

**Agenda for the
Regular Meeting of the
Englewood City Council
Monday, February 4, 2013
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 January 22, 2013.
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. Nancy Doty will be present to accept the City of Englewood's 2013 Aid to Other Agencies financial contribution to the Arapahoe County Mayor and Commissioners Youth Awards.
 - b. Bob Glancy from the National Weather Service will be giving a presentation regarding Englewood's designation as a Storm Ready Community.
 - c. Dominique Cook will be present to address City Council regarding the South Broadway Englewood Business Improvement District.
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.

8. Communications, Proclamations, and Appointments.
 - a. A resolution reappointing Brian Bleile to the Planning and Zoning Commission.
 - b. A resolution appointing Gary Bowman as an alternate member of the Urban Renewal Authority.
 - c. A resolution Cynthia Cassel to the Keep Englewood Beautiful Commission.
 - d. A resolution appointing Cristine Challis to the Public Library Board.
 - e. A resolution appointing Linda Cohn to the Urban Renewal Authority.
 - f. A resolution reappointing Justin Geissler to the Keep Englewood Beautiful Commission.
 - g. A resolution reappointing Carson Green to the Board of Adjustments and Appeals.
 - h. A resolution recommending the appointment of Paula Lee as an alternate member of the Englewood Housing Authority.
 - i. A resolution reappointing Jennifer Jones to the Keep Englewood Beautiful Commission
 - j. A resolution reappointing Daryl Kinton to the Planning and Zoning Commission.
 - k. A resolution appointing Martha Kirkpatrick as an alternate member of the Cultural Arts Commission.
 - l. A resolution appointing Amy Martinez to the Cultural Arts Commission.
 - m. A resolution appointing Michelle Mayer to the Election Commission.
 - n. A resolution appointing Michelle Mayer to the Public Library Board.
 - o. A resolution appointing Christine McGroarty to the Keep Englewood Beautiful Commission.
 - p. A resolution appointing Christine McGroarty as an alternate member of the Transportation Advisory Committee.
 - q. A resolution reappointing Mary Mosman to the Malley Center Trust Fund.
 - r. A resolution reappointing Steve Scott to the Keep Englewood Beautiful Commission.
 - s. A resolution appointing Theavy Sok to the Keep Englewood Beautiful Commission.
 - t. A resolution appointing Sarah Thoemke to the Code Enforcement Advisory Committee.

- u. A resolution appointing Sarah Thoemke to the Election Commission.
 - v. A resolution recommending the appointment of Evelyn Vaughn to the Englewood Housing Authority.
 - w. A resolution reappointing Kells Waggoner to the Water and Sewer Board.
 - x. A resolution appointing Dave Walker as an alternate member of the Code Enforcement Advisory Committee.
 - y. A resolution appointing Bruce Werner to the Keep Englewood Beautiful Commission.
 - z. A resolution reappointing Brittany Yepsen to the Keep Englewood Beautiful Commission.
9. Consent Agenda Items.
- a. Approval of Ordinances on First Reading.
 - b. Approval of Ordinances on Second Reading.
 - i. Council Bill No. 1 – Authorizing an Intergovernmental Agreement with the Regional Transportation District for cost-sharing for operation of the art shuttle for 2013.
 - c. Resolutions and Motions.
10. Public Hearing Items.
- a. A Public Hearing to gather input on Council Bill No. 68, approving the rezoning of the W H Investment parcel of the former General Iron Works property from Light Industrial (I-1) and Low Density Single and Multi-Dwelling Unit Residential (R-2-B) to Planned Unit Development (PUD).
 - b. A Public Hearing to gather input on Council Bill No. 69, approving the rezoning of the Sand Creek parcel of the former General Iron Works property from Light Industrial (I-1) and General Industrial (I-2) to Planned Unit Development (PUD).
11. Ordinances, Resolutions and Motions
- a. Approval of Ordinances on First Reading.
 - b. Approval of Ordinances on Second Reading

- c. Resolutions and Motions
 - i. Recommendation from the Community Development to approve, by motion, an agreement between the City of Englewood and MV Public Transportation, Inc. for 2013 management, operation, and maintenance of the art shuttle. The contract amount is \$265,118.40. **Staff Source: Harold J. Stitt, Senior Planner.**

- 12. General Discussion.
 - a. Mayor's Choice.
 - b. Council Members' Choice.

- 13. City Manager's Report.

- 14. City Attorney's Report.
 - a. *William Lawrence, et al. v. City of Englewood, et al.* Mr. Lawrence was picked up by Englewood Police Officers on a warrant. Mr. Lawrence is hearing impaired. The officers were able to communicate with him either in writing or through a roommate. Mr. Lawrence was transported to the Arapahoe County Detention Facility due to the outstanding warrant. Even though the officers acted appropriately in this instance, the City lacked an adequate policy to address hearing impaired individuals. A Motion to approve a settlement with the Colorado Cross Disability Coalition of Colorado ("CCDC") is requested. The settlement would consist of a \$35,000 payment from the City to the CCDC to cover attorney fees, adoption of a Department of Justice approved hearing impaired policy, Englewood's commitment to providing training to its police staff (both sworn and non-sworn employees), as well as a commitment to allow DOJ oversight to ensure compliance for a three year time period. (Arapahoe County is working on a separate Settlement Agreement with the DOJ and Plaintiffs.)

- 15. Adjournment.

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING BRIAN BLEILE TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Planning and Zoning Commission makes recommendations to City Council regarding the master plan, the comprehensive zoning ordinance, proposed subdivisions and capital improvements; and

WHEREAS, Brian Bleile is a current member of the Englewood Planning and Zoning Commission; and

WHEREAS, Brian Bleile's current term expired February 1, 2013; and

WHEREAS, Brian Bleile has applied for reappointment to the Englewood Planning and Zoning Commission;

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

Section 1. Brian Bleile is hereby reappointed to the Englewood Planning and Zoning Commission. Brian Bleile's term will be effective immediately and will expire February 1, 2017.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF GARY BOWMAN AS AN ALTERNATE MEMBER TO THE URBAN RENEWAL AUTHORITY FOR THE CITY OF ENGLEWOOD.

WHEREAS, the Englewood Urban Renewal Authority has the statutory authority to undertake projects which it finds necessary for the physical development of municipal land use including the improvement of areas within the City; and

WHEREAS, Gary Bowman has graciously offered to serve on the City of Englewood's boards and commissions; and

WHEREAS, currently there are no vacancies on the boards and commissions; and

WHEREAS, City Council has requested staff to send this alternate member packets for the Authority he will be serving on so that he can maintain an understanding of the current issues and rules; and

WHEREAS, while the alternate will not be able to vote at the meetings, he is nevertheless requested to attend as many meetings as possible to get a feel for the membership and issues; and

WHEREAS, the Mayor with the approval of City Council desires to appoint Gary Bowman as an alternate member of the Urban Renewal Authority.

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

Section 1. The Englewood City Council hereby recommends appointment of Gary Bowman as an alternate member of the Englewood Urban Renewal Authority.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING CYNTHIA CASSEL TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, there is a vacancy on the Keep Englewood Beautiful Commission; and

WHEREAS, Cynthia Cassel has applied to serve as a member of the Keep Englewood Beautiful Commission;

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

Section 1. Cynthia Cassel is hereby appointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Cynthia Cassel's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING CRISTINE CHALLIS TO THE PUBLIC LIBRARY BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Public Library Board prepares and recommends to City Council a master plan for the development and maintenance of the City library system as well as policy issues; and

WHEREAS, there is a vacancy on the Englewood Public Library Board; and

WHEREAS, Cristine Challis has applied to serve as a member of the Englewood Public Library Board;

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

Section 1. Cristine Challis is hereby appointed to the Englewood Public Library Board. Cristine Challis' term will be effective immediately and will expire February 1, 2017.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF LINDA COHN TO THE
URBAN RENEWAL AUTHORITY FOR THE CITY OF ENGLEWOOD.

WHEREAS, the Englewood Urban Renewal Authority has the statutory authority to undertake projects which it finds necessary for the physical development of municipal land use including the improvement of areas within the City; and

WHEREAS, there is a vacancy in the Englewood Urban Renewal Authority; and

WHEREAS, Linda Cohn has applied to serve as a member of the Englewood Urban Renewal Authority; and

WHEREAS, Linda Cohn was previously named as an alternate to the Englewood Urban Renewal Authority; and

WHEREAS, the Mayor with the approval of the Englewood City Council desires to appoint Linda Cohn to the Englewood Urban Renewal Authority;

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

Section 1. The Englewood City Council recommends the appointment of Linda Cohn to the Englewood Urban Renewal Authority. Linda Cohn's term will be effective immediately and will expire February 1, 2018.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING JUSTIN GEISSLER TO THE KEEP ENGLEWOOD
BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, Justin Geissler is a current member of the Keep Englewood Beautiful Commission; and

WHEREAS, Justin Geissler's term expired February 1, 2013; and

WHEREAS, Justin Geissler has applied for reappointment to the Keep Englewood Beautiful Commission for another term;

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

Section 1. Justin Geissler is hereby reappointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Justin Geissler's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING CARSON GREEN TO THE BOARD OF ADJUSTMENT AND APPEALS FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Board of Adjustments and Appeals has the authority to hear and determine appeals from the refusal of building permits and other decisions regarding the enforcement of the zoning regulations, to make exceptions to the zoning regulations and to authorize variances from the strict application of zoning regulations; and

WHEREAS, Carson Green is a current member of the Englewood Board of Adjustment and Appeals; and

WHEREAS, Carson Green's term expired February 1, 2013; and

WHEREAS, Carson Green has applied for reappointment to the Englewood Board of Adjustment and Appeals for another term;

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

Section 1. Carson Green is hereby reappointed to the Board of Adjustment and Appeals for the City of Englewood, Colorado. Carson Green term will be effective immediately and will expire February 1, 2017.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF PAULA LEE AS AN ALTERNATE MEMBER TO THE HOUSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Housing Authority has a commitment to provide housing to low and moderate income families within the City of Englewood; and

WHEREAS, Paula Lee has graciously offered to serve on the City of Englewood's boards and commissions; and

WHEREAS, currently there are no vacancies on the boards and commissions; and

WHEREAS, City Council has requested staff to send this alternate member packets for the Authority she will be serving on so that she can maintain an understanding of the current issues and rules; and

WHEREAS, while an alternate will not be able to vote at the meetings, she is nevertheless requested to attend as many meetings as possible to get a feel for the membership and issues; and Paula Lee as an alternate to the Englewood Housing Authority; and

WHEREAS, the Mayor with the approval of Englewood City Council desires to appoint Paula Lee to the Englewood Housing Authority;

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

Section 1. Englewood City Council hereby recommends the appointment of Paula Lee as an alternate member to the Englewood Housing Authority for the City of Englewood, Colorado, as an alternate member.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

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Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
 SERIES OF 2013

A RESOLUTION REAPPOINTING JENNIFER JONES TO THE KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, Jennifer Jones is a current member of the Keep Englewood Beautiful Commission; and

WHEREAS, Jennifer Jones' term expired February 1, 2013; and

WHEREAS, Jennifer Jones has applied for reappointment to the Keep Englewood Beautiful Commission for another term;

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

Section 1. Jennifer Jones is hereby reappointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Jennifer Jones' term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

 Randy P. Penn, Mayor

 Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

 Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING DARYL KINTON TO THE PLANNING AND ZONING
COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Planning and Zoning Commission makes recommendations to
City Council regarding the master plan, the comprehensive zoning ordinance, proposed
subdivisions and capital improvements; and

WHEREAS, Daryl Kinton is a current member of the Englewood Planning and Zoning
Commission; and

WHEREAS, Daryl Kinton's current term expired February 1, 2013; and

WHEREAS, Daryl Kinton has applied for reappointment to the Englewood Planning and
Zoning Commission;

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

Section 1. Daryl Kinton is hereby reappointed to the Englewood Planning and Zoning
Commission. Daryl Kinton's term will be effective immediately and will expire February 1,
2017.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the
above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING MARTHA KIRKPATRICK AS AN ALTERNATE MEMBER TO THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Cultural Arts Commission was established by the Englewood City Council with the passage of Ordinance No. 5, Series of 1996; and

WHEREAS, Martha Kirkpatrick has graciously offered to serve on the City of Englewood's boards and commissions; and

WHEREAS, currently there are no vacancies on the boards and commissions; and

WHEREAS, the Englewood City Council desires to appoint Martha Kirkpatrick as an alternate member to the Englewood Cultural Arts Commission; and

WHEREAS, City Council has requested staff to send this alternate member packets for the Commission she will be serving on so that she can maintain an understanding of the current issues and rules; and

WHEREAS, Council wishes to express its gratitude for the volunteerism and service that this individual wishes to bestow upon 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 appoints Martha Kirkpatrick as an alternate member of the Englewood Cultural Arts Commission.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING AMY MARTINEZ AS A MEMBER OF THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Cultural Arts Commission was established by the Englewood City Council with the passage of Ordinance No. 5, Series of 1996; and

WHEREAS, the purpose of the Cultural Arts Commission is to provide planning for the development of cultural arts activities and to implement an Arts Plan; and

WHEREAS, there is a vacancy on the Englewood Cultural Arts Commission; and

WHEREAS, Amy Martinez has graciously applied for appointment to the Englewood Cultural Arts Commission; and

WHEREAS, Amy Martinez was previously named as an alternate member of the Cultural Arts Commission; and

WHEREAS, the Englewood City Council desires to appoint Amy Martinez to the Englewood Cultural Arts Commission.

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

Section 1. Amy Martinez is hereby appointed to the Cultural Arts Commission for the City of Englewood, Colorado. Amy Martinez's term will become effective immediately and expiring July 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING MICHELLE MAYER TO THE ELECTION COMMISSION
OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Election Commission is charged with recommending to City Council rules and regulations with respect to municipal elections; and

WHEREAS, there is a vacancy on the Englewood Election Commission; and

WHEREAS, Michelle Mayer has applied to serve as a member of the Englewood Election Commission;

WHEREAS, the Englewood City Council desires to appoint Michelle Mayer to the Englewood Election Commission.

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

Section 1. Michelle Mayer is hereby appointed to the Englewood Election Commission. Michelle Mayer's term will be effective immediately with term expiring February 1, 2017.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING MICHELLE MAYER TO THE PUBLIC LIBRARY
BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Public Library Board prepares and recommends to City Council a master plan for the development and maintenance of the City library system as well as policy issues; and

WHEREAS, there is a vacancy on the Englewood Public Library Board; and

WHEREAS, Michelle Mayer has applied to serve as a member of the Englewood Public Library Board;

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

Section 1. Michelle Mayer is hereby appointed to the Englewood Public Library Board. Michelle Mayer's term will be effective immediately and will expire February 1, 2017.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING CHRISTINE McGROARTY TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, there is a vacancy on the Keep Englewood Beautiful Commission; and

WHEREAS, Christine McGroarty has applied to serve as a member of the Keep Englewood Beautiful Commission;

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

Section 1. Christine McGroarty is hereby appointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Christine McGroarty's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING CHRISTINE MCGROARTY AS AN ALTERNATE TO THE TRANSPORTATION ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Transportation Advisory Committee has been established as an advisory committee focused on transportation issues in the City of Englewood and shall seek to promote close cooperation between the City, individuals, businesses, institutions and agencies concerned with transportation related activities; and

WHEREAS, the Englewood Transportation Advisory Committee was established by the Englewood City Council with the passage of Ordinance No. 65, Series of 2001; and

WHEREAS, Christine McGroarty has graciously offered to serve on the City of Englewood's boards and commissions; and

WHEREAS, currently there are no vacancies on the boards and commissions; and

WHEREAS, the Englewood City Council desires to appoint Christine McGroarty as alternate member to the Transportation Advisory Committee; and

WHEREAS, City Council has requested staff to send this alternate member packets for the Board she will be serving on so that she can maintain an understanding of the current issues and rules; and

WHEREAS, while the alternate will not be able to vote at the meetings, she is nevertheless requested to attend as many meetings as possible to get a feel for the membership and issues; and

WHEREAS, Council wishes to express its gratitude for the volunteerism and service that this individual wishes to bestow upon 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 appoints Christine McGroarty as alternate member of the Englewood Transportation Advisory Committee.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING MARTY MOSMAN TO THE MALLEY CENTER TRUST FUND FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Malley Center Trust Fund was established for the use and benefit of the Englewood Senior Citizen Recreation Center known as the Elsie Malley Centennial Center; and

WHEREAS, the Trustees recommend to the City Council appropriations from the Trust Fund for the use and benefit of the Elsie Malley Centennial Center; and

WHEREAS, Marty Mosman is a current member of the Malley Center Trust Fund; and

WHEREAS, Marty Mosman's current term expires February 1, 2013; and

WHEREAS, Marty Mosman has applied for reappointment to the Malley Center Trust Fund for another term;

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

Section 1. Marty Mosman is hereby reappointed to the Malley Center Trust Fund for the City of Englewood, Colorado. Marty Mosman's term will be effective immediately and will expire February 1, 2016.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING STEVE SCOTT TO THE KEEP ENGLEWOOD
BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, Steve Scott is a current member of the Keep Englewood Beautiful Commission; and

WHEREAS, Steve Scott's term expired February 1, 2013; and

WHEREAS, Steve Scott has applied for reappointment to the Keep Englewood Beautiful Commission for another term;

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

Section 1. Steve Scott is hereby reappointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Steve Scott's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING THEAVY SOK TO KEEP ENGLEWOOD BEAUTIFUL
COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, there is a vacancy on the Keep Englewood Beautiful Commission; and

WHEREAS, Theavy Sok has applied to serve as a member of the Keep Englewood Beautiful Commission;

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

Section 1. Theavy Sok is hereby appointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Theavy Sok's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING SARAH THOEMKE TO THE CODE ENFORCEMENT
ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Code Enforcement Advisory Committee was established by the
Englewood City Council with the passage of Ordinance No. 71, Series of 1997; and

WHEREAS, Sarah Thoenke has applied to serve as a member of the Englewood Code
Enforcement Advisory Committee; and

WHEREAS, the Englewood City Council desires to appoint Sarah Thoenke to the Englewood
Code Enforcement Advisory Committee;

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

Section 1. Sarah Thoenke is hereby appointed to the Englewood Code Enforcement
Advisory Committee. Sarah Thoenke's term will be effective immediately and will expire
July 1, 2014.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the
above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING SARAH THOEMKE TO THE ELECTION COMMISSION
OF THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Election Commission is charged with recommending to City Council rules and regulations with respect to municipal elections; and

WHEREAS, there is a vacancy on the Englewood Election Commission; and

WHEREAS, Sarah Thoemke has applied to serve as a member of the Englewood Election Commission;

WHEREAS, the Englewood City Council desires to appoint Sarah Thoemke to the Englewood Election Commission.

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

Section 1. Sarah Thoemke is hereby appointed to the Englewood Election Commission. Sarah Thoemke's term will be effective immediately with term expiring February 1, 2014.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF EVELYN VAUGHN TO THE ENGLEWOOD HOUSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, there is a vacancy in the Englewood Housing Authority; and

WHEREAS, Evelyn Vaughn has applied to serve as a member of the Englewood Housing Authority; and

WHEREAS, the Mayor with the approval of City Council desires to appoint Evelyn Vaughn as a member of Englewood Housing Authority.

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

Section 1. The Englewood City Council hereby recommends the appointment of Evelyn Vaughn to the Englewood Housing Authority for the City of Englewood, Colorado. Evelyn Vaughn's term will be effective immediately and will expire on July 1, 2014.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION REAPPOINTING KELLS WAGGONER TO THE WATER AND SEWER BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood Water and Sewer Board plans for the continued adequacy of the domestic water supply and system and sanitary sewer system and shall have the power to protect the domestic water supply of the City from injury and pollution; and

WHEREAS, Kells Waggoner is a current member of the Englewood Water and Sewer Board; and

WHEREAS, Kells Waggoner's current term expired February 1, 2013; and

WHEREAS, Kells Waggoner has applied for reappointment to the Englewood Water and Sewer Board; and

WHEREAS, the Englewood City Council desires to reappoint Kells Waggoner to the Englewood Water and Sewer Board;

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

Section 1. Kells Waggoner is hereby reappointed to Englewood Water and Sewer Board. Kells Waggoner's term will be effective immediately and will expire February 1, 2019.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING DAVE WALKER AS AN ALTERNATE MEMBER TO THE
CODE ENFORCEMENT ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD.

WHEREAS, the Englewood Code Enforcement Advisory Committee was established by the
Englewood City Council with the passage of Ordinance No. 71, Series of 1997; and

WHEREAS, the Code Enforcement Advisory Committee is an advisory committee focused on
the activities and services of code enforcement and regulatory processes of the Neighborhood
Services section of the Englewood Police Department, the Committee makes recommendations to
City Council and to the City Manager or designee for improvements relating to the Neighborhood
Services in the City; and

WHEREAS, Dave Walker has graciously offered to serve on the City of Englewood's boards
and commissions; and

WHEREAS, City Council has requested staff to send this alternate member packets for the
Board he will be serving on so that he can maintain an understanding of the current issues and
rules; and

WHEREAS, while the alternate will not be able to vote at the meetings, he is nevertheless
requested to attend as many meetings as possible to get a feel for the membership and issues; and

WHEREAS, Council wishes to express its gratitude for the volunteerism and service
that this individual wishes to bestow upon 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 appoints Dave Walker as an alternate member
of the Code Enforcement Advisory Committee.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the
above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
SERIES OF 2013

A RESOLUTION APPOINTING BRUCE WERNER TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, there is a vacancy on the Keep Englewood Beautiful Commission; and

WHEREAS, Bruce Werner has applied to serve as a member of the Keep Englewood Beautiful Commission;

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

Section 1. Bruce Werner is hereby appointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Bruce Werner's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

Loucrishia A. Ellis, City Clerk

RESOLUTION NO. _____
 SERIES OF 2013

A RESOLUTION REAPPOINTING BRITTANY YEPSSEN TO THE KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Keep Englewood Beautiful Commission has been created to advise the City Council on all matters pertaining to environmental protection and neighborhood beautification; and

WHEREAS, Brittany Yepsen is a current member of the Keep Englewood Beautiful Commission; and

WHEREAS, Brittany Yepsen's term expired February 1, 2013; and

WHEREAS, Brittany Yepsen has applied for reappointment to the Keep Englewood Beautiful Commission for another term;

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

Section 1. Brittany Yepsen is hereby reappointed to the Keep Englewood Beautiful Commission for the City of Englewood, Colorado. Brittany Yepsen's term will be effective immediately and will expire February 1, 2015.

ADOPTED AND APPROVED this 4th day of February, 2013.

ATTEST:

 Randy P. Penn, Mayor

 Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2013.

 Loucrishia A. Ellis, City Clerk

BY AUTHORITY

ORDINANCE NO. _____
 SERIES OF 2013 _____

COUNCIL BILL NO. 1
 INTRODUCED BY COUNCIL
 MEMBER WOODWARD

AN ORDINANCE AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT ENTITLED "FUNDING AGREEMENT FOR RTD FUNDING OF LOCAL TRANSPORTATION SERVICES" (ENGLEWOOD ART SHUTTLE) BETWEEN THE REGIONAL TRANSPORTATION DISTRICT (RTD) AND THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Englewood City Council approved an Intergovernmental Agreement between RTD and the City of Englewood for funding of the Englewood Circulator Shuttle for 2004 – 2007 by the passage of Ordinance No. 50, Series of 2004; and

WHEREAS, the Englewood City Council approved an Intergovernmental Agreement between RTD and the City of Englewood for funding of the Englewood Circulator Shuttle for September 10, 2007 through December 31, 2007 by the passage of Ordinance No. 66, Series of 2007; and

WHEREAS, the Englewood City Council approved an Intergovernmental Agreement between RTD and the City of Englewood for funding of the Englewood Circulator Shuttle for January 1, 2008 through December 31, 2008 by the passage of Ordinance No. 10, Series of 2008; and

WHEREAS, the Englewood City Council approved an Intergovernmental Agreement between RTD and the City of Englewood for funding of the Englewood Circulator Shuttle for January 1, 2010 through December 31, 2010 by the passage of Ordinance No. 4, Series of 2010; and

WHEREAS, the Englewood City Council approved an Intergovernmental Agreement between RTD and the City of Englewood for funding of the Englewood Circulator Shuttle for January 1, 2011 through December 31, 2011 by the passage of Ordinance No.5, Series of 2011; and

WHEREAS, the Englewood City Council approved an Intergovernmental Agreement between RTD and the City of Englewood for funding of the Englewood Circulator Shuttle for January 1, 2012 through December 31, 2012 by the passage of Ordinance No. 9, Series of 2012; and

WHEREAS, this service provides mobility and access to the commercial areas in and around the vicinity of the CityCenter Englewood light rail station, downtown Englewood and the Swedish/Craig Medical Center; and

WHEREAS, the passage of this proposed Ordinance will provide the same level of service for the calendar year 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 IGA entitled "Funding Agreement for RTD Funding of Local Transportation Services" (Englewood Art Shuttle) between the Regional Transportation District (RTD) and the City of Englewood, Colorado, as attached hereto as Exhibit 1.

Section 2. The Mayor and City Clerk are authorized to execute and attest said Intergovernmental Agreement for and on behalf of the City of Englewood.

Introduced, read in full, and passed on first reading on the 22nd day of January, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of January, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of January, 2013 for thirty (30) days.

Read by title and passed on final reading on the 4th day of February, 2013.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2013, on the 8th day of February, 2013.

Published by title on the City's official website beginning on the 6th day of February, 2013 for thirty (30) days.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2013.

Loucrishia A. Ellis

**FUNDING AGREEMENT
FOR RTD FUNDING OF LOCAL TRANSPORTATION SERVICES
(ENGLEWOOD art SHUTTLE)**

This Funding Agreement for RTD Funding of Local Transportation Services (Englewood art Shuttle) (“Agreement”) is made this _____ day of _____, 2013, between the Regional Transportation District, a political subdivision of the State of Colorado organized pursuant to the Regional Transportation District Act, C.R.S. § 32-9-101, *et seq.*, (“RTD”) and the City of Englewood, Colorado, a Colorado home rule city (“Local Entity”). The Local Entity and RTD may also be referred to herein individually as a “Party” and collectively as the “Parties”.

RECITALS

- A. RTD is authorized by the Regional Transportation District Act, C.R.S. §§ 32-9-101, *et seq.* (the “RTD Act”), to develop, maintain, and operate a mass transportation system for the benefit of the inhabitants of its District, as defined by the RTD Act.
- B. Pursuant to the Colorado Constitution, Article XIV, Section 18(2)(a), and C.R.S. §§ 29-1-203 *et seq.*, both RTD and the Local Entity may cooperate or contract with each other to provide any function, service, or facility lawfully authorized to each, and any such contract may provide for sharing of costs.
- C. RTD currently operates a variety of fixed-route bus, light rail, and other transit services in and around the Local Entity.
- D. The Parties agree that the transit services described in Exhibit A (“Services”) provide mobility and access to the business and residential areas in and around the Local Entity.
- E. RTD wishes to financially contribute to the provision of the Services according to the terms and conditions as agreed by the Parties, as set forth herein.

TERMS AND CONDITIONS

NOW THEREFORE, in consideration of the foregoing premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows.

1. GENERAL.

- A. **Exhibits.** The following exhibits are attached and incorporated into this Agreement by this reference:

- Exhibit A:** Description of the Services
- Exhibit B:** Description of the RTD Funding
- Exhibit C:** Communication and Notices – Contacts

Exhibit D: Special Provisions

B. **Recitals.** The recitals set forth above are incorporated herein by this reference.

C. **Scope.** The Parties may have previously entered into various other agreements which remain in effect until terminated and are not voided by or otherwise amended by this Agreement, unless expressly set forth herein.

2. **OPERATIONS, MANAGEMENT AND CONTROL OF THE SERVICES.** The Local Entity shall continue to manage and operate, either directly or through its designated agent(s), the Services. The Local Entity and/or its designated agent(s) shall be solely responsible for all operations, management, marketing, administration, and Services delivery functions, including provision of vehicles, vehicle maintenance, insurance and accounting. Except as specifically provided herein, RTD shall have no responsibility for the operations and management of the Services. RTD shall have no responsibility for, or authority or control with respect to, the supervision and management of any employees or contractors who work in connection with the Services. The Local Entity shall operate the Services in compliance with all applicable laws, regulations, orders, codes, directives, permits, approvals, decisions, decrees, ordinances or by-laws having the force of law and any common or civil law, including any amendment, extension or re-enactment of any of the same, and all other instruments, orders and regulations made pursuant to statute (collectively, "Laws"), and the Local Entity shall be solely responsible for compliance with all applicable Laws. Notwithstanding RTD's right to cease funding as provided in this Agreement, RTD has no obligation or intent, nor right pursuant to this Agreement, to otherwise continue the Services, if the Local Entity ceases to provide the Services.

3. **SERVICES.** The hours, frequency, routes and schedule of the Services ("Operating Parameters") shall be as shown on **Exhibit A**. No changes shall be made to the Operating Parameters during the term of this Agreement without the written agreement of both Parties, or if changes are made to the Operating Parameters without the written consent of RTD, then RTD may, at its sole option, terminate this Agreement without any notice. In the event that RTD terminates this Agreement in accordance with this Section 3, RTD will not provide any funding for Services outside the Operating Parameters.

4. **RTD FUNDING.** In partial support of the Services, RTD will reimburse the Local Entity for the Net Cost of the Services up to the amount and for the term set out in **Exhibit B** ("RTD Funding"). RTD Funding does not include any additional operating costs for services in excess of the Operating Parameters as set out in Exhibit A, including any special events and holidays. Under no circumstances will RTD be obligated to pay more than the RTD Funding.

5. **INVOICING AND PAYMENT.**

- A. The Local Entity will submit an invoice to RTD on a monthly basis for payment of the RTD Funding. Unless otherwise agreed by the Parties, the invoice shall include an itemized list of reimbursable operating expenses and a summary of service hours, mileage, passenger boardings, and any other information that RTD otherwise reasonably requests.
- B. RTD will pay all approved invoices within thirty calendar (30) days after RTD has received the invoice. If RTD does not approve an invoice from the Local Entity, RTD will provide a written explanation of disputed items within ten (10) calendar days after RTD has received the invoice.

6. **RECORDS.** The Local Entity, or its designated agent, will maintain full and complete financial records for the provision of the Services. Such records shall include any financial information to support and document the operating costs and revenues relating to the Services and any other financial information specifically requested by RTD. The Local Entity, or its designated agent, shall make these records available to RTD for audit for a period of three (3) years after final payment under this Agreement. If applicable, National Transit Database (“NTD”) data shall be kept in accordance with Federal Transit Administration (“FTA”) requirements and shall be reported as part of RTD’s NTD submission.

7. **MARKETING.**

- A. The Services will not be designated, marketed, or promoted as an RTD-branded service, except that the Local Entity shall allow RTD to display an appropriate RTD logo stating that the Services are “in partnership with RTD” on all vehicles used to furnish the Services and financially supported in part by RTD through this Agreement.
- B. The Local Entity and/or its designated agent(s) will market the Services, and such marketing will include but is not limited to developing a marketing plan and implementing the plan. A marketing plan may include the following elements: advertising, public relations, collateral materials, websites, coordination with other transportation programs, outreach, and training. RTD will have the opportunity to review and approve any marketing materials for the Services.

8. **SERVICE MONITORING.** RTD reserves the right, in its sole discretion, to set and to assess the performance expectations of the Services. If RTD determines that the RTD Funding is not warranted in accordance with RTD’s performance expectations, RTD shall notify the Local Entity as soon as practicable.

9. **LIABILITY AND INSURANCE.**

- A. The Parties agree that RTD shall have no liability to third parties arising out of the operations or management of the Services, or any other service operated, directly or indirectly, by the Local Entity, and the Local Entity shall have no liability to third parties arising out of the operations or management of any RTD services. This provision shall survive termination of this Agreement.
- B. The Local Entity and/or its designated agent(s) shall cause RTD and its officers and employees to be named as additional insured on all insurance policies covering any operations of the Services.
- C. Without waiving the privileges and immunities conferred by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, each Party shall be responsible for any claims, demands or suits arising out of its own negligence. It is specifically understood and agreed that nothing contained in this section or elsewhere in this Agreement shall be construed as an express or implied waiver by either Party of its governmental immunity including limitations of amounts or types of liability or the governmental acceptance by either Party of liabilities arising as a result of actions which lie in tort or could lie in tort in excess of the liabilities allowable under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*

10. **GENERAL PROVISIONS.**

- A. **Available Funding.** This Agreement does not contain any multiple-fiscal year financial obligations by either Party that extend beyond its current fiscal year. The financial obligations of each Party under this Agreement shall be subject to and limited by the appropriation of sufficient funds therefore by its governing body. Funds for this Agreement, as set out in **Exhibit B**, have been budgeted, authorized and appropriated by the RTD Board of Directors only for the current fiscal year. If the Parties intend to provide RTD Funding for future years, Exhibit B must be amended in accordance with Section 10.D. Nothing herein obligates RTD to budget, authorize or appropriate funds for any future fiscal year.
- B. **Other Sources of Funding.** Nothing in this Agreement will prevent the Local Entity from collecting contributions or fees from entities other than RTD to help defray any unreimbursed costs of providing the Service, except that RTD shall not be a party to any such arrangement.
- C. **Merger.** This Agreement represents the entire agreement between the Parties with respect to the subject matter hereof and all prior agreements, understandings or

negotiations shall be deemed merged herein. No representations, warranties, promises or agreements, express or implied, shall exist between the Parties, except as stated herein

- D. **Amendment.** No amendment to this Agreement shall be made or deemed to have been made unless in writing executed and delivered by the Party to be bound thereby.
- E. **Governing Law.** This Agreement shall be interpreted and enforced according to the laws of the State of Colorado, the ordinances of the City, the applicable provisions of federal law, and the applicable rules and regulations promulgated under any of them. Venue for any action hereunder shall be in Denver District Court, Colorado.
- F. **Communication and Notices.** Any notices, bills, invoices or reports required by this Agreement shall be sufficiently delivered if sent by the Parties in the United States mail, postage prepaid, or by email to the Parties at the following addresses specified on **Exhibit C**. The addresses or contacts may be changed by the Parties by written notice to the other Party.
- G. **Term and Termination.** This Agreement shall be deemed to have commenced on January 1, 2013 and shall remain in effect until terminated in writing by the Parties or by court order. Unless otherwise agreed, either Party may terminate this Agreement on sixty (60) calendar days' written notice. In the event of termination by RTD for any reason other than default, RTD shall pay no more than the reimbursable costs of the Services up to the date of termination. All provisions of this Agreement that provide rights or create responsibilities for the Parties after termination shall survive termination of this Agreement. Nothing herein obligates RTD to make funds available for the Services in any future fiscal year, and nothing herein shall imply funding will be renewed at the same or any level.
- H. **Amendment.** The Parties may, by written agreement, amend this Agreement or the Exhibits to account for changes in RTD Funding and service levels. Nothing herein obligates either Party to make funds available other than as specifically provided in the attached Exhibits, and nothing herein shall imply funding or service will be renewed at the same or any level.
- I. **Authority.** The Parties represent that each has taken all actions that are necessary or that are required by its procedures, bylaws, or applicable law to legally authorize the undersigned signatories to execute this Agreement on behalf of the Parties and to bind the Parties to its terms.

- J. No Effect on RTD Rights or Authority.** Nothing in this Agreement shall be construed to limit RTD's right to establish routes or services or to perform any functions authorized by C.R.S. § 32-9-101 *et. seq.*
- K. Assignment.** Other than as specifically provided herein, the Parties agree that they will not assign or transfer any of their rights or obligations under this Agreement without first obtaining the written consent of the other Party.
- L. Prohibited Interests.** No director, officer, employee, or agent of RTD shall be interested in any contract or transaction with RTD except in his or her official representative capacity unless otherwise provided by the RTD Code of Ethics.
- M. Severability.** To the extent that this Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of the Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other terms or provision hereof.
- N. Waiver.** The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon a subsequent breach.
- O. No Third-Party Beneficiaries.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties hereto, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under this Agreement. It is the express intention of the Parties to this Agreement that any person or entity other than the Parties receiving services or benefits under this Agreement be deemed an incidental beneficiary only.
- P. Changes in Law.** This Agreement is subject to such modifications as may be required by changes in City, state or federal law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this Agreement on the effective date of such change as if fully set forth herein.
- Q. Status of Parties.**
- (1) The Parties agree that the status of each Party shall be that of an independent contractor to the other, and it is not intended, nor shall it be construed, that one Party or any officer, employee, agent or contractor of such Party is an employee, officer, agent, or representative of the other

Party. Nothing contained in the Agreement or documents incorporated by reference herein or otherwise creates any partnership, joint venture, or other association or relationship between the Parties. Any approval, review, inspection, direction or instruction by RTD or any party on behalf of RTD shall in no way affect either Party's independent contractor status or obligation to perform in accordance with this Agreement. Neither Party has authorization, express or implied, to bind the other to any agreements, liability, nor understanding except as expressly set forth in this Agreement.

- (2) The Local Entity and/or its designated agent(s) shall be responsible for all federal and state taxes and contributions for Social Security, unemployment insurance, income withholding tax, and other taxes measured by wages paid to employees. The Local Entity acknowledges that it and its employees are not entitled to workers' compensation benefits or unemployment insurance benefits from RTD, unless the Local Entity or a third party provides such coverage, and that RTD does not pay for or otherwise provide such coverage. The Local Entity shall provide and keep in force workers' compensation (and provide proof of such insurance when requested by RTD) and unemployment compensation insurance in the amounts required by law, and shall be solely responsible for its own actions, its employees and agents.

R. Paragraph Headings. The captions and headings set forth in this Agreement are for convenience of reference only and shall not be construed so as to define or limit its terms and provisions.

S. Counterparts. This Agreement may be executed in counterparts. Signatures on separate originals shall constitute and be of the same effect as signatures on the same original. Electronic and faxed signatures shall constitute original signatures.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

WHEREFORE, the Parties have entered into this Agreement as of the Effective Date.

REGIONAL TRANSPORTATION
DISTRICT

CITY OF ENGLEWOOD

By: _____
Phillip A. Washington
General Manager

By: _____
Mayor

ATTEST:

Clerk

Approved as to legal form for RTD:

Jenifer Ross-Amato
Associate General Counsel

Exhibit A
Description of the Services

Span of Service:

Weekday-	6:30 AM- 6:30 PM
Saturday-	No service provided
Sunday-	No service provided
Holidays-	No service provided

Service Frequency:

Weekday	every 15 minutes
Saturday-	Not Applicable
Sunday-	Not Applicable
Holidays-	Not Applicable

Annual Revenue Hours:

Weekday-	6,120
Saturday-	Not Applicable
Sunday-	Not Applicable
Holidays-	<u>Not Applicable</u>

Total 6,120

Exhibit C
Communication and Notices – Contacts

For the City:

City of Englewood
Community Development Department
1000 Englewood Parkway
Englewood, Colorado 80110
Attn: Harold Stitt
303.762.2341

For the RTD:

Regional Transportation District
1600 Blake Street
Denver, Colorado 80202
Attn: Bruce Abel
303.299.2839

Exhibit D
Special Provisions

DRUG AND ALCOHOL TESTING PROGRAM. The Local Entity shall require its contractor providing the Services to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. Part 40 and Part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of Colorado, or the Regional Transportation District, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Part 40 and 655 and review the testing process. The Local Entity further agrees to certify annually its compliance with Part 40 and 655 before December 31st of every year and to submit the Management Information System (MIS) reports no later than February 15th of every year to the Substance Abuse Testing Department, Regional Transportation District, 1600 Blake Street, Denver, CO 80202. To certify compliance, the Local Entity will use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

COUNCIL COMMUNICATION

DATE: February 4, 2013	AGENDA ITEM: 10 a	SUBJECT: Public Hearing for Ordinance rezoning W H parcel from Light Industrial (I-1) and Low Density Single and Multi-Dwelling Unit Residential (R-2-B) to Planned Unit Development (PUD)
INITIATED BY: Community Development		STAFF SOURCE: Audra L. Kirk, Planner I

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council considered the ordinance for the W H PUD at the first reading on January 22, 2013.

RECOMMENDED ACTION

Staff recommends that Council consider testimony during a Public Hearing on the W H PUD.

BACKGROUND

The Planned Unit Development is a rezoning process that establishes specific zoning and site planning criteria to meet the needs of a specific development proposal that may not be accommodated within existing zoning development regulations. A PUD rezoning provides the opportunity for unified development control for multiple properties or multiple uses.

This property is a 6.12 acre site occupied Winslow Construction Company since 1954. The parcels have been zoned Industrial since the first zoning was put in place in 1940.

PUD OVERVIEW

The W H Investments PUD will change the Permitted Principal Uses to allow residential and certain public/institutional, commercial and Industrial uses as outlined in the attached Ordinance and PUD District Plan. Some uses not allowed under the current zoning, such as libraries, have been included in the list of allowed uses.

Group homes are an allowed use and cannot be prohibited in any residential district under State statute, 31-23-301 C.R.S.

A sunset clause has been added to the PUD approval ordinance that stipulates when a Certificate of Occupancy (CO) is issued for any residential use on any portion of the property covered by this PUD, whether the property is platted or not, industrial uses (not commercial or public/institutional) shall no longer be allowed.

The site plan has been submitted for conceptual purposes only. A site plan for residential uses will need Planning and Zoning Commission review and Council approval. A site plan for any use other than

residential will not require review and approval by the Planning and Zoning Commission or City Council. With the exception of a few public/institutional uses and conditional uses, all site plans for uses in the I-1 zone districts currently are reviewed administratively and the PUD proposes no change to this procedure.

Development standards have been outlined in the PUD District Plan and are as follows:

The maximum dwelling units per acre is proposed to be set at 45, resulting in a maximum of 275 units.

In addition to allowing industrial and multi-family, the proposed WH Investment PUD would also allow single family residential and attached townhomes. The single family residential units and attached townhomes will be regulated under the dimensional standards of the R-2-B zone district.

The proposed W H Investment PUD has set the maximum height limitation for multi-family residential at 75'. The Unified Development code (UDC) has a maximum height limitation of 32' in all residential zone districts. This is a difference of 43' or approximately 4 stories. The setbacks for W H Investment PUD have the minimum setback listed as 2', with the exception of a 5' to 10' setback along the east and west property lines. The 2' setback would be required along the north and south property lines. The UDC has a minimum setback of 5' for any residential zone district, with the exception of a small lot of record.

The development standards for the industrial uses shall be consistent with the UDC requirements in the I-1 zone district with the exception of the setbacks. The proposed PUD will have a required minimum setback of 10' from all property lines. The UDC requires a 10' setback only where a building abuts upon, adjoins, or is adjacent to a residential zone district. The proposed W H Investment PUD would not have a height limitation with an industrial use.

The architectural standards that are outlined in the PUD are very similar and/or more stringent to the architectural standards for multi-unit residential uses listed in the UDC.

Procedures for minor modifications to the PUD are consistent with the UDC, and are typically reviewed by the Development Review Team and approved through the permitting process. Major modifications to the PUD are also consistent with UDC and require Planning and Zoning and City Council approval. Major modifications are required under the following circumstances:

- A change in the character of the development; or
- A change in the permitted land uses; or
- A change in the general location of land uses; or
- An increase in the maximum height of any building of more than 5%; or
- An increase in the number of dwelling units, or in the ratio of the gross floor area of structures to the land area, or increases in the proposed gross floor area within any particular land use of more than 2%; or
- A reduction of more than 5% in the land area designation for landscaping; or
- A reduction by more than 5% in the ratio of off-street parking and loading space to gross floor area or number of dwelling units.

Landscaping: A complete landscaping plan will be provided at time of final submittal of the site plan.

Parking: Parking guidelines will be prepared based on future development use and will be submitted with the final site plan. The developer may ask for a reduction in parking for multi-family housing due to the proximity of light rail.

FINANCIAL IMPACT

The financial impact will be different under the various development scenarios allowed under this PUD, so it is difficult to provide information at this time.

LIST OF ATTACHMENTS

Planning and Zoning Commission Staff Report
Planning and Zoning Commission Minutes
Planning and Zoning Commission Findings of Fact
Bill for Ordinance



M E M O R A N D U M

TO: Planning and Zoning Commission
THRU: Alan White, Director, Community Development ✓
FROM: Audra L. Kirk, Planner 1 ✓
DATE: November 20, 2012

SUBJECT: Case ZON2012-007 - Public Hearing
Sand Creek
Case ZON2012-008 – Public Hearing
WH Investments

APPLICANT:

Baseline Corporation
700 12th Street
Suite 220
Golden, CO 80401

PROPERTY OWNER SANDCREEK:

Sand Creek Investors, L.L.C
3002 South Huron Street
Englewood, CO 80110

PROPERTY OWNER W H INVESTMENTS:

W H Investments, Inc.
3002 South Huron Street
Englewood, CO 80110

PROPERTY ADDRESS SANDCREEK (North Property):

601 West Bates Avenue
Englewood, CO 80110

PROPERTY ADDRESSES W H INVESTMENTS (South Property):

700 West Cornell Avenue
775 West Dartmouth Avenue
3001, 3011 and 3025 South Galapago Street
3002, 3018 and 3050 South Huron Street
Englewood, CO 80110

REQUEST:

The applicant has submitted two applications, Sand Creek PUD (referred to as the north property) and W H Investments PUD (referred to as the south property) to rezone the above parcels from I-1 Light Industrial and I-2 General Industrial zoning to a PUD Planned Unit Development. The proposed PUD will allow multi-family residential as a permitted use, in addition to existing industrial permitted uses. Conceptual site plans have been submitted because development on the two sites likely will not happen in the near term. As market conditions evolve in the future, site plans and details may change. The applicant is seeking approval of the conceptual site plans; however, the plans have not provided City staff with enough detail to provide meaningful review comments. Staff is recommending that when development is more certain in the future, site plans be reviewed at public hearings and before Planning and Zoning and City Council. The Planning and Zoning Commission can recommend an alternative.

RECOMMENDATIONS NORTH PROPERTY:

The Department of Community Development recommends that the Planning and Zoning Commission approve Sand Creek PUD District Plan with the following conditions:

1. Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval, and forward a recommendation of approval to City Council.

RECOMMENDATIONS SOUTH PROPERTY:

The Department of Community Development recommends that the Planning and Zoning Commission approve W H Investment PUD District Plan with the following conditions:

1. Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval,
2. Provide space for the future placement of RTD's Bates Street Light Rail Station platform.
3. Single family residential units should be regulated under the dimensional standards of the R-1-C zone district.

And forward a recommendation of approval to City Council.

LEGAL DESCRIPTION NORTH PROPERTY:

THAT PART OF LOT 1 GENERAL IRON WORKS SUB DESC AS BEG AT THE SW COR OF SD LOT TH ALG CURVE TO LEFT 201.64 FT TH NE 297.55 FT TH ALG CURVE RT 73.2 FT TH NE 512.81 FT TH SE 265.47 FT TH S 53.29 FT TH ALG CURVE RT 47.52 FT TH SW 116.33 FT TH W 28.26 FT TH S 656.37 FT TO THE SE COR OF SD LOT TH W 734.44 FT TO BEG GENERAL IRON WORKS SUB

LEGAL DESCRIPTION SOUTH PROPERTY:

BEG 200 FT E & 20.6 FT N OF SW COR NW 1/4 SW 1/4 NW 1/4 SEC 34 TH N 519.4 FT TO E LINE OF AT & SF RR RT/WAY TH SWLY ALG SD LINE 563 FT TO S LINE NW 1/4 SW 1/4 NW 1/4 TH E 121.5 FT TH N 20.6 FT TH E 40.5 FT TO BEG SEC 34-4-68

E 130 FT OF W 1/2 NW 1/4 SW 1/4 NW 1/4 EX AT & SF RR RT/WAY & EX ROADS SEC 34-4-68

LOTS 14-19 & VAC ST ADJ ON W & RES STRIP ON S OF LOT 19 BLK 1 TAYLORS ADD

LOTS 46-49 BLK 1 TAYLORS ADD

LOTS 44-45 BLK 1 TAYLORS ADD

LOTS 42-43 BLK 1 TAYLORS ADD

LOTS 1-6 BLK 1 TAYLOR'S ADD TOG WITH VACATED W CORNELL AVE ADJ ON THE NORTH & VACATED S HURON ST ADJ ON THE WEST EX THAT PART NOW KNOWN AS THE CORNELL STREET TRIANGLE

LOTS 7-9 & VAC ST ADJ ON W BLK 1 TAYLORS ADD

LOTS 10-13 & VAC ST ADJ ON W BLK 1 TAYLORS ADD

ZONE DISTRICT NORTH PROPERTY:

I-1 Light Industrial

I-2 General Industrial

ZONE DISTRICT SOUTH PROPERTY:

I-1 Light Industrial

R-2-B Medium-density single and multi-dwelling unit residential

PROPERTY LOCATION AND SURROUNDING LAND USE:

The subject property of this PUD is located adjacent to the RTD Light Rail line between Dartmouth and Bates. Land directly to the west is the RTD Light Rail tracks and the BSNF railroad tracks and further west beyond South Sante Fe in an industrial zone district and the Englewood/Littleton Waste Water Treatment Plant. Surrounding land to the east is a combination of I-1 and R-2-B. This area is a mixture of industrial uses, single and multi-family housing as well as non-conforming residential units in the industrial districts. North is the RTD maintenance facility zoned I-2. To the south is R-2-B zoning and Cushing Park.

PUD PROCEDURE:

Rezoning to a PUD requires the applicant to have a pre-application meeting with staff, a neighborhood meeting with owners and tenants located within 1,000 feet of the proposed PUD. After the neighborhood meeting a formal submittal is made to the City and reviewed by City departments and other affected outside agencies. A public hearing is held before the Planning and Zoning Commission and City Council. If the PUD is approved there is a 30 day referendum time period before permits can be granted.

BACKGROUND:

The Planned Unit Development is a rezoning process that establishes specific zoning and site planning criteria to meet the needs of a specific development proposal that may not be accommodated within existing zoning development regulations. A PUD rezoning provides the opportunity for unified development control for multiple properties or multiple uses.

The combined properties are 16.72 acres and Winslow Construction Company has occupied the southern parcel since 1954. General Iron Works occupied the northern parcel for many years. RTD acquired a portion of the GIW parcel for its maintenance facility in 2002. Sand Creek acquired its ownership in the GIW parcel in 2010. Parcels have been zoned Industrial since the first zoning was put in place in 1940.

NEIGHBORHOOD MEETING SUMMARY:

Pursuant to the Unified Development Code PUD procedure, the applicant conducted a neighborhood meeting on Wednesday, July 18, 2012, prior to submitting the PUD application. Notice of the pre-application meeting was mailed to owners and tenants of property located within 1000 feet of the proposed PUD property. A meeting summary is attached (See Exhibit A).

CITY DEPARTMENT AND DIVISION REVIEW:

The applicants had a pre-application meeting with staff in June 2012. Issues that were identified during the pre-application meeting were addressed by the applicant and the final PUD packets were submitted on September 27, 2012. The final plans were reviewed by City and outside Agencies and the following comments were made:

Tri-County Health Department:

1. TCHD encourages the addition of PUD Development Standards for bicycle facilities including bike parking for visitors and residents.
2. The Sand Creek (North) PUD indicates detention ponds will be built on the development site. To reduce the potential for human exposures to West Nile and other mosquito-borne viruses, TCHD recommends that mosquito control plans be developed for any stormwater facilities that are designed to hold water for 72 hours or longer.

Xcel Energy:

1. The Public Service Company of Colorado (PSCo) owns and operates existing natural gas and electric distribution facilities within the proposed project area. The developer must work with Xcel to install any new gas or electric service, or modification to existing facilities.

BNSF:

1. No comment.

Colorado Department of Transportation:

1. No comment.

RTD MC#24

Comments were not provided from this Agency.

City of Englewood Department Reviews:

Building:

PLAN SUBMITTAL REQUIREMENTS

The City of Englewood has adopted 2012 International Codes, in addition to ICC/ANSI A117.1 – 2009 Accessibility standards which must be used for building on the site.

Engineering:

A Drainage Report per the Englewood Drainage Criteria Manual must be submitted.

All concrete must be brought to City Standards.

All Drainage must be directed to the Public Way (i.e. street or alley)

All work in the Public Right-of-Way requires permits from Public Works.

Any unused Drive Cuts must be closed per City Standards.

Check list and Drainage review letters are attachments to the project.

All Curb Gutter and Sidewalk will need to be brought up to City Standards, including a new 8' (minimum) wide sidewalk.

Drainage report submitted but will not be approved. Site plans are conceptual in nature, therefore no approval for this design will be completed with this review.

Fire:

1. 503.2.1 Dimensions. (Amended to read as follows)

Fire Apparatus access roads shall have an unobstructed width of not less than 26 feet (1725 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Traffic:

Submitted documents include a conceptual site plan only; location and design of the access points are not part of this approval. Traffic Impact Study shall be updated when a specific site plan is submitted. (Community Development comment: Due to the Department recommendation of the approval of only the District Plans (zoning regulation entitlements) traffic impacts will be addressed with final site plan submission which the Commission will review at an additional public hearing).

Utilities:

Plans showing water-sewer-storm and fireline connections to the public mains need to be submitted for approval.

Community Development:

See comments below.

PUD OVERVIEW:

The Sand Creek and W H Investments PUD's will change the Permitted Principal Uses to allow residential uses in addition to the currently allowed industrial, office and retail uses. Other allowed uses in the PUD are outlined under the Table of Allowed Uses in the Written Statement on the PUD document.

City of Englewood Department Reviews:

Building:

PLAN SUBMITTAL REQUIREMENTS

The City of Englewood has adopted 2012 International Codes, in addition to ICC/ANSI A117.1 - 2009 Accessibility standards which must be used for building on the site.

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Plans showing water-sewer-storm and fireline connections to the public mains need to be submitted for approval.

Community Development:

See comments below.

PUD OVERVIEW:

The Sand Creek and W H Investments PUD's will change the Permitted Principal Uses to allow residential uses in addition to the currently allowed industrial, office and retail uses. Other allowed uses in the PUD are outlined under the Table of Allowed Uses in the Written Statement on the PUD document.

Site Plan: The site plan has been submitted for conceptual purposes only. Development standards have been outlined in the PUD District Plan and are as follows:

Sand Creek PUD (North Parcel): The maximum dwelling units per acre is proposed to be set at 45. On this site the total maximum dwellings would be 450.

The proposed Sand Creek PUD has set the maximum height limitation for multi-family residential at 75'. The Unified Development Code (UDC) has a maximum height limitation of 32' in all residential zone districts. This is a difference of 43' or approximately 4 stories. Setbacks for the Sand Creek PUD are proposed to be 5' from all property lines. The UDC's current standards for multi-family in the MU-R-3-B are 15' front and side setbacks and 25' rear setbacks.

The development standards for industrial uses shall be consistent with the UDC with the exception of setbacks. The proposed PUD will have a required minimum setback of 10' from all property lines. The UDC requires a 10' setback only where a building abuts upon, adjoins, or is adjacent to a residential zone district. Industrial and other non-residential uses would not be subject to a height limitation.

WH Investment PUD (South Parcel): The maximum dwelling units per acre are proposed to be set at 45. On this site the total maximum dwellings would be 270.

In addition to allowing industrial and multi-family, the proposed WH Investment PUD would also allow single family residential and attached townhomes. The single family and attached townhomes would have the same dimensional standards as the R-2-B zone district. The UDC does not currently have dimensional standards for attached townhomes. Residential units that are attached and more than one are considered multi-unit dwellings. Staff believes that the single family residential units should be regulated under the dimensional standards of the R-1-C zone district and the attached townhomes should be regulated under the WH Investment PUD Development Standards of the Multi-Unit Residential Dwellings.

The proposed WH Investment PUD has the minimum setback listed as 2', with the exception of a 5' to 10' setback along the east and west property lines. The 2' setback would be required along the north and south property lines. The UDC has a minimum setback of 5' for any residential zone district, with the exception of a small lot of record.

The development standards for industrial uses shall be consistent with the UDC with the exception of setbacks. The proposed PUD will have a required minimum setback of 10' from all property lines. The UDC requires a 10' setback only where a building abuts upon, adjoins, or is adjacent to a residential zone district. As with the north parcel, industrial and other non-residential uses would have no height limitation.

Architectural Standards (both PUD's): The architectural standards that are outlined in both PUD's are very similar and/or more stringent to architectural standards for multi-unit residential uses listed in the UDC.

Process (both PUD's): The process as outlined in the proposed PUD's is proposing to have the Development Review Team as the final approving entity for the final site plan. Staff believes that the final site plan should be reviewed by Planning and Zoning through a public hearing and City Council through a public hearing.

Minor modifications to the PUD's are consistent with the UDC, and are typically reviewed by the Development Review Team and approved through the permitting process. Major modifications to the PUD's are also consistent with UDC with the addition of the following:

- A change in the character of the development; or
- A change in the permitted land uses; or
- A change in the general location of land uses; or
- An increase in the maximum height of any building of more than 5%; or
- An increase in the number of dwelling units, or in the ratio of the gross floor area of structures to the land area, or increases in the proposed gross floor area within any particular land use of more than 2%; or
- A reduction of more than 5% in the land area designation for landscaping; or
- A reduction by more than 5% in the ratio of off-street parking and loading space to gross floor area or number of dwelling units.

Landscaping (both PUD's): A complete landscaping plan will be provided at time of final submittal of the site plan.

Parking (both PUD's): Parking guidelines will be prepared based on future development use and will be submitted with the final site plan. The developer may ask for a reduction in parking for multi-family housing due to the proximity of light rail.

SUMMARY:

The applicant is proposing to re-zone two parcels to PUD to include residential uses in addition to I-1 and I-2 uses. Staff is requesting that approval of the final site plan be done through public hearings at Planning and Zoning and City Council meetings as a condition of approval of the PUD District Plans.

PLANNED UNIT DEVELOPMENT CONSIDERATIONS:

The Commission must determine if the PUD is consistent with the Englewood 2003 Comprehensive Plan. The Planning and Zoning Commission can approve, approve with conditions or deny the proposed PUD.

PUD District Plan

The District Plan sets forth the zoning regulations under which the proposed amendments will occur.

1. *The PUD District Plan is, or is not, in conformance with the District Plan requirements and the Comprehensive Plan.*

The proposed PUD is in conformance with the District Plan and the Comprehensive Plan. Section 5: Housing, Goal 1 states, "Promote a balanced mix of housing opportunities serving the needs of all current and future Englewood Citizens". Objective 1-3 states, "Encourage housing investments that improve the housing mix, including both smaller and larger unit sizes, and a wider range of housing types, including single-family, duplex, town home, and condominium units".

2. *All required documents, drawings, referrals, recommendations, and approvals have been received.*

All appropriate documents concerning Sand Creek and WH Investment PUD's have been received; however the proposed PUD site plans have not been approved by all departments.

3. *The PUD District Plan is consistent with adopted and generally accepted standards of development in the City of Englewood.*

The Sand Creek and WH Investments PUD District Plans remain consistent with accepted development standards established by the City of Englewood.

4. *The PUD District Plans are substantially consistent with the goals, objectives, design guidelines, policies and any other ordinance, law or requirement of the City.*

Sand Creek and WH Investment PUD's are in conformance with all other ordinances, laws and requirements of the City.

5. *When the PUD District Plan is within the Englewood Downtown Development Authority (EDDA) area, the Plan is consistent with the EDDA approved designs, policies and plans.*

Not applicable.

PUD Site Plan

The PUD Site Plans will be reviewed and approved at a later date, yet to be determined.

ATTACHMENTS:

Exhibit A: Sand Creek PUD District Plan

Exhibit B: WH Investment PUD District Plan

Exhibit C: Neighborhood Meeting Summary – July 18, 2011

Exhibit D: Clayton letter dated November 12, 2012

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
REGULAR MEETING
November 20, 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 7:00 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Brick presiding.

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

Absent: King (excused)

Staff: Alan White, Community Development Director
Audra Kirk, Planner I
Nancy Reid, Assistant City Attorney

II. APPROVAL OF MINUTES

November 6, 2012



Welker moved:

Knoth seconded: TO APPROVE THE NOVEMBER 6, 2012 MINUTES

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

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

NAYS: None

ABSTAIN: Townley

ABSENT: King

Motion carried.

III. PUBLIC HEARING



**Case #ZON2012-007 Sand Creek Planned Unit Development and Case #ZON2012-008
W H Investment Planned Unit Development**

Chair Brick stated there are two cases to be heard tonight; they will be heard concurrently but each will require a motion and they will be voted on separately.

Fish moved:

Roth seconded: TO OPEN CASE #ZON2012-007 and CASE #ZON2012-008

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

NAYS: None

ABSTAIN: None

ABSENT: King

Motion carried.



Ms. Kirk was sworn in and presented the case. The applicant has submitted two applications, Sand Creek PUD (referred to as the north property) and W H Investments PUD (referred to as the south property) to rezone the above parcels from I-1 Light Industrial and I-2 General Industrial zoning to a PUD Planned Unit Development. The proposed PUD will allow multi-family residential as a permitted use, in addition to existing industrial permitted uses. Conceptual site plans have been submitted because development on the two sites likely will not happen in the near term. As market conditions evolve in the future, site plans and details may change. Staff is recommending that when development is more certain in the future, site plans be reviewed at public hearings before the Planning and Zoning Commission and City Council.

Ms. Kirk discussed legal descriptions of both properties, current zone districts, property location and surrounding land use, PUD procedures, background information of the property, neighborhood meeting summary, City department and division review, and an overview of both proposed PUD's.



APPLICANT TESTIMONY

The applicant provided a slide show of the proposed PUD's. Mr. Vincent Harris, Planning Director for Baseline Corp., Mr. Fred Lantz, Traffic Engineer for Baseline Corp., and Mr. Bryant Winslow, owner of the properties provided testimony.

Issues discussed were contamination on the property, setbacks, height restrictions, examples of what buildings may look like, co-mingling of residential use along with industrial use, adding a provision that states the industrial uses go away when residential comes in, parking guidelines, density of development, is the Bates Station still an option, would applicant develop the property or sell to a developer, traffic flow and entrance placement to the development.



PUBLIC TESTIMONY

Testimony was heard from:

- Vera Montez
- Patrick Draper
- Matthew Reeves
- Lewis Fowler



Fish moved:

Knott seconded: TO CLOSE CASE #ZON2012-007 and #ZON2012-008

AYES: Bleile, Roth, Welker, Knott, Fish, Brick, Kinton, Townley

NAYS: None

ABSTAIN: None

ABSENT: King

Motion carried.



Knott moved:

Fish seconded:

THAT CASE #ZON2012-007, SAND CREEK PLANNED UNIT DEVELOPMENT BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CONDITIONS:

- *Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval.*
- *Access to the future Bates Street Light Rail station platform shall be moved from the south property to the north property.*

Discussion Points:

- Great project for this area; in favor of this type of development.
- A PUD is appropriate for the area if the Bates Street Station Light Rail station is built; if not, density is too high.
- Very concerned about mixing residential with industrial uses.
- Need provision that industrial goes away when residential development occurs.
- Planning and Zoning Commission should see a Site Plan; this is just a general District Plan.
- Don't like request to remove the Planning and Zoning Commission and City Council from Public Hearings to review Site Plan.

- Hard to make a decision without more information.
- Needs open space.
- Would flex space be allowed?
- Too many unresolved issues.

Comments from Commission:

Mr. Fish said while the general nature of this project in many ways is consistent with the Comprehensive Plan and I would like to see this area go this direction, there are too many unresolved issues with the applicant's presentation and inconsistencies such as not addressing how the zoning fits together. This would create a mixed zoning in the area. It is way too speculative.

Mr. Welker said he wanted to let everyone at the hearing know he is not against development in this area. He said he doesn't believe this property currently has the type of request before us that is verifiable to the people who live there and to the City.

Ms. Townley said she definitely wants to see development in the area. There's just not enough information to approve.

Mr. Bleile stated this particular property has some tremendous potential for everybody involved and would like to see it redeveloped to its highest and best use. He felt the applicant's intent is to do the right thing. He stated he understands Mr. Winslow's need to keep his business going there at this time and is fine with having both residential and industrial uses, but there could have been additional detail provided to the Commission.


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

Motion failed.


Welker moved:
Bleile seconded:

TO INCORPORATE THE DISCUSSION FROM CASE #ZON2012-007 INTO THIS CASE. CASE #ZON2012-008, W H INVESTMENT PLANNED UNIT DEVELOPMENT BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CONDITIONS:

- *Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval, and*
- *Delete "and attached townhome use" from C1a of the PUD District Plan Development Standards.*

Discussion Points for this case were included in the previous PUD.

Mr. Bleile wanted the applicant to know the Commission is not against the development of this property. We want to see it happen. He asked that they not give up on it and go away. He said he would be very amicable to seeing some further discussion occur. If the Commission's concerns are addressed in a future presentation it's a no brainer.

Mr. Fish said with some modifications this could work for all.

Mr. Welker said he is very much in support of Roadmap Englewood. His problem with what was proposed tonight is that it isn't concrete enough to give us assurance, to the city and to the people we represent of what is going to happen there; that happens at the Site Plan review. Allowing residential on the property is not the problem.

Ms. Reid said the Commission could take a short recess and let Staff and the applicant work on wording the Commission is having difficulty with.

Mr. Welker said, in his opinion, it's not a five to ten minute solution. He suggested the discussion continue to a date certain.

Chair Brick asked the members if they wanted to take a recess to allow Staff time to add a condition or have him call for the question. Consensus was to not take the recess time; Chair Brick called for the question.

Comments from Commission:



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

Motion failed.

IV. PUBLIC FORUM



Mr. Fowler wished to speak about the Sand Creek property. The Commission invited him to attend a future Planning and Zoning meeting to discuss.

V. ATTORNEY'S CHOICE



Ms. Reid had nothing further to report.

VI. STAFF'S CHOICE



Director White provided an update on future meetings.

VII. COMMISSIONER'S CHOICE

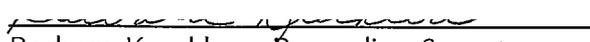


Mr. Roth stated he hated to vote down something that will ultimately be a big plus for the City; the proposal just wasn't well enough developed.

Mr. Bleile stated he hated voting no too on a project that will ultimately happen. He thanked the applicant and everyone who attended. He asked the applicant not to think tonight's decision was a rejection.

Mr. Freemire stated it was very difficult to watch what he watched this evening. In this case you have industrial today right next to single family residential; that isn't going to change. The question is, what gives you the greater probability of improvement in the future for the lives of the citizens and also helps the commercial or industrial property owner to accomplish their goals and also allows us the opportunity to move forward and be able to move closer to the City's long-term goals. You can't say no and then say yes to the applicant. He suggested the Commission take a good serious look at this and create an environment whereby we can be a community that would be responsive and receptive to ideas that maybe require something a little bit different than what was done before. If this was putting lipstick on an otherwise industrial property to enable it to sell or to position it to sell, then what we've done is we've delayed that process.

The meeting adjourned at 9:52 p.m.


Barbara Krecklow, Recording Secretary

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #ZON2012-007)
FINDINGS OF FACT, CONCLUSIONS)
AND RECOMMENDATIONS TO REZONE) FINDINGS OF FACT AND
THE PROPERTY KNOWN AS 601 W) CONCLUSIONS OF THE
BATES AVENUE FROM I-1 and I-2) CITY PLANNING AND
ZONE DISTRICTS TO PLANNED) ZONING COMMISSION
UNIT DEVELOPMENT (PUD))
)
)
INITIATED BY:)
Baseline Corporation)
700 12th Street, Suite 220)
Golden, Colorado 80401)

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

Commission Members Absent: King

This matter was heard before the City Planning and Zoning Commission on November 20, 2012 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from Staff, from the applicant and from area residents. The Commission received notice of Public Hearing, Certification of Posting, Staff Report and supplemental information from Staff, which were incorporated into and made a part of the record of the Public Hearing.

After considering 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 request to rezone the property known as 601 W Bates Avenue from I-1 and I-2 to Planned Unit Development was filed by Baseline Corporation on September 27, 2012.
2. **THAT** the applicant submitted two applications, Sand Creek PUD (referred to as the north property) and W H Investments PUD (referred to as the south property).
3. **THAT** Public Notice of the Public Hearing was given by publication in the Englewood Herald on November 2, 2012 and was on the City's website from October 26, 2012 through November 20, 2012.

4. **THAT** Public Notice of the Public Hearing was mailed to owners and occupants of property within 1,000 feet of the subject property.
5. **THAT** the property was posted as required, said posting setting forth the date, time, and place of the Public Hearing.
6. **THAT** Planner Kirk testified the request is for approval to rezone the property from I-1 and I-2 to Planned Unit Development. Ms. Kirk testified to the criteria the Commission must consider when reviewing a rezoning application. Ms. Kirk further testified that Staff recommends approval of the Sand Creek PUD District Plan with the following conditions:
 - Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval.
 - Access to the future Bates Street Light Rail station platform shall be moved from the south property to the north property.
7. **THAT** the property is located adjacent to the RTD Light Rail line between Dartmouth and Bates.
8. **THAT** the area is a mixture of industrial uses, single and multi-family housing as well as non-conforming residential units in the industrial districts.
9. **THAT** the property is 10.61 acres and was acquired by Sand Creek in 2010.
10. **THAT** the parcel has been zoned industrial since the first zoning was put in place in Englewood in 1940.
11. **THAT** the applicant is proposing rezoning to a PUD to include residential uses.
12. **THAT** the proposed PUD zoning would make the property more desirable for development.
13. **THAT** preliminary plans of the proposed Sand Creek PUD was referred to Tri-County Health, the Colorado Department of Transportation (CDOT), RTD, Xcel Energy and BNSF Railroad for review and comment.
14. **THAT** the Sand Creek PUD was reviewed by the City's Development Review Team (DRT) on November 13, 2012.
15. **THAT** the maximum dwelling units per acre are proposed to be set at 45; the total maximum dwellings would be 450.
16. **THAT** setback requirements shall be set at 5' from all property lines for multi-family.
17. **THAT** the maximum height limitation for multi-family residential be set at 75'.

18. **THAT** the development standards for industrial uses shall be consistent with the UDC with the exception of setbacks; the proposed PUD will have a required minimum setback of 10' from all property lines.
19. **THAT** Industrial and other non-residential uses would not be subject to a height limitation.
20. **THAT** pursuant to the PUD procedure, the applicant conducted a neighborhood meeting on July 18, 2012.
21. **THAT** notice of the neighborhood meeting was mailed to property owners and occupants of property within 1000 feet of the site.
22. **THAT** testimony was received from residents regarding the proposed redevelopment of the site. Concerns were voiced about safety on Elati Street, traffic, impact on community, and the proposed Bates Street Light Rail Station.
23. **THAT** the application is in conformance with the Comprehensive Plan.
24. **THAT** the application meets the Housing Goals and Objectives of Roadmap Englewood: 2003 Englewood Comprehensive Plan.
25. **THAT** the application is not consistent with adopted and generally accepted standards of development in the City.
26. **THAT** the application is not consistent with the goals, objectives, design guidelines, policies and other ordinances, laws, or requirements of the City.
27. **THAT** the resulting rezoned property will have a significant negative impact on those properties surrounding the rezoned area and that the general public health, safety and welfare of the community are protected.

CONCLUSIONS

1. **THAT** the application was filed by Baseline Corporation seeking approval to rezone the property from I-1 and I-2 to Planned Unit Development.
2. **THAT** proper notification of the date, time, and place of the Public Hearing was given by publication in the official City newspaper, and by posting of the property for the required length of time.
3. **THAT** all testimony received from staff members, applicant team members, and the general public has been made part of the record of the Public Hearing.

4. **THAT** the application is in conformance with the Comprehensive Plan.
5. **THAT** the application is not consistent with adopted and generally accepted standards of development in the City.
6. **THAT** the application is not consistent with the goals, objectives, design guidelines, policies and other ordinances, laws, or requirements of the City.
7. **THAT** residential use cannot be developed under the existing zoning; the proposed PUD zoning would make the property more desirable for development.
8. **THAT** the Development Review Team reviewed the site plan and determined that a substantial amount of the proposal meets established City development standards, however there are unresolved issues.
9. **THAT** the PUD zoning designation is appropriate for the area if the Bates Street Light Rail Station is built; if not, density is too high.
10. **THAT** the Commission is very concerned about mixing residential use with industrial use.
11. **THAT** the Commission does not agree with the applicant's request to remove the Planning and Zoning Commission and City Council from Public Hearings to review Site Plan.
12. **THAT** there are too many unresolved issues with the current application.

DECISION

THEREFORE, it is the decision of the City Planning and Zoning Commission that the application filed by Baseline Corporation to rezone the property known as 601 W Bates Avenue from I-1 and I-2 to Planned Unit Development not be recommended to City Council for approval.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on November 20, 2012, by Mr. Knoth, seconded by Mr. Fish, which motion states:

THAT CASE #ZON2012-007, SAND CREEK PLANNED UNIT DEVELOPMENT BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CONDITIONS:

- *Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval.*
- *Access to the future Bates Street Light Rail station platform shall be moved from the south property to the north property.*

AYES: Brick, Knoth

NAYS: Fish, Roth, Welker, Townley, Bleile, King, Kinton

ABSTAIN: None

ABSENT: King

The motion failed.

These Findings and Conclusions are effective as of the meeting on November 20, 2012.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

John Brick, Chair

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012/2013

COUNCIL BILL NO. 68
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE APPROVING THE W H PLANNED UNIT DEVELOPMENT (PUD)
LOCATED AT 3001 SOUTH GALAPAGO STREET IN THE CITY OF ENGLEWOOD,
COLORADO.

WHEREAS, this property is a 6.12 acre site occupied by Winslow Construction Company since 1954, and has been zoned I-1 and R-2-B; and

WHEREAS, W H Investments submitted an application for the proposed Planned Unit Development to establish specific zoning and site planning criteria for development for a Planned Unit Development (PUD); and

WHEREAS, W H PUD would allow single family residential and attached town homes on this site as well as continuing industrial uses; and

WHEREAS, the Planning and Zoning Commission held a Public Hearing on November 20, 2012; and

WHEREAS, the Planning and Zoning Commission recommended a denial of the application to rezone the property known as 3001 South Galapago Street et al. from I-1 and R-2-B to a Planned Unit Development.

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

Section 1. The W H Planned Unit Development (PUD) located at 3001 South Galapago Street et al. in the City of Englewood, Colorado, attached hereto as Exhibit A, is hereby approved.

Section 2. The applicant, W H Planned Unit Development (PUD) wishes to amend its application to limit the uses allowed in this PUD to the following:

Uses Allowed by the PUD District Plan

Residential Uses

Group living facility, large/special

Group living facility, small

One and Multi-Unit Dwellings allowed in the R-2-B Zone District

Live/work dwelling

Low, Medium and High Density Multi-unit dwellings

Multi-Family Related Ancillary Uses such as Leasing Office, Private Recreation Facilities, etc.

Public/Institutional Uses

Athletic field
Community garden
Library
Museum
Park and Open Space
Religious institutions and associated accessory uses
Schools
Telecommunication Facility (*See Chapter 16-7, "Telecommunications," for applicable use-related guidelines and standards*), to include alternative tower structure,
Antenna (microwave antenna, sectorized panel antenna, whip antenna) and Tower structure
Transit Center

Commercial Uses

Greenhouse/nursery, raising of plants, flowers, or nursery stock
Assembly hall or auditorium, hall rental for meetings or social occasions
Membership organization
Indoor Entertainment/ Amusement
 Amusement establishment as a Conditional Use
 Physical fitness center/spa
 Theater and performance/concert venue, not including adult entertainment
General outdoor recreation, as a Conditional Use
Check cashing facility
Financial institution, with drive-through service
Financial institution, without drive-through service
Food and Beverage Service, Including:
 Brewpub
 Caterer
 Microbrewery
 Restaurant, bar, tavern with or without outdoor operations
 Restaurant, with drive-through service
 Take out and delivery only
Medical and Scientific:
 Clinic
 Hospital
 Laboratory (dental, medical or optical)

Office, type 1 (general)
Office, type 2 (limited)

Dry cleaner, drop-off site only
Instructional service
Personal Care Service, Including photography studio and photo lab, upholstery, printer, locksmith, tailor
Repair shop (not including auto)

Retail Sales and Service (Sales), Including:

Antique store
Art gallery
Buy-back, second-hand, thrift, consignment stores, Large
Buy-back, second-hand, thrift, consignment stores, Small
Convenience store
Grocery/specialty food store
Internet sales location
Liquor store
Retail sales, general merchandise

Trade or business school

Radio/television broadcasting studio, recording/film studio
Automotive service station (gasoline facility)
Car wash, auto detailing
Parking facility, structure (operable vehicles), principal use
Parking area, surface (operable vehicles), principal use
Hotel
Hotel, Extended Stay

Industrial Uses

Wholesale Sales and distribution
Industrial Service, light
Manufacturing (Including processing, fabrication or assembly), light
Manufacturing (Including processing, fabrication or assembly), heavy

Moving and storage
Outdoor storage
Storage yard for vehicles, equipment, material, and/or supplies, including
Contractor office and yard
Warehousing and/or storage, including mini-storage
Commercial storage, sales and repair of operable vehicles and equipment

And the City and Council hereby accepts this amendment to the PUD District Plan. The allowed uses are hereby included on the PUD District Plan.

Section 3. The applicant, W H Planned Unit Development (PUD) wishes to amend its application to provide that all allowed industrial uses (and not public/institutional and commercial uses) shall cease and shall not be grandfathered nor considered legal, non-conforming uses upon the issuance of a Certificate of Occupancy for any residential or commercial use within the PUD, whether or not the property contained within the PUD boundaries has been platted. And the City Council hereby accepts this amendment to the PUD District Plan. This restriction is hereby included on the PUD District Plan.

Section 4. Development on any portion of the PUD for any residential use (and not public/institutional, commercial, or industrial uses) shall be subject to site plan review by the Planning and Zoning Commission and review and approval by City Council. If any site plan is submitted for public/institutional, commercial or industrial uses, it will be processed

administratively as allowed by the Unified Development Code. This requirement is hereby included in the PUD District Plan.

Introduced and considered on the 17th day of December, 2012 and continued until the 22nd day of January, 2013.

Reintroduced, read in full, and passed on first reading on the 22nd day of January, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of January, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of January, 2013 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, continued, reintroduced, read in full, and passed on first reading on the 22nd day of January, 2013.

Loucrishia A. Ellis

W H PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 34 AND THE NE 1/4 OF SECTION 33, T4S, R68W OF THE 6TH P.M., CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 1 OF 4

PUD LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION THIRTY-FOUR (34) AND NORTHEAST QUARTER OF SECTION THIRTY-THREE (33), TOWNSHIP FOUR SOUTH (T.4S.), RANGE SIXTY-EIGHT WEST (R.68W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1-24 AND 42-49 INCLUSIVE, ALONG WITH THE RESERVED STRIP OF LAND LAYING SOUTH OF LOT 19 OF THE TAYLOR'S ADDITION AS RECORDED IN BK. 2 AT PG. 13;

TOGETHER WITH ALL OF VACATED HURON STREET LYING NORTH OF THE NORTH LINE OF DARTMOUTH AVENUE AND SOUTH OF THE NORTH LINE AND NORTH LINE EXTENDED OF CORNELL STREET, AND ALL OF THAT PART OF VACATED CORNELL STREET LYING WEST OF THE WEST LINE OF THE ALLEY IN SAID BLOCK 1, AS RECORDED IN BK. 1928 AT PAGE 395;

TOGETHER WITH A PARCEL OF LAND LOCATED IN THE SE 1/4 OF NE 1/4 OF SECTION 33, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SE 1/4 OF NE 1/4; THENCE NORTH ALONG THE EAST LINE OF SAID SE 1/4 OF NE 1/4, A DISTANCE OF 540.0 FEET, MORE OR LESS, TO A POINT 50.0 FEET SOUTHEASTERLY, AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACK OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY; THENCE SOUTHWESTERLY PARALLEL WITH AND 50.0 FEET SOUTHEASTERLY AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACK OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A DISTANCE OF 573.0 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF SAID SE 1/4 OF NE 1/4; THENCE EAST ALONG THE SOUTH LINE OF SAID SE 1/4 OF NE 1/4, A DISTANCE OF 180.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING SUBJECT TO RIGHTS-OF-WAY FOR EXISTING DARTMOUTH AVENUE AND RIGHTS-OF-WAY AS RESERVED IN VACATED STREETS, AS RECORDED IN BK. 3588 AT PAGE 358;

TOGETHER WITH A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SW 1/4 OF NW 1/4 OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID NW 1/4 OF SW 1/4 OF NW 1/4 WHICH IS 200.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID NW 1/4 OF SW 1/4 OF NW 1/4; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID NW 1/4 OF SW 1/4 OF NW 1/4, A DISTANCE OF 540.0 FEET, MORE OR LESS, TO A POINT 50.0 FEET SOUTHEASTERLY, AT RIGHT ANGLES FROM, THE CENTER LINE OF THE MAIN TRACK OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY; THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT, PARALLEL WITH AND 50.0 FEET SOUTHEASTERLY, AT RIGHT ANGLES FROM, THE CENTER LINE OF THE MAIN TRACK OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A DISTANCE OF 563.0 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID NW 1/4 OF SW 1/4 OF NW 1/4; THENCE EAST, ALONG THE SOUTH LINE OF SAID NW 1/4 OF SW 1/4 OF NW 1/4, A DISTANCE OF 162.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, AND EXCEPTING THEREFROM THE SOUTH 30.0 FEET FOR HIGHWAY PURPOSES, AS RECORDED IN BK. 3588 AT PAGE 358;

TOGETHER WITH A PARCEL OF LAND IN THE W 1/2 OF THE NW 1/4 OF THE SW 1/4, OF THE NW 1/4 OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: CONSIDERING THE NORTH LINE OF THE NW 1/4 OF SAID SECTION 34 AS BEARING S 89°48'51" W AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE ALONG THE WEST LINE OF SAID SECTION 34, S 0°02'12" W, 1318.86 FEET TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 34; THENCE ALONG THE NORTH LINE OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 34, N 89°42'38" E, 226.46 FEET TO THE TRUE POINT OF BEGINNING, SAID TRUE POINT OF BEGINNING BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A PARTIAL CENTRAL ANGLE OF 01°01'47" AND A RADIUS OF 5779.65 FEET. IT IS SUBTENDED BY A CHORD THAT BEARS S 14°47'36" W, 103.87 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 103.87 FEET TO THE END OF SAID CURVE, SAID END OF CURVE ALSO BEING A POINT ON THE EASTERLY LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED RECORDED IN BOOK A33 AT PAGE 13, RECORDS OF THE COUNTY OF ARAPAHOE; THENCE ALONG SAID EASTERLY LINE S 0°02'13" W, 558.96 FEET TO A POINT ON THE SOUTH LINE OF THE W 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 34; THENCE ALONG SAID SOUTH LINE N 89°39'32" E, 100.98 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED IN BOOK 2222 AT PAGE 485; THENCE DEPARTING SAID SOUTH LINE AND ALONG SAID WEST LINE N 0°02'12" E, 659.16 FEET TO THE NORTH LINE OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 34; THENCE ALONG SAID NORTH LINE S 89°42'38" W, 74.65 FEET TO THE TRUE POINT OF BEGINNING, AS RECORDED IN BK. 5712 AT PG. 491;

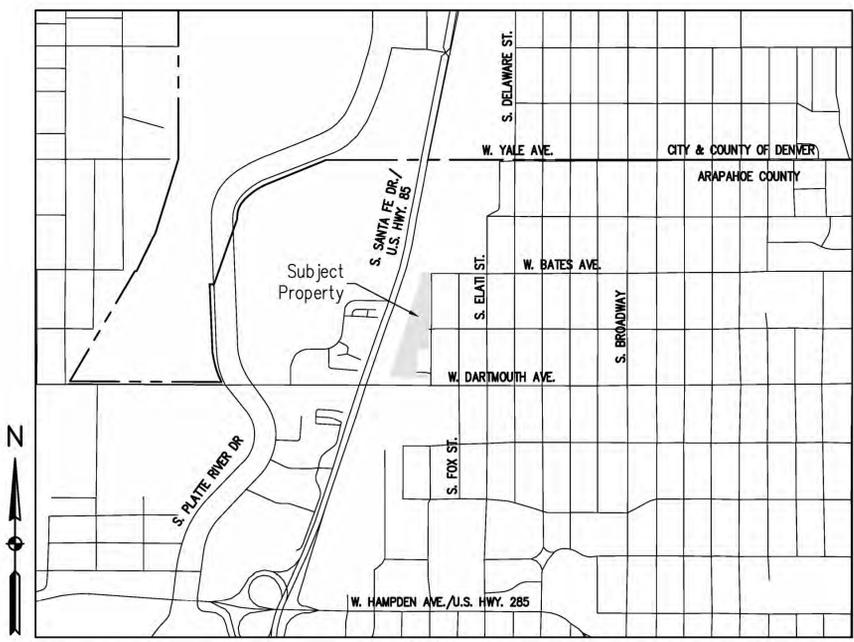
TOGETHER WITH THOSE CERTAIN PARCELS OF LAND CONVEYED TO W.H. INVESTMENTS INC., A COLORADO CORPORATION, BY STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A REMAINDER PARCEL OF LAND NO. 23R OF THE STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, PROJECT NO. FCU 085-2(51), IN LOTS 25 AND 26, BLOCK 1, TAYLORS ADDITION, A SUBDIVISION IN THE SW 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN ARAPAHOE COUNTY, COLORADO, SAID REMAINDER PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF LOT 26, BLOCK 1, TAYLORS ADDITION, FOR WHICH THE WEST 1/4 CORNER OF SECTION 34 BEARS S 64°47'19" W, 228.97 FEET; THENCE N 0°02'12" E ALONG SAID EAST LOT LINE A DISTANCE OF 46.21 FEET; THENCE N 89°23'16" W A DISTANCE OF 50.00 FEET TO THE WEST LINE OF SAID LOT 25 OF SAID BLOCK; THENCE S 0°02'12" W, ALONG SAID WEST LOT LINE, A DISTANCE OF 45.20 FEET; THENCE S 89°13'31" E A DISTANCE OF 50.02 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, AS RECORDED IN BK. 6153 AT PG. 570;

TOGETHER WITH A REMAINDER PARCEL OF LAND NO. 24R OF THE STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, PROJECT NO. FCU 085-2(51), IN LOTS 27, 28, 29, AND 30, BLOCK 1, TAYLORS ADDITION, A SUBDIVISION IN THE SW 1/4 OF THE NW 1/4, SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN ARAPAHOE COUNTY, COLORADO, SAID REMAINDER PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 27, BLOCK 1, TAYLORS ADDITION, FROM WHICH THE WEST 1/4 CORNER OF SECTION 34 BEARS S 64°47'19" W, A DISTANCE OF 228.97 FEET; THENCE N 0°02'12" E, ALONG SAID WEST LOT LINE, A DISTANCE OF 46.21 FEET; THENCE S 89°23'26" E A DISTANCE OF 48.29 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 39.50 FEET, A DISTANCE OF 62.05 FEET (THE CHORD OF THIS ARC BEARS S 44°23'26" E A DISTANCE OF 55.86 FEET); THENCE S 0°36'34" W A DISTANCE OF 8.49 FEET; THENCE N 89°13'31" W A DISTANCE OF 87.35 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, AS RECORDED IN BK. 6153 AT PG. 570;

EXCEPT ANY PORTION OF THE ABOVE-DESCRIBED S LYING WITHIN THE BOUNDARIES OF THE "BATES STREET TRIANGLE PARCEL" CONVEYED TO REGIONAL TRANSPORTATION DISTRICT BY DEED RECORDED JANUARY 26, 2004, AT RECEPTION NO. 84016216, WHICH BATES STREET TRIANGLE PARCEL IS DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34 (3 1/4" ALUMINUM CAP IN RANGE BOX MARKED PLS17666-1995); WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34 (3 1/4" ALUMINUM CAP IN RANGE BOX MARKED PLS 17666-1995) BEARS S 0°16'24" E A DISTANCE OF 1319.09 FEET (BASIS OF BEARING - ASSUMED); THENCE N 89°23'46" E ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 A DISTANCE OF 199.97 FEET TO AN ANGLE POINT ON THE EASTERLY LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NO. A7038167 IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, BEING THE POINT OF BEGINNING, BEING CONTINUING N 89°23'46" E NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE, ALONG SAID NORTHERLY LINE A DISTANCE OF 26.21 FEET TO THE EASTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY; THENCE ALONG SAID BURLINGTON NORTHERN RAILROAD RIGHT OF WAY BEING ON THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 1°00'37", A RADIUS OF 5779.65 FEET, A CHORD BEARING OF S 14°37'44" W A DISTANCE OF 101.91 FEET, AND AN ARC DISTANCE OF 101.91 FEET; THENCE N 0°01'26" W ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER A7038167, BEING NON-TANGENT WITH THE LAST DESCRIBED CURVE, A DISTANCE OF 98.33 FEET TO THE POINT OF BEGINNING;

AND EXCEPT ANY PORTION OF THE ABOVE-DESCRIBED PARCEL 2, PARCEL 3, PARCEL 4 AND PARCEL 5 LYING WITHIN THE BOUNDARIES OF THE "CORNELL STREET TRIANGLE PARCEL" CONVEYED TO REGIONAL TRANSPORTATION DISTRICT BY DEED RECORDED JANUARY 26, 2004, AT RECEPTION NO. 84016217, WHICH CORNELL STREET TRIANGLE PARCEL IS DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ARAPAHOE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 (3 1/4" ALUMINUM CAP IN RANGE BOX MARKED PLS 17666-1995); WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 (3 1/4" ALUMINUM CAP IN RANGE BOX MARKED PLS 17666-1995) BEARS S 0°16'24" E A DISTANCE OF 1319.09 FEET (BASIS OF BEARINGS - ASSUMED); THENCE S 0°16'24" E ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 A DISTANCE OF 659.54 FEET TO AN ANGLE POINT ON THE EASTERLY LINE OF A PARCEL OF LAND RECORDED AT RECEPTION NUMBER A7038167 IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, BEING THE POINT OF BEGINNING; THENCE N 89°20'29" E ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED AT RECEPTION NO. A7038167, ALSO BEING THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 A DISTANCE OF 21.49 FEET TO THE EASTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY; THENCE ALONG SAID BURLINGTON NORTHERN RAILROAD RIGHT OF WAY S 18°04'53" W A DISTANCE OF 68.25 FEET; THENCE N 0°01'24" W ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER A7038167, ALSO BEING THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34 A DISTANCE OF 64.63 FEET TO THE POINT OF BEGINNING.

AND EXCEPTING FROM PARCELS ANY PORTION THEREOF CONVEYED TO THE CITY OF ENGLEWOOD BY SPECIAL WARRANTY DEED RECORDED JUNE 19, 1989, AT RECEPTION NO. 3097368; AND ANY PORTION THEREOF CONVEYED TO STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, BY SPECIAL WARRANTY DEED RECORDED MAY 10, 1991, IN BOOK 6153 AT PAGE 567.



SCALE: 1" = 1,000' VICINITY MAP

BACKGROUND

THE SUBJECT PROPERTY IS COMPOSED OF NUMEROUS PARCELS LOCATED GENERALLY WEST OF SOUTH GALAPAGO STREET, SOUTH OF WEST BATES AVENUE, NORTH OF WEST DARTMOUTH AVENUE, AND EAST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD AND THE REGIONAL TRANSPORTATION DISTRICT'S SOUTHWEST LIGHT RAIL LINE.

TOTAL AREA FOR THE SITE IS 266,611 SF OR APPROXIMATELY 6.12 ACRES. MOST OF THE SITE, WHICH IS CURRENTLY OWNED BY W H INVESTMENTS, INC., IS CURRENTLY ZONED (I-1) LIGHT INDUSTRIAL, WITH A CRANE AND CONSTRUCTION COMPANY CURRENTLY OPERATING ON SITE. THREE PARCELS WITH FRONTAGE ON SOUTH GALAPAGO STREET ARE ZONED (R-2-B), MEDIUM DENSITY SINGLE AND MULTI-DWELLING UNIT RESIDENTIAL.

THE W H PUD WILL INTRODUCE ZONING AND DEVELOPMENT STANDARDS THAT WILL ALLOW FOR AND PERMIT (I-1) USES FOR POSSIBLE FUTURE DEVELOPMENTS AND IN ADDITION, WILL ADD MULTI-FAMILY USES AND DEVELOPMENT STANDARDS THAT ARE APPROPRIATE AND CONFORMING TO THE SURROUNDING USES IN THE AREA. THE PLANNED UNIT DEVELOPMENT APPLICATION WILL BE PROCESSED PURSUANT TO THE APPLICABLE CITY REGULATIONS.

GENERAL NOTES

- 1. AN ALTA SURVEY WAS PREPARED BY BASELINE ENGINEERING CORPORATION AND IS PART OF THIS SUBMITTAL.
2. A PRELIMINARY DRAINAGE REPORT WAS PREPARED BY BASELINE ENGINEERING CORPORATION AND IS PART OF THIS SUBMITTAL.
3. A TRAFFIC REPORT WAS PREPARED BY BASELINE ENGINEERING CORPORATION AND IS PART OF THIS SUBMITTAL.
4. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PLAIN.
5. SUBDIVISION OF THE SITE SHALL BE COMPLETED UNDER SEPARATE DOCUMENT.
6. THE DEVELOPER SHALL COMPLY WITH ALL APPLICABLE CITY CODES, REGULATIONS, AND STANDARDS.
7. IN THE EVENT OF A CONFLICT BETWEEN THE SPECIFIC PROVISIONS OF THIS PUD AND TITLE 16, THE SPECIFIC PROVISIONS OF THIS PUD SHALL CONTROL.

SITE DATA

TOTAL SITE AREA (11 PARCELS): 266,611 S.F. OR 6.12 ACRES

PUD DISTRICT PLAN DEVELOPMENT STANDARDS

A. GENERAL REGULATIONS: UNLESS OTHERWISE PROVIDED FOR IN THE PUD OR AN AMENDMENT THERETO, THE PROVISIONS, STANDARDS, REGULATIONS AND PROCEDURES PERTINENT TO AN APPLICATION FOR THE DEVELOPMENT OF LAND WITHIN THIS PUD ZONE DISTRICT SHALL COMPLY WITH THE (I-1) ZONE DISTRICT AND THE BELOW LISTED STANDARDS FOR MULTI-FAMILY USE. THE STANDARDS FOR (I-1) LIGHT INDUSTRIAL DISTRICT CAN BE REFERENCED IN TITLE 16 OF THE CITY OF ENGLEWOOD MUNICIPAL CODE.

B. PERMITTED USES: THE FOLLOWING USES ARE PERMITTED FOR THE W H PUD SITE. UNLESS OTHERWISE PROVIDED, THE FOLLOWING USE CATEGORIES AND TYPES SHALL HAVE THE SAME MEANINGS AS SUCH CATEGORY AND USE TERMS BY THE SAME NAMES CONTAINED IN TITLE 16 OF THE ENGLEWOOD MUNICIPAL CODE. PERMITTED USES ARE SUBJECT TO ALL APPLICABLE REGULATIONS OF TITLE 16 - UNIFIED DEVELOPMENT CODE.

- RESIDENTIAL USES: GROUP LIVING FACILITY, LARGE/SPECIAL GROUP LIVING FACILITY, SMALL ONE UNIT OR MULTI-UNIT DWELLING AS ALLOWED IN THE R-2-B ZONE DISTRICT LIVE/WORK DWELLING LOW, MEDIUM AND HIGH DENSITY MULTI-UNIT DWELLINGS MULTI-FAMILY RELATED ANCILLARY USES SUCH AS LEASING OFFICE, PRIVATE RECREATION FACILITIES, ETC.
PUBLIC/INSTITUTIONAL USES: ATHLETIC FIELD COMMUNITY GARDEN LIBRARY MUSEUM PARK AND OPEN SPACE RELIGIOUS INSTITUTIONS AND ASSOCIATED ACCESSORY USES SCHOOLS TELECOMMUNICATION FACILITY (SEE CHAPTER 16-7, "TELECOMMUNICATIONS," FOR APPLICABLE USE-RELATED GUIDELINES AND STANDARDS), TO INCLUDE ALTERNATIVE TOWER STRUCTURE, ANTENNA (MICROWAVE ANTENNA, SECTORIZED PANEL ANTENNA, WHIP ANTENNA) AND TOWER STRUCTURE TRANSIT CENTER

CONTACTS

OWNER

W H INVESTMENTS, INC. 3002 S. HURON ST. ENGLEWOOD, CO 80110

PLANNER

BASELINE ENGINEERING CORP. 700 12TH ST., SUITE 220 GOLDEN, CO 80401

VINCE HARRIS, AICP (303) 202-5010 x217

ENGINEER

BASELINE ENGINEERING CORP. 700 12TH ST., SUITE 220 GOLDEN, CO 80401

NOAH NEMMERS, PE (303) 940-9966 x207

SHEET INDEX

- P1 - COVER / DISTRICT PLAN
P2 - DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS
P3 - EXISTING SITE PLAN
P4 - CONCEPTUAL MULTI-FAMILY SITE PLAN

Table with columns: DESIGNED BY (EW), DRAWN BY (EW/CM), CHECKED BY (VH), DATE (10/30/12), PREPARED BY (EW, CM), REVISION DESCRIPTION (DISTRICT PLAN, SITE PLAN, LANDSCAPING)

PROPERTY OWNER: W H INVESTMENTS, INC., A COLORADO CORPORATION. BY: FLOYD WINSLOW, JR., VICE PRESIDENT. STATE OF COLORADO, COUNTY OF ARAPAHOE. THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 20 BY FLOYD WINSLOW, JR., VICE PRESIDENT FOR W H INVESTMENTS, INC. WITNESS MY HAND AND OFFICIAL SEAL. NOTARY PUBLIC. MY COMMISSION EXPIRES: APPROVED FOR THE CITY OF ENGLEWOOD. PLANNING AND ZONING COMMISSION CHAIRPERSON DATE. PLANNING AND ZONING COMMISSION RECORDING SECRETARY DATE. MAYOR OF ENGLEWOOD DATE. ATTESTED THE FOREGOING APPROVALS WERE ACKNOWLEDGED BEFORE ME THIS DAY OF 20 BY AND. ATTEST: CITY CLERK. CLERK AND RECORDER. THIS PLANNED UNIT DEVELOPMENT IS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF ARAPAHOE COUNTY, STATE OF COLORADO, AT O'CLOCK, M., ON THIS DAY OF A.D., 20. RECEPTION NO., BOOK NO., PAGE NO. BY: CLERK, BY: DEPUTY.

FOR AND ON BEHALF OF BASELINE ENGINEERING CORPORATION. INITIAL SUBMITTAL: 9/25/12. DRAWING SIZE: 24" X 36". SURVEY FIRM: BASELINE. JOB NO.: P1200. DRAWING NAME: 200_PUD 2012-10-29.dwg. SHEET 1 OF 4.

N:\PLANNING LLC\200 Winslow Reasoning\Drawings\200_PUD_2013-01-03.dwg, 1/4/2013 10:43:12 AM, Cory Miller

W H PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34 AND
THE NE ¼ OF SECTION 33, T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 2 OF 4

DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS

PUD DISTRICT PLAN DEVELOPMENT STANDARDS (CONTINUED)

INDUSTRIAL USES:
WHOLESALE SALES AND DISTRIBUTION
INDUSTRIAL SERVICE, LIGHT
MANUFACTURING (INCLUDING PROCESSING, FABRICATION OR ASSEMBLY), LIGHT
MANUFACTURING (INCLUDING PROCESSING, FABRICATION OR ASSEMBLY), HEAVY
MOVING AND STORAGE
OUTDOOR STORAGE
STORAGE YARDS FOR VEHICLES, EQUIPMENT, MATERIAL, AND/OR SUPPLIES,
INCLUDING CONTRACTOR OFFICE AND YARD
WAREHOUSING AND/OR STORAGE, INCLUDING MINI-STORAGE
COMMERCIAL STORAGE, SALES AND REPAIR OF OPERABLE VEHICLES AND EQUIPMENT

ACCESSORY USES:
HOME OCCUPATION AS LISTED IN ENGLEWOOD MUNICIPAL CODE TITLE 16 - UNIFIED
DEVELOPMENT CODE

TEMPORARY USES:
AS LISTED IN ENGLEWOOD MUNICIPAL CODE TITLE 16 - UNIFIED DEVELOPMENT CODE

UNLISTED USES:
PROCEDURES FOR APPROVAL OF USES NOT LISTED IN THE ABOVE PERMITTED USES
SHALL BE GOVERNED BY TITLE 16 PROVISIONS FOR UNLISTED USES.

C. INDUSTRIAL USES MAY SUNSET: ONCE AND IF A CERTIFICATE OF OCCUPANCY (CO) IS ISSUED FOR ANY
RESIDENTIAL USE ON ANY PORTION OF THE PROPERTY COVERED BY THIS PUD, WHETHER THE PROPERTY IS
PLATTED OR NOT, INDUSTRIAL USES (NOT COMMERCIAL OR PUBLIC/INSTITUTIONAL) SHALL NO LONGER BE
ALLOWED.

D. DEVELOPMENT STANDARDS:

1a. SINGLE FAMILY AND ATTACHED TOWNHOME USE
a. USE ENGLEWOOD MUNICIPAL CODE REFERENCES FOR THE R-2-B ZONE DISTRICT

1b. MULTI-UNIT RESIDENTIAL DWELLINGS
a. MAXIMUM BUILDING HEIGHT: 75'-0"
b. SETBACKS: ALL PUD SETBACKS FOR MULTI-FAMILY USES SHALL BE 2'-0" WITH THE EXCEPTION OF:

- i. THE EASTERN SITE BOUNDARY ALONG SOUTH GALAPAGO STREET FROM WEST BATES AVENUE
TO WEST CORNELL AVENUE: 5'-0"
- ii. THE EASTERN SITE BOUNDARY ALONG SOUTH GALAPAGO STREET FROM WEST CORNELL
AVENUE TO WEST DARTMOUTH AVENUE: 10'-0"
- iii. THE WESTERN SITE BOUNDARY: 5'-0"

- c. DENSITY: MAXIMUM 45 DWELLING UNITS PER ACRE (45 DU/ACRE)
- d. FLOOR AREA/UNIT: MINIMUM 550 SQUARE FEET
- e. MAXIMUM FLOOR AREA RATIO: NONE
- f. MINIMUM OPEN SPACE (INCLUDES SIDEWALKS): 25%
- g. MINIMUM LOT WIDTH: NONE

2. COMMERCIAL/INDUSTRIAL

- a. DEVELOPMENT STANDARDS FOR COMMERCIAL OR INDUSTRIAL USES SHALL COMPLY WITH THE
DEVELOPMENT REGULATIONS OUTLINED FOR THE (MU-B-1) MIXED-USE CENTRAL BUSINESS AND (I-1)
LIGHT INDUSTRIAL DISTRICTS FOUND IN TITLE 16 OF THE ENGLEWOOD UNIFIED DEVELOPMENT CODE.
- b. MAXIMUM BUILDING HEIGHT: NONE
- c. SETBACKS: 10'-0" FOR ALL NON-RESIDENTIAL USES

3. LANDSCAPING

- a. A COMPLETE LANDSCAPE PLAN SHALL BE PROVIDED AT TIME OF SUBMITTAL OF FINAL SITE PLAN.

4. PARKING

- a. PARKING GUIDELINES WILL BE PREPARED BASED ON FUTURE DEVELOPMENT USE AND WILL BE
SUBMITTED WITH A FINAL SITE PLAN AND WILL UTILIZE TITLE 16 OF THE ENGLEWOOD UNIFIED
DEVELOPMENT CODE AS A BASIS. REDUCTION OF PARKING MAY BE PROPOSED FOR MULTI-UNIT
DWELLINGS

5. PUBLIC LAND DEDICATIONS REQUIREMENTS

- a. PARKS, TRAILS, AND OPEN SPACE LAND DEDICATION SHALL BE DETERMINED BY SEPARATE
AGREEMENT AT TIME OF FINAL SITE PLAN.

E. ARCHITECTURAL STANDARDS:

FORM AND MATERIALS FOR MULTI-FAMILY HOUSING SHALL HARMONIZE WITH THE ADJACENT RESIDENTIAL
BUILDINGS AND BE CONSIDERATE OF NEIGHBORING BUILDINGS. SUBMITTED AS A PART OF THE PROPOSED PUD ARE
EXAMPLE PHOTOGRAPHS INDICATING THE GENERAL LEVEL OF DESIGN QUALITY, FINISHES AND MATERIALS TO BE
INCORPORATED IN THE PROJECT.

1. FAÇADES: EXTERIOR WALLS GREATER THAN 50 FEET IN LENGTH SHOULD BREAK ANY FLAT, MONOLITHIC

FAÇADE WITH DISCERNIBLE ARCHITECTURAL ELEMENTS. BUILDING DESIGNS, ROOFLINES, OR FAÇADE TREATMENTS
THAT ARE MONOTONOUS ARE STRONGLY DISCOURAGED. BUILDING FAÇADES ORIENTED TO THE STREET OR PUBLIC
SPACE SHOULD PROVIDE ARCHITECTURAL VARIETY AND SCALE BY INCORPORATING ELEMENTS SUCH AS BAY
WINDOWS, DOORWAYS, ENTRANCES AND WINDOWS, BALCONIES, CORNICES, COLUMNS, VERTICAL PLANE BREAKS, AND
OTHER TYPES OF ARCHITECTURAL DETAILING TO PROVIDE VISUAL INTEREST.

2. 360-DEGREE: A BUILDING'S SPECIAL ARCHITECTURAL FEATURES AND TREATMENTS SHALL NOT BE RESTRICTED
TO A SINGLE FAÇADE. ALL SIDES OF A BUILDING OPEN TO VIEW BY THE PUBLIC, WHETHER VIEWED FROM PUBLIC
OR PRIVATE PROPERTY, SHALL DISPLAY A SIMILAR LEVEL OF QUALITY AND ARCHITECTURAL INTEREST.
ARCHITECTURAL FEATURES SUCH AS WINDOWS, AWNINGS, PROJECTIONS, REVEALS, CHANGES IN PATTERN, AND
TRELISES SHOULD BE USED ON ALL SIDES FOR VISUAL INTEREST. THE DIMENSIONS OF BASE, MIDDLE, AND TOP
SHOULD BE CARRIED AROUND FROM THE PRIMARY FAÇADES TO THE SIDE AND REAR OF THE BUILDING.

3. FLAT ROOFS: DESIGN ELEMENTS FOR FLAT ROOF BUILDINGS SHOULD INCLUDE PARAPETS WITH VARIABLE HEIGHT
AND/OR CHANGES IN SETBACK. WHERE POSSIBLE, ROOFTOP AREAS ARE ENCOURAGED TO BE USED FOR PUBLIC
OR PRIVATE OUTDOOR SPACE.

4. SLOPED ROOFS: WHEN SLOPED ROOFS ARE USED, AT LEAST ONE OF THE FOLLOWING ELEMENTS SHOULD BE
INCORPORATED INTO THE DESIGN INCLUDING PROJECTING GABLES, HIPS, HORIZONTAL/VERTICAL BREAKS, OR OTHER
SIMILAR TECHNIQUES. ROOF SHAPES SHOULD BE AN INTEGRAL PART OF THE BUILDING ARCHITECTURE AND CREATE
INTERESTING AND VARIED APPEARANCES.

5. BRIGHT COLORS: INTENSE, BRIGHT, OR FLUORESCENT COLORS SHOULD NOT BE USED AS THE PREDOMINANT
COLOR ON ANY WALL, OR ROOF OF ANY PRIMARY OR ACCESSORY STRUCTURE.

6. BUILDING MATERIALS: EXTERIOR BUILDING FAÇADES SHOULD EXHIBIT HIGH LEVELS OF DESIGN, DETAILING, AND
MATERIAL QUALITY. A MIX OF HIGH QUALITY COMPATIBLE MATERIALS IS STRONGLY ENCOURAGED ON ALL FAÇADES
FACING STREETS, OR OTHER PUBLIC SPACES OR AREAS. BUILDINGS SHOULD BE CONSTRUCTED OF DURABLE,
HIGH-QUALITY MATERIALS SUCH AS: BRICK, STONE, ARCHITECTURAL PRE-CAST CONCRETE, ARCHITECTURALLY
CAST CONCRETE, CAST STONE, INTEGRALLY COLORED SPLIT OR GROUND FACE CONCRETE MASONRY UNITS, STUCCO
OR EIFS (EXTERIOR INSULATED FINISHING SYSTEM), ARCHITECTURAL METAL, WOOD, LAP SIDING, OR ANY
COMBINATION OF THE MATERIALS LISTED.

7. SCALING: BUILDING FAÇADES SHOULD INCLUDE A COMBINATION OF DETAILS TO ENHANCE THE ARCHITECTURAL
INTEREST. FOR EXAMPLE, USE BRICKWORK TO CREATE UNIQUE ELEMENTS, OR MIX MATERIALS OF VARYING DEPTH
TO PROVIDE VISUAL INTEREST.

F. PROCESS:

1. SITE PLAN: A FINAL SITE PLAN FOR RESIDENTIAL USES WILL BE REVIEWED FOR APPROVAL IN ACCORDANCE
WITH THIS PUD AND ITS STANDARDS BY THE PLANNING COMMISSION WITH A RECOMMENDATION TO CITY
COUNCIL. CITY COUNCIL WILL MAKE A FINAL DECISION REGARDING APPROVAL OF A SITE PLAN. IF ANY SITE

PLAN IS SUBMITTED FOR PUBLIC/INSTITUTIONAL, COMMERCIAL, OR INDUSTRIAL USES, IT WILL BE PROCESSED
ADMINISTRATIVELY AS ALLOWED BY THE UNIFIED DEVELOPMENT CODE.

2. MODIFICATIONS* THE FOLLOWING MODIFICATION PROCEDURES ARE CONSISTENT WITH THE PUD MODIFICATION
PROCEDURES OF THE CITY OF ENGLEWOOD TITLE 16, ZONING REGULATIONS, AS MODIFIED BELOW:

a. DISTRICT PLAN: THE TERMS, CONDITIONS, THE ADOPTED PUD DISTRICT PLAN AND DOCUMENTS MAY BE
CHANGED AND/OR AMENDED IN WHOLE OR IN PART AS FOLLOWS:

- i. MINOR MODIFICATIONS TO THE PUD DISTRICT PLAN: THE CITY MANAGER OR HIS/HER DESIGNEE MAY
APPROVE MINOR MODIFICATIONS IN THE LOCATION, SIZING, AND HEIGHT OF STRUCTURES OR FACILITIES
IF REQUIRED BY ENGINEERING OR OTHER CIRCUMSTANCES NOT FORESEEN AT THE TIME THE PUD
DISTRICT PLAN WAS APPROVED. MINOR MODIFICATIONS SHALL NOT BE PERMITTED IF THE MODIFICATION
RESULTS IN ANY OF THE CIRCUMSTANCES LISTED IN E.2.b.i OF THIS PUD.
- ii. MAJOR MODIFICATIONS TO THE PUD DISTRICT PLAN: MAJOR MODIFICATIONS MAY BE MADE TO THE
APPROVED PUD DISTRICT PLAN PURSUANT TO THE SAME LIMITATIONS AND REQUIREMENTS BY WHICH
PLANS AND DOCUMENTS WERE ORIGINALLY APPROVED.

b. SITE PLAN:

i. MINOR MODIFICATIONS TO THE PUD SITE PLAN: THE CITY, THROUGH THE DEVELOPMENT REVIEW TEAM,
MAY AUTHORIZE DEVIATIONS FROM THE PUD SITE PLAN WHEN SUCH DEVIATIONS APPEAR NECESSARY
IN LIGHT OF TECHNICAL OR ENGINEERING CONSIDERATIONS. MINOR DEVIATIONS SHALL NOT BE
PERMITTED IF ANY OF THE CIRCUMSTANCES RESULT:

- i.a. A CHANGE IN THE CHARACTER OF THE DEVELOPMENT; OR
- i.b. A CHANGE IN THE PERMITTED LAND USES; OR
- i.c. A CHANGE IN THE GENERAL LOCATION OF LAND USES; OR
- i.d. AN INCREASE IN THE MAXIMUM HEIGHT OF ANY BUILDING OF MORE THAN 5%; OR
- i.e. AN INCREASE IN THE NUMBER OF DWELLING UNITS, OR IN THE RATIO OF THE GROSS FLOOR
AREA OF STRUCTURES TO THE LAND AREA, OR INCREASES IN THE PROPOSED GROSS FLOOR
AREA WITHIN ANY PARTICULAR LAND USE OF MORE THAN 2%; OR
- i.f. A REDUCTION IN THE SETBACKS MORE THAN 10%; OR
- i.g. AN INCREASE OF MORE THAN 10%, IN GROUND COVERAGE, BY STRUCTURES OR SURFACE
PARKING; OR
- i.h. A REDUCTION BY MORE THAN 5% IN THE LAND AREA DESIGNATION FOR LANDSCAPING; OR
- i.i. A REDUCTION BY MORE THAN 5% IN THE RATIO OF OFF-STREET PARKING AND LOADING
SPACE TO GROSS FLOOR AREA OR NUMBER OF DWELLING UNITS

ii. SITE PLAN AMENDMENTS NOT MEETING THE ABOVE REQUIREMENTS: ALL PUD SITE PLANS APPROVED
AND RECORDED MAY ONLY BE AMENDED PURSUANT TO THE SAME LIMITATION AND REQUIREMENTS BY
WHICH SUCH PLANS WERE APPROVED.



1
P2/P2 MULTI-FAMILY ARCHITECTURAL EXAMPLES

BASELINE
Engineering · Planning · Surveying
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P. 303.940.9866 · F. 303.940.9869 · www.baselinencorp.com

REVISION	DESCRIPTION	DATE	PREPARED BY	DESIGNED BY
	DISTRICT PLAN / SITE PLAN / LANDSCAPING	10/30/12	EW, CM	EW

W H INVESTMENTS, INC.
ARAPAHOE COUNTY
W H PLANNED UNIT DEVELOPMENT
700 W Cornell Ave, 775 W Dartmouth Ave, 3001, 3011, & 3025 S Galapago St, 3002, 3018, & 3050 S Huron St
CITY OF ENGLEWOOD
DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS

FOR AND ON BEHALF OF
BASELINE CORPORATION

INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" x 36"
SURVEY FIRM	BASELINE
SURVEY DATE	
JOB NO.	PL200
DRAWING NAME	200_PUD 2012-10-29.dwg
SHEET	2 OF 4

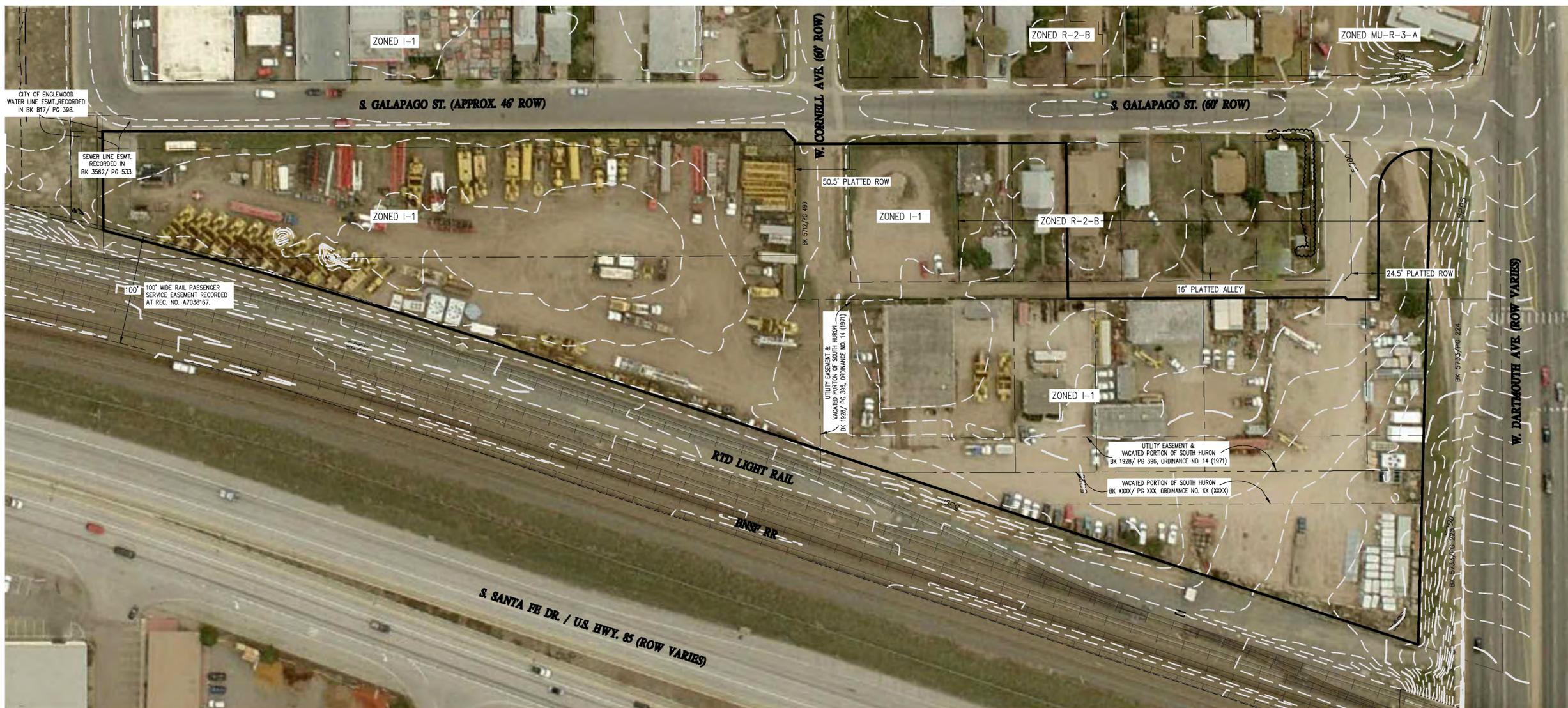
P2

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W H PLANNED UNIT DEVELOPMENT

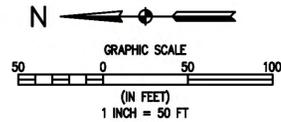
A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34 AND
THE NE ¼ OF SECTION 33, T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 3 OF 4
EXISTING SITE PLAN



LEGEND

—	PUD BOUNDARY
- - - -	INTERIOR PARCELS
- · - · -	EASEMENTS
- · - - -	ALIQUOT LINE
—+—+—	RAILROAD
- · - - -	ADJACENT PARCELS
- · - - -	CONTOUR LINE



1
P3 P3
EXISTING SITE PLAN

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700 17TH STREET, SUITE 220 • GOLDEN, COLORADO 80401

P: 303.940.9866 • F: 303.940.9869 • www.baselinecorp.com

DESIGNED BY	EW	DATE	10/30/12	
DRAWN BY	EW/CM	PREPARED BY	EW, CM	
CHECKED BY	VH	REVISION DESCRIPTION	DISTRICT PLAN, SITE PLAN, LANDSCAPING	

W H INVESTMENTS, INC.

ARAPAHOE COUNTY

W H PLANNED UNIT DEVELOPMENT

700 W Cornell Ave, 775 W Dartmouth Ave, 3001, 3011, & 3025 S Galapago St, 3002, 3018, & 3050 S Huron St

EXISTING SITE PLAN

FOR AND ON BEHALF OF
BASELINE CORPORATION

INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" x 36"
SURVEY FROM	SURVEY DATE
BASELINE	
JOB NO.	PL200
DRAWING NAME	200_PUD_2012-10-29.dwg
SHEET	3 OF 4

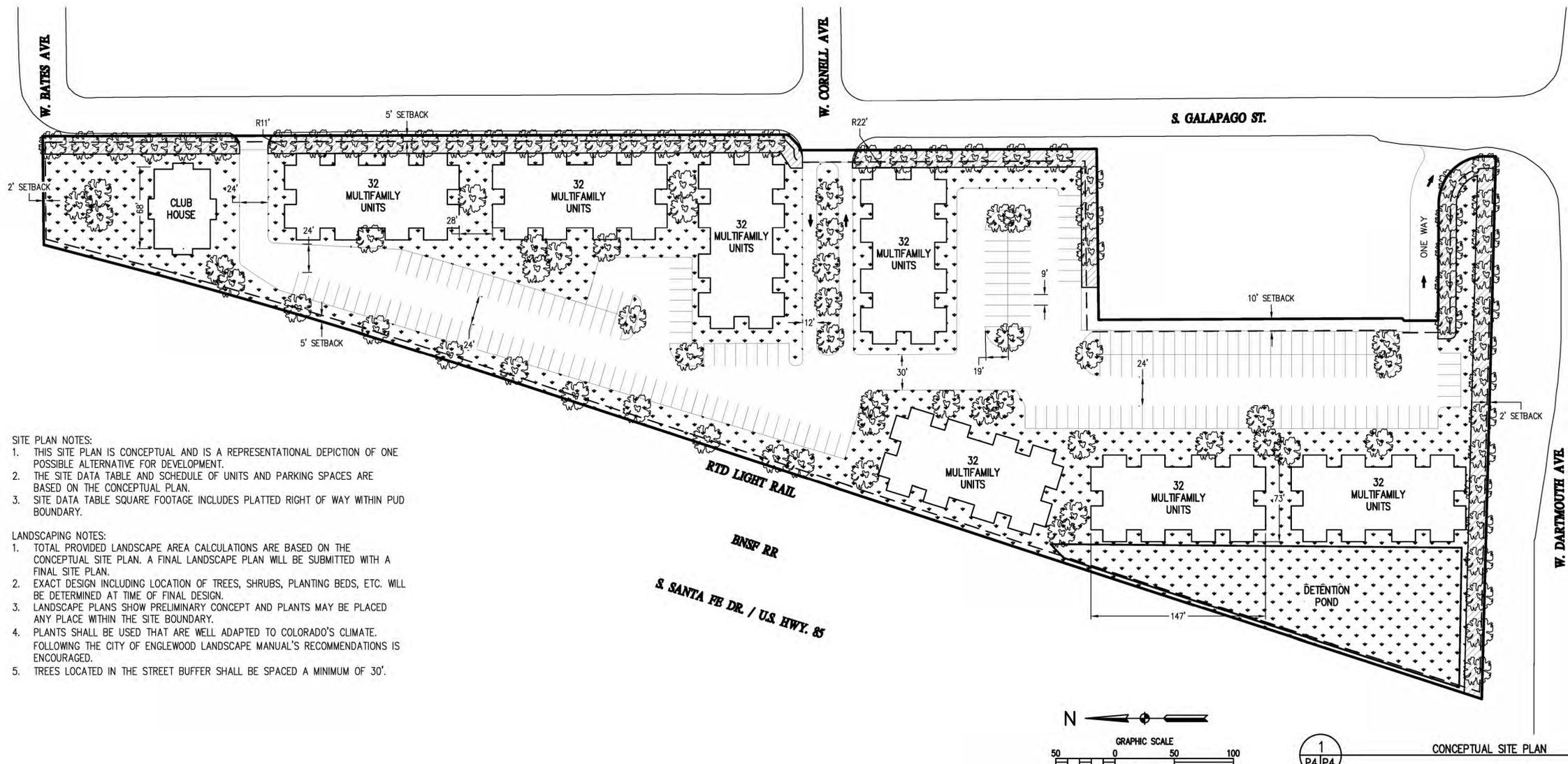
P3

I:\PLANNING LLC\200 Winslow Rezoning Drawings\200_PUD_2013-01-03.dwg, 1/4/2013 10:43:19 AM, Cory Miller

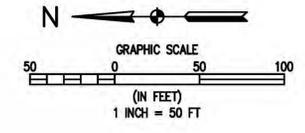
W H PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34 AND
THE NE ¼ OF SECTION 33, T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 4 OF 4
CONCEPTUAL SITE PLAN



- SITE PLAN NOTES:**
1. THIS SITE PLAN IS CONCEPTUAL AND IS A REPRESENTATIONAL DEPICTION OF ONE POSSIBLE ALTERNATIVE FOR DEVELOPMENT.
 2. THE SITE DATA TABLE AND SCHEDULE OF UNITS AND PARKING SPACES ARE BASED ON THE CONCEPTUAL PLAN.
 3. SITE DATA TABLE SQUARE FOOTAGE INCLUDES PLATTED RIGHT OF WAY WITHIN PUD BOUNDARY.
- LANDSCAPING NOTES:**
1. TOTAL PROVIDED LANDSCAPE AREA CALCULATIONS ARE BASED ON THE CONCEPTUAL SITE PLAN. A FINAL LANDSCAPE PLAN WILL BE SUBMITTED WITH A FINAL SITE PLAN.
 2. EXACT DESIGN INCLUDING LOCATION OF TREES, SHRUBS, PLANTING BEDS, ETC. WILL BE DETERMINED AT TIME OF FINAL DESIGN.
 3. LANDSCAPE PLANS SHOW PRELIMINARY CONCEPT AND PLANTS MAY BE PLACED ANY PLACE WITHIN THE SITE BOUNDARY.
 4. PLANTS SHALL BE USED THAT ARE WELL ADAPTED TO COLORADO'S CLIMATE. FOLLOWING THE CITY OF ENGLEWOOD LANDSCAPE MANUAL'S RECOMMENDATIONS IS ENCOURAGED.
 5. TREES LOCATED IN THE STREET BUFFER SHALL BE SPACED A MINIMUM OF 30'.



1
P4/P4

CONCEPTUAL SITE PLAN

LEGEND

	PUD BOUNDARY
	SETBACKS
	EXISTING CURB
	INTERIOR LANDSCAPE
	STREETSCAPE

SITE DATA TABLE		
TYPE	AREA (SQUARE FEET)	PERCENT (%)
STREETSCAPE	22,822	8
INTERIOR LANDSCAPING	109,154	38
BUILDINGS	67,107	23
PARKING	90,875	31
TOTAL	289,958	100

SCHEDULE OF UNITS AND PARKING	
TYPE	QUANTITY
RESIDENTIAL UNITS	224
PARKING SPACES	226

DESIGNED BY	EW
DRAWN BY	EW/CM
CHECKED BY	VH
DATE	10/30/12
PREPARED BY	EW, CM
REVISION DESCRIPTION	DISTRICT PLAN, SITE PLAN, LANDSCAPING

W H INVESTMENTS, INC.
ARAPAHOE COUNTY
W H PLANNED UNIT DEVELOPMENT
CITY OF ENGLEWOOD
700 W Cornell Ave; 775 W Dartmouth Ave; 3001, 3011, & 3025 S Galapago St; 3002, 3018, & 3050 S Huron St
CONCEPTUAL SITE PLAN

FOR AND ON BEHALF OF
BASELINE CORPORATION

INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" X 36"
SURVEY FIRM	BASELINE
SURVEY DATE	
JOB NO.	PL200
DRAWING NAME	200_PUD_2012-10-29.dwg
SHEET	4 OF 4

P4

I:\PLANNING\200\200_PUD_2012-10-29.dwg, 1/4/2013 10:43:21 AM, Cory Miller

From: Don Roth
Sent: Thursday, January 31, 2013 10:18 AM
To: Council
Subject: City Council - council bills 68 and 69

To All Englewood City Council Members

I have a few comments on Council Bills 68 and 69 concerning the 2 PUD's you will soon be considering.

As a member of the Planning and zoning commission I was especially concerned about the inclusion of ALL the industrial uses in these PUD's. There are a number uses that are allowed in I1 and I2 that were placed there because they are probably not appropriate adjacent to residential uses. When uses are included in a PUD document they become "use be right" in perpetuity for that property. That leaves open the possibility that some future property owner could allow some of these inappropriate uses and the City would have no recourse.

The UDC bases its zoning on uses but there are some jurisdictions in the U.S. that have adopted a "form based code" which specifies what a development will look like and doesn't concern itself with uses. I suppose the idea is that the "form" will preclude many inappropriate uses. Since these PUD's supply a "form" that is entirely speculative I don't believe that approach would work here.

It appears that the amendments for both PUD's you have before you contain "sunset clauses" for industrial uses when a residential use is occupied.

From my viewpoint that would certainly address my concerns about use regulations.

I do have a concern that there may be a loophole relating to building heights. I1 and I2 have no height restrictions and as far as I can see they are carrying that forward. They have placed a 75 ft. height limit on multifamily residential buildings, but I see no such restriction on commercial buildings. We currently have a limit of 100 ft. on commercial buildings in our MU-B1 Central Business District. I know of no current industrial structures in Englewood that are anywhere near that tall so, I would recommend that nothing taller than 100 ft. be allowed on these properties regardless of use.

I am sure we all look forward to seeing something exciting happen on these properties.

Thanks for your time.

Don Roth

To: Dan Brotzman
Subject: RE: City Council - council bills 68 and 69

From: Dan Brotzman
Sent: Thursday, January 31, 2013 11:35 AM
To: Jim Woodward; Gary Sears; Alan White
Cc: Nancy Reid
Subject: RE: City Council - council bills 68 and 69

Remember that P&Z voted to deny the applications. The Developers and Community Development, with Council's consent, negotiated Section 3 of the Ordinance to address this issue. The language is legally acceptable.

-----Original Message-----

From: Jim Woodward
Sent: Thursday, January 31, 2013 10:48 AM
To: Gary Sears; Dan Brotzman; Alan White
Subject: FW: City Council - council bills 68 and 69

Can we get an opinion from Dan and Alan with regard to the "sunset clause" Don is referring to, and also his concern regarding building heights. Can we restrict the Industrial areas to a 75 ft. limitation? Is that acceptable to the Winslows?

Jim Woodward,
Mayor Pro Tem
City of Englewood, CO

Sender and receiver(s) should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

From: Leigh Ann Hoffhines On Behalf Of Council
Sent: Thursday, January 31, 2013 10:33 AM
To: #City Council
Subject: FW: City Council - council bills 68 and 69

FYI - this came in via the Council email.

Leigh Ann

Leigh Ann Hoffhines
Englewood City Manager's Office

-----Original Message-----

From: Don Roth [mailto:] m]
Sent: Thursday, January 31, 2013 10:18 AM

To: Council

Subject: City Council - council bills 68 and 69

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I am sure we all look forward to seeing something exciting happen on these properties.

Thanks for your time.

Don Roth

To: Dan Brotzman
Subject: RE: City Council - council bills 68 and 69

-----Original Message-----

From: Alan White
Sent: Thursday, January 31, 2013 11:22 AM
To: Jim Woodward; Gary Sears; Dan Brotzman
Subject: RE: City Council - council bills 68 and 69

Jim,

I hope I'm not stepping outside the boundaries of the public hearing on these rezonings by commenting, but yes, we have included a "sunset clause" whereby industrial uses will no longer be allowed when any portion of either PUD is issued a CO for residential uses. This stipulation is written into the ordinance approving the PUD. (The applicant didn't want to tie the sunset to a building permit because permits are issued that aren't ever acted upon.)

Yes, we can restrict the building heights to 75 feet for industrial and commercial uses. Staff discussed that issue with the applicants. They didn't want to lose that current entitlement. We advised them that P&Z or Council could make that change to the PUD. Whether or not the reduced heights are acceptable to the Winslows is a great question for them at the hearing.

Alan White

-----Original Message-----

From: Jim Woodward
Sent: Thursday, January 31, 2013 10:48 AM
To: Gary Sears; Dan Brotzman; Alan White
Subject: FW: City Council - council bills 68 and 69

Can we get an opinion from Dan and Alan with regard to the "sunset clause" Don is referring to, and also his concern regarding building heights. Can we restrict the Industrial areas to a 75 ft. limitation? Is that acceptable to the Winslows?

Jim Woodward,
Mayor Pro Tem
City of Englewood, CO

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From: Leigh Ann Hoffhines On Behalf Of Council
Sent: Thursday, January 31, 2013 10:33 AM
To: #City Council
Subject: FW: City Council - council bills 68 and 69

COUNCIL COMMUNICATION

DATE: February 4, 2013	AGENDA ITEM: 10 b	SUBJECT: Public Hearing for Ordinance rezoning Sand Creek parcel from Light Industrial (I-1) and General Industrial (I-2) to Planned Unit Development (PUD)
INITIATED BY: Community Development		STAFF SOURCE: Audra L. Kirk, Planner I

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council considered the ordinance for the Sand Creek PUD at the first reading on January 22, 2013.

RECOMMENDED ACTION

Staff recommends that Council consider testimony during a Public Hearing on the Sand Creek PUD.

BACKGROUND

The Planned Unit Development is a rezoning process that establishes specific zoning and site planning criteria to meet the needs of a specific development proposal that may not be accommodated within existing zoning development regulations. A PUD rezoning provides the opportunity for unified development control for multiple properties or multiple uses.

This property is a 10.61 acre site occupied by General Iron Works for many years. RTD acquired a portion of the GIW parcel for its maintenance facility in 2002. Sand Creek acquired its ownership in the GIW parcel in 2010. The parcels have been zoned Industrial since the first zoning was put in place in 1940.

PUD OVERVIEW

The Sand Creek PUD will change the Permitted Principal Uses to allow residential and certain commercial public/institutional and industrial uses as outlined in the attached Ordinance and PUD District Plan. Some uses under the existing I-1 and I-2 zoning have been eliminated, such as crematorium and waste/salvage operations. Some uses not allowed under the current zoning, such as parks and libraries, have been included in the list of allowed uses.

Group homes are an allowed use and cannot be prohibited in any residential district under State statute, 31-23-301 C.R.S.

A sunset clause has been added to the PUD approval ordinance that stipulates when a Certificate of Occupancy (CO) is issued for any residential use on any portion of the property covered by this PUD, whether the property is platted or not, industrial uses (not commercial or public/institutional) shall no longer be allowed.

The site plan has been submitted for conceptual purposes only. A site plan for residential uses will need Planning and Zoning Commission review and Council approval. A site plan for any use other than residential will not require review and approval by the Commission or City Council. With the exception of a few public/institutional uses and conditional uses, all site plans for uses in the I-1 and I-2 zone districts currently are reviewed administratively and the PUD proposes no changes to this procedure.

Development standards have been outlined in the PUD District Plan and are as follows:

The maximum dwelling units per acre is proposed to be set at 45, resulting in a maximum of 477 units.

The proposed Sand Creek PUD has set the maximum height limitation for multi-family residential at 75'. The Unified Development code (UDC) has a maximum height limitation of 32' in all residential zone districts. This is a difference of 43' or approximately 4 stories. The setbacks for the Sand Creek PUD are proposed to be 5' from all property lines. The UDC's current standards for multi-family in the MU-R-3-B zone district are 15' front and side setback and a 25' rear setback.

The development standards for the industrial uses shall be consistent with the UDC requirements in the I-2 zone district with the exception of the setbacks. The proposed PUD will have a required minimum setback of 10' from all property lines. The UDC requires a 10' setback only where a building abuts upon, adjoins, or is adjacent to a residential zone district. The Sand Creek PUD would not have a height limitation with industrial uses.

The architectural standards that are outlined in the PUD are very similar and/or more stringent to the architectural standards for multi-unit residential uses listed in the UDC.

Procedures for minor modifications to the PUD are consistent with the UDC, and are typically reviewed by the Development Review Team and approved through the permitting process. Major modifications to the PUD are also consistent with UDC and require Planning and Zoning and City Council approval. Major modifications are required under the following circumstances:

- A change in the character of the development; or
- A change in the permitted land uses; or
- A change in the general location of land uses; or
- An increase in the maximum height of any building of more than 5%; or
- An increase in the number of dwelling units, or in the ratio of the gross floor area of structures to the land area, or increases in the proposed gross floor area within any particular land use of more than 2%; or
- A reduction of more than 5% in the land area designation for landscaping; or
- A reduction by more than 5% in the ratio of off-street parking and loading space to gross floor area or number of dwelling units.

Landscaping: A complete landscaping plan will be provided at time of final submittal of the site plan.

Parking: Parking guidelines will be prepared based on future development use and will be submitted with the final site plan. The developer may ask for a reduction in parking for multi-family housing due to the proximity of light rail.

FINANCIAL IMPACT

The financial impact will be different under the various development scenarios allowed under this PUD, so it is difficult to provide information at this time.

LIST OF ATTACHMENTS

Planning and Zoning Commission Staff Report
Planning and Zoning Commission Minutes
Planning and Zoning Commission Findings of Fact
Bill for Ordinance



M E M O R A N D U M

TO: Planning and Zoning Commission
THRU: Alan White, Director, Community Development ✓
FROM: Audra L. Kirk, Planner 1 ✓
DATE: November 20, 2012

SUBJECT: Case ZON2012-007 - Public Hearing
Sand Creek
Case ZON2012-008 – Public Hearing
WH Investments

APPLICANT:

Baseline Corporation
700 12th Street
Suite 220
Golden, CO 80401

PROPERTY OWNER SANDCREEK:

Sand Creek Investors, L.L.C
3002 South Huron Street
Englewood, CO 80110

PROPERTY OWNER W H INVESTMENTS:

W H Investments, Inc.
3002 South Huron Street
Englewood, CO 80110

PROPERTY ADDRESS SANDCREEK (North Property):

601 West Bates Avenue
Englewood, CO 80110

PROPERTY ADDRESSES W H INVESTMENTS (South Property):

700 West Cornell Avenue
775 West Dartmouth Avenue
3001, 3011 and 3025 South Galapago Street
3002, 3018 and 3050 South Huron Street
Englewood, CO 80110

REQUEST:

The applicant has submitted two applications, Sand Creek PUD (referred to as the north property) and W H Investments PUD (referred to as the south property) to rezone the above parcels from I-1 Light Industrial and I-2 General Industrial zoning to a PUD Planned Unit Development. The proposed PUD will allow multi-family residential as a permitted use, in addition to existing industrial permitted uses. Conceptual site plans have been submitted because development on the two sites likely will not happen in the near term. As market conditions evolve in the future, site plans and details may change. The applicant is seeking approval of the conceptual site plans; however, the plans have not provided City staff with enough detail to provide meaningful review comments. Staff is recommending that when development is more certain in the future, site plans be reviewed at public hearings and before Planning and Zoning and City Council. The Planning and Zoning Commission can recommend an alternative.

RECOMMENDATIONS NORTH PROPERTY:

The Department of Community Development recommends that the Planning and Zoning Commission approve Sand Creek PUD District Plan with the following conditions:

1. Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval, and forward a recommendation of approval to City Council.

RECOMMENDATIONS SOUTH PROPERTY:

The Department of Community Development recommends that the Planning and Zoning Commission approve W H Investment PUD District Plan with the following conditions:

1. Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval,
2. Provide space for the future placement of RTD's Bates Street Light Rail Station platform.
3. Single family residential units should be regulated under the dimensional standards of the R-1-C zone district.

And forward a recommendation of approval to City Council.

LEGAL DESCRIPTION NORTH PROPERTY:

THAT PART OF LOT 1 GENERAL IRON WORKS SUB DESC AS BEG AT THE SW COR OF SD LOT TH ALG CURVE TO LEFT 201.64 FT TH NE 297.55 FT TH ALG CURVE RT 73.2 FT TH NE 512.81 FT TH SE 265.47 FT TH S 53.29 FT TH ALG CURVE RT 47.52 FT TH SW 116.33 FT TH W 28.26 FT TH S 656.37 FT TO THE SE COR OF SD LOT TH W 734.44 FT TO BEG GENERAL IRON WORKS SUB

LEGAL DESCRIPTION SOUTH PROPERTY:

BEG 200 FT E & 20.6 FT N OF SW COR NW 1/4 SW 1/4 NW 1/4 SEC 34 TH N 519.4 FT TO E LINE OF AT & SF RR RT/WAY TH SWLY ALG SD LINE 563 FT TO S LINE NW 1/4 SW 1/4 NW 1/4 TH E 121.5 FT TH N 20.6 FT TH E 40.5 FT TO BEG SEC 34-4-68

E 130 FT OF W 1/2 NW 1/4 SW 1/4 NW 1/4 EX AT & SF RR RT/WAY & EX ROADS SEC 34-4-68

LOTS 14-19 & VAC ST ADJ ON W & RES STRIP ON S OF LOT 19 BLK 1 TAYLORS ADD

LOTS 46-49 BLK 1 TAYLORS ADD

LOTS 44-45 BLK 1 TAYLORS ADD

LOTS 42-43 BLK 1 TAYLORS ADD

LOTS 1-6 BLK 1 TAYLOR'S ADD TOG WITH VACATED W CORNELL AVE ADJ ON THE NORTH & VACATED S HURON ST ADJ ON THE WEST EX THAT PART NOW KNOWN AS THE CORNELL STREET TRIANGLE

LOTS 7-9 & VAC ST ADJ ON W BLK 1 TAYLORS ADD

LOTS 10-13 & VAC ST ADJ ON W BLK 1 TAYLORS ADD

ZONE DISTRICT NORTH PROPERTY:

I-1 Light Industrial

I-2 General Industrial

ZONE DISTRICT SOUTH PROPERTY:

I-1 Light Industrial

R-2-B Medium-density single and multi-dwelling unit residential

PROPERTY LOCATION AND SURROUNDING LAND USE:

The subject property of this PUD is located adjacent to the RTD Light Rail line between Dartmouth and Bates. Land directly to the west is the RTD Light Rail tracks and the BSNF railroad tracks and further west beyond South Sante Fe in an industrial zone district and the Englewood/Littleton Waste Water Treatment Plant. Surrounding land to the east is a combination of I-1 and R-2-B. This area is a mixture of industrial uses, single and multi-family housing as well as non-conforming residential units in the industrial districts. North is the RTD maintenance facility zoned I-2. To the south is R-2-B zoning and Cushing Park.

PUD PROCEDURE:

Rezoning to a PUD requires the applicant to have a pre-application meeting with staff, a neighborhood meeting with owners and tenants located within 1,000 feet of the proposed PUD. After the neighborhood meeting a formal submittal is made to the City and reviewed by City departments and other affected outside agencies. A public hearing is held before the Planning and Zoning Commission and City Council. If the PUD is approved there is a 30 day referendum time period before permits can be granted.

BACKGROUND:

The Planned Unit Development is a rezoning process that establishes specific zoning and site planning criteria to meet the needs of a specific development proposal that may not be accommodated within existing zoning development regulations. A PUD rezoning provides the opportunity for unified development control for multiple properties or multiple uses.

The combined properties are 16.72 acres and Winslow Construction Company has occupied the southern parcel since 1954. General Iron Works occupied the northern parcel for many years. RTD acquired a portion of the GIW parcel for its maintenance facility in 2002. Sand Creek acquired its ownership in the GIW parcel in 2010. Parcels have been zoned Industrial since the first zoning was put in place in 1940.

NEIGHBORHOOD MEETING SUMMARY:

Pursuant to the Unified Development Code PUD procedure, the applicant conducted a neighborhood meeting on Wednesday, July 18, 2012, prior to submitting the PUD application. Notice of the pre-application meeting was mailed to owners and tenants of property located within 1000 feet of the proposed PUD property. A meeting summary is attached (See Exhibit A).

CITY DEPARTMENT AND DIVISION REVIEW:

The applicants had a pre-application meeting with staff in June 2012. Issues that were identified during the pre-application meeting were addressed by the applicant and the final PUD packets were submitted on September 27, 2012. The final plans were reviewed by City and outside Agencies and the following comments were made:

Tri-County Health Department:

1. TCHD encourages the addition of PUD Development Standards for bicycle facilities including bike parking for visitors and residents.
2. The Sand Creek (North) PUD indicates detention ponds will be built on the development site. To reduce the potential for human exposures to West Nile and other mosquito-borne viruses, TCHD recommends that mosquito control plans be developed for any stormwater facilities that are designed to hold water for 72 hours or longer.

Xcel Energy:

1. The Public Service Company of Colorado (PSCo) owns and operates existing natural gas and electric distribution facilities within the proposed project area. The developer must work with Xcel to install any new gas or electric service, or modification to existing facilities.

BNSF:

1. No comment.

Colorado Department of Transportation:

1. No comment.

RTD MC#24

Comments were not provided from this Agency.

City of Englewood Department Reviews:

Building:

PLAN SUBMITTAL REQUIREMENTS

The City of Englewood has adopted 2012 International Codes, in addition to ICC/ANSI A117.1 - 2009 Accessibility standards which must be used for building on the site.

Engineering:

A Drainage Report per the Englewood Drainage Criteria Manual must be submitted.

All concrete must be brought to City Standards.

All Drainage must be directed to the Public Way (i.e. street or alley)

All work in the Public Right-of-Way requires permits from Public Works.

Any unused Drive Cuts must be closed per City Standards.

Check list and Drainage review letters are attachments to the project.

All Curb Gutter and Sidewalk will need to be brought up to City Standards, including a new 8' (minimum) wide sidewalk.

Drainage report submitted but will not be approved. Site plans are conceptual in nature, therefore no approval for this design will be completed with this review.

Fire:

1. 503.2.1 Dimensions. (Amended to read as follows)

Fire Apparatus access roads shall have an unobstructed width of not less than 26 feet (1725 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Traffic:

Submitted documents include a conceptual site plan only; location and design of the access points are not part of this approval. Traffic Impact Study shall be updated when a specific site plan is submitted. (Community Development comment: Due to the Department recommendation of the approval of only the District Plans (zoning regulation entitlements) traffic impacts will be addressed with final site plan submission which the Commission will review at an additional public hearing).

Utilities:

Plans showing water-sewer-storm and fireline connections to the public mains need to be submitted for approval.

Community Development:

See comments below.

PUD OVERVIEW:

The Sand Creek and W H Investments PUD's will change the Permitted Principal Uses to allow residential uses in addition to the currently allowed industrial, office and retail uses. Other allowed uses in the PUD are outlined under the Table of Allowed Uses in the Written Statement on the PUD document.

City of Englewood Department Reviews:

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Site Plan: The site plan has been submitted for conceptual purposes only. Development standards have been outlined in the PUD District Plan and are as follows:

Sand Creek PUD (North Parcel): The maximum dwelling units per acre is proposed to be set at 45. On this site the total maximum dwellings would be 450.

The proposed Sand Creek PUD has set the maximum height limitation for multi-family residential at 75'. The Unified Development Code (UDC) has a maximum height limitation of 32' in all residential zone districts. This is a difference of 43' or approximately 4 stories. Setbacks for the Sand Creek PUD are proposed to be 5' from all property lines. The UDC's current standards for multi-family in the MU-R-3-B are 15' front and side setbacks and 25' rear setbacks.

The development standards for industrial uses shall be consistent with the UDC with the exception of setbacks. The proposed PUD will have a required minimum setback of 10' from all property lines. The UDC requires a 10' setback only where a building abuts upon, adjoins, or is adjacent to a residential zone district. Industrial and other non-residential uses would not be subject to a height limitation.

WH Investment PUD (South Parcel): The maximum dwelling units per acre are proposed to be set at 45. On this site the total maximum dwellings would be 270.

In addition to allowing industrial and multi-family, the proposed WH Investment PUD would also allow single family residential and attached townhomes. The single family and attached townhomes would have the same dimensional standards as the R-2-B zone district. The UDC does not currently have dimensional standards for attached townhomes. Residential units that are attached and more than one are considered multi-unit dwellings. Staff believes that the single family residential units should be regulated under the dimensional standards of the R-1-C zone district and the attached townhomes should be regulated under the WH Investment PUD Development Standards of the Multi-Unit Residential Dwellings.

The proposed WH Investment PUD has the minimum setback listed as 2', with the exception of a 5' to 10' setback along the east and west property lines. The 2' setback would be required along the north and south property lines. The UDC has a minimum setback of 5' for any residential zone district, with the exception of a small lot of record.

The development standards for industrial uses shall be consistent with the UDC with the exception of setbacks. The proposed PUD will have a required minimum setback of 10' from all property lines. The UDC requires a 10' setback only where a building abuts upon, adjoins, or is adjacent to a residential zone district. As with the north parcel, industrial and other non-residential uses would have no height limitation.

Architectural Standards (both PUD's): The architectural standards that are outlined in both PUD's are very similar and/or more stringent to architectural standards for multi-unit residential uses listed in the UDC.

Process (both PUD's): The process as outlined in the proposed PUD's is proposing to have the Development Review Team as the final approving entity for the final site plan. Staff believes that the final site plan should be reviewed by Planning and Zoning through a public hearing and City Council through a public hearing.

Minor modifications to the PUD's are consistent with the UDC, and are typically reviewed by the Development Review Team and approved through the permitting process. Major modifications to the PUD's are also consistent with UDC with the addition of the following:

- A change in the character of the development; or
- A change in the permitted land uses; or
- A change in the general location of land uses; or
- An increase in the maximum height of any building of more than 5%; or
- An increase in the number of dwelling units, or in the ratio of the gross floor area of structures to the land area, or increases in the proposed gross floor area within any particular land use of more than 2%; or
- A reduction of more than 5% in the land area designation for landscaping; or
- A reduction by more than 5% in the ratio of off-street parking and loading space to gross floor area or number of dwelling units.

Landscaping (both PUD's): A complete landscaping plan will be provided at time of final submittal of the site plan.

Parking (both PUD's): Parking guidelines will be prepared based on future development use and will be submitted with the final site plan. The developer may ask for a reduction in parking for multi-family housing due to the proximity of light rail.

SUMMARY:

The applicant is proposing to re-zone two parcels to PUD to include residential uses in addition to I-1 and I-2 uses. Staff is requesting that approval of the final site plan be done through public hearings at Planning and Zoning and City Council meetings as a condition of approval of the PUD District Plans.

PLANNED UNIT DEVELOPMENT CONSIDERATIONS:

The Commission must determine if the PUD is consistent with the Englewood 2003 Comprehensive Plan. The Planning and Zoning Commission can approve, approve with conditions or deny the proposed PUD.

PUD District Plan

The District Plan sets forth the zoning regulations under which the proposed amendments will occur.

1. *The PUD District Plan is, or is not, in conformance with the District Plan requirements and the Comprehensive Plan.*

The proposed PUD is in conformance with the District Plan and the Comprehensive Plan. Section 5: Housing, Goal 1 states, "Promote a balanced mix of housing opportunities serving the needs of all current and future Englewood Citizens". Objective 1-3 states, "Encourage housing investments that improve the housing mix, including both smaller and larger unit sizes, and a wider range of housing types, including single-family, duplex, town home, and condominium units".

2. *All required documents, drawings, referrals, recommendations, and approvals have been received.*

All appropriate documents concerning Sand Creek and WH Investment PUD's have been received; however the proposed PUD site plans have not been approved by all departments.

3. *The PUD District Plan is consistent with adopted and generally accepted standards of development in the City of Englewood.*

The Sand Creek and WH Investments PUD District Plans remain consistent with accepted development standards established by the City of Englewood.

4. *The PUD District Plans are substantially consistent with the goals, objectives, design guidelines, policies and any other ordinance, law or requirement of the City.*

Sand Creek and WH Investment PUD's are in conformance with all other ordinances, laws and requirements of the City.

5. *When the PUD District Plan is within the Englewood Downtown Development Authority (EDDA) area, the Plan is consistent with the EDDA approved designs, policies and plans.*

Not applicable.

PUD Site Plan

The PUD Site Plans will be reviewed and approved at a later date, yet to be determined.

ATTACHMENTS:

Exhibit A: Sand Creek PUD District Plan

Exhibit B: WH Investment PUD District Plan

Exhibit C: Neighborhood Meeting Summary – July 18, 2011

Exhibit D: Clayton letter dated November 12, 2012

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
REGULAR MEETING
November 20, 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 7:00 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Brick presiding.

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

Absent: King (excused)

Staff: Alan White, Community Development Director
Audra Kirk, Planner I
Nancy Reid, Assistant City Attorney

II. APPROVAL OF MINUTES

November 6, 2012



Welker moved:

Knoth seconded: TO APPROVE THE NOVEMBER 6, 2012 MINUTES

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

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

NAYS: None

ABSTAIN: Townley

ABSENT: King

Motion carried.

III. PUBLIC HEARING



**Case #ZON2012-007 Sand Creek Planned Unit Development and Case #ZON2012-008
W H Investment Planned Unit Development**

Chair Brick stated there are two cases to be heard tonight; they will be heard concurrently but each will require a motion and they will be voted on separately.

Fish moved:

Roth seconded: TO OPEN CASE #ZON2012-007 and CASE #ZON2012-008

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

NAYS: None

ABSTAIN: None

ABSENT: King

Motion carried.



Ms. Kirk was sworn in and presented the case. The applicant has submitted two applications, Sand Creek PUD (referred to as the north property) and W H Investments PUD (referred to as the south property) to rezone the above parcels from I-1 Light Industrial and I-2 General Industrial zoning to a PUD Planned Unit Development. The proposed PUD will allow multi-family residential as a permitted use, in addition to existing industrial permitted uses. Conceptual site plans have been submitted because development on the two sites likely will not happen in the near term. As market conditions evolve in the future, site plans and details may change. Staff is recommending that when development is more certain in the future, site plans be reviewed at public hearings before the Planning and Zoning Commission and City Council.

Ms. Kirk discussed legal descriptions of both properties, current zone districts, property location and surrounding land use, PUD procedures, background information of the property, neighborhood meeting summary, City department and division review, and an overview of both proposed PUD's.



APPLICANT TESTIMONY

The applicant provided a slide show of the proposed PUD's. Mr. Vincent Harris, Planning Director for Baseline Corp., Mr. Fred Lantz, Traffic Engineer for Baseline Corp., and Mr. Bryant Winslow, owner of the properties provided testimony:

Issues discussed were contamination on the property, setbacks, height restrictions, examples of what buildings may look like, co-mingling of residential use along with industrial use, adding a provision that states the industrial uses go away when residential comes in, parking guidelines, density of development, is the Bates Station still an option, would applicant develop the property or sell to a developer, traffic flow and entrance placement to the development.



PUBLIC TESTIMONY

Testimony was heard from:

- Vera Montez
- Patrick Draper
- Matthew Reeves
- Lewis Fowler



Fish moved:

Knoth seconded: TO CLOSE CASE #ZON2012-007 and #ZON2012-008

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

NAYS: None

ABSTAIN: None

ABSENT: King

Motion carried.



Knoth moved:

Fish seconded:

THAT CASE #ZON2012-007, SAND CREEK PLANNED UNIT DEVELOPMENT BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CONDITIONS:

- *Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval.*
- *Access to the future Bates Street Light Rail station platform shall be moved from the south property to the north property.*

Discussion Points:

- Great project for this area; in favor of this type of development.
- A PUD is appropriate for the area if the Bates Street Station Light Rail station is built; if not, density is too high.
- Very concerned about mixing residential with industrial uses.
- Need provision that industrial goes away when residential development occurs.
- Planning and Zoning Commission should see a Site Plan; this is just a general District Plan.
- Don't like request to remove the Planning and Zoning Commission and City Council from Public Hearings to review Site Plan.

- Hard to make a decision without more information.
- Needs open space.
- Would flex space be allowed?
- Too many unresolved issues.

Comments from Commission:

Mr. Fish said while the general nature of this project in many ways is consistent with the Comprehensive Plan and I would like to see this area go this direction, there are too many unresolved issues with the applicant's presentation and inconsistencies such as not addressing how the zoning fits together. This would create a mixed zoning in the area. It is way too speculative.

Mr. Welker said he wanted to let everyone at the hearing know he is not against development in this area. He said he doesn't believe this property currently has the type of request before us that is verifiable to the people who live there and to the City.

Ms. Townley said she definitely wants to see development in the area. There's just not enough information to approve.

Mr. Bleile stated this particular property has some tremendous potential for everybody involved and would like to see it redeveloped to its highest and best use. He felt the applicant's intent is to do the right thing. He stated he understands Mr. Winslow's need to keep his business going there at this time and is fine with having both residential and industrial uses, but there could have been additional detail provided to the Commission.



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

Motion failed.



Welker moved:
Bleile seconded:

TO INCORPORATE THE DISCUSSION FROM CASE #ZON2012-007 INTO THIS CASE. CASE #ZON2012-008, W H INVESTMENT PLANNED UNIT DEVELOPMENT BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CONDITIONS:

- *Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval, and*
- *Delete "and attached townhome use" from C1a of the PUD District Plan Development Standards.*

Discussion Points for this case were included in the previous PUD.

Mr. Bleile wanted the applicant to know the Commission is not against the development of this property. We want to see it happen. He asked that they not give up on it and go away. He said he would be very amicable to seeing some further discussion occur. If the Commission's concerns are addressed in a future presentation it's a no brainer.

Mr. Fish said with some modifications this could work for all.

Mr. Welker said he is very much in support of Roadmap Englewood. His problem with what was proposed tonight is that it isn't concrete enough to give us assurance, to the city and to the people we represent of what is going to happen there; that happens at the Site Plan review. Allowing residential on the property is not the problem.

Ms. Reid said the Commission could take a short recess and let Staff and the applicant work on wording the Commission is having difficulty with.

Mr. Welker said, in his opinion, it's not a five to ten minute solution. He suggested the discussion continue to a date certain.

Chair Brick asked the members if they wanted to take a recess to allow Staff time to add a condition or have him call for the question. Consensus was to not take the recess time; Chair Brick called for the question.

Comments from Commission:



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

Motion failed.

IV. PUBLIC FORUM



Mr. Fowler wished to speak about the Sand Creek property. The Commission invited him to attend a future Planning and Zoning meeting to discuss.

V. ATTORNEY'S CHOICE



Ms. Reid had nothing further to report.

VI. STAFF'S CHOICE



Director White provided an update on future meetings.

VII. COMMISSIONER'S CHOICE



Mr. Roth stated he hated to vote down something that will ultimately be a big plus for the City; the proposal just wasn't well enough developed.

Mr. Bleile stated he hated voting no too on a project that will ultimately happen. He thanked the applicant and everyone who attended. He asked the applicant not to think tonight's decision was a rejection.

Mr. Freemire stated it was very difficult to watch what he watched this evening. In this case you have industrial today right next to single family residential; that isn't going to change. The question is, what gives you the greater probability of improvement in the future for the lives of the citizens and also helps the commercial or industrial property owner to accomplish their goals and also allows us the opportunity to move forward and be able to move closer to the City's long-term goals. You can't say no and then say yes to the applicant. He suggested the Commission take a good serious look at this and create an environment whereby we can be a community that would be responsive and receptive to ideas that maybe require something a little bit different than what was done before. If this was putting lipstick on an otherwise industrial property to enable it to sell or to position it to sell, then what we've done is we've delayed that process.

The meeting adjourned at 9:52 p.m.

Barbara Krecklow, Recording Secretary

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #ZON2012-008)
FINDINGS OF FACT, CONCLUSIONS)
AND RECOMMENDATIONS TO REZONE) FINDINGS OF FACT AND
THE PROPERTY KNOWN AS 3001 SOUTH) CONCLUSIONS OF THE
GALAPAGO STREET ET. AL. FROM I-1 AND) CITY PLANNING AND
R-2-B ZONE DISTRICTS TO PLANNED UNIT) ZONING COMMISSION
DEVELOPMENT (PUD))
)
)

INITIATED BY:)
Baseline Corporation)
700 12th Street, Suite 220)
Golden, Colorado 80401)

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

Commission Members Absent: King

This matter was heard before the City Planning and Zoning Commission on November 20, 2012 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from Staff, from the applicant and from area residents. The Commission received notice of Public Hearing, Certification of Posting, Staff Report and supplemental information from Staff, which were incorporated into and made a part of the record of the Public Hearing.

After considering 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 request to rezone the property known as 3001 South Galapago Street from I-1 to Planned Unit Development was filed by Baseline Corporation on September 27, 2012.
2. **THAT** the applicant submitted two applications, Sand Creek PUD (referred to as the north property) and W H Investments PUD (referred to as the south property).
3. **THAT** Public Notice of the Public Hearing was given by publication in the Englewood Herald on November 2, 2012 and was on the City's website from October 26, 2012 through November 20, 2012.

4. **THAT** Public Notice of the Public Hearing was mailed to owners and occupants of property within 1,000 feet of the subject property.
5. **THAT** the property was posted as required, said posting setting forth the date, time, and place of the Public Hearing.
6. **THAT** Planner Kirk testified the request is for approval to rezone the property from I-1 and R-2-B Zone Districts to Planned Unit Development. Ms. Kirk testified to the criteria the Commission must consider when reviewing a rezoning application. Ms. Kirk further testified that Staff recommends approval of the W H Investment PUD District Plan with the following conditions:
 - Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval,
 - Delete "attached townhome use" from C1a of the PUD District Plan Development Standards.
7. **THAT** the property is located adjacent to the RTD Light Rail line between Dartmouth and Bates.
8. **THAT** the area is a mixture of industrial uses, single and multi-family housing as well as non-conforming residential units in the industrial districts.
9. **THAT** the property is 6.12 acres and Winslow Construction Company has occupied the southern parcel since 1954.
10. **THAT** the parcel has been zoned industrial since the first zoning was put in place in Englewood in 1940.
11. **THAT** the applicant is proposing rezoning to a PUD to include residential uses.
12. **THAT** the proposed PUD zoning would make the property more desirable for development.
13. **THAT** preliminary plans of the proposed W H Investments PUD was referred to Tri-County Health, the Colorado Department of Transportation (CDOT), RTD, Xcel Energy and BNSF Railroad for review and comment.
14. **THAT** the W H Investments PUD was reviewed by the City's Development Review Team (DRT) on November 13, 2012.
15. **THAT** the maximum dwelling units per acre are proposed to be set at 45; the total maximum dwellings would be 270.
16. **THAT** pursuant to the PUD procedure, the applicant conducted a neighborhood meeting on July 18, 2012.

17. **THAT** notice of the neighborhood meeting was mailed to property owners and occupants of property within 1000 feet of the site.
18. **THAT** testimony was received from the applicant team.
19. **THAT** testimony was received from residents regarding the proposed redevelopment of the site. Concerns were voiced about safety on Elati Street, traffic, impact on community, and the proposed Bates Street Light Rail Station.
20. **THAT** the application is in conformance with the Comprehensive Plan.
21. **THAT** the application meets the Housing Goals and Objectives of Roadmap Englewood: 2003 Englewood Comprehensive Plan.
22. **THAT** the application is not consistent with adopted and generally accepted standards of development in the City.
23. **THAT** the application is not consistent with the goals, objectives, design guidelines, policies and other ordinances, laws, or requirements of the City.
24. **THAT** the resulting rezoned property will have a significant negative impact on those properties surrounding the rezoned area and that the general public health, safety and welfare of the community are protected.

CONCLUSIONS

1. **THAT** the application was filed by Baseline Corporation seeking approval to rezone the property from I-1 and R-2-B Zone Districts to Planned Unit Development.
2. **THAT** proper notification of the date, time, and place of the Public Hearing was given by publication in the official City newspaper, and by posting of the property for the required length of time.
3. **THAT** all testimony received from staff members, applicant team members, and the general public has been made part of the record of the Public Hearing.
4. **THAT** the application is in conformance with the Comprehensive Plan.
5. **THAT** the application is not consistent with adopted and generally accepted standards of development in the City.
6. **THAT** the application is not consistent with the goals, objectives, design guidelines, policies and other ordinances, laws, or requirements of the City.

7. **THAT** residential use cannot be developed under the existing zoning; the proposed PUD zoning would make the property more desirable for development.
8. **THAT** the resulting rezoned property will have a significant negative impact on those properties surrounding the rezoned area and that the general public health, safety and welfare of the community are protected.
9. **THAT** the Development Review Team reviewed the site plan and determined that a substantial amount of the proposal meets established City development standards, however there are unresolved issues. Staff will continue to work with the applicant to resolve these issues.
10. **THAT** the PUD zoning designation is appropriate for the area if the Bates Street Light Rail Station is built; if not, density is too high.
11. **THAT** the Commission is very concerned about mixing residential use with industrial use.
12. **THAT** the Commission does not agree with the applicant's request to remove the Planning and Zoning Commission and City Council from Public Hearings to review Site Plan.
13. **THAT** there are too many unresolved issues with the current application.

DECISION

THEREFORE, it is the decision of the City Planning and Zoning Commission that the application filed by Baseline Corporation to rezone the property known as 3001 South Galapago Street from I-1 and R-2-B Zone Districts to Planned Unit Development not be recommended to City Council for approval.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on November 20, 2012, by Mr. Welker, seconded by Mr. Bleile, which motion states:

TO INCORPORATE THE DISCUSSION FROM CASE #ZON2012-007 INTO THIS CASE. THAT CASE #ZON2012-008, W H INVESTMENT PLANNED UNIT DEVELOPMENT BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CONDITIONS:

- *Final site plan approval will happen at a later date and will need to receive Planning and Zoning approval and City Council approval, and*
- *Delete "and attached townhome use" from C1a of the PUD District Plan Development Standards.*

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

The motion failed.

These Findings and Conclusions are effective as of the meeting on November 20, 2012.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

John Brick, Chair

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012/2013

COUNCIL BILL NO. 69
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE APPROVING THE SAND CREEK PLANNED UNIT DEVELOPMENT (PUD) LOCATED AT 601 WEST BATES AVENUE IN THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the Sand Creek parcel is a 10.61 acre site formerly occupied by General Iron Works (GIW) for many years, and is zoned Industrial (I-1 and I-2) since the 1st zoning was put in place in 1940; and

WHEREAS, RTD acquired a portion of the GIW parcel for its maintenance facility in 2002; and

WHEREAS, Sand Creek acquired its ownership in the GIW parcel in 2010; and

WHEREAS, Sand Creek submitted application for the proposed Planned Unit Development to establish specific zoning and site planning criteria for a Planned Unit Development (PUD); and

WHEREAS, the Sand Creek PUD will change the Permitted Principal Uses to allow residential uses in addition to industrial, commercial, retail and offices uses; and

WHEREAS, the Planning and Zoning Commission held a Public Hearing on November 20, 2012; and

WHEREAS, the Planning and Zoning Commission recommended a denial of the application to rezone the property known as 601 W. Bates Avenue from I-1 and I-2 to a Planned Unit Development.

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

Section 1. The Sand Creek Planned Unit Development (PUD) located at 601 West Bates Avenue et al. in the City of Englewood, Colorado, attached hereto as Exhibit A, is hereby approved.

Section 2. The applicant, Sand Creek Investors, L.L.C. wishes to amend its application for the Sand Creek Planned Unit Development (PUD) to limit the uses allowed in this PUD to the following:

Uses Allowed by the PUD District Plan

Residential Uses

Group living facility, large/special
Group living facility, small
Live/work dwelling
Low, Medium and High Density Multi-unit dwellings
Multi-Family Related Ancillary Uses such as Leasing Office, Private Recreation Facilities, etc.

Public/Institutional Uses

Athletic field
Community garden
Library
Museum
Park and Open Space
Religious institutions and associated accessory uses
Schools
Telecommunication Facility (*See Chapter 16-7, "Telecommunications," for applicable use-related guidelines and standards*), to include alternative tower structure, Antenna (microwave antenna, sectorized panel antenna, whip antenna) and Tower structure
Transit Center

Commercial Uses

Greenhouse/nursery, raising of plants, flowers, or nursery stock
Assembly hall or auditorium, hall rental for meetings or social occasions
Membership organization
Indoor Entertainment/ Amusement
 Amusement establishment as a Conditional Use
 Physical fitness center/spa
 Theater and performance/concert venue, not including adult entertainment
General outdoor recreation, as a Conditional Use
Check cashing facility
Financial institution, with drive-through service
Financial institution, without drive-through service
Food and Beverage Service, Including:
 Brewpub
 Caterer
 Microbrewery
 Restaurant, bar, tavern with or without outdoor operations
 Restaurant, with drive-through service
 Take out and delivery only
Medical and Scientific:
 Clinic
 Hospital
 Laboratory (dental, medical or optical)

Office, type 1 (general)
Office, type 2 (limited)

Dry cleaner, drop-off site only
Instructional service
Personal Care Service, Including photography studio and photo lab, upholstery, printer, locksmith, tailor
Repair shop (not including auto)

Retail Sales and Service (Sales), Including:

Antique store
Art gallery
Buy-back, second-hand, thrift, consignment stores, Large
Buy-back, second-hand, thrift, consignment stores, Small
Convenience store
Grocery/specialty food store
Internet sales location
Liquor store
Retail sales, general merchandise

Trade or business school

Radio/television broadcasting studio, recording/film studio
Automotive service station (gasoline facility)
Car wash, auto detailing
Parking facility, structure (operable vehicles), principal use
Parking area, surface (operable vehicles), principal use
Hotel
Hotel, Extended Stay

Industrial Uses

Wholesale Sales and distribution
Industrial Service, light
Manufacturing (Including processing, fabrication or assembly), light
Manufacturing (Including processing, fabrication or assembly), heavy

Moving and storage
Outdoor storage
Storage yard for vehicles, equipment, material, and/or supplies, including Contractor office and yard
Warehousing and/or storage, including mini-storage
Commercial storage, sales and repair of operable vehicles and equipment

And the City and Council hereby accepts this amendment to the PUD District Plan. The allowed uses are hereby included on the PUD District Plan.

Section 3. The applicant, Sand Creek Investors, L.L.C. Planned Unit Development (PUD) wishes to amend its application to provide that all allowed industrial uses shall cease and shall not be grandfathered nor considered legal, non-conforming uses upon the issuance of a Certificate of Occupancy for any residential or commercial use within the PUD, whether or not the property within the boundaries of the PUD has been platted. And the City and Council hereby accepts this amendment to the PUD District Plan. This restriction is hereby included on the PUD District Plan.

Section 4. Development on any portion of the PUD for any residential use (and not public/institutional, commercial, or industrial uses) shall be subject to site plan review by the Planning and Zoning Commission and review and approval by City Council. If any site plan is submitted for public/institutional, commercial, or industrial uses, it will be processed administratively as allowed by the Unified Development Code. This requirement is hereby included in the PUD District Plan.

Introduced and considered on the 17th day of December, 2012 and continued until the 22nd day of January, 2013.

_ Reintroduced, read in full, and passed on first reading on the 22nd day of January, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 25th day of January, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 23rd day of January, 2013 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

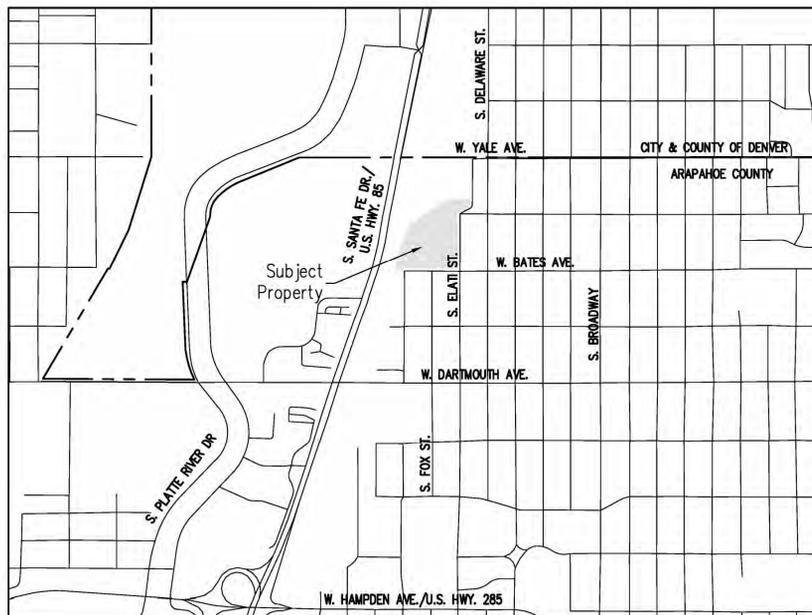
I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, continued, reintroduced, read in full, and passed on first reading on the 22nd day of January, 2013.

Loucrishia A. Ellis

SAND CREEK PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 34,
T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 1 OF 4



SCALE: 1" = 1,000'

VICINITY MAP

PUD LEGAL DESCRIPTION

A PARCEL OF LAND DESCRIBED IN THE BOUNDARY LINE ADJUSTMENT DOCUMENT RECORDED AT RECEPTION NUMBER B2119969 IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1, GENERAL IRON WORKS SUBDIVISION, RECORDED IN BOOK 87, PAGE 25, AT RECEPTION NUMBER B2609250 IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, GENERAL IRON WORKS SUBDIVISION (FOUND #4 REBAR SET IN CONCRETE);

WHENCE THE SOUTHEAST CORNER OF SAID LOT 1, GENERAL IRON WORKS SUBDIVISION (FOUND #4 REBAR SET IN CONCRETE) BEARS N 89°23'38" E A DISTANCE OF 734.44 FEET (BASIS OF BEARING - ASSUMED);

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, BEING ON THE EASTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA & SANTA FE RAILROAD, ALSO BEING FIFTY (50) FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ATCHISON, TOPEKA & SANTA FE RAILROAD MAIN TRACKS, HAVING A CENTRAL ANGLE OF 159°56", A RADIUS OF 5779.75 FEET, A CHORD BEARING OF N 12°39'00" E, A DISTANCE OF 201.63 FEET, AND AN ARC DISTANCE OF 201.64 FEET;

THENCE N 20°39'40" E NON-TANGENT WITH THE LAST DESCRIBED CURVE AND TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 297.55 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 34°57'08", A RADIUS OF 120.00 FEET, A CHORD BEARING N 38°08'14" E A DISTANCE OF 72.07 FEET, AND AN ARC DISTANCE OF 73.20 FEET;

THENCE N 55°36'48" E TANGENT WITH THE LAST DESCRIBED CURVE A DISTANCE OF 512.81 FEET;

THENCE S 88°57'28" E A DISTANCE OF 265.47 FEET;

THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE EASTERLY LINE OF SAID LOT 1, GENERAL IRON WORKS SUBDIVISION:

- 1) S 00°14'08" E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 53.29 FEET;
- 2) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 59°32'30", A RADIUS OF 45.73 FEET, A CHORD BEARING S 29°32'07" W A DISTANCE OF 45.41 FEET, AND AN ARC DISTANCE OF 47.52 FEET;
- 3) THENCE S 69°18'21" W TANGENT WITH THE LAST DESCRIBED CURVE A DISTANCE OF 116.33 FEET;
- 4) THENCE S 89°22'25" W A DISTANCE OF 28.26 FEET;
- 5) THENCE S 00°13'34" E A DISTANCE OF 656.37 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, GENERAL IRON WORKS SUBDIVISION (FOUND #4 REBAR SET IN CONCRETE);

THENCE S 89°23'38" W ALONG SAID SOUTHERLY LOT LINE OF LOT 1, GENERAL IRON WORKS SUBDIVISION A DISTANCE OF 734.44 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL OF LAND CONTAINS 459,427 SQ. FT. OR 10.55 ACRE, MORE OR LESS.

TOGETHER WITH;

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:
CONSIDERING THE WEST LINE OF THE NW 1/4 OF SAID SECTION 34 AS BEARING OF S00°16'24"E AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34, THENCE S00°16'24"E ALONG THE WEST LINE OF SAID NW 1/4 OF SECTION 34 A DISTANCE OF 1319.09 FEET TO THE SOUTHWEST CORNER OF THE NW 1/4 OF SAID NW 1/4;

THENCE N89°23'52"E A DISTANCE OF 226.19 FEET TO A POINT ON THE EASTERLY LINE OF THE BURLINGTON RAILROAD RIGHT-OF-WAY (FORMERLY THE ATCHISON-TOPEKA AND SANTA FE RAILROAD) AND THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A NON-TANGENT CURVE TO THE LEFT WITH AN ARC LENGTH OF 30.82, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF 0°18'20", AND A CHORD THAT BEARS N14°19'53"E A DISTANCE OF 30.82 FEET TO THE SOUTHWEST CORNER OF LOT 1, GENERAL IRON WORKS SUBDIVISION AS RECORDED IN BOOK 87, PAGE 25, RECEPTION NO. 2809250 OF THE COUNTY CLERK AND RECORDER'S RECORDS;

THENCE N89°23'38"E, ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 83.26 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF SOUTH GALAPAGO STREET EXTENDED;

THENCE S00°07'19"E, ALONG SAID WESTERLY LINE OF SOUTH GALAPAGO STREET EXTENDED A DISTANCE OF 29.79 FEET TO THE SOUTH LINE OF SAID NW 1/4 OF THE NW 1/4 OF SECTION 34;

THENCE S89°23'52"W, ALONG SAID SOUTH LINE A DISTANCE OF 90.95 FEET TO THE POINT OF BEGINNING;

SAID TRACT OF LAND CONTAINS ± 2592 S.F. OR 0.06 ACRES

BACKGROUND

THE SUBJECT PROPERTY IS COMPOSED OF TWO PARCELS, LOCATED ON THE NORTHWEST CORNER OF WEST BATES AVENUE, AND SOUTH ELATI STREET, AND EAST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD.

TOTAL AREA FOR THE PARCEL IS 462,231 SF, OR APPROXIMATELY 10.61 ACRES. THE SITE, WHICH IS CURRENTLY OWNED BY SAND CREEK INVESTORS, L.L.C., IS UNDERGOING A CLEANUP OPERATION FROM A PRIOR IRON WORKS SERVICE LOCATED ON THE PROPERTY. THE SITE IS CURRENTLY ZONED AS A GENERAL INDUSTRIAL DISTRICT (I-2).

THE PUD FOR THIS PROPERTY WILL INTRODUCE ZONING AND DEVELOPMENT STANDARDS THAT WILL ALLOW FOR AND PERMIT (I-2) USES FOR POSSIBLE FUTURE DEVELOPMENTS AND IN ADDITION, WILL ADD MULTI-FAMILY USES AND DEVELOPMENT STANDARDS THAT ARE APPROPRIATE AND CONFORMING TO THE SURROUNDING USES IN THE AREA. THE PLANNED UNIT DEVELOPMENT APPLICATION WILL BE PROCESSED PURSUANT TO THE APPLICABLE CITY REGULATIONS.

GENERAL NOTES

1. AN ALTA SURVEY WAS PREPARED BY BASELINE ENGINEERING CORPORATION AND IS PART OF THIS SUBMITTAL.
2. A PRELIMINARY DRAINAGE REPORT WAS PREPARED BY BASELINE ENGINEERING CORPORATION AND IS PART OF THIS SUBMITTAL.
3. A TRAFFIC REPORT WAS PREPARED BY BASELINE ENGINEERING CORPORATION AND IS PART OF THIS SUBMITTAL.
4. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD PLAIN.
5. THE SUBDIVISION OF THE SITE SHALL BE COMPLETED UNDER SEPARATE DOCUMENT.
6. THE DEVELOPER SHALL COMPLY WITH ALL APPLICABLE CITY CODES, REGULATIONS, AND STANDARDS.
7. IN THE EVENT OF A CONFLICT BETWEEN THE SPECIFIC PROVISIONS OF THIS PUD AND TITLE 16, THE SPECIFIC PROVISIONS OF THIS PUD SHALL CONTROL.

SITE DATA

TOTAL SITE AREA (2 PARCELS) 462,231 S.F. OR 10.61 ACRES

PUD DISTRICT PLAN DEVELOPMENT STANDARDS

A. GENERAL REGULATIONS: UNLESS OTHERWISE PROVIDED FOR IN THE PUD OR AN AMENDMENT THERETO, THE PROVISIONS, STANDARDS, REGULATIONS AND PROCEDURES PERTINENT TO AN APPLICATION FOR THE DEVELOPMENT OF LAND WITHIN THIS PUD ZONE DISTRICT SHALL COMPLY WITH THE (I-2) ZONE DISTRICT AND THE BELOW LISTED STANDARDS FOR MULTI-FAMILY USE. THE STANDARDS FOR (I-2) GENERAL INDUSTRIAL DISTRICT CAN BE REFERENCED IN TITLE 16 OF THE CITY OF ENGLEWOOD MUNICIPAL CODE.

B. PERMITTED USES: THE FOLLOWING USES ARE PERMITTED FOR THE SAND CREEK PUD SITE, UNLESS OTHERWISE PROVIDED, THE FOLLOWING USE CATEGORIES AND TYPES SHALL HAVE THE SAME MEANINGS AS SUCH CATEGORY AND USE TERMS BY THE SAME NAMES CONTAINED IN TITLE 16 OF THE ENGLEWOOD MUNICIPAL CODE. PERMITTED USES ARE SUBJECT TO ALL APPLICABLE REGULATIONS OF TITLE 16 - ENGLEWOOD UNIFIED DEVELOPMENT CODE.

RESIDENTIAL USES:

- GROUP LIVING FACILITY, LARGE/SPECIAL
- GROUP LIVING FACILITY, SMALL
- LIVE/WORK DWELLING
- LOW, MEDIUM AND HIGH DENSITY MULTI-UNIT DWELLINGS
- MULTI-FAMILY RELATED ANCILLARY USES SUCH AS LEASING OFFICE, PRIVATE RECREATION FACILITIES, ETC.

PUBLIC/INSTITUTIONAL USES:

- ATHLETIC FIELD
- COMMUNITY GARDEN
- LIBRARY
- MUSEUM
- PARK AND OPEN SPACE
- RELIGIOUS INSTITUTIONS AND ASSOCIATED ACCESSORY USES
- SCHOOLS
- TELECOMMUNICATION FACILITY (SEE CHAPTER 16-7, "TELECOMMUNICATIONS," FOR APPLICABLE USE-RELATED GUIDELINES AND STANDARDS), TO INCLUDE ALTERNATIVE TOWER STRUCTURE, ANTENNA (MICROWAVE ANTENNA, SECTORIZED PANEL ANTENNA, WHIP ANTENNA) AND TOWER STRUCTURE
- TRANSIT CENTER

COMMERCIAL USES:

- GREENHOUSE/NURSERY, RAISING OF PLANTS, FLOWERS, OR NURSERY STOCK
- ASSEMBLY HALL OR AUDITORIUM, HALL RENTAL FOR MEETINGS OR SOCIAL OCCASIONS
- MEMBERSHIP ORGANIZATION
- INDOOR ENTERTAINMENT/ AMUSEMENT
 - AMUSEMENT ESTABLISHMENT AS A CONDITIONAL USE
 - PHYSICAL FITNESS CENTER/SPA
 - THEATER AND PERFORMANCE/CONCERT VENUE, NOT INCLUDING ADULT ENTERTAINMENT
- GENERAL OUTDOOR RECREATION, AS A CONDITIONAL USE
- CHECK CASHING FACILITY
- FINANCIAL INSTITUTION, WITH DRIVE-THROUGH SERVICE
- FINANCIAL INSTITUTION, WITHOUT DRIVE-THROUGH SERVICE
- FOOD AND BEVERAGE SERVICE, INCLUDING:
 - BREW PUB
 - CATERER
 - MICROBREWERY
 - RESTAURANT, BAR, TAVERN WITH OR WITHOUT OUTDOOR OPERATIONS
 - RESTAURANT, WITH DRIVE-THROUGH SERVICE
 - TAKE OUT NO DELIVERY ONLY
- MEDICAL AND SCIENTIFIC:
 - CLINIC
 - HOSPITAL
 - LABORATORY (DENTAL, MEDICAL OR OPTICAL)
- OFFICE, TYPE 1 (GENERAL)
- OFFICE, TYPE 2 (LIMITED)
- DRY CLEANER, DROP-OFF SITE ONLY
- INSTRUCTIONAL SERVICE
- PERSONAL CARE SERVICE, INCLUDING PHOTOGRAPHY STUDIO AND PHOTO LAB, UPHOLSTERY, PRINTER, LOCKSMITH, TAILOR
- REPAIR SHOP
- RETAIL SALES AND SERVICE (SALES), INCLUDING:
 - ANTIQUÉ STORE
 - ART GALLERY
 - BUY-BACK, SECOND-HAND, THRIFT, CONSIGNMENT STORES, LARGE
 - BUY-BACK, SECOND-HAND, THRIFT, CONSIGNMENT STORES, SMALL
 - CONVENIENCE STORES
 - GROCERY/SPECIALTY FOOD STORE
 - INTERNET SALES LOCATION
 - LIQUOR STORE
 - RETAIL SALES, GENERAL MERCHANDISE
 - TRADE OR BUSINESS SCHOOL
 - RADIO/TELEVISION BROADCASTING STUDIO, RECORDING/FILM STUDIO
 - AUTOMOTIVE SERVICE STATION (GASOLINE FACILITY)
 - CAR WASH, AUTO DETAILING
 - PARKING FACILITY, STRUCTURE (OPERABLE VEHICLES), PRINCIPAL USE
 - PARKING AREA, SURFACE (OPERABLE VEHICLES), PRINCIPAL USE
 - HOTEL
 - HOTEL, EXTENDED STAY
- INDUSTRIAL USES:
 - WHOLESALE SALES AND DISTRIBUTION
 - INDUSTRIAL SERVICE, LIGHT
 - MANUFACTURING (INCLUDING PROCESSING, FABRICATION OR ASSEMBLY), LIGHT
 - MANUFACTURING (INCLUDING PROCESSING, FABRICATION OR ASSEMBLY), HEAVY
 - MOVING AND STORAGE
 - OUTDOOR STORAGE
 - STORAGE YARDS FOR VEHICLES, EQUIPMENT, MATERIAL, AND/OR SUPPLIES, INCLUDING CONTRACTOR OFFICE AND YARD
 - WAREHOUSING AND/OR STORAGE, INCLUDING MINI-STORAGE
 - COMMERCIAL STORAGE, SALES AND REPAIR OF OPERABLE VEHICLES AND EQUIPMENT

(USES CONTINUED ON NEXT PAGE)

CONTACTS

OWNER

SAND CREEK INVESTORS, L.L.C.
3002 S. HURON ST.
ENGLEWOOD, CO 80110

PLANNER

BASELINE ENGINEERING CORP.
700 12TH ST., SUITE 220
GOLDEN, CO 80401

VINCE HARRIS, AICP
(303) 202-5010 x217

ENGINEER

BASELINE ENGINEERING CORP.
700 12TH ST., SUITE 220
GOLDEN, CO 80401

NOAH NEMMERS, PE
(303) 940-9966 x207

SHEET INDEX

- P1 - COVER / DISTRICT PLAN
- P2 - DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS
- P3 - EXISTING SITE PLAN
- P4 - CONCEPTUAL MULTI-FAMILY SITE PLAN

PROPERTY OWNER:

SAND CREEK INVESTORS, L.L.C., A COLORADO LIMITED LIABILITY COMPANY

BY: FLOYD WINSLOW, JR., MANAGER

STATE OF COLORADO)
COUNTY OF)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF _____, 20__ BY FLOYD WINSLOW, JR., MANAGER FOR SAND CREEK INVESTORS, L.L.C.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES:

APPROVED FOR THE CITY OF ENGLEWOOD

PLANNING AND ZONING COMMISSION CHAIRPERSON DATE

PLANNING AND ZONING COMMISSION RECORDING SECRETARY DATE

MAYOR OF ENGLEWOOD DATE

ATTESTED THE FOREGOING APPROVALS WERE ACKNOWLEDGED BEFORE ME THIS DAY OF _____, 20__ BY _____ AND _____

ATTEST: CITY CLERK

CLERK AND RECORDER

THIS PLANNED UNIT DEVELOPMENT IS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF ARAPAHOE COUNTY, STATE OF COLORADO, AT _____ O'CLOCK _____ M., ON THIS _____ DAY OF _____, A.D., 20__

RECEPTION NO. _____, BOOK NO. _____

PAGE NO. _____

BY: _____ BY: _____
CLERK DEPUTY

BASELINE
Engineering - Planning - Surveying
700 12TH STREET, SUITE 220 • GOLDEN, COLORADO 80401
P. 303.940.9966 • F. 303.940.9969 • www.baselinecorp.com

DESIGNED BY	EW	DATE	10/30/12
DRAWN BY	EW/CM	PREPARED BY	EW, CM
CHECKED BY	VH	REVISION DESCRIPTION	DISTRICT PLAN, SITE PLAN, LANDSCAPING

SAND CREEK INVESTORS, L.L.C.
ARAPAHOE COUNTY
SAND CREEK PLANNED UNIT DEVELOPMENT
601 W BATES AVE
COVER / DISTRICT PLAN

FOR AND ON BEHALF OF
BASELINE CORPORATION
INITIAL SUBMITTAL 9/25/12
DRAWING SIZE 24" X 36"
SURVEY FIRM SURVEY DATE
BASELINE
JOB NO. PUD200
DRAWING NAME
200_PUD 2012-10-29.dwg
SHEET 1 OF 4

P1

SAND CREEK PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34,
T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 2 OF 4

DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS

PUD DISTRICT PLAN DEVELOPMENT STANDARDS (CONTINUED)

- ACCESSORY USES:**
HOME OCCUPATION AS LISTED IN ENGLEWOOD MUNICIPAL CODE TITLE 16 - UNIFIED DEVELOPMENT CODE
- TEMPORARY USES:**
AS LISTED IN ENGLEWOOD MUNICIPAL CODE TITLE 16 - UNIFIED DEVELOPMENT CODE
- UNLISTED USES:**
PROCEDURES FOR APPROVAL OF USES NOT LISTED IN THE ABOVE PERMITTED USES SHALL BE GOVERNED BY TITLE 16 PROVISIONS FOR UNLISTED USES.

C. INDUSTRIAL USES MAY SUNSET: ONCE AND IF A CERTIFICATE OF OCCUPANCY (CO) IS ISSUED FOR ANY RESIDENTIAL USE ON ANY PORTION OF THE PROPERTY COVERED BY THIS PUD, WHETHER THE PROPERTY IS PLATTED OR NOT, INDUSTRIAL USES (NOT COMMERCIAL OR PUBLIC/INSTITUTIONAL) SHALL NO LONGER BE ALLOWED.

D. DEVELOPMENT STANDARDS:

1. MULTI-UNIT RESIDENTIAL DWELLINGS
 - a. MAXIMUM BUILDING HEIGHT: 75'-0"
 - b. SETBACKS: ALL PUD SETBACKS FOR MULTI-FAMILY USE SHALL BE 5'-0"
 - c. DENSITY: MAXIMUM 45 DWELLING UNITS PER ACRE (45 DU/ACRE)
 - d. FLOOR AREA/UNIT: MINIMUM 550 SQUARE FEET
 - e. MAXIMUM FLOOR AREA RATIO: NONE
 - f. MINIMUM OPEN SPACE (INCLUDES SIDEWALKS): 25%
 - g. MINIMUM LOT WIDTH: NONE
2. COMMERCIAL/INDUSTRIAL
 - a. DEVELOPMENT STANDARDS FOR COMMERCIAL OR INDUSTRIAL USES SHALL COMPLY WITH THE DEVELOPMENT REGULATIONS OUTLINED FOR THE (MU-B-1) MIXED-USE CENTRAL BUSINESS AND (I-1) LIGHT INDUSTRIAL DISTRICTS FOUND IN TITLE 16 OF THE ENGLEWOOD UNIFIED DEVELOPMENT CODE.
 - b. MAXIMUM BUILDING HEIGHT: NONE
 - c. SETBACKS: 10'-0" FOR ALL NONRESIDENTIAL USES
3. LANDSCAPING

- a. A COMPLETE LANDSCAPE PLAN SHALL BE PROVIDED AT TIME OF SUBMITTAL OF FINAL SITE PLAN.
4. PARKING
 - a. PARKING GUIDELINES WILL BE PREPARED BASED ON FUTURE DEVELOPMENT USE AND WILL BE SUBMITTED WITH A FINAL SITE PLAN AND WILL UTILIZE TITLE 16 OF THE ENGLEWOOD UNIFIED DEVELOPMENT CODE AS A BASIS. REDUCTION OF PARKING MAY BE PROPOSED FOR MULTI-FAMILY.
5. PUBLIC LAND DEDICATIONS REQUIREMENTS
 - a. PARKS, TRAILS, AND OPEN SPACE LAND DEDICATION SHALL BE DETERMINED BY SEPARATE AGREEMENT AT TIME OF FINAL SITE PLAN
- E. ARCHITECTURAL STANDARDS:
 1. FAÇADES: EXTERIOR WALLS GREATER THAN 50 FEET IN LENGTH SHOULD BREAK ANY FLAT, MONOLITHIC FAÇADE WITH DISCERNIBLE ARCHITECTURAL ELEMENTS. BUILDING DESIGNS, ROOFLINES, OR FAÇADE TREATMENTS THAT ARE MONOTONOUS ARE STRONGLY DISCOURAGED. BUILDING FAÇADES ORIENTED TO THE STREET OR PUBLIC SPACE SHOULD PROVIDE ARCHITECTURAL VARIETY AND SCALE BY INCORPORATING ELEMENTS SUCH AS BAY WINDOWS, DOORWAYS, ENTRANCES AND WINDOWS, BALCONIES, CORNICES, COLUMNS, VERTICAL PLANE BREAKS, AND OTHER TYPES OF ARCHITECTURAL DETAILING TO PROVIDE VISUAL INTEREST.
 2. 360-DEGREE: A BUILDING'S SPECIAL ARCHITECTURAL FEATURES AND TREATMENTS SHALL NOT BE RESTRICTED TO A SINGLE FAÇADE. ALL SIDES OF A BUILDING OPEN TO VIEW BY THE PUBLIC, WHETHER VIEWED FROM PUBLIC OR PRIVATE PROPERTY, SHALL DISPLAY A SIMILAR LEVEL OF QUALITY AND ARCHITECTURAL INTEREST. ARCHITECTURAL FEATURES SUCH AS WINDOWS, AWNINGS, PROJECTIONS, REVEALS, CHANGES IN PATTERN, AND TRELLISES SHOULD BE USED ON ALL SIDES FOR VISUAL INTEREST. THE DIMENSIONS OF BASE, MIDDLE, AND TOP SHOULD BE CARRIED AROUND FROM THE PRIMARY FAÇADES TO THE SIDE AND REAR OF THE BUILDING.
 3. FLAT ROOFS: DESIGN ELEMENTS FOR FLAT ROOF BUILDINGS SHOULD INCLUDE PARAPETS WITH VARIABLE HEIGHT AND/OR CHANGES IN SETBACK. WHERE POSSIBLE, ROOFTOP AREAS ARE ENCOURAGED TO BE USED FOR PUBLIC OR PRIVATE OUTDOOR SPACE.
 4. SLOPED ROOFS: WHEN SLOPED ROOFS ARE USED, AS LEAST ONE OF THE FOLLOWING ELEMENTS SHOULD

BE INCORPORATED INTO THE DESIGN INCLUDING PROJECTING GABLES, HIPs, HORIZONTAL/VERTICAL BREAKS, OR OTHER SIMILAR TECHNIQUES. ROOF SHAPES SHOULD BE AN INTEGRAL PART OF THE BUILDING ARCHITECTURE AND CREATE INTERESTING AND VARIED APPEARANCES.

5. BRIGHT COLORS: INTENSE, BRIGHT, OR FLUORESCENT COLORS SHOULD NOT BE USED AS THE PREDOMINANT COLOR ON ANY WALL, OR ROOF OF ANY PRIMARY OR ACCESSORY STRUCTURE.
6. BUILDING MATERIALS: EXTERIOR BUILDING FAÇADES SHOULD EXHIBIT HIGH LEVELS OF DESIGN, DETAILING, AND MATERIAL QUALITY. A MIX OF HIGH QUALITY COMPATIBLE MATERIALS IS STRONGLY ENCOURAGED ON ALL FAÇADES FACING STREETS, OR OTHER PUBLIC SPACES OR AREAS. BUILDINGS SHOULD BE CONSTRUCTED OF DURABLE, HIGH-QUALITY MATERIALS SUCH AS: BRICK, STONE, ARCHITECTURAL PRE-CAST CONCRETE, ARCHITECTURALLY CAST CONCRETE, CAST STONE, INTEGRALLY COLORED SPLIT OR GROUND FACE CONCRETE MASONRY UNITS, STUCCO OR EIFS (EXTERIOR INSULATED FINISHING SYSTEM), ARCHITECTURAL METAL, WOOD, LAP SIDING, OR ANY COMBINATION OF THE MATERIALS LISTED.
7. SCALING: BUILDING FAÇADES SHOULD INCLUDE A COMBINATION OF DETAILS TO ENHANCE THE ARCHITECTURAL INTEREST. FOR EXAMPLE, USE BRICKWORK TO CREATE UNIQUE ELEMENTS, OR MIX MATERIALS OF VARYING DEPTH TO PROVIDE VISUAL INTEREST.

PROCESS:

1. SITE PLAN: A FINAL SITE PLAN FOR RESIDENTIAL USES WILL BE REVIEWED FOR APPROVAL IN ACCORDANCE WITH THIS PUD AND ITS STANDARDS BY THE PLANNING COMMISSION WITH A RECOMMENDATION TO CITY COUNCIL. CITY COUNCIL WILL MAKE A FINAL DECISION REGARDING APPROVAL OF A SITE PLAN. IF ANY SITE PLAN IS SUBMITTED FOR PUBLIC/INSTITUTIONAL, COMMERCIAL, OR INDUSTRIAL USES, IT WILL BE PROCESSED ADMINISTRATIVELY AS ALLOWED BY THE UNIFIED DEVELOPMENT CODE.
2. MODIFICATIONS* THE FOLLOWING MODIFICATION PROCEDURES ARE CONSISTENT WITH THE PUD MODIFICATION PROCEDURES OF THE CITY OF ENGLEWOOD TITLE 16, ZONING REGULATIONS, AS MODIFIED BELOW:
 - a. DISTRICT PLAN: THE TERMS, CONDITIONS, THE ADOPTED PUD DISTRICT PLAN AND DOCUMENTS MAY BE CHANGED AND/OR AMENDED IN WHOLE OR IN PART AS FOLLOWS:
 - i. MINOR MODIFICATIONS TO THE PUD DISTRICT PLAN: THE CITY MANAGER OR HIS/HER DESIGNEE MAY APPROVE MINOR MODIFICATIONS IN THE LOCATION, SIZING, AND HEIGHT OF STRUCTURES OR FACILITIES IF REQUIRED BY ENGINEERING OR OTHER CIRCUMSTANCES NOT FORESEEN AT THE TIME THE PUD DISTRICT PLAN WAS APPROVED. MINOR MODIFICATIONS SHALL NOT BE PERMITTED IF THE MODIFICATION RESULTS IN ANY OF THE CIRCUMSTANCES LISTED IN E.2.b.i OF THIS PUD.
 - ii. MAJOR MODIFICATIONS TO THE PUD DISTRICT PLAN: MAJOR MODIFICATIONS MAY BE MADE TO THE APPROVED PUD DISTRICT PLAN PURSUANT TO THE SAME LIMITATIONS AND REQUIREMENTS BY WHICH

PLANS AND DOCUMENTS WERE ORIGINALLY APPROVED.

b. SITE PLAN:

- i. MINOR MODIFICATIONS TO THE PUD SITE PLAN: THE CITY, THROUGH THE DEVELOPMENT REVIEW TEAM, MAY AUTHORIZE DEVIATIONS FROM THE PUD SITE PLAN WHEN SUCH DEVIATIONS APPEAR NECESSARY IN LIGHT OF TECHNICAL OR ENGINEERING CONSIDERATIONS. MINOR DEVIATIONS SHALL NOT BE PERMITTED IF ANY OF THE CIRCUMSTANCES RESULT:
 - i.a. A CHANGE IN THE CHARACTER OF THE DEVELOPMENT; OR
 - i.b. A CHANGE IN THE PERMITTED LAND USES; OR
 - i.c. A CHANGE IN THE GENERAL LOCATION OF LAND USES; OR
 - i.d. AN INCREASE IN THE MAXIMUM HEIGHT OF ANY BUILDING OF MORE THAN 5%; OR
 - i.e. AN INCREASE IN THE NUMBER OF DWELLING UNITS, OR IN THE RATIO OF THE GROSS FLOOR AREA OF STRUCTURES TO THE LAND AREA, OR INCREASES IN THE PROPOSED GROSS FLOOR AREA WITHIN ANY PARTICULAR LAND USE OF MORE THAN 2%; OR
 - i.f. A REDUCTION IN THE SETBACKS MORE THAN 10%; OR
 - i.g. AN INCREASE OF MORE THAN 10% IN GROUND COVERAGE, BY STRUCTURES OR SURFACE PARKING; OR
 - i.h. A REDUCTION BY MORE THAN 5% IN THE LAND AREA DESIGNATION FOR LANDSCAPING; OR
 - i.i. A REDUCTION BY MORE THAN 5% IN THE RATIO OF OFF-STREET PARKING AND LOADING SPACE TO GROSS FLOOR AREA OR NUMBER OF DWELLING UNITS
- ii. SITE PLAN AMENDMENTS NOT MEETING THE ABOVE REQUIREMENTS: ALL PUD SITE PLANS APPROVED AND RECORDED MAY ONLY BE AMENDED PURSUANT TO THE SAME LIMITATION AND REQUIREMENTS BY WHICH SUCH PLANS WERE APPROVED.



1
P2 P2

MULTI-FAMILY ARCHITECTURAL EXAMPLES



DESIGNED BY: EW
DRAWN BY: EW/CM
CHECKED BY: VH

DATE: 10/30/12

PREPARED BY: EN, CM

REVISION DESCRIPTION: DISTRICT PLAN, SITE PLAN, LANDSCAPING

SAND CREEK INVESTORS, L.L.C.

ARAPAHOE COUNTY

SAND CREEK PLANNED UNIT DEVELOPMENT

601 W BATES AVE

DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS

FOR AND ON BEHALF OF BASELINE CORPORATION

INITIAL SUBMITTAL: 9/25/12

DRAWING SIZE: 24" X 36"

SURVEY FROM: BASELINE

SURVEY DATE: PL200

DRAWING NAME: 200_PUD_2012-10-29.dwg

SHEET 2 OF 4

P2

SAND CREEK PLANNED UNIT DEVELOPMENT

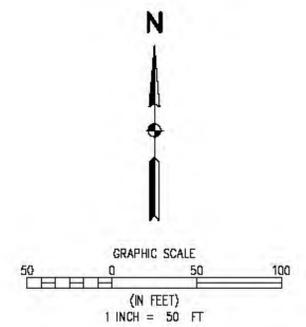
A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34,
T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 3 OF 4
EXISTING SITE PLAN



LEGEND

	PUD BOUNDARY
	INTERIOR PARCELS
	EASEMENTS
	ALLOT LINE
	RAILROAD
	ADJACENT PARCELS
	CONTOUR LINE



1
P3/P3 EXISTING SITE PLAN



DESIGNED BY	EW
DRAWN BY	EW/CM
CHECKED BY	VH
PREPARED BY	EW, CM
DATE	10/30/12
REVISION DESCRIPTION	DISTRICT PLAN, SITE PLAN, LANDSCAPING

SAND CREEK INVESTORS, L.L.C.
ARAPAHOE COUNTY
SAND CREEK PLANNED UNIT DEVELOPMENT
601 W BATES AVE
EXISTING SITE PLAN

PREPARED UNDER THE DIRECT SUPERVISION OF

FOR AND ON BEHALF OF	BASELINE CORPORATION
INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" X 36"
SURVEY FIRM	BASELINE
SURVEY DATE	
JOB NO.	PL200
DRAWING NAME	200_PUD 2012-10-29.dwg
SHEET	3 OF 4
	P3

N:\PLANNING LLC\200 Winslow Rezoning\Drawings\200_PUD 2013-01-03.dwg, 1/4/2013 10:46:22 AM, Cory Miller

SAND CREEK PLANNED UNIT DEVELOPMENT

A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34,
T4S, R68W OF THE 6TH P.M.,
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

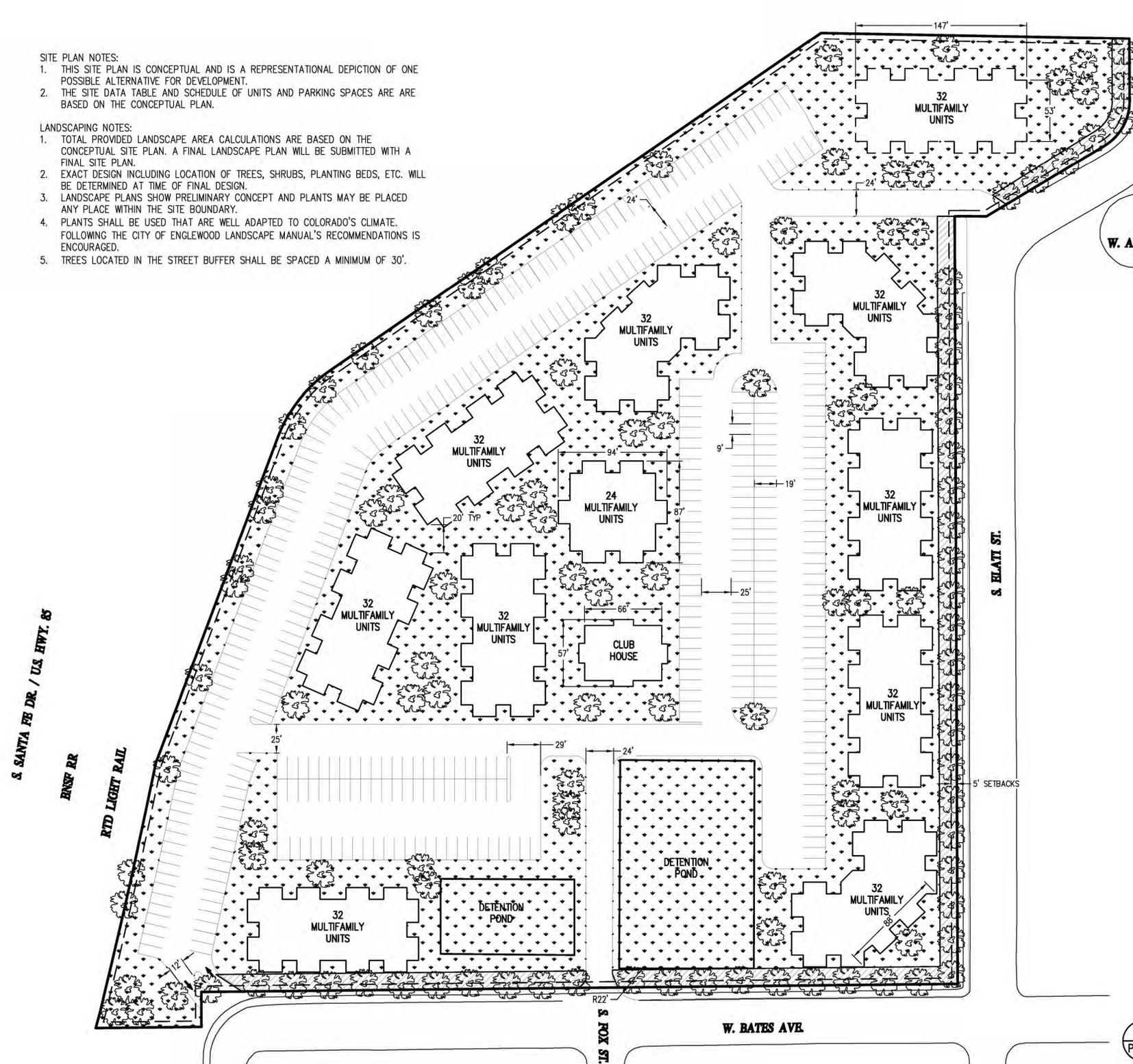
SHEET 4 OF 4
CONCEPTUAL SITE PLAN

SITE PLAN NOTES:

1. THIS SITE PLAN IS CONCEPTUAL AND IS A REPRESENTATIONAL DEPICTION OF ONE POSSIBLE ALTERNATIVE FOR DEVELOPMENT.
2. THE SITE DATA TABLE AND SCHEDULE OF UNITS AND PARKING SPACES ARE BASED ON THE CONCEPTUAL PLAN.

LANDSCAPING NOTES:

1. TOTAL PROVIDED LANDSCAPE AREA CALCULATIONS ARE BASED ON THE CONCEPTUAL SITE PLAN. A FINAL LANDSCAPE PLAN WILL BE SUBMITTED WITH A FINAL SITE PLAN.
2. EXACT DESIGN INCLUDING LOCATION OF TREES, SHRUBS, PLANTING BEDS, ETC. WILL BE DETERMINED AT TIME OF FINAL DESIGN.
3. LANDSCAPE PLANS SHOW PRELIMINARY CONCEPT AND PLANTS MAY BE PLACED ANY PLACE WITHIN THE SITE BOUNDARY.
4. PLANTS SHALL BE USED THAT ARE WELL ADAPTED TO COLORADO'S CLIMATE. FOLLOWING THE CITY OF ENGLEWOOD LANDSCAPE MANUAL'S RECOMMENDATIONS IS ENCOURAGED.
5. TREES LOCATED IN THE STREET BUFFER SHALL BE SPACED A MINIMUM OF 30'.

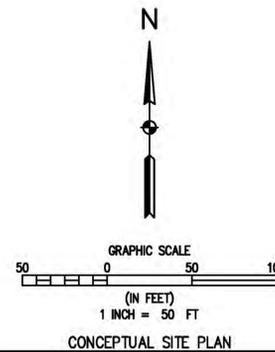


LEGEND

- PUD BOUNDARY
- SETBACKS
- EXISTING CURB
- INTERIOR LANDSCAPE
- STREETScape

SITE DATA TABLE		
TYPE	AREA (SQUARE FEET)	PERCENT (%)
STREETSCAPE	21,289	5
INTERIOR LANDSCAPING	182,377	39
BUILDINGS	102,136	22
PARKING	156,429	34
TOTAL	462,231	100

SCHEDULE OF UNITS AND PARKING	
TYPE	QUANTITY
RESIDENTIAL UNITS	344
PARKING SPACES	414



1
P4/P4

DESIGNED BY	DATE
EW	10/30/12
DRAWN BY	PREPARED BY
EW/CM	EW, CM
CHECKED BY	REVISION DESCRIPTION
VH	DISTRICT PLAN, SITE PLAN, LANDSCAPING

SAND CREEK INVESTORS, L.L.C.
ARAPAHOE COUNTY
CITY OF ENGLEWOOD
SAND CREEK PLANNED UNIT DEVELOPMENT
601 W BATES AVE
CONCEPTUAL SITE PLAN

FOR AND ON BEHALF OF BASELINE CORPORATION	
INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" X 36"
SURVEY FROM	SURVEY DATE
BASELINE	
JOB NO.	PL200
DRAWING NAME	200_PUD 2012-10-29.dwg
SHEET	4 OF 4

H:\PLANNING\LLC\200 Winflow Reconfig\Drawings\200_PUD_2012-10-29.dwg, 1/1/2013 10:46:24 AM, Cory Miller

From: Don Roth >
Sent: Thursday, January 31, 2013 10:18 AM
To: Council
Subject: City Council - council bills 68 and 69

To All Englewood City Council Members

I have a few comments on Council Bills 68 and 69 concerning the 2 PUD's you will soon be considering.

As a member of the Planning and zoning commission I was especially concerned about the inclusion of ALL the industrial uses in these PUD's. There are a number uses that are allowed in I1 and I2 that were placed there because they are probably not appropriate adjacent to residential uses. When uses are included in a PUD document they become "use be right" in perpetuity for that property. That leaves open the possibility that some future property owner could allow some of these inappropriate uses and the City would have no recourse.

The UDC bases its zoning on uses but there are some jurisdictions in the U.S. that have adopted a "form based code" which specifies what a development will look like and doesn't concern itself with uses. I suppose the idea is that the "form" will preclude many inappropriate uses. Since these PUD's supply a "form" that is entirely speculative I don't believe that approach would work here.

It appears that the amendments for both PUD's you have before you contain "sunset clauses" for industrial uses when a residential use is occupied.

From my viewpoint that would certainly address my concerns about use regulations.

I do have a concern that there may be a loophole relating to building heights. I1 and I2 have no height restrictions and as far as I can see they are carrying that forward. They have placed a 75 ft. height limit on multifamily residential buildings, but I see no such restriction on commercial buildings. We currently have a limit of 100 ft. on commercial buildings in our MU-B1 Central Business District. I know of no current industrial structures in Englewood that are anywhere near that tall so, I would recommend that nothing taller than 100 ft. be allowed on these properties regardless of use.

I am sure we all look forward to seeing something exciting happen on these properties.

Thanks for your time.

Don Roth

To: Dan Brotzman
Subject: RE: City Council - council bills 68 and 69

From: Dan Brotzman
Sent: Thursday, January 31, 2013 11:35 AM
To: Jim Woodward; Gary Sears; Alan White
Cc: Nancy Reid
Subject: RE: City Council - council bills 68 and 69

Remember that P&Z voted to deny the applications. The Developers and Community Development, with Council's consent, negotiated Section 3 of the Ordinance to address this issue. The language is legally acceptable.

-----Original Message-----

From: Jim Woodward
Sent: Thursday, January 31, 2013 10:48 AM
To: Gary Sears; Dan Brotzman; Alan White
Subject: FW: City Council - council bills 68 and 69

Can we get an opinion from Dan and Alan with regard to the "sunset clause" Don is referring to, and also his concern regarding building heights. Can we restrict the Industrial areas to a 75 ft. limitation? Is that acceptable to the Winslows?

Jim Woodward,
Mayor Pro Tem
City of Englewood, CO

Sender and receiver(s) should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

From: Leigh Ann Hoffhines On Behalf Of Council
Sent: Thursday, January 31, 2013 10:33 AM
To: #City Council
Subject: FW: City Council - council bills 68 and 69

FYI - this came in via the Council email.

Leigh Ann

Leigh Ann Hoffhines
Englewood City Manager's Office

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Subject:

Dan Brotzman
RE: City Council - council bills 68 and 69

-----Original Message-----

From: Alan White
Sent: Thursday, January 31, 2013 11:22 AM
To: Jim Woodward; Gary Sears; Dan Brotzman
Subject: RE: City Council - council bills 68 and 69

Jim,

I hope I'm not stepping outside the boundaries of the public hearing on these rezonings by commenting, but yes, we have included a "sunset clause" whereby industrial uses will no longer be allowed when any portion of either PUD is issued a CO for residential uses. This stipulation is written into the ordinance approving the PUD. (The applicant didn't want to tie the sunsetting to a building permit because permits are issued that aren't ever acted upon.)

Yes, we can restrict the building heights to 75 feet for industrial and commercial uses. Staff discussed that issue with the applicants. They didn't want to lose that current entitlement. We advised them that P&Z or Council could make that change to the PUD. Whether or not the reduced heights are acceptable to the Winslows is a great question for them at the hearing.

Alan White

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Don Roth

COUNCIL COMMUNICATION

DATE: February 4, 2013	AGENDA ITEM: 11 c i	SUBJECT: Contract Extension for Transit Shuttle Services
INITIATED BY: Community Development Department		STAFF SOURCE: Harold J. Stitt, Senior Planner

PREVIOUS COUNCIL ACTION

Council approved, an Intergovernmental Agreement (IGA) between the City and the Regional Transportation District (RTD) for funding of the Englewood Circulator Shuttle by Ordinance 50, Series of 2004, by Ordinance 66, Series of 2007, by Ordinance 10, Series of 2008, by Ordinance 8, Series of 2009, by Ordinance Number 4 Series of 2010, Ordinance 5, Series of 2011, and by Ordinance 9, Series of 2012. Council approved by Motion, in August 2004, a contract for transit services with Laidlaw Transit Services and subsequently extended this contract by Resolution No. 87, Series of 2005, by Resolution No. 77, Series of 2006, by Motion on December 3, 2007, by Motion on March 3, 2008, by Motion on April 6, 2009. Council approved by Motion on December 21, 2009, a contract for transit services with MV Transportation, Inc., and subsequently extended this contract by Motion on February 22, 2011, and by Motion on March 5, 2012.

RECOMMENDED ACTION

Staff recommends Council approve, by Motion, an agreement between the City of Englewood and MV Public Transportation, Inc. for 2013 management, operation, and maintenance of the art shuttle. The contract amount is \$265,118.40

BACKGROUND AND ANALYSIS

In 2009, after five years of art shuttle service, the Community Development Department reissued a Request for Proposals (RFP) for management, operation, and maintenance of the shuttle. In 2010, the contract for art shuttle management, operation, and maintenance was awarded to MV Transportation. This contract included the option of four one-year extensions. This contract is the third extension and will provide for all vehicles and operational components of the art Shuttle for calendar year 2013. Fuel will be supplied by the City with reimbursement by RTD.

FINANCIAL IMPACT

This contract is for the operation of art Shuttle services in the amount of \$265,118.40. RTD will reimburse the City the contract and fuel costs less the lost fare amount. The lost fair amount is equivalent to the fare capture rate times the percentage of riders that would not have had a RTD pass or a transfer from another RTD service, had the art operated as a fare service charging the standard RTD full fare. The calculated lost fare amount for 2013 will be \$60,328. This lost fare amount is included in the approved 2013 Community Development Department budget. The contract continues the same level of service operating Monday through Friday, 6:30 am to 6:30 pm at no cost to riders.

ATTACHMENTS

Contract

Transit Shuttle Services Operations Contract

This Contract is made and entered into as of the ____ day of _____, 2013, by and between the City of Englewood, a Colorado Municipal Corporation (City), and MV Public Transportation Inc., a California Corporation whose address is 5910 N Central Expressway, Suite 1145, Dallas, TX 75206 (MV).

WHEREAS, The purpose of this contract is to implement various transportation services and improvements to reduce dependency on the single occupant automobile, facilitate movement of traffic to and within the commercial areas of the City of Englewood and to minimize traffic congestion in the shuttle area.

WHEREAS, The City desires to engage MV to provide said Transit Shuttle Management, Operations, and Maintenance services.

NOW, THEREFORE, in consideration of the mutual covenants and stipulations hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Purpose:** The purpose of this Contract is to set forth all of the terms and conditions agreed upon between the Parties by which MV shall provide to the City: transit management, operations, and maintenance services, as provided herein. MV shall perform such services as set forth in this contract using that degree of care, skill, and knowledge employed by leading contractors in the field of transit management and operations in the United States.
2. **Scope of Services:** This Contract incorporates the requirements, conditions, obligations and promises of the City's "**Notice Inviting Proposals For A Circulator Shuttle In The City Of Englewood, Colorado**", dated **September 18, 2009** and the "**Proposal to Provide Management, Operation and Maintenance Services for the art shuttle in the City of Englewood, Colorado**" by MV Public Transportation, Inc., dated **October 12, 2009**.
3. **Independent Contractor:** The City hereby contracts with MV to provide the shuttle services described herein within the City of Englewood as an independent contractor and not as an agent of the City.
4. **Quality of Service:** MV acknowledges that, through the provision of services, the City desires to provide to their citizens a high quality of service in the operation and maintenance of this shuttle system. MV agrees to supply the shuttle services described in paragraph two, above, in a safe, efficient, and professional manner.
5. **Compensation:** Compensation for 2013 shall be an amount not to exceed \$265,118.40. In subsequent years MV will be compensated according to the following rate schedule:

January 1, 2011 – December 31, 2011	\$42.49 per revenue service hour
January 1, 2012 – December 31, 2012	\$43.01 per revenue service hour
January 1, 2013 – December 31, 2013	\$43.32 per revenue service hour
January 1, 2014 – December 31, 2014	\$43.91 per revenue service hour

Note 1: The rates above do not include costs for Professional Liability Insurance as the parties have agreed to remove this requirement from this Contract.

Note 2: The rates above are based upon an estimated volume of 6,120 annual revenue hours (12 revenue hours each bus using 2 buses per day for 255 days per year) unless otherwise agreed upon.

Note 3: For purposes of this Contract, revenue service hours shall be calculated from arrival at the first shuttle pick-up location to the departure from the last shuttle drop-off location.

6. **Term:** This Contract shall be for a term of twelve months commencing upon January 1, 2013 and ending at midnight, December 31, 2013. Thereafter, the City Manager and MV may extend this contract pursuant to the 2009 RFP, upon mutual agreement of the parties, subject to the same terms and conditions of this contract as specified in Paragraph 2 above.
7. **Applicable Law:** The parties agree this Contract shall be governed by and construed in accordance with the law of the State of Colorado. The venue for any litigation shall be Arapahoe County, Colorado.
8. **Termination:** In addition to any other rights provided herein, the City shall have the right, at any time and in its sole discretion, to terminate, not for cause, in whole or in part, this Contract and further performance of the services by delivery to MV of written Notice of Termination specifying the extent and effective date of termination.
9. **Amendments:** All changes to this Contract shall be in writing and executed by the authorized officials of the Parties. In the event a change in this Contract is anticipated to cause an increase or decrease in the annual revenue service hours or in the Operating Expenses hereunder, the Contractor and the City agree to negotiate an increase or decrease in the contracted amount of compensation. In the event any Federal, State, or local law, rule, regulation or ordinance becomes operative during the term of this Contract that has the effect of increasing MV's operating costs, to include, but not limited to, laws, rule, regulations, or ordinances pertaining to environmental protection or climate change, such as carbon credits, or new taxes imposed based on energy consumption; changes in the Americans With Disabilities Act; or government mandated increases to employee wages and/or benefits, to include health care benefits, City and MV shall meet to discuss the impact of these unanticipated additional costs and negotiate an equitable adjustment to MV's rates. In the event City and MV are unable to agree on the amount of the equitable rate adjustment, MV may terminate this contract for convenience.
10. **Assignment:** MV shall not assign its performance of this contract without the prior written consent of the City. Any attempt by the contractor to assign any performance of this contract without such consent shall be null and void.
11. **Subject to Annual Appropriation:** Any provision of this agreement or its attachments which impose upon the City, directly or indirectly, any financial obligation whatsoever to be performed or which may be performed in any fiscal year subsequent to the year of execution of this agreement is expressly made contingent upon and subject to funds for

such financial obligation be appropriated, budgeted and otherwise made available.

12. **Verification of Compliance with C.R.S. 8-17.5-101 ET.SEQ. Regarding Hiring of Illegal Aliens:**

(a) **Employees, Consultants and Sub-consultants:** Consultant shall not knowingly employ or contract with an illegal alien to perform work under this Contract. Consultant shall not contract with a sub-consultant that fails to certify to the Consultant that the sub-consultant 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:** Consultant 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 for services. Consultant 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 Consultant obtains actual knowledge that a sub-consultant performing work under this Contract knowingly employs or contracts with an illegal alien, the Consultant shall;

(1) notify the sub-consultant and the City within three days that the Consultant has actual knowledge that the sub-consultant is employing or contracting with an illegal alien; and

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

(d) **Duty to Comply with State Investigation:** Consultant 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 Consultant's breach of any section of this paragraph or provisions required pursuant to CRS 8-17.5-102. Consultant 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 12.

13. **Drug and Alcohol Testing Program:** The City shall require its contractor providing the Services to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. Part 40 and Part 655, and permit any authorized representative of the United

States Department of Transportation or its operating administrations, the State Oversight Agency of Colorado, or the Regional Transportation District, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Part 40 and 655 and review the testing process. The Local Entity further agrees to certify annually its compliance with Part 40 and 655 before December 31st of every year and to submit the Management Information System (MIS) reports no later than February 15th of every year to the Substance Abuse Testing Department, Regional Transportation District, 1600 Blake Street, Denver, CO 80202. To certify compliance, the Local Entity will use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

