an opportunity to develop a zoning proposal for sub-area 2 that would take into account the range of concerns expressed by neighborhood stakeholders, the Planning and Zoning Commission, and City Council.

In response to this direction, Community Development staff developed the concept of the Neighborhood Preservation Overlay from national best practices and case studies. The Neighborhood Preservation Overlay recognizes a community desire to preserve the existing balance of land uses in mature neighborhoods by placing a new set of regulations that prevent changes in land use (i.e. replacement of single unit properties with multiple unit properties or office) while allowing replacement of an existing land use type with the same land use type at similar densities subject to provisions of the underlying zoning district (i.e. replacing an existing multi-unit residential development with a new multi-unit residential development). The overlay strategy offers the advantages of causing less confusion to the public, providing a greater measure of fairness to owners of existing multi-unit residential property owners, and reducing the number of unintended nonconformities.

Community Development staff presented the Neighborhood Preservation Overlay to Planning and Zoning Commission in the November 22, 2011 study session. Planning and Zoning Commission members were divided on the merits of the proposal and so ultimately made a motion for a recommendation to Council to allow the existing MU-R-3-B zoning to remain in place with the caveat that over night, inpatient hospital use be removed from portions of sub-area 2 north of Girard Avenue.

Upon review of the Planning and Zoning Commission's recommendation, as well as the testimony of neighborhood stakeholders, City Council decided at the December 12, 2011 Council study session to continue working closely with staff to refine the Neighborhood Preservation Overlay proposal. At the January 17, 2012 City Council study session, Council made final decisions to limit new residential units to two units rather than four units, and to not allow for conversions of existing single unit homes for use as offices.

The key highlights of the Neighborhood Preservation Overlay are outlined below:

The following land uses are prohibited:

- Hospital
- Clinic
- Laboratory
- Office, type 1 (general)
- Office, type 2 (limited)
- Parking facility or structure, principal use
- Parking area, surface, principle use
- Conversions of single unit houses to office use
- Multi-unit dwellings, except for two-unit dwellings

Existing multi-unit apartment buildings are allowed to be redeveloped at existing densities and at current dimensional standard conditions (heights, setbacks, etc.).

## **FINANCIAL IMPACT**

No direct financial costs are anticipated from the adoption of the proposed amendments.

## **LIST OF ATTACHMENTS**

Planning and Zoning Commission Public Hearing Minutes, March 6, 2012  
Planning and Zoning Commission Public Hearing Findings of Fact, March 6, 2012  
Proposed Bill for Ordinance

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
March 6, 2012**

**Minutes and audio are available at:**  
<http://www.englewoodgov.org/Index.aspx?page=152>

**I. CALL TO ORDER**



The regular meeting of the City Planning and Zoning Commission was called to order at 7:04 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Knoth presiding.

Present: Bleile, Roth, King, Welker, Knoth, Fish, Brick, Kinton  
Townley (alternate)

Absent: Harbaugh

Staff: Alan White, Community Development Director  
John Voboril, Long Range Planner  
Nancy Reid, Assistant City Attorney

**II. APPROVAL OF MINUTES**

February 22, 2012



Roth moved:

Fish seconded: TO APPROVE THE FEBRUARY 22, 2012 MINUTES

Chair Knoth asked if there were any modifications or corrections.

There were none.

AYES: Bleile, Roth, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: Welker

ABSENT: Harbaugh

Motion carried.

### **III. PUBLIC HEARINGS**



#### **CASE #2012-01, Amendment of UDC to Establish a NPO (Neighborhood Preservation Overlay) Zone District**

Brick moved:

Welker seconded: TO OPEN CASE #2012-01

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: None

ABSENT: Harbaugh

Motion carried.

Mr. Voboril presented background information on the Englewood Downtown and Medical District Small Area Planning process to date.

Summary of the neighborhood Preservation Overlay:

Prohibits the following land uses:

- Hospital
- Clinic
- Laboratory
- Office, type 1 (general)
- Office, type 2 (limited)
- Parking facility or structure, principal use
- Parking area, surface, principle use
- Conversions of single unit houses to office use

Limits the number of attached residential units to two per 50 feet of lot frontage.

Allows the existing multi-unit apartment buildings to be redeveloped at existing densities.



#### **Public Testimony**

Testimony was heard from 8 citizens.



Bleile moved:

Welker seconded: TO CLOSE CASE #2012-01

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

The Commission called a 10 minute recess. The meeting reconvened with all members of the Commission previously in attendance.

Welker moved:

Brick seconded: TO AMEND THE ORIGINAL MOTION TO INCLUDE A 40 FOOT HEIGHT RESTRICTION IN THE OVERLAY DISTRICT.

AYES: Bleile, Roth, King, Brick, Welker  
NAYS: Fish, Kinton, Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

Brick moved:

Fish seconded: THAT CASE #2012-01 AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE RELATED TO THE CREATION OF NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT REGULATIONS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:

1. Include a 40 foot height restriction.



Mr. Fish stated in looking at Section 5 of Roadmap Englewood and at the overlay characteristics provided by Staff that are intended to preserve the existing character and balance of land use, when the mature residential neighborhood appears to be the main reason for this, I don't find that anywhere in Roadmap Englewood. To overlay something like this over this diverse area would not only be not in compliance with what Englewood wants to see but believes it would damage the properties and take away rights.

Mr. Brick said on page 85, Section 5: Housing, of Roadmap Englewood 2003, it says "The City of Englewood recognizes the value of home ownership and the property improvements and is committed to increasing the home ownership levels in the City, as well as assisting current homeowners with home improvements. Understanding Housing in

Englewood requires looking beyond housing type to housing tenure and maintenance. About two thirds of Englewood homes are single family dwellings of which 85% are owner-occupied. Of the one third that are multi-family homes, less than 3% are owner-occupied. Taken together, 50% of Englewood homes are occupied by their owners. Nationally , about 66% of homes are owner-occupied. The City is committed to increasing Englewood owner-occupancy rates to more closely reflect national rates." Goal #2 states "Improve the quality of the City's existing housing stock"; under Objective 2.1 it states "Encourage home ownership, property improvement, and house additions". In the Medical District Small Area Plan Goal A, Medical Area Sub-area 2, Objective 2A.1 states "Reduce the number of single unit rental homes through conversion to home ownership". By establishing the Overlay you are inducing home ownership.

Mr. Welker stated he feels some of tonight's discussion is premature in that the boundaries of this district were really the intention of the third part of the public hearing tonight. He stated that an NPO District as an overlay is an advancement in the types of discussions the Commission has had that have been either been to one extreme, downzoning, or to the other extreme, opening the area up to mixed-use on a grander scale. While over time this area may evolve into being a denser, more commercial type of district based on pressure from ownership and use of adjoining properties the north two blocks are kind of a transition between strict single family homes and commercial development. Putting them in an overlay district that allows them to be kept as is, which is primarily single family homes or duplexes, is appropriate. He doesn't feel the bugs are worked out of the paperwork just yet. It would have been better if this issue had gone through the steps that were omitted; a Planning and Zoning study session and either a neighborhood meeting or a study session in which the public attended.

Mr. Kinton said he concurs there are still many issues left to work out.

Mr. Roth stated there are too many issues to work out. There are too many potential takings. As it is would be pretty fair target for a legal challenge. The non-conforming issues need to be addressed. He is not comfortable with making current conforming uses non-conforming.

Mr. Bleile quoted a sentence from one of Director White's letters which he said he feels sums up the Planning and Zoning Commission superbly: "The role of zoning in the context of planning a neighborhood is to have a stabilizing and predictable effect on development patterns in the context of approved plans and visions for future development". He stated creating an overlay is a great idea; the intent was good. The issue needs to be vetted out more. Areas south of Girard between Girard and Floyd are vastly different than they are north of Floyd.

Mr. King said he not opposed to an overlay. This area is fairly diverse and that may be the only way to go. The Planning and Zoning Commission has a fiduciary responsibility to the entire community. Otherwise, we would just allow everybody to zone their properties

whatever they wanted or would have no zoning at all. Non-conforming use is complicated. He supports going to an R-2 north of Floyd, other two areas not so sure. He doesn't like potentially taking away rights from people. The issue is just too vague.

Mr. Knoth stated he is against down zoning.

AYES: Brick  
NAYS: Bleile, Roth, Welker, Knoth, King, Fish, Kinton  
ABSTAIN: None  
ABSENT: Harbaugh

Motion failed.

Bleile moved:

Kinton seconded: THAT CITY COUNCIL ALLOW THE PLANNING AND ZONING COMMISSION THE OPPORTUNITY TO SCHEDULE ADDITIONAL STUDY SESSIONS TO WORK OUT THE DETAILS BEFORE THIS ISSUE IS PLACED BACK ON THE CALENDAR FOR ANOTHER PUBLIC HEARING.

AYES: Brick, Bleile, Roth, Welker, King, Fish, Kinton  
NAYS: Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion passed.

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#### **CASE #2012-02, Amendment of UDC to Establish MU-R-3-C Zone District**



Welker moved:

Fish seconded: TO OPEN CASE #2012-02

AYES: Roth, Welker, Fish, King, Brick, Kinton  
NAYS: Bleile, Knoth  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

Mr. Voboril presented background information on the Englewood Downtown and Medical District Small Area Planning process to date.

Summary of MU-R-3-C Zone District:

- Remove Museum/Cultural as an allowed land use.
- Remove Overnight, In-patient Hospital Facility as an allowed land use.
- Remove Parking Structure and Surface parking as allowed ***principal*** land uses.
- Retain Out-patient Clinic as an allowed land use.
- Retain Medical Laboratory as an allowed land use.
- Add Massage Therapy as an allowed land use.
- Lower maximum height limit from 60 to 40 feet.
- Remove floor area ratio limitation.
- Institute a maximum office/medical facility building size of 30,000 SF, the same size as existing apartment buildings in Sub-area 3.
- Reduce side setbacks for office/medical and multi-unit residential from 15 to 5 feet.
- Remove driveway location requirement for multi-unit residential development.
- Remove land area per residential unit requirement in favor of regulating density through maximum height limit and minimum off-street parking standards.
- Reduce minimum lot size for office/medical development from 24,000 to 6,000 SF.



**Public Testimony**

Testimony was taken from one citizen.



Welker moved:

Bleile seconded: TO CLOSE CASE #2012-02

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: None

ABSENT: Harbaugh

Motion carried.

A motion was made that failed for lack of a second.



King moved:

Welker Seconded: CASE #2012-02, AMENDMENTS TO THE OFFICIAL ZONING MAP TO REZONE AN AREA OF THE CITY MU-R-3-C BE RECOMMENDED FOR

*APPROVAL TO CITY COUNCIL WITH A FAVORABLE  
RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING  
CORRECTIONS TO THE STAFF REPORT:*

1. *Page 4, #5 should read MU-R-3-C, not MU-R-3-B.*
2. *Page 4, #6 should read Section 16-6-1(C)(1), not Section 16-6-1(E)(1)*

Mr. Fish said he has reviewed the materials provided by Staff. There has been minimal public input other than to the process, but not to the substance of this motion. He stated he has reviewed the tables and finds the idea of an MU-R-3-C zone district compelling, but some of the proposed tables seem to be in conflict. The Commission did a lot of work to put together the MO-1 overlay for good reason and considering the intent of the third case tonight he is troubled by the removal of that.

Mr. Brick stated in Section 7 of Roadmap Englewood under Business Employment that in Goal 1, Objective 1.2 it states "Actively engage in attracting new businesses to the City". In Goal 5, Objective 5.1 it states "Encourage the development of mixed-use projects in order to achieve a vibrant community". Objective 5.2 states "Increases the value and appeal of Englewood's retail and industrial corridors in order to stimulate economic growth".

Mr. Welker stated even though the Planning and Zoning Commission did not specifically discuss MU-R-3-C this is a fitting classification for the use of the area that it is proposed. He stated he has no problem with changing the area zoned MO-1 to M-1 because of what M-1 allows.

Mr. Kinton finds that the designation of an MU-R-3-C zone district reasonable.

Mr. Roth stated he has concerns changing the MO-1 to M-1, however the area is small enough he doesn't believe there would be room to build a 145 foot building on that section of land.

Mr. King said this is another unique area but this area is also highly, densely populated with units and other uses and is very concentrated. It definitely needs to be set aside from the adjoining neighborhoods as the Commission has discussed many times in the past.

AYES: Bleile, Roth, Welker, Knoth, King, Brick, Kinton  
NAYS: Fish  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

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**CASE #ZON2012-004, Amendment of Official Zoning Map Adopting NPO Zone District for portions of Medical District Sub-Area 2 and Medical District Sub-Area 3 from MU-R-3-B to MU-R-3-C and M-1**

Welker moved:

Roth seconded: TO OPEN CASE #ZON2012-004

AYES: Roth, Welker, Fish, King, Brick, Kinton

NAYS: Bleile, Knoth

ABSTAIN: None

ABSENT: Harbaugh

Motion carried.

Mr. Voboril presented background information on Medical District Sub-areas 2 and 3 Planning process to date.

Summary of Case No. ZON2012-004

- Amendment of the Official Zoning Map adopting NPO Zone District for portions of Medical District Sub-area 2.
- Amendment of the Official Zoning Map Rezoning portions of Medical District Sub-area 3 from MU-R-3-B to MU-R-3-C and M-1

**Public Testimony**

There was no public testimony.



Roth moved:

Welker seconded: TO CLOSE CASE #ZON2012-004

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton

NAYS: None

ABSTAIN: None

ABSENT: Harbaugh

Motion carried.

Several motions were made that were either withdrawn or died for a lack of a second.



Welker moved:

Bleile seconded: *CASE #ZON2012-004, AMENDMENTS TO THE OFFICIAL ZONING MAP BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:*

1. *The area discussed as Sub-area 2 Overlay District be exempted from this approval and the area be remanded to the Planning and Zoning Commission for clarification.*



Mr. Fish stated the proposed MU-R-3-C zone district is appropriate for the area as it promoted potential business improvement, which is one of the goals of Roadmap Englewood. He does not object to the height restrictions.

Mr. Brick votes yes because it clarifies Goal 5.1 of Section 7 of Roadmap Englewood, which states "Encourage the development of mixed-use projects in order to achieve a vibrant community".

Mr. King stated he felt the stakeholders in this area were very favorable of this plan and it could make sense for this area.

AYES: Bleile, Roth, Welker, Knoth, Fish, King, Brick, Kinton  
NAYS: None  
ABSTAIN: None  
ABSENT: Harbaugh

Motion carried.

#### **IV. PUBLIC FORUM**



There was no further public comment.

#### **V. ATTORNEY'S CHOICE**



Ms. Reid had nothing further to report.

#### **VI. STAFF'S CHOICE**



Director White stated the March 20<sup>th</sup> meeting will be a Public Hearing on Denver Seminary PUD Amendments to allow a bank drive-thru.

Planning and Zoning Commission

Public Hearings

Cases #2012-01, 2012-02, ZON2012-004, Medical District Rezoning Sub-Areas 2 and 3

March 6, 2012

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**VII. COMMISSIONER'S CHOICE**



Mr. Brick, Mr. Welker, Mr. Bleile, Mr. Fish and Mr. Knoth commented on tonight's meeting.

The meeting adjourned at 11:00 p.m.

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Barbara Krecklow, Recording Secretary

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION**

IN THE MATTER OF CASE #2012-01, )  
FINDINGS OF FACT, CONCLUSIONS )  
AND RECOMMENDATIONS RELATING ) FINDINGS OF FACT AND  
TO THE UNIFIED DEVELOPMENT CODE ) CONCLUSIONS OF THE  
AMENDMENTS FOR THE CREATION OF ) CITY PLANNING AND  
A NEW OVERLAY ZONE DISTRICT (NPO) ) ZONING COMMISSION  
NEIGHBORHOOD PRESERVATION OVERLAY )  
)  
)  
)  
INITIATED BY: )  
COMMUNITY DEVELOPMENT )  
DEPARTMENT )  
1000 ENGLEWOOD PARKWAY )  
ENGLEWOOD, CO 80110 )

Commission Members Present: Fish, King, Knoth, Roth, Welker, Kinton, Brick, Bleile, Townley

Commission Members Absent: Harbaugh

This matter was heard before the City Planning and Zoning Commission on March 6, 2012 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from staff and the public. 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 witnesses, 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 Amendments for the creation of a new overlay zone district (NPO Neighborhood Preservation Overlay) 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 February 17, 2012 and was on the City's website from February 15<sup>th</sup> through 27<sup>th</sup>, and again from February 28<sup>th</sup> through March 6, 2012 with a corrected case number.
3. **THAT** residents, property owners, and business owners having personal interests within and one block beyond the original Downtown and Medical District study area boundaries were invited to participate as community stakeholders in the Medical District Phase II stakeholder planning process.
4. **THAT** community stakeholder meetings were held on April 1, 15 and 27, 2010 in order to gather feedback on stakeholder preferences for zoning reform strategies that were later incorporated into amendments to the Englewood Downtown and Medical District Small Area Plan.
5. **THAT** City Council requested Community Development staff to present a range of down-zoning options at a neighborhood meeting held on July 23, 2011 based on previous directions given by stakeholders documented in the goals and objectives of the Englewood Downtown and Medical District Small Area Plan.
6. **THAT** City Council debated the Neighborhood Preservation Overlay Zone District option through a series of study sessions. However, the Planning and Zoning Commission has not had an adequate opportunity to consider this option for Sub-area 2.
7. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
8. **THAT** all testimony received from staff members and the public has been made part of the record of the Public Hearing.
9. **THAT** the proposed amendments related to the creation of a Neighborhood Preservation Overlay District are not consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan and the Englewood Downtown and Medical District Small Area Plan.
10. **THAT** the proposed Amendments related to the creation of a Neighborhood Preservation Overlay District should not be adopted as part of Title 16: Unified Development Code of the Englewood Municipal Code.

### **CONCLUSIONS**

1. **THAT** the Public Hearing on the Unified Development Code Amendments for the creation of a new overlay zone district (NPO Neighborhood Preservation Overlay)

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 February 17, 2012 and was on the City's website from February 15<sup>th</sup> through 27<sup>th</sup>, and again from February 28<sup>th</sup> through March 6, 2012 with a corrected case number.
3. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
4. **THAT** all testimony received from staff members and the public has been made part of the record of the Public Hearing.
5. **THAT** the creation of an overlay district covering a portion of the MU-R-3-B base residential zone district is intended to:
  - a. Preserve the existing character and balance of land uses within a mature residential neighborhood area;
  - b. Ensure that existing multi-unit developments will retain rights to redevelop at existing residential density levels and current dimensional standards; and
  - c. Ensure that existing single unit homes may only be developed as similar single and two unit development.
6. **THAT** all uses permitted in the underlying MU-R-3-B zone district would be permitted, except the following uses would be prohibited:
  - a. Hospital
  - b. Clinic
  - c. Laboratory
  - d. Office, type 1, (general)
  - e. Office, type 2, (limited)
  - f. Parking facility, structure, principal use
  - g. Parking area, surface, principal use
  - h. Conversions as described in Section 16-6-1-C(2)(b)
  - i. Multi-unit dwellings, except two unit dwellings
7. **THAT** the following additional provisions apply to any Neighborhood Preservation Overlay:
  - a. Limitation on Number of Units for New Multi-unit Residential Developments. A maximum of two (2) residential units per fifty (50) feet of lot frontage are allowed for new multi-unit residential developments replacing existing single and two (2) unit structures.

b. Any multi-unit structure in existence at the time of the effective date of the ordinance creating this overlay district shall be considered a legal non-conforming use. Should any such structure be destroyed or intentionally be demolished by more than 60% of its value, the structure shall be allowed to be reconstructed with the same number of units and in its previous location on the lot, regardless of whether or not the requirements of the underlying zone district are met, including but not limited to maximum lot area, maximum height, minimum setbacks, parking and landscaping. Maximum lot coverage may be increased to 80%.

c. All other non-conforming uses and/or structures are subject to the non-conforming regulations of the UDC.

8. **THAT** the proposed amendments related to the creation of a Neighborhood Preservation Overlay District are not consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan and the Englewood Downtown and Medical District Small Area Plan and the Englewood Downtown and Medical District Small Area Plan.
9. **THAT** the proposed Amendments related to the creation of a Neighborhood Preservation Overlay District should not be adopted as part of Title 16: Unified Development Code of the Englewood Municipal Code but should be remanded to the Planning and Zoning Commission for further study.
10. **THAT** the overlay could potentially take away people's property rights.
11. **THAT** the issue was not given the time to go through the normal process of a study session and a means to receive public input.
12. **THAT** the overlay has the potential to address the various issues and interests in Sub-area 2, but there are still many issues that need to be worked out.
13. **THAT** the Commission is concerned about making current conforming uses non-conforming.

### **DECISION**

**THEREFORE**, it is the decision of the City Planning and Zoning Commission that Case #2012-01 Unified Development Code Amendments for the creation of Neighborhood Preservation Overlay District Regulations should be referred to the City Council without 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 March 6, 2012, by Mr. Brick, seconded by Mr. Fish, which motion states:

*CASE #2012-01 AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE RELATED TO THE CREATION OF NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT REGULATIONS BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:*

- 1. Include a 40 foot height restriction.*

AYES: Brick  
NAYS: Fish, Knoth, Roth, Welker, King, Bleile, Kinton  
ABSTAIN: None  
ABSENT: Harbaugh

Motion failed.

These Findings and Conclusions are effective as of the meeting on March 6, 2012.

**BY ORDER OF THE CITY PLANNING & ZONING COMMISSION**

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Chad Knoth, Chair

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION**

IN THE MATTER OF CASE #ZON2012-004, )  
FINDINGS OF FACT, CONCLUSIONS )  
AND RECOMMENDATIONS RELATING ) FINDINGS OF FACT AND  
TO THE AMENDMENT TO THE OFFICIAL ) CONCLUSIONS OF THE  
ZONING MAP TO REZONE AREAS OF THE ) CITY PLANNING AND  
CITY ) ZONING COMMISSION  
)  
)  
)  
)  
)  
)  
INITIATED BY: )  
COMMUNITY DEVELOPMENT )  
DEPARTMENT )  
1000 ENGLEWOOD PARKWAY )  
ENGLEWOOD, CO 80110 )

Commission Members Present: Bleile, Fish, King, Knoth, Roth, Welker, Kinton, Brick, Townley

Commission Members Absent: Harbaugh

This matter was heard before the City Planning and Zoning Commission on March 6, 2012 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 amendment to the Official Zoning map which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witnesses, 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 Amendments to the Official Zoning Map to Rezone an area of the City 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 February 17, 2012 and was posted on the City's website from February 15<sup>th</sup> through February 27<sup>th</sup>, and again February 28<sup>th</sup> through March 6, 2012 with a corrected case number.

3. **THAT** residents, property owners, and business owners having personal interests within and one block beyond the original Downtown and Medical District study area boundaries were invited to participate as community stakeholders in the Medical District Phase II stakeholder meeting planning process.
4. **THAT** community stakeholder meetings were held on April 1, 15 and 27, 2010 in order to gather feedback on stakeholder preferences for zoning reform strategies that were later incorporated into amendments to the Englewood Downtown and Medical District Area Plan.
5. **THAT** over the course of a four month period in early 2011, Planning and Zoning Commission members held a series of four study sessions focused on each aspect of the existing MU-R-3-B zoning requirements in Medical District sub-area 3 in order to identify changes.
6. **THAT** a neighborhood meeting was held on July 23, 2011 to discuss options for the 3200 block of Sherman Street and the 3200, 3300 and portions of the 3400 block of South Grant.
7. **THAT** City Council held two study sessions with Community Development staff to select a Neighborhood Preservation Overlay Zone District as the preferred option for the 3200 block of Sherman Street and the 3200, 3300 and portions of the 3400 block of Grant Street, as well as the zoning reforms for Sub-area 3 as recommended by the Planning and Zoning Commission.
8. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
9. **THAT** the Neighborhood Preservation Overlay Zone District (NPO) as supplementary zoning regulations to the underlying MU-R-3-B Mixed Use Medium to High Density Residential and Limited Office Zone District for the 3200 block of South Sherman Street, the 3200 and 3300 blocks of South Grant Street, and the MU-R-3-B zoned portions of the 3400 block of South Grant Street, all within Medical District Sub-area 2, is consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan.
10. **THAT** the proposed action would rezone the first 100 feet north of Girard Avenue between Pearl and Clarkson Street, and the first 225 feet north of Girard Avenue between Clarkson Street and the Clarkson-Emerson Street alley, which include, hospital-owned properties to M-1 Medical.

11. **THAT** the proposal to rezone an area of the City generally bounded by South Pearl Street, East Floyd Avenue, the South Clarkson-Emerson Street alley and East Girard Avenue from MU-R-3-B (Mixed Use Medium to High Density Residential and Limited Office Zone District) to MU-R-3-C (Mixed Use High Density Residential and Limited Office Zone District), and from MU-R-3-B/MO-1 (Mixed Use Medium to High Density Residential and Limited Office Zone District/Medical Overlay) to M-1 (Mixed Use Medical, Office, and High Density Residential Zone District), all within Medical District Sub-area 3, is consistent with the goals and objectives of Roadmap Englewood: The 2003 Englewood Comprehensive Plan.
12. **THAT** the proposal to rezone portions of Medical District Sub-area 2 and 3 should be adopted as an amendment to the Official Zoning Map of the City of Englewood.

### **CONCLUSIONS**

1. **THAT** the Public Hearing on the Amendments to the Official Zoning Map to Rezone an area of the city 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 February 17, 2012 and was posted on the City's website from February 15<sup>th</sup> through February 27<sup>th</sup>, and February 28<sup>th</sup> through March 6, 2012 with a corrected case number.
3. **THAT** notification letters were sent to all residents and property owners within 1000 feet of the affected area on February 23, 2012.
4. **THAT** all testimony received from staff members and has been made part of the record of the Public Hearing
5. **THAT** the Neighborhood Preservation Overlay Zone District (NPO) as supplementary zoning regulations to the underlying MU-R-3-B Mixed Use Medium to High Density Residential and Limited Office Zone District for the 3200 block of South Sherman Street, the 3200 and 3300 blocks of South Grant Street, and the MU-R-3-B zoned portions of the 3400 block of South Grant Street, all within Medical District Sub-area 2, is recommended not to be adopted as an amendment to the Official Zoning Map of the City of Englewood, that further study is needed.
6. **THAT** the proposed action would rezone the first 100 feet north of Girard Avenue between Pearl and Clarkson Street, and the first 225 feet north of Girard Avenue between Clarkson Street and the Clarkson-Emerson Street alley, which include, hospital-owned properties to M-1 Medical.

7. **THAT** the proposal to rezone an area of the City generally bounded by South Pearl Street, East Floyd Avenue, the South Clarkson-Emerson Street alley and East Girard Avenue from MU-R-3-B (Mixed Use Medium to High Density Residential and Limited Office Zone District) to MU-R-3-C (Mixed Use High Density Residential and Limited Office Zone District), and from MU-R-3-B/MO-1 (Mixed Use Medium to High Density Residential and Limited Office Zone District/Medical Overlay) to M-1 (Mixed Use Medical, Office, and High Density Residential Zone District), all within Medical District Sub-area 3, is recommended to be adopted as an amendment to the Official Zoning Map of the City of Englewood.

### **DECISION**

**THEREFORE**, it is the decision of the City Planning and Zoning Commission that Case #ZON2012-004, Amendment to the Official Zoning map to rezone an area of the City should be referred to the City Council with the recommendation which follows.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on March 6, 2012, by Mr. Welker, seconded by Mr. Bleile, which motion states:

*CASE #ZON2012-004, AMENDMENTS TO THE OFFICIAL ZONING MAP BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING AMENDMENT:*

1. *The area discussed as Sub-area 2 Overlay District be exempted from this approval and the area be remanded to the Planning and Zoning Commission for clarification.*

AYES: Fish, Knoth, Roth, Welker, King, Bleile, Brick, Kinton, Harbaugh  
NAYS: None  
ABSTAIN: None  
ABSENT: None

Motion carried.

These Findings and Conclusions are effective as of the meeting on March 6, 2012.

**BY ORDER OF THE CITY PLANNING & ZONING COMMISSION**

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Chad Knoth, Chair

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012 \_\_\_\_\_

COUNCIL BILL NO. 21  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO THE ESTABLISHMENT OF A NEIGHBORHOOD PRESERVATION OVERLAY ZONE DISTRICT, AND AMENDMENT OF THE OFFICIAL ZONING MAP TO REZONE PORTIONS OF THE MEDICAL DISTRICT SUBAREA 2.

WHEREAS, the Englewood Unified Development Code (UDC) was adopted in 2004, as the first comprehensive zoning code update since 1985; and

WHEREAS, the Englewood City Council made economic development a top Council goal; and

WHEREAS, the Medical Zone and Overlay District Amendments to the Unified Development Code (UDC) rezones property to establish more development-friendly regulations in the immediate vicinity of Swedish Medical Center and Craig Hospital to take advantage of development interest in the area; and

WHEREAS, there are certain areas near the Medical Centers which wish to be excluded from consideration for rezoning as medical related zones to preserve the current zoning of the neighborhood and enhance that preservation with an overlay district; and

WHEREAS, after numerous neighborhood meetings, and meetings with City Council the Community Development Department recommended the establishment of a Neighborhood Preservation Overlay Zone and the application of that zone in the 3200 block of South Sherman Street and the 3200, 3300 and portions of the 3400 blocks of South Grant Street in the City of Englewood; and

WHEREAS, the Englewood Planning and Zoning Commission conducted a Public Hearing and recommended that this Overlay Zone should not be established at this time.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes, pursuant to Title 16, Chapter 1, Section 8, of the Englewood Municipal Code 2000, the rezoning of certain parcels with an overlay zone as shown on the attached Exhibit A, and amending the Official Zone District Map to reflect those rezonings.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 1, Subsection B, "Relationship of Base Zoning Districts to Overlay" of the Englewood Municipal Code 2000 to read as follows:

**16-3: ZONE DISTRICTS**

**[EDITORS NOTE: 16-3-1(A) remain unchanged.]**

**16-3-1: General Provisions.**

B. *Relationship of Base Districts to Overlay Districts.* Lands within the City may be classified into one of the base zoning districts, as described above, and may also be classified as an overlay district (See, for example, Chapter 16-4 EMC, "Flood Plain Overlay District.") An overlay district is a land use classification that lies over the base zoning allowing for additional uses and development standards different from the base zoning. Where the property is classified in an overlay district as well as a base zoning district, then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards governing a base district and those governing an overlay district, the standards governing the overlay district shall control.

<b>TABLE 16-3-1.2: OVERLAY DISTRICTS</b>	
<b>Name</b>	<b>Description</b>
<b>M-O-1</b>	A medical overlay district covering a portion of the MU-R-3-B base residential zone district.
<b>M-O-2</b>	A medical overlay district covering a portion of the R-2-B base residential zone district.
<b><u>NPO</u></b>	<u>A neighborhood preservation overlay district covering a portion of the MU-R-3-B base residential zone district.</u>

C. *Compliance with District Standards.* No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with the zoning district regulations of this Chapter 16-3 EMC, the use regulations of Chapter 16-5 EMC, the development standards of Chapter 16-6 EMC, and all other applicable regulations of this Title.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 2 "District Characteristics" and Title 16, Chapter 3, Section 2, Subsection D, "Special Purpose Districts" by the addition of a new Paragraph 4, of the Englewood Municipal Code 2000 to read as follows:

**16-3-2: District Characteristics.**

One of the goals of the City is to encourage a variety of housing types to meet the needs of differing income levels and varying household structures. The regulations for these districts are designed to stabilize and protect the essential characteristics of the districts, to allow for certain

conditional and limited uses that are controlled by specific limitations governing the impact of such uses, and to promote a compatible neighborhood environment.

**[EDITORS NOTE: 16-3-2(A) through (C) remain unchanged.]**

D. Special Purpose Districts.

1. PUD: Planned Unit Development District. The PUD district is intended as an alternative to conventional land use regulations. The PUD district combines use, density, design, and Zoning Site Plan considerations into a single process, and substitutes procedural protections for many of the substantive requirements of this Title. Designation of a PUD district shall comply with the procedural requirements of Section 16-2-7 EMC.
2. M-O-1: Medical Overlay District. This overlay district covers a portion of the MU-R-3-B base residential zone district, that retains the base district permitted land uses and residential density requirements, but substitutes Medical Zone District lot dimension, parking, and landscaping requirements in support of medical district development.
3. M-O-2: Medical Overlay District. This overlay district covers a portion of the R-2-B base residential zone district and allows a property the option to develop under R-2-B regulations or under M-2 regulations when it is included as part of a larger adjacent M-2 zoned site with street frontage on Hampden Avenue. Retail use shall be prohibited in the M-O-2 overlay district.
4. NPO: Neighborhood Preservation Overlay District. An overlay district covering a portion of the MU-R-3-B base residential zone district that is intended to preserve the existing character and balance of land uses within a mature residential neighborhood area. Existing multi-unit developments retain rights to redevelop at existing residential density levels and subject to all other MU-R-3-B zone district dimensional standards. Existing single unit homes may only be redeveloped as similar single and two unit developments.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 2, by the addition of a new Paragraph E, of the Englewood Municipal Code 2000, to read as follows:

**16-5-2: Use-Specific Standards.**

**[EDITORS NOTE: 16-5-2(A) through (D) remain unchanged.]**

E. Neighborhood Preservation Overlay Uses.

1. Prohibited Uses. The following uses are prohibited:
  - a. Hospital.
  - b. Clinic.

- c. Laboratory.
  - d. Office, type 1, (general).
  - e. Office, type 2, (limited).
  - f. Parking facility, structure, and principal use.
  - g. Parking area, surface, principal use.
  - h. Conversions as described in Section 16-6-1(C)(2)(b) EMC.
  - i. Multi-unit dwelling, except for two-unit dwellings.
2. Prohibited Conditional Uses. The following Conditional Uses are prohibited:
- a. Group living facility, large/special.
  - b. Small treatment center.
  - c. Boarding or rooming house.
3. Limitation on Number of Units for New Multi-unit Residential Developments. A maximum of two (2) residential units per fifty feet (50') of lot frontage are allowed for new multi-unit residential developments replacing existing single and two unit structures.
4. Any multi-unit structure in existence at the time of the effective date of the ordinance creating this overlay district (insert date) shall be considered a legal conforming use. Should any such structures be destroyed or intentionally be demolished by more than sixty percent (60%) of its value, the structure shall be allowed to be reconstructed with the same number of units and in its previous location on the lot, regardless of whether or not the requirements of the underlying zone district are met, including but not limited to minimum lot area, maximum lot coverage, maximum height, minimum setbacks, parking and landscaping. Maximum lot coverage may be increased to eighty percent (80%).
5. All other non-conforming uses and/or structures are subject to the non-conforming regulations of the Unified Development Code.

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 2nd day of April, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 6th day of April, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 4th day of April, 2012 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Kerry Bush, Deputy City Clerk

I, Kerry Bush, Deputy 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 2nd day of April, 2012.

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Kerry Bush

**Legal Description for Portions of Medical District Sub-area 2 Establishing  
Neighborhood Preservation Overlay Zone District (NPO)**

That part of the SE quarter of Section 34, Township 4 South, Range 68 West of the 6th P.M., situated within the City of Englewood, Arapahoe County, Colorado, more particularly described as follows:

Beginning at the intersection of the centerlines of East Floyd Avenue and South Sherman Street; thence westerly along the centerline of East Floyd Avenue a distance of 163 feet to the intersection of the centerline of East Floyd Avenue and the extended centerline of the north-south alley of Block 6, Rose Addition; thence northerly a distance of 660 feet to the intersection of the centerline of East Eastman Avenue and the extended centerline of the north-south alley of Block 6, Rose Addition; then easterly a distance of 652 feet to the intersection of the centerline of East Eastman Avenue and the extended centerline of the north-south alley of Block 8, Rose Addition; then southerly a distance of 1,800 feet; thence westerly a distance of 8 feet to the southeast corner of Lot 18, Block 8, Premier Addition; thence westerly a distance of 125 feet along the south line of Lot 18, Block 8, Premier Addition to the southwest corner of said lot; thence westerly a distance of 60 feet to the east line of Lot 30, Block 7, Premier Addition; then westerly a distance of 125 feet to the west line of Lot 30, Block 7, Premier Addition; then westerly a distance of 8 feet to the centerline of the north-south alley of Block 7, Premier Addition; thence northerly a distance of 1,140 feet to the centerline of East Floyd Avenue and the extended centerline of the north-south alley of Block 2, Premier Addition; thence westerly a distance of 163 feet to the intersection of the centerlines of East Floyd Avenue and South Sherman Street, the point of beginning.



City of Englewood, Colorado

Englewood Medical District Small Area Plan:  
 Proposed Sub-area 2  
 Neighborhood Preservation Overlay (NPO)

**LEGEND**

-  Neighborhood Preservation Overlay Boundary
-  Subarea Boundary

March 2012



## COUNCIL COMMUNICATION

<b>Date:</b> April 2, 2012	<b>Agenda Item:</b> 11 c i	<b>Subject:</b> Award Contract for Concrete Utility 2012
<b>Initiated By:</b> Department of Public Works		<b>Staff Source:</b> Larry Nimmo, Field Operations Administrator

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

- On May 5, 1997, City Council approved Ordinance No. 36, Series 1997 creating a Concrete Utility and Concrete Utility Enterprise Fund (EMC Chapter 8, Title 12).
- Council has approved annual construction contracts for removal and replacement of substandard concrete since 1997.

### RECOMMENDED ACTION

Staff recommends that City Council award, by motion, a contract with the lowest acceptable bidder, **NORAA Concrete Construction**, in the amount of **\$313,522.50**, for construction of **Concrete Utility 2012** and authorizing the Director of Public Works to execute the contract.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Englewood Municipal Code (Section 11-3B-1) requires property owners to maintain the concrete curbs, gutters, and sidewalks adjacent to their property. An option available to property owners is to participate in the Concrete Utility. The Concrete Utility provides a funding mechanism for concrete repair at a reasonable cost (\$6.50 to \$8.00 quarterly fee for a typical residential property) and a convenient way to pay (96% of the fees are collected through the water/sewer billing system). The City contributes its share of the fees just like any private owner.

In-house staff prepared bid documents and quantity estimates for the 2012 Concrete Utility Project. The project was publicly advertised in February and bids were opened on March 6, 2012. NORAA Concrete Construction submitted the lowest responsive bid. Staff has evaluated the references provided by NORAA Concrete Construction and received only positive feedback from the other municipalities contacted.

### FINANCIAL IMPACT

Five bids were received and opened on March 6, 2012 as detailed in the attached Bid Tabulation. Note that one bidder requested their bid be withdrawn due to numerous fatal flaws. The City Attorney's office and Purchasing Division were consulted and concur that this withdrawal is in the best interest of the City.

The bid submitted by NORAA Concrete Construction is 6.6% higher than the Engineers Estimate of \$294,000; however, below the 2012 Estimated Construction Cost.

Estimated Construction costs for the 2012 project are as follows:

Construction contract (NORAA Concrete Construction)	<b>\$313,522.50</b>
Contingency for unidentified work	<u>\$ 11,477.50</u>
Total Estimated 2012 Construction Cost	<b>\$325,000.00</b>

\$325,000 is budgeted for construction in the 2012 Concrete Utility.

**LIST OF ATTACHMENTS**

- Contract
- Bid Tabulation

**CONTRACT**

CITY OF ENGLEWOOD, COLORADO

THIS CONTRACT and agreement, made and entered into this 2<sup>nd</sup> day of April, 2012, by and between the City of Englewood, a municipal corporation of the State of Colorado hereinafter referred to as the "City", and **Noraa Concrete Construction**, whose address is **39673 E 160<sup>th</sup> Ave, Keenesburg, CO 80643**, ("Contractor"), commencing on the 1<sup>st</sup> day of February, 2012, and continuing for at least ten (10) days thereafter the City advertised that sealed proposals would be received for furnishing all labor, tools, supplies, equipment, materials and everything necessary and required for the following:

**PROJECT: 2012 Concrete Utility Project**

WHEREAS, proposals pursuant to said advertisement have been received by the Mayor and City Council and have been certified by the Director of Public Works to the Mayor and City Council with a recommendation that a contract for work be awarded to the above named Contractor who was the lowest reliable and responsible bidder therefore, and

WHEREAS, pursuant to said recommendation, the Contract has been awarded to the above named Contractor by the Mayor and City Council and said Contractor is now willing and able to perform all of said work in accordance with said advertisement and his proposal.

NOW THEREFORE, in consideration of the compensation to be paid and the work to be performed under this contract, the parties mutually agree as follows:

- A. Contract Documents: It is agreed by the parties hereto that the following list of instruments, drawings and documents which are attached or incorporated by reference constitute and shall be referred to either as the Contract Documents or the Contract and all of said instruments, drawings, and documents taken together as a whole constitute the Contract between the parties hereto and they are as fully a part of this agreement as if they were set out verbatim and in full:

- Invitation to Bid
- Contract (this instrument)
- Special Provisions Insurance
- Performance Payment Maintenance Bond
- Section 1 – General Information
- Section 2 - Special Provisions
- Section 3 - General Conditions
- Section 4 – Portland Cement Concrete
- Section 5 – Placing and Finishing Concrete
- Section 6 – Site Preparation
- Section 7 – Base Course
- Section 8 – City of Englewood Construction Details

- B. Scope of Work: The Contractor agrees to and shall furnish all labor, tools, supplies, traffic control, equipment, materials and everything necessary for and required to do, perform and complete all the work described, drawn, set forth, shown and included in said Contract Documents.

- C. Terms of Performance: The Contractor agrees to undertake the performance of the work under this Contract within **ten (10) days** from being notified to commence work by the Director of Public Works, **no later than April 30, 2012**, and agrees to fully complete said work by September 1, 2012, plus such extension or extensions of time as may be granted by the Director of Public Works in accordance with the provisions of the Contract Documents and Specifications.
- D. Indemnification: The city cannot and by this Agreement/Contract does not agree to indemnify, hold harmless, exonerate or assume the defense of the Contractor or any other person or entity, for any purpose. The Contractor shall defend, indemnify and save harmless the City, its officers, agents and employees from any and all claims, demands, suits, actions or proceedings of any kind or nature including Worker's Compensation claims, in any way resulting from or arising out of this Agreement/Contract: provided, however, that the Contractor need not indemnify or save harmless the City, its officers, agents and employees from damages resulting from the sole negligence of the City's officers, agents and Employees.
- E. Termination of Award for Convenience: The City may terminate the award at any time by giving written notice to the Contractor of such termination and specifying the effective date of such termination, at least thirty (30) days before the effective date of such termination. In that event all finished or unfinished service, reports, material (s) prepared or furnished by the Contractor after the award shall, at the option of the City, become its property. If the award is terminated by the City as provided herein, the Contractor will be paid that amount which bears the same ratio to the total compensation as the services actually performed or material furnished bear to the total services/materials the successful firm agreed to perform under this award, less payments of compensation previously made. If the award is terminated due to the fault of the Contractor the clause relating to termination of the award for cause shall apply.
- F. Termination of Award for Cause: If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligations or if the Contractor shall violate any of the covenants, agreements or stipulations of the award, the City shall have the right to terminate the award by giving written notice to the Contractor of such termination and specifying the effective date of termination. In that event, all furnished or unfinished services, at the option of the City, become its property, and the Contractor shall be entitled to receive just, equitable compensation for any satisfactory work documents, prepared completed or materials as furnished.
- Notwithstanding the above, the Contractor shall not be relieved of the liability to the City for damages sustained by the City by virtue of breach of the award by the Contractor and the City may withhold any payments to the Contractor for the purpose of set off until such time as the exact amount of damages due the City from the Contractor is determined.
- G. Terms of Payment: The City agrees to pay the Contractor for the performance of all the work required under this contract, and the Contractor agrees to accept as his full and only compensation therefore, such sum or sums of money as may be proper in accordance with the price or prices set forth in the Contractor's proposal attached and made a part hereof, the total estimated cost thereof being **Three Hundred Thirteen Thousand Five Hundred Twenty Two Dollars and Fifty Cents (\$313,522.50)**

- H. Appropriation of Funds: At present, \$ **313,522.50** has been appropriated for the project. Notwithstanding anything contained in this Agreement to the contrary, the parties understand and acknowledge that each party is subject to Article X, § 20 of the Colorado Constitution ("TABOR"). The parties do not intend to violate the terms and requirements of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, notwithstanding anything in this Agreement/Contract to the contrary, all payment obligations of the City are expressly dependent and conditioned upon the continuing availability of funds beyond the term of the City's current fiscal period ending upon the next succeeding December 31. Financial obligations of the City payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules, regulations, and resolutions of the City and applicable law. Upon the failure to appropriate such funds, this Agreement shall be deemed terminated. The City shall immediately notify the Contractor or its assignee of such occurrence in the event of such termination.
- I. Liquidated Damages: The City and Contractor recognize that time is of the essence in this Agreement because of the public interest in health and safety, and that the City will suffer financial loss, and inconvenience, if the Work is not complete within the time specified in the bid documents, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving, in a legal proceeding, the actual loss suffered by the City if the Work is not complete on time. Accordingly, instead of requiring any such proof, the City and Contractor agree that as liquidated damages for delay, but not as a penalty, Contractor shall pay the City **\$250** for each day that expires after the time specified for substantial completion until the Work is complete, and **\$250** for each day that expires after the time specified for final completion until the Work is finally complete.
- J. Assignment: Contractor shall not, at any time, assign any interest in this Agreement or the other Contract Documents to any person or entity without the prior written consent of the City specifically including, but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law). Any attempted assignment which is not in compliance with the terms hereof shall be null and void. Unless specifically stated to the contrary in any written consent to an Assignment, no Assignment will release or discharge the Assignor from any duty or responsibility under the Contract Documents.
- K. Contract Binding: It is agreed that this Contract shall be binding on and inure to the benefit of the parties hereto, their heirs, executors, administrators, assigns, and successors.
- L. Contractor's Guarantee. In addition to the Contractor's Guarantee provided for in the Section 3.51 of the General Contract Conditions, the Contractor shall further guarantee that the work of the contract shall remain in good order and repair for a period of two (2) years from all causes arising from defective workmanship and materials, and to make all repairs arising from said causes during such period without further compensation, and shall guarantee the concrete curbs, gutters and sidewalks against defective workmanship and materials, and shall keep the same in good order

and repair without further compensation for a period of two (2) years from and after completion and acceptance thereof by the City. The determination of the necessity for the repair or replacement of said paving, curbs, and sidewalks or any portion thereof, shall rest entirely with the Director of Public Works, whose decision upon the matter shall be final and obligatory upon the Contractor.

**VERIFICATION OF COMPLIANCE WITH C.R.S. 8-17.5-101 ET.SEQ. REGARDING HIRING OF ILLEGAL ALIENS**

**(a) Employees, Contractors and Subcontractors:** Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract. Contractor shall not contract with a subcontractor that fails to certify to the Contractor that the subcontractor will not knowingly employ or contract with an illegal alien to perform work under this Contract. [CRS 8-17.5-102(2)(a)(I) & (II).]

**(b) Verification:** Contractor will participate in either the E-Verify program or the Department program, as defined in C.R.S. 8-17.5-101 (3.3) and 8-17.5-101 (3.7) respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this public contract. Contractor is prohibited from using the E-Verify program or the Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed.

**(c) Duty to Terminate a Subcontract:** If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, the Contractor shall:

(1) notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(2) terminate the sub-contract with the subcontractor if, within three days of receiving notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with the illegal alien.

**(d) Duty to Comply with State Investigation:** Contractor shall comply with any reasonable request of the Colorado Department of Labor and Employment made in the course of an investigation by that the Department is undertaking pursuant to C.R.S. 8-17.5-102 (5).

**(e) Damages for Breach of Contract:** The City may terminate this contract for a breach of contract, in whole or in part, due to Contractor's breach of any section of this paragraph or provisions required pursuant to C.R.S. 8-17.5-102. Contractor shall be liable for actual and consequential damages to the City in addition to any other legal or equitable remedy the City may be entitled to for a breach of this Contract under this Paragraph.

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day and year first written above.

CITY OF ENGLEWOOD

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

City Clerk

**Noraa Concrete Construction**  
Contractor (print company name )

By: \_\_\_\_\_

Date: \_\_\_\_\_

(Signature)

\_\_\_\_\_  
(Print name and Title )

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of \_\_\_\_\_ the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY

**City of Englewood Bid Tabulation Sheet**

**Bid Opening: March 6, 2012 2:00 PM MST**

**Apparent Low Bidder**

**ITEM: ITB-12-007 2012 Concrete Utility Project**

Contractor	Bid Bond Y/N	SOQ Y/N	Receipt of Addendum 1 Y/N	Total Base Bid	Exceptions:
Signature Underwriters Inc					
2598 S Lewis Way, Suite 3-B					
Lakewood, CO 80227					
James Misken, President 303-797-0742	Y	Y	Y	\$478,128.20	
Noraa Concrete Construction					
39673 E 160th Ave					
Keenesburg, CO 80643					
Lori Kaiser, Prj Admn 303-637-9233	Y	Y	Y	\$313,522.50	
Chato's Concrete LLC					
PO Box 21008					
Denver, CO 80221					
Marlene Andrade, Owner 720-252-7959	Y	Y	Y	\$333,268.74	
Lobos Structures					
8084 Sherman St					
Denver, CO 80221					
Luis Villalobos, Owner 303-669-3811	Y	Y	Y	Withdrawn	
Thoutt Bros Concrete Contractors Inc					
5460 Tennyson St					
Denver, CO 80212-4049					
Todd Thoutt, Estimator 303-458-1298	Y	Y	N	\$316,921.25	