

**Agenda for the  
Regular Meeting of the  
Englewood City Council  
Monday, March 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 February 19, 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.)
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
8. Communications, Proclamations, and Appointments.
  - a. Email from Barbara Oxford announcing her resignation from the NonEmergency Employees Retirement Board.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
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9. Consent Agenda Items.
  - a. Approval of Ordinances on First Reading.
  - b. Approval of Ordinances on Second Reading.
  - c. Resolutions and Motions.
    - i. Recommendation from the Police Department to adopt a resolution approving the application for the Victim Assistance Law Enforcement (VALE) grant funding for 2013 in the amount of \$18,507. **Staff Source: Nancy Wenig, Victim Assistance Coordinator.**
    - ii. Recommendation from the Parks and Recreation Department to approve, by motion, the purchase of a Jacobsen R311T 11 foot rotary mower in the amount of \$53,429.09. **Staff Source: Dave Lee, Manager of Open Space and Pat White, Fleet Services Manager.**
    - iii. Recommendation from the Parks and Recreation Department to approve, by motion, the purchase of a Vermeer BC1200XL chipper in the amount of \$32,151. **Staff Source: Dave Lee, Manager of Open Space and Pat White, Fleet Services Manager.**
    - iv. Recommendation from the Parks and Recreation Department to approve, by motion, the purchase of a Jacobsen HR 9016 16 foot rotary mower in the amount of \$71,606.84. **Staff Source: Dave Lee, Manager of Open Space and Pat White, Fleet Services Manager.**
10. Public Hearing Items. (None Scheduled)
11. Ordinances, Resolutions and Motions
  - a. Approval of Ordinances on First Reading.
    - i. Council Bill No. 2 – Recommendation from the Community Development Department to adopt a bill for an ordinance approving a lease of a portion of City-owned property located at 3449 S. Broadway. **Staff Source: Alan White, Director of Community Development.**
    - ii. Council Bill No. 3 – Recommendation from the Community Development Department to adopt a bill for an ordinance authorizing amendments to the Title 16: Unified Development Code regarding floodplain regulations. Staff further recommends setting March 18, 2013 as the date for Public Hearing to consider testimony on the proposed amendments. **Staff Source: Brook Bell, Planner II.**
    - iii. Council Bill No. 4 – Recommendation from the City Attorney’s Office to adopt a bill for an ordinance cleaning up certain errors and omissions in the Englewood Municipal Code 2000 by amending Titles 12 and 16. **Staff Source: Stewart Fonda, Director of Utilities and Alan White, Director of Community Development.**

- b. Approval of Ordinances on Second Reading
    - i. Council Bill No. 68 (as amended) – Approving the rezoning of the W H Investments 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) as amended.
    - ii. Council Bill No. 69 (as amended) – 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).
  - c. Resolutions and Motions
    - i. Recommendation from the Littleton/Englewood Wastewater Treatment Plant Supervisory Committee to adopt a resolution related to Colorado HB 13-1191 (Nutrient Fund Legislation). **Staff Sources: Stu Fonda, Director of Utilities and Dennis Stowe, L/E Wastewater Treatment Plant Manager.**
12. General Discussion.
- a. Mayor’s Choice.
  - b. Council Members’ Choice.
13. City Manager’s Report.
- a. Deputy City Manager Michael Flaherty will let Council know how many proposals were received through the Englewood Depot Request For Proposal process. An Executive Session has been set for March 25, 2013 to review the substance of the proposals.
14. City Attorney’s Report.
15. Adjournment.

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**Subject:** Resignation - Bobbi Oxford

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**From:** Bobbi Oxford [  
**Sent:** Thursday, February 21, 2013 2:37 PM  
**To:** Carol Wescoat  
**Cc:** Randy Penn  
**Subject:** Resignation - Bobbi Oxford

To Whom It May Concern:  
Please accept this email as my formal notification of my resignation to the NonEmergency Employees Retirement Board, City of Englewood.

Thank you for the opportunity to have served last year on the board.

Mayor Penn and Members of the City Council, thank for you for the opportunity to be a part of the NERB. Please accept by apology regarding my resignation.

Barbara (Bobbi) Oxford

## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 9 c i	<b>Subject:</b> Intergovernmental Agreement
<b>Initiated By:</b> Police Department		<b>Staff Source:</b> Nancy Wenig, Victim Assistance Coordinator

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council has previously approved Victim Assistance and Law Enforcement grants from 1990-2012.

### RECOMMENDED ACTION

The Police Department is recommending that City Council adopt a resolution authorizing the Police Department to apply for the 2013 Victim Assistance Law Enforcement (VALE) Grant.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The VALE Grant finances approximately 40% of the salary for the Victim Witness Advocate position which is assigned to the Englewood Municipal Court. The Victim Witness Advocate provides services for victims of domestic violence.

### FINANCIAL IMPACT

Requested VALE Grant funding for the Victim Advocate position is \$18,507.

### LIST OF ATTACHMENTS

Proposed Resolution

RESOLUTION NO. \_\_\_\_\_  
SERIES OF 2013

A RESOLUTION AUTHORIZING AN APPLICATION FOR A "VICTIM ASSISTANCE AND LAW ENFORCEMENT GRANT" BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE 18<sup>th</sup> JUDICIAL DISTRICT.

WHEREAS, the Victim/Witness Program in the Englewood Municipal Court has served the victims of domestic violence since 1990; and

WHEREAS, Englewood has previously applied and been granted Victim Assistance and Law Enforcement Grants (VALE) for the years 1990 through 2012; and

WHEREAS, the City of Englewood, Colorado, desires to apply for the "Victim Assistance and Law Enforcement Grant" (VALE) funds from the Colorado 18<sup>th</sup> Judicial District;

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

Section 1. The City of Englewood, Colorado, is hereby authorized to file an application for Victim Assistance and Law Enforcement Grant from the Colorado 18<sup>th</sup> Judicial District, attached hereto as Exhibit A.

Section 2. The City Manager is authorized to sign all necessary documents for the Victim Assistance and Law Enforcement Grant application for and on behalf of the City Council and the City of Englewood

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 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

For Official Use Only:

Date Received \_\_\_\_\_ Application Number \_\_\_\_\_ V/S or L/E  
 Project Duration \_\_\_\_\_ to \_\_\_\_\_ Previously Funded Yes No All Materials Included Yes  
 No  
 Date of Board Review \_\_\_\_\_ Approved \_\_\_\_\_ Denied \_\_\_\_\_ Award Amount \_\_\_\_\_  
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# VICTIM ASSISTANCE AND LAW ENFORCEMENT GRANT APPLICATION

18th Judicial District  
 6450 S Revere Pkwy  
 Centennial, CO 80111  
 (720) 874-8608

Please be advised that the board may revoke any contract/grant if used inappropriately. Application must be typed or printed in black ink. Applications must be **copied on both sides** (duplex). All application pages must be numbered. Please **submit one original and eight copies** of your application. **Limit application to 12 pages including cover sheet and signature page, but excluding attachments. Do not use a font any smaller than 12 point.**

I. APPLICANT AGENCY Englewood Police Department  
 II. PROJECT TITLE Victim/Witness Advocate  
 Project Director Nancy Wenig  
 Phone 303-762-2452 Fax 303-783-6902  
 Address 3615 S. Elati St Englewood, CO 80110

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

Web page http://www.Englewoodgov.org/Index.aspx?page=487

III. AMOUNT REQUESTED \$18,507.00  
 IV. NON-PROFIT STATUS:  Yes  No  In Progress  
 Tax ID Number \_\_\_\_\_

GOVERNMENT AGENCY:  YES  NO

- V. REQUIRED ATTACHMENTS (Include with all copies):
- A. Budgets
    - 1. Agency Budget (Waived for governmental agencies)
    - 2. Victim Assistance Program Budget
    - 3. Itemized Project Budget (**must include budget narrative**)
  - B. Copy of 501(c) (3) IRS Tax Ruling (if applicable)
  - C. Listing of Board of Directors and Key Officers
  - D. Copy of current Financial Statement and Audit Report – (Waived for governmental agencies) (Attach to original copy only)
  - E. Management Letter from Auditor – (Waived for governmental agencies)
  - F. Random Sampling of Client Satisfaction Surveys
  - G. If you are requesting a full or part-time position, you must attach your agency's classification of that position and job description
  - H. Resume of program/project administrator

**APPLICATIONS RECEIVED AFTER THE DEADLINE WILL NOT BE CONSIDERED**  
 (10/2009)

## **SECTION A: PROJECT CONCEPT/DESIGN**

### 1. Description of the applicant agency:

Englewood Police Department provides emergency response to crime and non-crime incidents within the City of Englewood as the primary law enforcement agency for the City.

### 2. Substantiate or quantify the problem your program is designed to address within this community, i.e. factually or with other supportive documentation.

Englewood Victim Assistance provides the Victim/Witness Advocate for the Englewood Municipal Court. This position is currently held by Nicole Maynard. During the period of July 1, 2011 to June 30, 2012, there were 146 new cases of crimes involving domestic violence in the Englewood Municipal Court.

### 3. Description of the project, which would be funded by VALE, funds in the 18th Judicial District. (Be specific regarding what services VALE funds will provide to this community.)

The Victim/Witness Advocate for the Englewood Municipal Court will provide support for victims of domestic violence through the Court process. The position also ensures that victims are informed of their Rights under the Constitution and assists in providing those Rights. During the period from July 1, 2011 to June 30, 2012 there were 444 contacts with victims at arraignments, penalty hearings, probation reviews, motions hearings, show cause hearings, and trials. Ms. Maynard also contacted victims through telephone calls, personal appointments, and letters. These contacts were to answer questions, inform victims of their Rights, and to discuss needs. Ms. Maynard also counsels family members who come to Court with the victims.

### 4. A. Identify and describe the project's goals and objectives. Your objectives must be measurable and specific.

- To provide a Victim/Witness position to ensure support for victims of domestic violence through the Court process according to the standards set forth in the *Victim's Bill of Rights*.
- To ensure that all victims in the Englewood Municipal Court are informed of their Rights under the *Victim's Bill of Rights*.
- To provide follow-up with victims after Court.
- To educate victims of the dynamics of domestic violence.
- To provide referrals to appropriate community resources such as Victim Compensation, counseling, legal, or financial assistance.
- To maintain contact with agencies or individuals such as Victim Compensation, Interfaith Task Force, Human Services, shelters and therapists to maintain up-to-date resources available to the victim.
- To work closely with the probation officer to be sure that the goals of therapy are being met and the needs of the victim are being considered.

**(Section A question 4. A. continued)**

- To keep a client "check list" form for each domestic violence client served. This checklist will include referrals made, Victim Compensation application given, therapists suggested and restitution requests.
- To maintain Court information, brochures and referral resources for clients from various ethnic backgrounds using translation and counseling services listed in our Resource Book.

B. What is your timetable and work plan for accomplishing your objectives?

Our timeline is ongoing.

5. A. Address what problems, if any, you anticipate in implementing the program/ project goals and objectives.

There has been a recent change in procedure for the Municipal Court that has made it difficult to receive timely and accurate information regarding hearings or probation appointments. Ms. Maynard has been extremely responsive to this problem and is maintaining a high level of victim contact despite the change. After several meetings with the Judge, Prosecution, and Court Staff, the issue has become much better over time.

B. How do you plan to resolve these problems?

Victim Assistance has an excellent working relationship with the Prosecutor's Office and the Court. Victim Assistance is part of a collaborative effort to solve the problem and represent victims in the solution. This includes constant conversations with all parties to ensure victims are being kept informed.

**SECTION B: SERVICE INFORMATION**

1.A. Define the population and geographic area targeted for services through this project.

This program will be available to all victims of domestic violence who are victimized in the City of Englewood and whose case is heard in the Englewood Municipal Court.

B. If the project is not located entirely in the 18th Judicial District, what percentage of services would be for victims and witnesses in the 18th Judicial District?

The project is located entirely in the 18<sup>th</sup> Judicial District.

2. A. Include a brief description of how the project strives to provide culturally competent services. Cultural competence is defined as a *process* in which an agency continuously strives to achieve the ability to work effectively within the cultural context of an individual or community from a diverse culture/ethnic background. If the project does not now strive to offer culturally competent services, how will you do this in the coming grant period? Include cultural competency efforts in the goals and objectives in Section A, question 4.

- We use the services of the Translation and Interpreting Center for translations in Court to include spoken languages as well as sign language.
- The Court is equipped with a FM system for Deaf or Hard of Hearing people.
- All of the Court information is translated into Spanish. We have a Spanish speaking translator for Court hearings which are scheduled once a month for all the Spanish speaking clients. These services are provided by Executive Languages. Ms. Maynard is currently revising the Spanish language information packet.
- We have available a list of agencies from many ethnic backgrounds and are constantly updating this list. Examples include: Asian Pacific, DOVE, CHAI, Servicios de la Raza, and Muslim organizations.
- We have packets designed specifically for the Gay, Lesbian, Bisexual, Transgendered, Queer population and the unique dynamics presented.
- We have packets designed to address male victims.

In addition to providing information in native languages, the program strives to provide culturally competent services by attending trainings and meetings to update the Advocates. Ms. Maynard and Ms. Wenig have attended several trainings, provided by the Colorado Coalition Against Domestic Violence and the Colorado Organization for Victim Assistance, on culturally appropriate responses and interventions. Ms. Maynard and Ms. Wenig take advantage of training opportunities to further cultural competence and the conversation continues within the Victim Assistance Unit and the Department as a whole. This information is then incorporated into the packet for victims.

3. A. What number of people is in need of the services as proposed by this project? (Identify source of information).

From July 1, 2011 to June 30, 2012, there were 146 arraignments, 112 new victims, and 293 total victims served in the Municipal Court as documented by Court records. The Victim/Witness Advocate attempts to contact all those whose lives are impacted by domestic violence, identified by either offense reports or incident reports. During this time period, Ms. Maynard contacted 141 people affected by domestic violence outside of the Court process. These victims made contact with the Police Department and the incident did not rise to the level of an arrest; however, services were offered to these victims.

B. What number of people are currently being served in the 18th Judicial District and how? (Identify source of information.) *Explain how you report client numbers and service numbers.*

At present, there are approximately 255 cases active in the Municipal Court and approximately 195 victims being served from 2012 and previous years. Each month, approximately 10 cases are finalized; hence, the number of active cases is constantly changing. Ms. Maynard keeps a written record of all client contacts.

C. *What percent of the victims you serve are monolingual Spanish speakers?*

There are approximately 2% monolingual Spanish speaking victims. One afternoon per month is designated as a Spanish-speaking docket. All of the Spanish-speaking domestic violence cases are set on this docket. The Victim/Witness Advocate has access to an interpreter and is able to interview victims.

D. How will your project diminish or eliminate any duplication of services?

There are no similar services available through the Municipal Court. This program is designed to refer victims to agencies that are providing services outside of the scope of this program to avoid duplication of services. Each victim is matched with referral resources that meet her or his needs.

E. How will you coordinate services with similar or like programs?

The program is designed to refer victims to services that will respond to their specific needs. Through appropriate referral, each victim is matched with referral resources that meet her or his needs. Ms. Maynard continuously networks with other agencies and advocates in order to better coordinate services when needed. This is achieved through phone calls, personal contact, and networking with other agencies.

4. Define the management plan for the program/project. Identify specifically who will:

- be responsible for daily operations
- be accountable for the expenditure of grant funds.
- Include the resume of program/project administrator

The Victim Services Coordinator, Nancy Wenig, is the coordinator and supervisor of the project. The Victim/Witness Advocate, Nicole Maynard, submits a daily record of Court activity to Ms. Wenig which includes: victim name, referrals made, victim compensation information, restitution requests, and any other pertinent information. Ms. Wenig and the City Accountant, Kathy Cassai, are responsible for the expenditure of the grant funds under the supervision of the Chief of Police, John Collins, and the Director of Finance, Frank Gryglewicz.

5. *In compliance with the American Disability Act (ADA) on providing access, how does your agency provide accommodations for crime victims or victim service providers?*

The Englewood Municipal Court is fully accessible to persons with disabilities. We collaborate with other service providers to address all areas of disability.

## **SECTION C: EVALUATION INFORMATION**

1. How will you evaluate whether or not this project has met its stated goals and objectives? Explain how you evaluate the following:

- Process Evaluation – Did the program meet the project goals and objectives?
- Outcome/Impact Evaluation – Did the program achieve the stated outcomes or behavioral changes? How did the delivery of services improve the life situation of your clients?
- Overall agency success – How do you measure if your agency is “doing its job” well?

**Process Evaluation:** The program will have met its goals and objectives by providing all victims with ongoing support during and after his/her Court appearance. The program will have provided all victims with information on their Rights.

**Outcome Evaluation:** Our goal is to provide safety and support for victims of domestic violence as well as to educate victims of the Court process and services available. One measure of success is the rate of acceptance of Victim Compensation applications for counseling. In 2012, 58% of the 146 victims contacted at arraignment took applications for Victim Compensation. We constantly encourage victims to participate in counseling. We hope our efforts to encourage counseling for victims will help them recover.

**Overall agency success:** Our relationship with the City Attorney and Judge is excellent. The process with which victims move through the Court process is efficient and informative. Survey reports and follow up phone calls reflect a positive experience in the Court. Victims are encouraged to keep in contact with Ms. Maynard to work through any rough spots in their recovery.

## **SECTION D: CONSTITUTIONAL AMENDMENT**

1. A. Define how this program/project will address the guidelines for assuring the rights of victims and witnesses as outlined in the Victim Rights Act (Section 24-4.1-302.5 C.R.S.). List specific services to be provided.

- Each victim is given a brochure at the arraignment, which outlines Victim’s Rights. These Rights are reviewed by the Victim/Witness Advocate periodically to determine the victim’s comprehension of these Rights.
- Victims are informed of each stage of his/her case.
- No plea agreement is made with the defendant without the full understanding and consultation of the victim.

B. What services are you providing as outlined in the VALE statute (Section 24-4.2-105 C.R.S.).

- The Victim/Witness Advocate ensures compliance with the guideline listed for assuring these Rights to victims of domestic violence in the Municipal Court.
- Englewood Police Department has made a clear effort to provide victims with the services entitled to them by the Victim Bill of Rights. The Court program addresses all of these rights including: the right to be present and informed of critical stages in Court, to be heard at Court proceedings, and to confer with the prosecuting attorney prior to disposition.
- The victim is asked if restitution is requested and is offered services such as financial or legal help, shelters, or Victim Compensation.
- The Victim/Witness Advocate has a private office and waiting room at Court so that the victim is assured of safety and privacy before Court proceedings.

2. Does your agency have a statutory mandate to notify victims under the Victim Rights Amendment (VRA)? X\_\_\_ Yes \_\_\_ No *If yes, please answer the following questions.*

**How do you presently notify victims of their rights under the VRA?**

A folder is provided to each victim at arraignment which contains No Contact Orders, literature on Domestic Violence, a Victim's Rights brochure, Victim Compensation application, and the Victim/Witness Advocate's card. Ms. Maynard explains these Victims Rights to her/him at the arraignment and continues to keep the victim informed of changes in the status of the case, schedules and results of hearings, availability of property return and other information pertinent to the victim's case while the case is active in Court. Ms. Maynard makes these contacts in person, by phone, and by letter.

**What is the approximate number of clients who receive notifications made by your agency each year? (N= # of clients)**

There were approximately 293 victims contacted from July 1, 2011 to June 30, 2012. These victims had cases in various stages of resolution, each needing information on the status of the case as well as other information pertinent to the victim's needs, e.g. property return, Victim Compensation information, etc.

**What is the approximate total number of notifications made by your agency each year? (N=# of total notifications)**

With 112 new victims in this time period, there were approximately 560 contacts with victims in person, by phone, and by letter. Ms. Maynard also contacts victims who have made a police report that does not result in charges filed to assess safety, review Rights, and provide resources and support. These additional contacts are not reflected in these numbers.

3. Does your agency have a victim rights brochure that is distributed to victims?

A Victim's Rights Brochure is attached. This is given to each victim at the time of arraignment or through a letter sent to the victim. We are in the process of updating the brochure to reflect the changes in statute.

4. Describe the training your agency provides to all staff and volunteers about informing victims of their rights under the Colorado Constitution.

Each volunteer has received the *Colorado Guidelines for Assuring the Rights of Victims of and Witnesses to Crimes*. The volunteers have discussed this report as well as the *Victim's Rights Brochure* at meetings and are instructed to give the brochure to victims when appropriate on calls and to answer any questions regarding these Rights. All Police and Fire personnel were trained on Victim Rights during the in-service academy in April 2012.

Date of last training: April 2012  
Training provide by: Nancy Wenig Victim Assistance Coordinator

What percent of your staff attended the above training?

100%

5. Are any of the services provided by your agency eligible for Crime Victim Compensation reimbursement?        Yes   x   No

Is so, list services:

Does your agency regularly conduct or receive Crime Victim Compensation training for direct services staff or volunteers?   x   Yes        No

Describe the training on victim compensation that has been provided to your staff and volunteers.

Date of last training: October 2012  
Training provide by: COVA Conference

## **SECTION E: ADDITIONAL COMMENTS**

Nicole Maynard was hired as the Victim/Witness Advocate in May of 2008. Since that time, Ms. Maynard has immersed herself in the work of fighting domestic violence. She has gained experience by attending various and multiple trainings throughout the State to maintain current best practices. This allows her to provide excellent advocacy to victims in court. Attached is a list of training for Ms. Maynard in 2012.

**SECTION F: BUDGET SUMMARY/FINANCIAL INFORMATION**

1. Total amount of VALE funds requested: \$ 18,507.00

2. Will the amount requested provide full funding for the project?  Yes  No  
 If no, please identify other funding sources and amounts received within the past two years.  
 Do not include other VALE funding. Please also include other pending grants.

Source	Date of Award	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Are you currently receiving VALE funding?  Yes  No  
 If yes, please identify the Judicial District and the amount requested and received. Include current year funding from the 18th Judicial District.

Date of Award	District	Amount Requested	Amount Received
<u>5-18-12</u>	<u>18</u>	<u>\$18,144.00</u>	<u>\$18,144.00</u>
_____	_____	_____	_____
_____	_____	_____	_____

4. Will you be applying to other VALE Boards for funding?  Yes  No  
 If yes, please identify the Judicial District and the amount requested.

Date of Request	District	Amount Requested
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Does your agency receive victim assistance funding through the use of a municipal surcharge? If yes, **you must** provide specific documentation outlining your agency's surcharge intake for the last **two fiscal years** and detailing how these funds were distributed.

The program does not receive any funding through the use of a municipal surcharge. We are in a unique position within the State in that we have the only elected Municipal Judge; Judge Vincent Atencio. We have approached Judge Atencio yearly to request a VALE surcharge to no avail. Judge Atencio will not add any surcharges to the fines no matter the case.

6. If an increased amount of funding over this year's **grant award** is being requested, please provide written justification. Substantiate or quantify factually or with other supportive documentation.

The amount we are requesting is an increase from previous Grant requests due to increased employee costs and a continued decline in revenues.

7. Anticipated client fees *if any*, from this project: \$ N/A

8. Describe the volunteer and/or in-kind services that will be used for this program/project.

No volunteer hours contribute to this program.

9. What percentage of your total budget is this request for VALE funds?

Approximately 40% of the total budget would be VALE funded.

10. If this program/project is to continue beyond the initial funding period, please identify how the program/project will be funded in the future. Please be specific.

The City of Englewood is committed to the Victim/Witness Program in the Municipal Court. The City is willing to provide the difference in the total cost of the program. The City of Englewood has been responsible in assuming their share of successful programs when it is financially able.

The applicant assures that the following signatories and all staff and volunteers assigned to this project have read and understand the rights afforded to crime victims pursuant to section 24-4.1-302.5 C.R.S. and the services delineated pursuant to sections 24-4.1-303 C.R.S. and 23-4.1-304 C.R.S.

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief.

Nancy Wenig  
Typed Name of Project Director

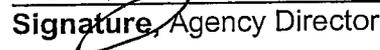
Project Director

  
Signature Project Director

2-25-13  
Date

Chief John Collins  
Typed Name of Agency Director

Agency Director

  
Signature, Agency Director

2-25-13  
Date

Frank Gryglewicz  
Typed Name of Financial Officer

Financial Officer

Signature, Financial Officer

Date

Gary Sears  
Typed Name of Authorized Official

Authorized Official

Signature Authorized Official

Date

Project Director: The person who has direct responsibility for the implementation of the project. This person should combine knowledge and experience in the project area with ability to administer the project and supervise personnel. He/She shares responsibility with the Financial Officer for seeing that all expenditures are within the approved budget. This person will normally devote a major portion of his/her time to the project and is responsible for meeting all reporting requirements. The Project Director must be a person other than the Authorized Official of the Financial Officer.

Agency Director: The executive director of the agency. This may in some agencies be the same person as the project director or authorized official.

Financial Officer: The person who is responsible for all financial matters related to the program and who has responsibility for the accounting, management of funds, and verification of expenditures, audit information and financial reports. The person who actually prepares the financial reports may be under the supervision of the Financial Officer. The Financial Officer must be a person other than the Authorized Official or the Project Director.

Authorized Official: The authorized official is the person who is, by virtue of such person's position, authorized to enter into contracts for the grant recipient. *This could include:* Mayor or City Manager, Chairperson of the County Commissioners, District Attorney, President of Chairperson of the Board of Directors, Superintendent, or other Chief Executive Officer.

## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 9 c ii	<b>Subject:</b> Purchase of 11 Ft. Rotary Mower for Golf Course
<b>Initiated By:</b> Department of Parks and Recreation	<b>Staff Source:</b> Dave Lee, Manager of Open Space Pat White, Fleet Services Manager	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

**Council Goal:** A City that provides diverse cultural, recreational and entertainment opportunities and a City that provides and maintains quality infrastructure.

**Council Action:** Council has previously approved the purchase of two Howard Price 1280 mowers in 1998 for both the Parks Department and Golf Course. Council also approved the purchase of a Jacobsen HR 9016 mower for the Parks Department and a Jacobsen HR 5111 mower for the Golf Course in 2005.

### RECOMMENDED ACTION

Staff recommends that Council approve, by motion, the purchase of a Jacobsen R311T rotary mower from C & M Golf & Grounds Equipment through Multiple Assembly of Procurement Officials (MAPO) pricing agreement.

The Multiple Assembly of Procurement Officials was organized in 1989 for the sole purpose of obtaining the highest level of value for taxpayers by collectively issuing solicitations for goods and services commonly required by Colorado local and government agencies.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Jacobsen R311T is a replacement mower for the current 7 year old Jacobsen HR 5111 purchased in 2005.

### FINANCIAL IMPACT

Funding for the Jacobsen R311T mower was approved and budgeted in the 2013 Capital Equipment Replacement Fund (CERF). The purchase price is \$53,429.09. The purchase price includes tractor/mower deck, canopy, light kit and a roll over protection system (ROPS).

### LIST OF ATTACHMENTS

Summary Specification Sheet  
C&M Equipment Quote

**SERVICENTER GARAGE**

**SUMMARY SPECIFICATION SHEET  
FOR  
NEW VEHICLES**

STATE AWARD # MAPO Price Agreement

ENGLEWOOD BID# \_\_\_\_\_

MANUFACTURER OF VEHICLE Jacobsen

MODEL OF VEHICLE HR9016

AIR CONDITIONING	YES	<u>NO</u>
AUTOMATIC TRANSMISSION	<u>YES</u>	NO
POWER WINDOWS	YES	<u>NO</u>
POWER DOOR LOCKS	YES	<u>NO</u>
4 WHEEL DRIVE	YES	<u>NO</u>
FLEX FUEL OPTION	YES	<u>NO</u>
CERF REPLACEMENT	<u>YES</u>	NO
NEW ADDITION TO FLEET	YES	<u>NO</u>

DEPARTMENT VEHICLE ASSIGNED TO 021305, Parks Department

COMMENTS: Unit 5229 has met replacement requirements of both hours of use and life expectancy in years. Replacement unit is on a MAPO price award. Funds are available in CERF. Replacement cost is \$71,606.84.



## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 9 c iii	<b>Subject:</b> Purchase of Vermeer Chipper
<b>Initiated By:</b> Department of Parks and Recreation	<b>Staff Source:</b> Dave Lee, Manager of Open Space Pat White, Fleet Services Manager	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

**Council Goal:** A City that provides diverse cultural, recreational and entertainment opportunities and a City that provides and maintains quality infrastructure.

**Council Action:** Council previously approved the purchase of a Vermeer chipper in 1996.

### RECOMMENDED ACTION

Staff recommends that Council approve, by motion, the purchase of a Vermeer chipper from Vermeer Sales and Service of Colorado through the National Joint Powers Alliance (NJPA) pricing agreement.

The general purpose of NJPA is to serve its membership by facilitating a national municipal purchasing alliance. They research the industry with regard to members' common needs and provide the opportunity to purchase through nationally leveraged contracts offering the very best products, equipment and services at the lowest possible contract price.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Vermeer Model BC1200XL is a replacement for the current 17 year old Vermeer BC1250 purchased in 1996.

### FINANCIAL IMPACT

Funding for the Vermeer BC1200XL was approved and budgeted in the 2013 Capital Equipment Replacement Fund (CERF). The purchase price is \$32,151.00. The purchase price includes deluxe rotation and deluxe discharge deflector.

### LIST OF ATTACHMENTS

Summary Specification Sheet  
Vermeer Sales Quotation

**SERVICENTER GARAGE**

**SUMMARY SPECIFICATION SHEET  
FOR  
NEW VEHICLES**

STATE AWARD # NJPA Landscape Equipment Contract #081209-VRM

ENGLEWOOD BID# \_\_\_\_\_

MANUFACTURER OF VEHICLE Vermeer

MODEL OF VEHICLE BC 1200XL

AIR CONDITIONING	YES	<u>NO</u>
AUTOMATIC TRANSMISSION	YES	<u>NO</u>
POWER WINDOWS	YES	<u>NO</u>
POWER DOOR LOCKS	YES	<u>NO</u>
4 WHEEL DRIVE	YES	<u>NO</u>
FLEX FUEL OPTION	YES	<u>NO</u>
CERF REPLACEMENT	<u>YES</u>	NO
NEW ADDITION TO FLEET	YES	<u>NO</u>

DEPARTMENT VEHICLE ASSIGNED TO 021305 Parks Department

COMMENTS: CERF replacement. Replaces Unit 5189, a 1996 Vermeer 1250 BC chipper. Unit has met replacement criteria in years of service, maintenance cost, and hours of use. Old unit will be used as a trade in on purchase. Total purchase price=\$32,151.00.



Vermeer Sales and Service of CO and WY  
 5801 East 76th Avenue  
 Commerce City, CO 80022  
 Phone 303.286.1866 Fax 303.286.0406

# Sales Quotation

Customer	City of Englewood	Date	1/17/2013
Contact	Jerry Barton	Sales Person	Hanson Turnbull
Address	2800 South Platte River Drive	INVOICE #	
	Englewood, CO	Customer P.O. #	
Phone	303.762.2523		
Fax	303.762.1683		
E-Mail			

Prices are in Effect for 30 Days Only

QTY	PN	Description	Unit Price	Total Price
1		<b>NEW VERMEER Model BC1200XL</b>	\$ 36,039.00	\$ 36,039.00
		* 12" Capacity Drum Style Chipper		
		* 120HP Cummins Diesel Engine		
		* Dual Offset Horizontal Feed Rollers		
		* Smart Feed		
		* Infeed Table with Lower Feed Stop Bar		
		* Pintle Hitch		
		* 7,000lb Torsion Axle		
		* 285x75 R16 LRE Flotation Tires		
1	OPTIONS	Deluxe Rotation (Chain Drive with Handle Rotation)	\$ 316.00	\$ 316.00
1		Deluxe Discharge Deflector ( Quick Ground Drive Adjustment)	\$ 308.00	\$ 308.00
	NJPA	City of Englewood Membership # 2210		

Subtotal	\$ 36,663.00
Trade In Allowance (-)	\$ 5,500.00
Applied Rental	
Discount	
Net Price	\$ 31,163.00
Tax	
Technical Support From (If Applicable)	
Freight & Prep	\$ 988.00
<b>Grand Total</b>	<b>\$ 32,151.00</b>

Thank you for allowing us to quote your business.

Accepted: Vermeer Sales and Service of CO & WY

By \_\_\_\_\_  
 (Sales Representative)

Date \_\_\_\_\_

PN: SF102

Customer \_\_\_\_\_  
 (Please Print)

By \_\_\_\_\_

Date \_\_\_\_\_  
 (Signature)

I (we), promise to pay the Balance Due in cash, or to execute a Time Sale Agreement (Retail Installment Contract) for purchase price of the Equipment, plus additional charges shown thereon, on or before delivery of the Equipment, plus additional charges shown thereon, on or before delivery of the Equipment ordered herein. Despite physical delivery of the Equipment, title shall remain in the seller until one of the foregoing is accomplished.

**Trade:**

Model Description	Model Year	Serial #	Trade Value
Vermeer BC1250 - 2228hrs showing Ford Gas Engine, Condition-Good Tires, 60%			\$ 5,500.00

I (we), offer to sell, transfer and convey the following item(s) at or prior to the time of delivery of the above Equipment, as a "trade in" to be applied against the cash price. Such item(s) shall be free and clear of all security agreements, liens and encumbrances at the time of transfer to you. The following is a description and the price to be allowed for each item. "All warranties, if any, made with respect to this equipment are those warranties made by the manufacturer. DEALER MAKES NO WARRANTIES EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF

MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE."

**Notes:**

## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 9 c iv	<b>Subject:</b> Purchase of 16 Ft. Rotary Mower for Parks Department
<b>Initiated By:</b> Department of Parks and Recreation	<b>Staff Source:</b> Dave Lee, Manager of Open Space Pat White, Fleet Services Manager	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

**Council Goal:** A City that provides diverse cultural, recreational and entertainment opportunities and a City that provides and maintains quality infrastructure.

**Council Action:** Council has previously approved the purchase of two Howard Price 1280 mowers in 1998 for both the Parks Department and Golf Course. Council also approved the purchase of a Jacobsen HR 9016 mower for the Parks Department and a Jacobsen HR 5111 mower for the Golf Course in 2005.

### RECOMMENDED ACTION

Staff recommends that Council approve, by motion, the purchase of a Jacobsen HR9016 rotary mower from C & M Golf & Grounds Equipment through Multiple Assembly of Procurement Officials (MAPO) pricing agreement.

The Multiple Assembly of Procurement Officials was organized in 1989 for the sole purpose of obtaining the highest level of value for taxpayers by collectively issuing solicitations for goods and services commonly required by Colorado local and government agencies.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Jacobsen HR 9016 is a replacement mower for the current 7 year old Jacobsen HR 9016 purchased in 2005.

### FINANCIAL IMPACT

Funding for the Jacobsen HR 9016 mower was approved and budgeted in the 2013 Capital Equipment Replacement Fund (CERF). The purchase price is \$71,606.84. The purchase price includes tractor/mower deck, mulching kit, road package, light kit cruise control and a roll over protection system (ROPS).

### LIST OF ATTACHMENTS

Summary Specification Sheet  
C&M Equipment Quote

**SERVICENTER GARAGE**

**SUMMARY SPECIFICATION SHEET  
FOR  
NEW VEHICLES**

STATE AWARD # MAPO Price Agreement

ENGLEWOOD BID# \_\_\_\_\_

MANUFACTURER OF VEHICLE Jacobsen

MODEL OF VEHICLE R311T

AIR CONDITIONING YES **NO**

AUTOMATIC TRANSMISSION **YES** NO

POWER WINDOWS YES **NO**

POWER DOOR LOCKS YES **NO**

4 WHEEL DRIVE YES **NO**

FLEX FUEL OPTION YES **NO**

CERF REPLACEMENT **YES** NO

NEW ADDITION TO FLEET YES **NO**

DEPARTMENT VEHICLE ASSIGNED TO 431307, Golf Course

COMMENTS: Unit 7942 has met replacement requirements of both hours of use and life expectancy in years. Replacement unit is on a MAPO price award. Funds are available in CERF. Replacement cost is \$53,429.09



## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 11 a i	<b>Subject:</b> Ordinance Approving a Lease of a Portion of City-Owned Property Located at 3449 S. Broadway
<b>Initiated By:</b> Community Development	<b>Staff Source:</b> Alan White, Community Development Director	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council discussed leasing a portion of the City-owned property located at 3449 S. Broadway (West Paseo) to the adjacent business owner on January 22, 2013.

### RECOMMENDED ACTION

Staff recommends Council adopt a bill for an ordinance approving a lease of a portion of city-owned property located at 3449 S. Broadway, on first reading

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

Webster Brews, LLC has approached the City about the use of a portion of the west side Paseo for outdoor seating adjacent to "Brews on Broadway." This new business will be a nano-brewery and coffee shop, with limited pre-packaged food available. Patrons will be able to bring in or order take-out food from nearby restaurants.

The business owner desires to use 914 square of the Paseo for outdoor seating. A diagram showing the requested premises to be used is attached to the proposed lease. The seating area would be located between two planters on the north side of the Paseo, to either side of the shade structure. Because liquor will be consumed in the outdoor seating area, a means of defining and securing the outdoor seating area must be provided under State Liquor Code requirements. The business owner is proposing to install a railing to meet this requirement.

A lease is required in this instance because the City-owned property is not public right-of-way, where a temporary occupancy permit for outdoor seating would be issued.

The proposed lease contains the terms of the lease as requested by Council. The property will be leased at a rate of \$1.00 per square foot per year (\$914.00) for an initial term of one year with two (2) one-year renewal options. The lessee will be responsible for maintenance of the leased premises. Lessee will hold the City harmless for any injury or damage occurring on the property and is required to provide public liability and property damage insurance in the amount of \$1,000,000.00 with the City listed as an additional insured.

## **FINANCIAL IMPACT**

The City will receive \$914.00 in lease payments for three years if the two options for renewal are exercised. The tenant is required to install the railing needed under the State Liquor Code at his expense. The City has agreed to remove six benches, relocate four benches, and relocate a trash receptacle at the City's expense, estimated at \$750.00. Since it is the tenant's responsibility to maintain the leased premises, the City should not incur any cost for maintenance during the term of the lease.

## **LIST OF ATTACHMENTS**

Proposed Bill for an Ordinance

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. 2  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AUTHORIZING A LEASE WITH PAUL WEBSTER, SUZANNE ODIORNE-WEBSTER, MATHEW WEBSTER AND CHARLES HOUCK FOR USE OF THE REAL PROPERTY LOCATED AT 3449 SOUTH BROADWAY AS OUTDOOR SEATING FOR "THE BREW ON BROADWAY".

WHEREAS, the City owns property commonly known as the "Paseo" at 3449 South Broadway, Englewood, CO.; and

WHEREAS, the approval of this Ordinance will permit "The Brew On Broadway" Paul Webster, Suzanne Odiorne-Webster, Matthew Webster and Charles Houck to lease real property located at 3449 South Broadway for outdoor seating; and

WHEREAS, the Englewood City Council finds that the leasing of a portion of that property to The Brew on Broadway will enhance the usefulness and vitality of the Downtown Englewood Business area;

WHEREAS, this agreement will benefit and promote the welfare of the City of Englewood.

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

Section 1. A Lease with Paul Webster, Suzanne Odiorne-Webster, Matthew Webster and Charles Houck for use of the real property located at 3449 South Broadway as outdoor seating for "The Brew On Broadway". A copy of the "Lease" is marked as "Exhibit A" and attached hereto.

Section 2. The Mayor is hereby authorized to sign and the City Clerk shall attest said Lease on behalf of the City of Englewood.

Introduced, read in full, and passed on first reading on the 4th day of March, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 8<sup>th</sup> day of March, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 6th day of March, 2013 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 4th day of March, 2013.

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Loucrishia A. Ellis

**LEASE OF CITY OWNED PROPERTY FOR OUTDOOR SEATING FOR  
"THE BREW ON BROADWAY"**

This lease, dated February 17 2013, is between the CITY OF ENGLEWOOD, 1000 Englewood Parkway, Englewood, Colorado 80110, as Landlord and PAUL WEBSTER, SUZANNE ODIORNE-WEBSTER, MATHEW WEBSTER, AND CHARLES HOUCK as Tenants.

In consideration of the payment of the rent and the performance of the covenants and agreements by the Tenant set forth herein, the Landlord does hereby lease to the Tenant the following described premises situate in Arapahoe County, in the State of Colorado; the address of which is 3449 South Broadway, Englewood, Colorado 80113, more fully described as follows:

That portion of Lots 35 and 36 Block 1 Enwood Addition as defined in Exhibit A.

Said parcel contains approximately 914 square feet.

Said premises, with all the appurtenances, are leased to the Tenant from the date of April 1, 2013 - April 1, 2014, at and for a rental for the full term of one dollar per square foot with the payment in the amount of \$914.00 on approval of the Lease by Tenant.

The Tenant may, with approval of the Landlord, extend this lease for two (2) one (1) year periods; notice of extension shall be given in writing sixty days (60 days) before the termination of this Lease. This extension shall be for the rent of one dollar per square foot per year (\$914.00) and said rent shall be due on April 1 of each renewal year, payable at 1000 Englewood Parkway, Englewood, Colorado 80110 Attention: Finance Department, without notice.

THE TENANT, IN CONSIDERATION OF THE LEASING OF THE PREMISES AGREES AS FOLLOWS:

1. To pay the rent for the premises above-described, in advance.
2. To keep the improvements upon the premises including drainage, fences, wiring and lighting in good repair, all at Tenant's expense, and at the expiration of this lease to surrender the premises in the same condition as when the Tenant entered the premises, loss by fire, inevitable accident, and ordinary wear excepted. Tenant shall post a bond with the City in the amount of five thousand dollars (\$5,000.00) to secure the removal of improvements or repairs should the Tenant fail to surrender premises as described herein.
3. To keep all pavement on the premises free and clear of ice and snow, and to keep the entire premises free from all litter, dirt, debris and obstructions; to keep the premises in a clean and sanitary condition as required by the ordinances of the city and county in which the property is situated.
4. To sublet no part of the premises, and not to assign the lease or any interest therein.

5. To use the premises only as seating for the adjoining premises at 3445 South Broadway and to use the premises for no purposes prohibited by the laws of the United States or the State of Colorado, or of the ordinances of the city or town in which said premises are located, and for no improper or questionable purposes whatsoever, and to neither permit nor suffer any disorderly conduct, noise or nuisance having a tendency to annoy or disturb any persons occupying adjacent premises.
6. To neither hold nor attempt to hold the Landlord liable for any injury or damage, either proximate or remote, occurring through or caused by the repairs, alterations, injury or accident to the premises, or adjacent premises, or other parts of the above premises not herein demised, or by reason of the negligence or default of the owners or occupants thereof or any other person, nor to hold the Landlord liable for any injury or damage occasioned by defective electric wiring, plumbing or storm water, nor shall said premises be used for any purpose which would render the insurance thereon void or the insurance risk more hazardous, nor make any alterations to or changes in, upon, or about the premises without obtaining the written consent of the Landlord therefore.
7. To allow the Landlord to enter upon the premises at any reasonable hour.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN LANDLORD AND TENANT AS FOLLOWS:

8. No assent, express or implied, to any breach of any one or more of the agreements hereof shall be deemed or taken to be a waiver of any succeeding or other breach.
9. If, after the expiration of this lease, the Tenant shall remain in possession of the premises and continue to pay rent without a written agreement as to such possession, then such tenancy shall be regarded as a month-to-month tenancy, at a monthly rental, payable in advance, equivalent to the last month's rent paid under this lease, and subject to all the terms and conditions of this lease.
10. If the premises are left vacant and any part of the rent reserved hereunder is not paid, then the Landlord may, without being obligated to do so, and without terminating this lease, retake possession of the said premises, making such changes and repairs as may be required, giving credit for the amount of rent so received less all expenses of such changes and repairs, and the Tenant shall be liable for the balance of the rent herein reserved until the expiration of the term of this lease.
11. At the Landlord's option, it shall be deemed a breach of this lease if the Tenant defaults (a) in the payment of the rent or any other monetary obligation herein; or (b) in the performance of any other term or condition of this lease. The Landlord may elect to cure such default and any expenses of curing may be added to the rent and shall become immediately due and payable.

In the event that the Landlord elects to declare a breach of this lease, the Landlord shall have the right to give the Tenant three (3) days written notice requiring payment of the rent or compliance with other terms or provisions of the lease, or delivery of the possession of the premises. In the event any default remains uncorrected after three (3) days written notice, the Landlord, at Landlord's option, may declare the term ended, repossess the premises, expel the Tenant and those claiming through or under the Tenant and remove the effects of the Tenant, all without being deemed guilty in trespass or of a forcible entry and detainer and without prejudice to any other remedies to which the Landlord may be entitled. If at any time this lease is terminated under this paragraph, the Tenant agrees to peacefully surrender the premises to the Landlord immediately upon termination, and if the Tenant remains in possession of the premises, the Tenant shall be deemed guilty of unlawful detention of the premises. The Landlord shall be entitled to recover from the Tenant all damages by reason of the Tenant's default, including but not limited to the cost to recover and repossess the premises, the expenses of reletting, necessary renovation and alteration expenses, commissions and the rent for the balance of the term of this lease.

12. In the event of any dispute arising under the terms of this lease, or in the event of non-payment of any sums arising under this lease and in the event the matter is turned over to an attorney, the party prevailing in such dispute shall be entitled, in addition to other damages or costs, to receive reasonable attorneys' fees from the other party.
13. In the event any payment required hereunder is not made within (10) days after the payment is due, a late charge in the amount of five percent (5%) of the payment will be paid by the Tenant.
14. In the event of a condemnation or other taking by any governmental agency, all proceeds shall be paid to the Landlord hereunder, the Tenant waiving all right to any such payments.
15. This lease is made with the express understanding and agreement that in the event the Tenant becomes insolvent, the Landlord may declare this lease ended, and all rights of the Tenant hereunder shall terminate and cease.
16. Tenant shall insure the premises for public liability and property damage in the sum of One Million Dollars with the City of Englewood as an additional insured.
17. Should any provision of this lease violate any federal, state or local law or ordinance, that provision shall be deemed amended to so comply with such law or ordinance, and shall be construed in a manner so as to comply.
18. This lease shall be binding on the parties, their personal representatives, successors and assigns.
19. When used herein, the singular shall include the plural, and the use of any gender shall apply to both genders.



By: \_\_\_\_\_  
MATHREW WEBSTER

STATE OF COLORADO     )  
  )ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by Mathew Webster.

\_\_\_\_\_  
Notary Public

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

By: ✓ CHARLES HOUCK | ✓

STATE OF COLORADO     )  
  )ss.  
COUNTY OF ARAPAHOE )

The foregoing instrument was acknowledged before me this 13 day of February, 2013, by Charles Houck.

\_\_\_\_\_  
Notary Public

My commission expires: 3/1/2016

**STEPHANIE CARTER**  
Notary Public  
State of Colorado

By: 1  
MA MATHEW WEBSTER

2 STATE OF COLORADO )  
2 COUNTY OF \_\_\_\_\_ ) ss.

Kingdom of England  
City of London

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of February, 2013, by Matthew Webster.

Matthew

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

Notary Public  
NOTARY PUBLIC  
LONDON, ENGLAND  
ANDREW J. CLAUDET  
(My Commission expires with Life)

**CHARLES HOUCK**

NOTARY PUBLIC

29th Floor One Canada Square  
Canary Wharf, London E14 5DY  
Telephone: 020 7712 1565  
Facsimile: 020 7712 1501

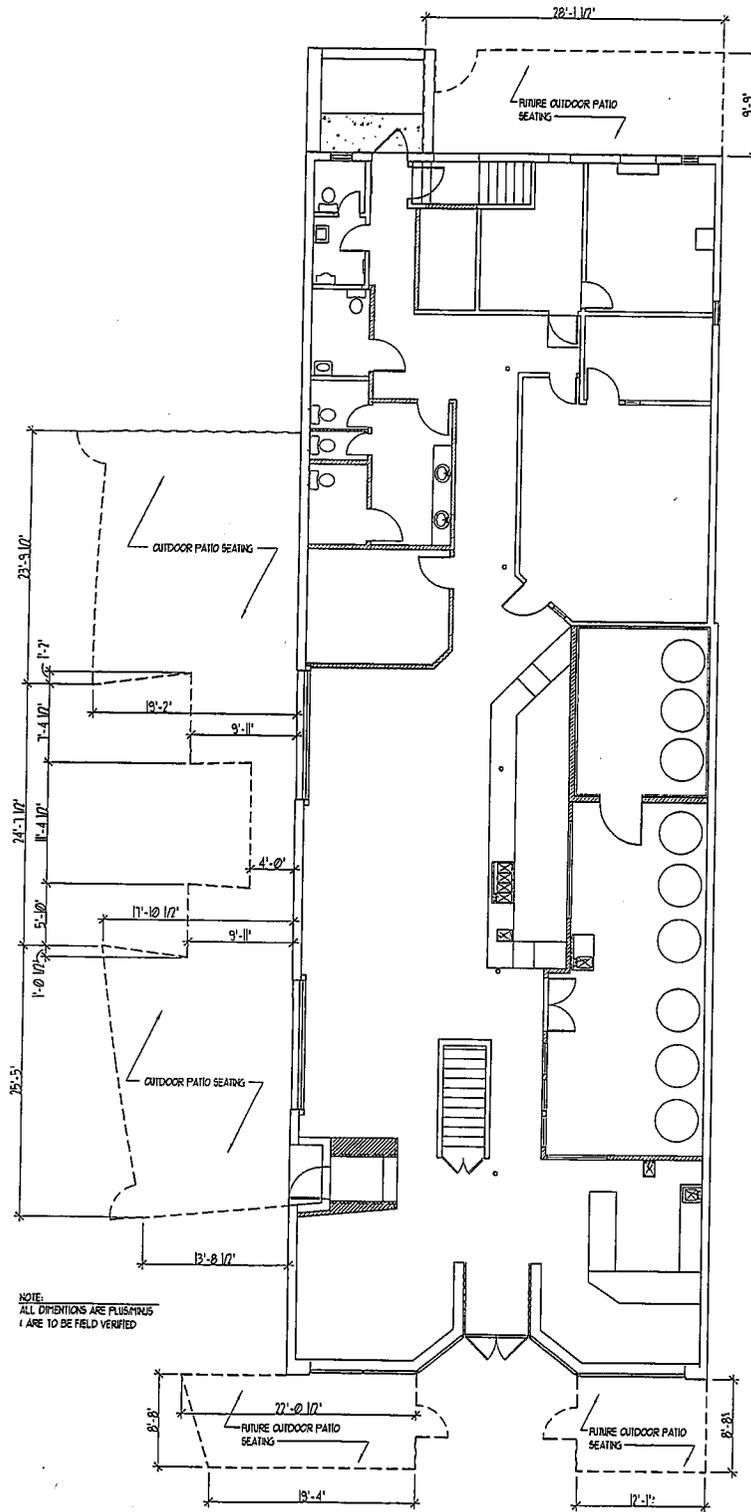
By: \_\_\_\_\_  
CHARLES HOUCK

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Charles Houck.

\_\_\_\_\_  
Notary Public

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



OUTDOOR PATIO DIMENSIONS

1/8" = 1'-0"



## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 11 a ii	<b>Subject:</b> Amendments to Title 16: Floodplain
<b>Initiated By:</b> Community Development Department		<b>Staff Source:</b> Brook Bell, Planner II

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

There has been no previous Council action concerning this matter.

### PREVIOUS PLANNING COMMISSION ACTION

The Planning and Zoning Commission conducted a public hearing on January 8, 2013, to consider the proposed amendments to Title 16: Unified Development Code. No members of the public were present to provide testimony. Following discussion the Commission voted 8 to 0 to forward to City Council proposed amendments to Chapter 4: Floodplain Regulations as presented in the attached Bill for an Ordinance with one edit to Section 16-6-14(A). That edit clarified the name of the Commission and is included in the Bill for an Ordinance before Council at First Reading.

### RECOMMENDED ACTION

Recommendation from the Community Development Department to adopt a Bill for an Ordinance authorizing amendments to Title 16: Unified Development Code regarding floodplain regulations on First Reading and to set March 18, 2013 as the date for Public Hearing to consider testimony on the proposed amendments.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

More than four years ago the Colorado Water Conservation Board (CWCB), in partnership with the Federal Emergency Management Agency (FEMA), began a project to update and digitize all Floodplain Insurance Rate Maps (FIRM) for Arapahoe County. At the completion of the project the City amended Title 16 by adopting the updated Englewood FIRMs and corresponding regulations under Ordinance No. 44, Series of 2010.

In 2011, the State of Colorado adopted higher standards for floodplain management to provide uniform standards for regulatory floodplains in Colorado and activities in those floodplains. In September 2012 the City received the CWCB's model ordinance which was used to draft the proposed amendments. Staff compared the existing regulations to the model, updating where necessary by inserting new standards, and removing inconsistencies to meet State standards.

The CWCB requires that any community that participates in the National Flood Insurance Program (NFIP) must adopt the new standards. The City's favorable NFIP rating regarding flood mitigation policies and regulations allows citizens with property within the floodplain to receive approximately a ten percent (10%) reduction in flood insurance premiums. The proposed amendments are necessary in order for the City to remain in the program and provide the discounted premium option for residents. The CWCB requires the amendments to be adopted and effective by January 14, 2014.

#### **ANALYSIS:**

The State's 2011 *Rules and Regulations for Regulatory Floodplains in Colorado* are the effective minimum standards for the State, and by extension, the NFIP in Colorado, and thus for the City of Englewood as a participant in the NFIP. The Public Works Department reviewed the proposed amendments and requested that "and walls" be inserted into 16-4-1(D) *Methods of Reducing Flood Losses*, to read:

5. Prevent or regulate the construction of flood barriers, including fences and walls, which will unnaturally divert flood waters or which may increase flood hazards to other lands.

That request is incorporated into the proposed amendments. The CWCB also reviewed and approved the proposed amendments for compliance with State rules and NFIP requirements. The proposed amendments bring Chapter 4: *Floodplain Regulations* up to date and compliant with State and National Flood Insurance Program standards.

#### **FINANCIAL IMPACT**

No financial impacts are anticipated from the adoption of the proposed amendments.

#### **LIST OF ATTACHMENTS**

Planning and Zoning Commission Staff Report – January 8, 2013  
Planning and Zoning Commission Minutes – January 8, 2013  
Planning and Zoning Commission Findings of Fact - Case No. 2012-08  
Bill for an Ordinance



CITY OF ENGLEWOOD  
COMMUNITY DEVELOPMENT

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**TO:** Planning and Zoning Commission  
**THRU:** Alan White, Community Development Director ✓  
**FROM:** Tricia Langon, Senior Planner ✓  
Brook Bell, Planner II ✓  
**DATE:** January 8, 2013  
**SUBJECT:** Case # 2012-08: Floodplain Amendments

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**RECOMMENDATION:**

Community Development Department requests that the Planning and Zoning Commission review, take public testimony, and forward to City Council a recommendation for adoption as written of proposed amendments to Chapter 4: *Floodplain Regulations* of Title 16: Unified Development Code of the Englewood Municipal Code.

**BACKGROUND:**

More than four years ago the Colorado Water Conservation Board (CWCB), in partnership with the Federal Emergency Management Agency (FEMA), began a project to update and digitize all Floodplain Insurance Rate Maps (FIRM) for Arapahoe County. At the completion of the project the City amended Title 16 by adopting the updated Englewood FIRMs and corresponding regulations under Ordinance No. 44, Series of 2010.

In 2011, the State of Colorado adopted higher standards for floodplain management to provide uniform standards for regulatory floodplains in Colorado and activities in those floodplains. In September 2012 the City received the CWCB's model ordinance which was used to draft the proposed amendments. Staff compared the existing regulations to the model, updating where necessary by inserting new standards, and removing inconsistencies to meet State standards.

The CWCB requires that any community that participates in the National Flood Insurance Program (NFIP) must adopt the new standards. The City's favorable NFIP rating regarding flood mitigation policies and regulations allows citizens with property within the floodplain to receive approximately a ten percent (10%) reduction in flood insurance premiums. The proposed amendments are necessary in order for the City to remain in the program and

provide the discounted premium option for residents. The CWCB requires the amendments to be adopted and effective by January 14, 2014.

**ANALYSIS:**

The State's 2011 *Rules and Regulations for Regulatory Floodplains in Colorado* are the effective minimum standards for the State, and by extension, the NFIP in Colorado, and thus for the City of Englewood as a participant in the NFIP. The Public Works Department reviewed the proposed amendments and requested that "and walls" be inserted into 16-4-1(D) *Methods of Reducing Flood Losses*, to read:

5. Prevent or regulate the construction of flood barriers, including fences and walls, which will unnaturally divert flood waters or which may increase flood hazards to other lands.

That request is incorporated into the proposed amendments. The CWCB also reviewed and approved the proposed amendments for compliance with State rules and NFIP requirements.

The proposed amendments bring Chapter 4: *Floodplain Regulations* up to date and compliant with State and National Flood Insurance Program standards.

**PROPOSED AMENDMENTS:**

The proposed amendments do not affect boundaries of the City's identified Special Flood Hazard Areas. The proposed amendments contain numerous non-substantive changes such as text edits to clarify or add detail, updated terminology, and removal of terms and phrases from the definition section that are no longer used in the regulations.

The proposed amendments focus on the following crucial topics:

1. Freeboard Increase:

FEMA's Floodplain Insurance Rate Maps provide predicted base flood elevations for properties in the floodplain. Freeboard is a specified increase above that mandated elevation for the purpose of locating a building's lowest floor. Freeboard helps protect buildings from floods larger than those that FIRMs are based on, and provides an added margin of safety to compensate for unknown factors that could contribute to flood heights greater than predicted. Freeboard can lead to substantial reductions in flood insurance premiums, and decreases the chance a building will be damaged by flooding.

The proposed amendments (1) increase the freeboard height to one foot (1') above the base flood elevation and (2) require that height be certified by a Colorado professional engineer.

2. Critical Facilities:

New regulations are proposed for structures within Special Flood Hazard Areas that if flooded could result in significant hazards to public health and safety or interruption of essential services and operations for the community. The CWCB

requires that critical facilities located in the 100-year floodplain be regulated to a higher standard, specifically, requiring a freeboard of two feet instead of the standard one-foot freeboard. This amendment will apply to all new, substantially changed, and additions to critical facilities within the 100-year floodplain.

Critical facilities are classified under the following categories:

- Essential Services: (police and fire stations, hospitals, communications, air transportation)
- Hazardous Materials: (facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials)
- At-risk Populations: (nursing homes, day care, assisted living, public and private schools)
- Vital to Restoring Normal Services: (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers).

Pursuant to Rule 6 of the *Rules and Regulations for Regulatory Floodplains in Colorado*, the City is responsible for the identification of critical facilities. Community Development Department staff reviewed seven buildings located in the 100-year floodplain with the Fire Marshal. None of the seven buildings are used for essential services, at-risk populations, or are vital to restoring normal services. Further, none store hazardous materials in quantities that would classify the use as a critical facility.

### 3. Floodway Surcharge Criteria:

A floodway is a river channel and adjacent land area needed to be reserved in order to discharge a base flood without cumulatively increasing the water surface level more than a designated height. Current UDC regulations already prohibit development in a floodway that would cause any increase in the base flood elevation. The proposed amendments:

- Require a No-Rise Certification,
- Require the No-Rise Certification be prepared by a Colorado professional engineer, and
- Provides a FEMA procedure that allows the City to permit new construction and substantial improvements in a floodway resulting in an increase in the base flood elevations.

### **ATTACHMENTS:**

Proposed Amendments to Title 16, Chapter 4: Floodplain Regulations

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
January 8, 2013**

**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 7:02 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Brick presiding.

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

Absent: Kinton

Staff: Alan White, Community Development Director  
Tricia Langon, Senior Planner  
Brook Bell, Planner II  
Nancy Reid, Assistant City Attorney

**II. APPROVAL OF MINUTES**

December 4, 2012



Fish moved:

Knoth seconded: TO APPROVE THE DECEMBER 4, 2012 MINUTES

Chair Brick asked if there were any modifications or corrections.

There were none.

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

Motion carried.

**III. PUBLIC HEARING**



Case #2012-08  
Unified Development Code Amendments: Floodplain Regulations

Roth moved:

Knoth seconded: TO OPEN THE PUBLIC HEARING FOR CASE #2012-08

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

Motion carried.

Mr. Bell, Planner II, was sworn in and presented the case. He presented a brief history of changes to the Floodplain Regulations. In 2011, the State of Colorado adopted higher standards for floodplain management to provide uniform standards for regulatory floodplains in Colorado and activities in those floodplains. In September 2012 the City received the Colorado Water Conservation Board's (CWCB) model ordinance which was used to draft the proposed amendments. The CWCB requires that any community that participates in the National Flood Insurance Program (NFIP) must adopt the new standards by January 14, 2014 in order for the City to remain in the program and provide the discounted insurance premium option for residents. Currently there are 26 properties within the City who are insured through the program. The proposed amendments bring Chapter 4: *Floodplain Regulations* up to date and compliant with State and National Flood Insurance Program standards.

The proposed amendments contain numerous, non-substantive changes such as text edits to clarify or add detail, updated terminology, and removal of term and phrases from the definition section that are no longer used in the regulations. The proposed amendments focus on the following three crucial topics:

1. Freeboard Increase
2. Critical Facilities
3. Floodway Surcharge Criteria

The Commission asked for clarification regarding freeboard space, how many residential areas are included in the floodplain, if the City is involved in the Platte River and if the Englewood Wastewater Treatment Plant is in a floodplain. Mr. Bell responded to their questions.



Fish moved:

Roth seconded: TO CLOSE THE PUBLIC HEARING FOR CASE #2012-08

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

Motion carried.



Welker moved:

Bleile seconded: *CASE #2012-08, AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE RELATED TO FLOODPLAIN REGULATIONS AS STATED BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION.*

Director White was sworn in. He provided one condition Staff would like the Commission to include in their motion. It was noted.

Mr. Welker and Mr. Bleile accepted the following condition be added to the original motion:

1. *On page 23, 16-4-14 A. Planning Commission shall be replaced with Planning and Zoning Commission.*

Chair Brick called for the question.

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

Motion carried.

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



There was no public that wished to speak to the Commission.

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



Ms. Reid was not in attendance.

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



Director White stated Staff had planned on bringing PUD procedures or procedures for public hearings to the Commission at the January 23<sup>rd</sup> study session, but may not have all information compiled by then. Chair Brick suggested Staff stay in touch with the Commission and if all the information for the PUD procedures is not ready by that date the meeting will be cancelled.

**VII. COMMISSIONER'S CHOICE**



Several members stated they hoped everyone had a good holiday season.

Ms. Townley asked if City Council approved the General Iron Works PUD. Director White stated it was continued to January 22<sup>nd</sup>.

Chair Brick stated he is excited about the upcoming business seminar the City is holding.

The meeting adjourned at 7:25 p.m.

Barbara Krecklowy/Recording Secretary

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION**

<b>IN THE MATTER OF CASE #2012-08,</b>	)	
<b>FINDINGS OF FACT, CONCLUSIONS</b>	)	
<b>AND RECOMMENDATIONS RELATING</b>	)	
<b>TO THE UNIFIED DEVELOPMENT CODE</b>	)	<b>FINDINGS OF FACT AND</b>
<b>FLOODPLAIN AMENDMENTS</b>	)	<b>CONCLUSIONS OF THE</b>
	)	<b>CITY PLANNING AND</b>
	)	<b>ZONING COMMISSION</b>
	)	
<b>INITIATED BY:</b>	)	
<b>Community Development Department</b>	)	
<b>1000 Englewood Parkway</b>	)	
<b>Englewood, CO 80110</b>	)	

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

Commission Members Absent:    Kinton

This matter was heard before the City Planning and Zoning Commission on January 8, 2013 in the City Council Chambers of the Englewood Civic Center.

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

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

**FINDINGS OF FACT**

1.    **THAT** the Public Hearing on the Unified Development Code Floodplain Amendments were brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
  
2.    **THAT** notice of the Public Hearing was published in the *Englewood Herald* on December 21, 2012 and was on the City of Englewood website from December 12, 2012 through January 8, 2013.
  
3.    **THAT** the Staff report was made part of the record.
  
4.    **THAT** in September 2012 the City received the Colorado Water Conservation Board's model ordinance which was used to draft the proposed amendments.

5. **THAT** the Colorado Water Conservation Board requires that any community that participates in the National Flood Insurance Program must adopt the new standards.
6. **THAT** the City's favorable National Flood Insurance Program rating regarding flood mitigation policies and regulations allows citizens with property within the floodplain to receive approximately a ten percent reduction in flood insurance premiums.
7. **THAT** the proposed amendments are necessary in order for the City to remain in the program and provide the discounted premium option for residents.
8. **THAT** the proposed amendments bring Chapter 4: *Floodplain Regulations* up to date and compliant with State and National Flood Insurance Program standards.
9. **THAT** the Colorado Water Conservation Board requires the amendments to be adopted and effective by January 14, 2014.

#### **CONCLUSIONS**

1. **THAT** the Public Hearing on the Unified Development Code Floodplain Amendments was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
2. **THAT** notice of the Public Hearing was published in the *Englewood Herald* on December 21, 2012 and was on the City of Englewood website from December 12, 2012 through January 8, 2013.
3. **THAT** the amendments are required by the Colorado Water Conservation Board.
4. **THAT** the amendments are to be adopted and effective by January 14, 2014.
5. **THAT** this is an opportunity to clarify the safety needs of the public in terms of the floodplain regulations and is in the best interest of the welfare of the citizens of Englewood.
6. **THAT** the previously discussed amendments be forwarded to City Council.

#### **DECISION**

**THEREFORE**, it is the decision of the City Planning and Zoning Commission that Case #2012-08 Unified Development Code Floodplain Amendments should be referred to the City Council with a favorable recommendation.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on January 8, 2013, by Mr. Welker, seconded by Mr. Bleile, which motion states:

CASE#2012-08, AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE RELATED TO FLOODPLAIN REGULATIONS AS STATED BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION WITH THE FOLLOWING CONDITION:

*On page 23, 16-4-14 A. Planning Commission shall be replaced with Planning and Zoning Commission.*

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

Motion carried.

These Findings and Conclusions are effective as of the meeting on January 8, 2013.

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

John Brick, Chair

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. 3  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTERS 1, 2, 3, 4, 5, 6, 8, 9 AND 11, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO FLOODPLAIN REGULATIONS.

WHEREAS, the Colorado Water Conservation Board (CWCB), in partnership with the Federal Emergency Management Agency (FEMA), began a project to update and digitize all Floodplain Insurance Rate Maps (FIRM) for Arapahoe County; and

WHEREAS, at the completion of the project the City of Englewood amended Title 16 by adopting the updated Englewood FIRMs and corresponding regulations under Ordinance No. 44, Series of 2010; and

WHEREAS, in 2011, the State of Colorado adopted higher standards for floodplain management providing uniform standards for regulatory floodplains in Colorado and activities in those floodplains; and

WHEREAS, the CWCB requires that any community that participates in the National Flood Insurance Program (NFIP) must adopt the new standards; and

WHEREAS, the City's favorable NFIP rating regarding flood mitigation policies and regulations allows citizens with property within the floodplain to receive approximately a ten percent (10%) reduction in flood insurance premiums; and

WHEREAS, the proposed amendments are necessary in order for the City of Englewood to remain in the program and provide the discounted premium option for Englewood residents; and

WHEREAS, the CWCB requires the amendments to be adopted and effective by January 14, 2014; and

WHEREAS, the Planning and Zoning Commission held a public hearing on January 8, 2013; and

WHEREAS, the Planning and Zoning Commission approved the amendments to the Floodplain Regulations and recommended forwarding to City Council;

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 amending Title 16, Chapter 1, Section 4, of the Englewood Municipal Code 2000, entitled Purpose and Intent, to read as follows:

**16-1-4: Purpose and Intent.**

- A. *General Intent and Purpose.* The City Council hereby finds, determines, and declares that the uniform regulation of land development in the City, in accordance with a Comprehensive Plan and as established by the standards, procedures, and enforcement provisions of this Title, is necessary for the immediate preservation of the public peace, health, safety, convenience, and welfare.
- B. *Intent to Supersede General Colorado Law.* The City of Englewood recognizes that zoning is ultimately a local and municipal matter, and intends with this Title to supersede within the territorial limits and other jurisdiction of the City any general law of the State of Colorado in conflict herewith.
- C. *Specific Purposes.* The regulations of this Title are intended to implement the Englewood Comprehensive Plan, as amended, and more specifically to:
  1. Encourage and facilitate land use by designating and regulating the distribution and location of buildings, structures, and land for residential, commercial, industrial, recreational, or other appropriate uses.
  2. Promote land uses that support and encourage economic and sustainable development.
  3. Regulate uses within ~~floodplains~~ plains to mitigate hazards to the public and damage to property.
  4. Promote development that preserves and enhances quality of life and protects environmental resources of the City.
  5. Facilitate the provision of infrastructure such as water, sewerage, streets, transportation, and other public facilities.
  6. Regulate the division, transfer and conveyance of realty within the City.
  7. Provide a comprehensive, consistent, and efficient development review process.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 2, of the Englewood Municipal Code 2000, entitled Summary Table of Administrative and Review Roles, to read as follows:

**16-2-2: Summary Table of Administrative and Review Roles.**

The following table summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of the procedures set forth in this Chapter. For purposes of this table, an "(Approval) Lapsing Period" refers to the total time from the application's approval that an applicant has to proceed with, and often complete, the approved action. Failure to take the required action within the specified "lapsing period" will automatically void the approval. See Section 16-2-3.L EMC, "Lapse of Approval," below.

TABLE 16-2-2.1: SUMMARY OF DEVELOPMENT REVIEW AND DECISION-MAKING PROCEDURES										
Procedure	Section Ref.	Pre-App. Mtg. Req'd	Review (R) Decision-Making (D) or Appeal (A) Bodies				Notice Required <sup>1</sup>			Lapsing Period
			CM/D	PC	CC	BAA	Pub	Mail	Post	
Adaptive Reuse of Designated Historical Buildings	16-5-3	✓	R	R	D		✓		✓	None
Administrative Adjustments	16-2-17	✓	D			A				None
Administrative Land Review Permit	16-2-11	✓	D	A						60 days to record
Amendments to the Text of this Title	16-2-6		R	R	D		✓			None
Annexation Petitions	16-2-5	✓	R	R	D		✓		✓	None
Appeals to Board	16-2-18	✓				D	✓			None
Comprehensive Plan Amendments	16-2-4		R	R	D		✓			None
Conditional Use Permits	16-2-12	✓	R	D	A		✓		✓	1 year
Conditional Use - Telecommunication	16-7	✓	R	D	A		✓	✓	✓	None
Development Agreements	16-2-15		R		D					As stated in Agreement
Floodplain Plain Dev't. Permit and Floodplain Plain Variances	See Chapter 16-4 for applicable procedures and standards									

Historic Preservation	16-6-11	✓	R	R	D		✓		✓	None
Landmark Sign	16-6-13	✓		D	A		✓		✓	
Limited Review Use Permits	16-2-13	✓	D	A						1 year
Major Subdivisions	16-2-10									
Preliminary Plat		✓	R	R	D		✓	✓	✓	6 months to submit Final Plat
Final Plat			R	R	D		✓	✓	✓	60 days to record
Simultaneous Review Preliminary Plat/Final Plat		✓	R	R	D		✓	✓	✓	60 days to record
Recorded Final Plat										None
Minor Subdivision	16-2-11									
Preliminary Plat		✓	D	A						6 months to submit Final Plat
Final Plat			D	A						60 days to record
Recorded Final Plat										None
Official Zoning Map Amendments (Rezoning)	16-2-7	✓	R	R	D		✓	✓	✓	None
PUD and TSA Rezoning	16-2-7	✓	R	R	D		✓	✓	✓	None
Temporary Use Permits	16-2-14	✓	D	A						As stated in Permit
Unlisted Use Classifications	16-5-1.B	✓	D	A						None
Zoning Site Plan	16-2-9		D	A						3 years
Zoning Variances	16-2-16	✓	R			D	✓		✓	180 days

<b>CM/D = City Manager or Designee (Including the Development Review Team)</b> <b>PC = Planning and Zoning Commission</b> <b>CC = City Council</b> <b>BAA = Board of Adjustment and Appeals</b>
--

<sup>1</sup> <b>Notice Required: See Table 16-2-3.1 Summary of Mailed Notice Requirements</b>
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Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 10, Subsection E, of the Englewood Municipal Code 2000, entitled Zoning Variances, to read as follows:

**16-2-10: Major Subdivisions.**

Approval of a Major Subdivision Plat is required whenever a subdivision of land requires the dedication of land for public rights-of-way or public areas. Approval of a Major Subdivision Plat requires a two-stage process involving (1) approval of a preliminary plat by the Commission, and (2) approval of a final plat document by the Council. The Minor Subdivision process in Section 16-2-11 EMC, shall apply where dedication of land is not required and to certain boundary adjustments and lot consolidations.

**EDITORS NOTE: The Subsections A through D, contain no changes and are therefore not included here.**

E. *Criteria.* The Commission shall review and consider the preliminary plat application with particular attention to the following matters:

1. The zoning of the property proposed for subdivision, together with the zoning of the areas immediately adjacent thereto.
2. The proposed layout of lots and blocks and the proposed dimensions thereof to demonstrate compliance with applicable yard area requirements.
3. The availability of all utilities, and the proximity thereof to the area proposed for subdivision.
4. Topography and natural features of the land with special reference to floodplains ~~plains~~.
5. The continuity of streets and alleys within the area proposed for subdivision, and the design and location of such streets and alleys, with relation to existing streets and alleys, both within and without the area proposed for subdivision, and the Master Street Plan.
6. Whether rights-of-way are designed and located to facilitate the safe movement of pedestrians and bicyclists.
7. Whether bicycle and pedestrian facilities have been selected, located, and designed in accordance with current City standards.
8. The location of utility and other easements.

9. The location of, and provision for, public areas, including land reserved for parks, schools and other public uses.
10. The method of handling drainage and surface water.
11. Any other matters that the Commission deems important to be considered in order to accomplish the purposes set forth in this Title.

**EDITORS NOTE: Subsections F through G, contain no changes and therefore are not included here.**

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 16, of the Englewood Municipal Code 2000, entitled Zoning Variances, to read as follows:

**16-2-16: Zoning Variances.**

Two (2) different types of variance are available: (1) Zoning Variances and (2) Floodplain Plain Variances. Zoning Variances are addressed in this section, and Floodplain Plain Variances are addressed in Chapter 16-4 EMC (Floodplain Regulations). (Note that the Planning Commission is the decision-making body on Floodplain Plain Variances rather than the Board of Adjustment and Appeals.) The Board of Adjustment and Appeals pursuant to the procedures in this Section may grant Zoning Variances from the zoning provisions of this Title otherwise applicable to a property.

**EDITORS NOTE: The remaining sections of 16-2-16 contain no changes and are not included here.**

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 3, Section 1, of the Englewood Municipal Code 2000, entitled General Provisions, to read as follows:

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

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

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

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

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

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

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

**16-4: FLOODPLAIN REGULATIONS**

**16-4-1: Authority and Purpose.**

A. *Statutory Authority.* The legislature of the State has in ~~31-23-301~~ Title 29, Article 20 C.R.S., as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry by minimizing flood losses.

B. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation which can results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in ~~areas of~~ special flood hazards areas that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and ~~which~~ hazardous to other lands because they are inadequately anchored, elevated, floodproofed or otherwise protected from flood damage.

C. *Purpose.* It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions ~~to~~ in specific areas by provisions designed to:

1. Protect human life and health;
2. Protect property and minimize damage to ~~public~~ critical facilities infrastructure and other public facilities such as water, sewer, and gas mains; electrical and communications stations; and streets and bridges located in floodplains;
3. Minimize expenditure of public money for costly flood control projects;
4. Protect the natural areas required to convey flood flows so that they develop in a manner consistent with reasonable floodplain management;
5. Protect and preserve the water-carrying characteristics and capacities of all watercourses, including gulches, sloughs, and artificial water channels used for the conveyance of storm and floodwater;
6. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
7. Minimize prolonged business interruptions;
8. Help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize future flood blight areas; and

9. Insure that potential buyers are notified that property is in a flood hazard area.

D. *Methods of Reducing Flood Losses.* In order to accomplish its purposes, this Chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers, including fences and walls, which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**16-4-2: Jurisdiction and Applicability.**

A. *Applicability.* The provisions of this Chapter shall apply to all land within the City ~~identified as the Floodplain District and~~ defined as:

1. The ~~areas of~~ special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study - Arapahoe County, Colorado, and Incorporated Areas" dated December 17, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, and
2. The boundaries of the West Harvard Gulch Flood Hazard Area as shown on Sheets 13 and 14 in a report entitled "Flood Hazard Area Delineation, Harvard Gulch, West Harvard Gulch, and Dry Gulch" dated December 1979, prepared by Gingery Associates, Inc., and approved by the Colorado Water Conservation Board on January 30, 1980.

The above Official Flood Studies are hereby adopted by reference and declared to be a part of this Title.

- B. *Basis for Establishing ~~the Areas of Special Flood Hazard Areas~~*. The City hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the ~~Official Flood Studies~~ Insurance Study for the City of Englewood.
- C. *Compliance*. No structure or land located in ~~the Floodplain District~~ a special flood hazard area shall hereafter be constructed, located, extended, converted, altered or have its use changed without full compliance with the terms of this Chapter and all other applicable regulations. These regulations meet the minimum requirements set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
1. Floodplain Development Permit. A Floodplain Development Permit shall be required prior to commencement of any construction or other development to ensure conformance with the provisions of this Chapter.
  2. Certificate of Compliance.
    - a. No vacant land shall be occupied or used and no building shall be hereafter erected, altered, or moved on the floodplains of any watercourse, nor shall such buildings be occupied, until a certificate of compliance has been issued by the Floodplain Administrator.
    - b. The applicant shall submit a certification by a registered Colorado professional engineer to the Floodplain Administrator that the finished fill and building floor elevations, floodproofing measures, or other protection factors were accomplished in compliance with the provisions of this Chapter. This certification shall also state whether or not the structure contains a basement. Within ten (10) days after receipt of such certification from the applicant, the Floodplain Administrator shall issue a certificate of compliance only if the building or premises and the proposed use thereof, conform with all of the requirements of this Chapter.
- D. *Abrogation and Greater Restrictions*. The regulations of this Chapter shall be construed as being supplementary to the regulations imposed on the same lands by the underlying zone classification. This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.
- E. *Interpretation*. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall be deemed neither to limit nor repeal any other powers granted under State Statutes.

F. *Warning and Disclaimer of Liability.* The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods may occur on occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that the areas outside ~~the areas~~ of special flood hazards areas or land uses permitted within such areas will always be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

G. *Severability.* See Section 16-1-10 EMC, "(Severability)".

#### **16-4-3: Permitted Uses.**

The following open uses shall be permitted within ~~the Floodplain District~~ a special flood hazard area to the extent that they are not prohibited in a particular area by any underlying zone district classification:

- A. Agricultural uses, such as general farming and the raising of plants, flowers, and nursery stock.
- B. Public and private recreational uses such as parks, swimming areas, golf courses, driving ranges, picnic grounds, fishing, and hiking and biking trails not requiring permanent or temporary structures designed for human habitation.
- C. Utility facilities such as: flowage areas, transmission lines, pipelines, water monitoring devices, roadways and bridges.
- D. All uses allowed by the underlying zone district classification within ~~the Floodplain District~~ a special flood hazard area shall be permitted as long as the use complies with conditions set forth in Subsection 16-4-7(B) EMC, "(Floodplain Development Permit Criteria)".

#### **16-4-4: Similar Uses.**

Uses very similar in nature to permitted uses may be allowed by the Floodplain Administrator, provided that they are consistent with the provisions of this Chapter.

#### **16-4-5: Nonconforming Uses.**

Existing nonconforming uses in ~~the Floodplain District~~ a special flood hazard area may be modified, altered, or repaired to incorporate floodproofing measures; but such nonconforming uses shall not be expanded.

#### **16-4-6: Administration.**

- A. *Floodplain Administrator.* The City Manager or designee shall be the Floodplain Administrator and shall enforce the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. The Department of Public Works shall provide the Floodplain Administrator

with a technical review of all applications to build within the floodplain or a drainage way prior to the issuance of a Floodplain Development Permit.

B. *Floodplain Administrator Duties and Responsibilities.* The Floodplain Administrator's duties and responsibilities shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter. For all new or substantially improved structures the Floodplain Administrator shall maintain the following information:
  - a. The actual elevation (in relation to mean sea level) of the lowest floor (including basement).
  - b. The actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
  - c. The floodproofing certifications required in ~~Sub~~Section 16-4-11(B) EMC "(Minimum Floodproofing Criteria)".
2. Review all applications within ten (10) working days for Floodplain Development Permits required by this Chapter. Such review shall:
  - a. Determine whether such construction or development is located within ~~the Floodplain District~~ a special flood hazard area.
  - b. Assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
  - c. Determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
  - ed. Consider the following:
    - 1) The danger that materials may be swept onto other lands to the injury of others.
    - 2) The danger to life and property due to flooding or erosion damage.
    - 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
    - 4) The importance of the services provided by the proposed facility to the community.
    - 5) The availability of alternative locations for the proposed use that is not subject to flooding or erosion damage.
    - 6) The compatibility of the proposed use with existing and anticipated development.

- 7) The relationship of the proposed use to the Comprehensive Plan.
  - 8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - 9) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - 10) The costs of providing governmental services during and after flood such as sewer, gas, electrical, and water systems, and streets and bridges.
  - 11) Flood barriers, including fences, which will unnaturally divert flood waters or which may increase flood hazards to other lands.
3. Review all Building Permit applications for construction or development in Floodplain District ~~a special flood hazard area~~ within ten (10) working days. Approval of a building permit shall be deemed to neither limit nor repeal any other powers granted under State Statutes. Applications for building permits shall be reviewed on a case-by-case basis to:
- a. Determine if the proposed development is located in ~~the Floodplain Districts~~ a special flood hazard area.
  - b. Assure the building site will be reasonably safe from flooding.
  - c. Assure all necessary permits have been obtained from the Federal, State, or local governmental agencies from which prior approval is required.
  - d. Assure all new construction and substantial repairs, improvements, or alterations shall be made in accordance with the minimum floodproofing criteria specified in Section 16-4-11 EMC (Minimum Floodproofing Criteria), or elevation criteria in Subsection 16-4-7(B)(2) EMC.
  - e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Chapter, including proper elevation of the structure.
4. Interpret, where needed, the exact location of the boundaries of ~~the areas of~~ special flood hazards areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to present a case to the Floodplain Administrator and to submit supporting technical evidence. The decision of the Floodplain Administrator may be appealed as provided in Section 16-4-14 EMC, "(Floodplain Appeals and Variances)."
5. When base flood elevation data has not been provided in accordance with Section 16-4-8 EMC, "(Floodplain District Regulations)," the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer this Chapter.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. When a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than ~~one~~ one-half foot ( $\pm 1/2'$ ) at any point within the City.
8. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Floodplain Administrator may approve certain development in Zones A1-30, AE, AH, on the FIRM which increases the water surface elevation of the base flood by more than ~~one~~ one-half foot ( $\pm 1/2'$ ), provided that the City first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfill the requirements of such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
9. Shall keep a copy of the Flood Insurance Study (FIS), DFIRMS, FIRMS on file and available for public inspection.

#### **16-4-7: Floodplain Development Permit.**

##### *A. Floodplain Development Permit Process.*

1. Application. A Floodplain Development Permit shall be obtained before a building permit may be issued or construction or development begins on lands within ~~the Floodplain District~~ a special flood hazard area as identified in Subsection 16-4-2(A) EMC ~~above~~ (Applicability). Application for a Floodplain Development Permit shall be made on forms provided by the City and may include, but is not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of ~~the area in question;~~ proposed landscape alterations; existing or and proposed structures; fill, storage of materials, and drainage facilities; and the location of the foregoing in relation to special flood hazard areas. Specifically, the following information is required:
  - a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
  - b. Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;
  - c. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 16-4-11 EMC, "(Minimum Floodproofing Criteria)"; and
  - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

2. Decision of Floodplain Administrator is to be Based on Certain Factors. The determination of the Floodplain Administrator on each Floodplain Development Permit shall be based on applicable provisions of this Chapter and the following relevant factors:
  - a. The danger to life and property due to flooding or erosion damage;
  - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - c. The danger that materials may be swept onto other lands to the injury of others;
  - d. The compatibility of the proposed use with existing and anticipated development;
  - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
  - i. The relationship of the proposed use to *Roadmap Englewood: 2003 Englewood Comprehensive Plan*, as amended.
3. Floodplain Administrator Decisions on Permits for Public Facilities or Utility Development in a Floodway. Subject to Section 16-4-10 EMC, “(Development in Floodways),” the Floodplain Administrator shall act on an application for public facilities or utility development in a floodway within thirty (30) days from receiving the application.
4. Conditions Attached to Development Permits. Upon consideration of the factors listed above and the purposes of this Chapter, the Floodplain Administrator shall attach such conditions, in addition to those required by the Floodplain Development Permit, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of, specific enumeration, modification of waste disposal methods and facilities, landscaping, period of operation, operational controls, sureties, deed restriction, and adequate floodproofing.

*B. Floodplain Development Permit Criteria.*

1. Structures Accessory to Open Uses. Structures accessory to open uses permitted in Section 16-4-3 EMC, “(Permitted Uses),” whether temporary or permanent, may be permitted only upon a determination by the Floodplain Administrator that:
  - a. Structures will not be designed for human habitation.

- b. Structures will have low flood damage potential.
- c. The structure or structures, if permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
  - 1) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of floodwaters.
  - 2) So far as is practicable, structures will be placed so that their longitudinal axis are approximately on the same line as those of adjoining structures.
  - 3) Structures will be firmly anchored to prevent the structure or building from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream or river.
  - 4) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - 5) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - 6) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 2. Other Structures, Temporary or Permanent, to be Occupied by People. Other structures, whether temporary or permanent, which are to be occupied by people, may be permitted only upon a finding by the Floodplain Administrator that:
  - a. Such structures shall comply with Section 16-4-7 EMC, “(Floodplain Development Permit) Process;” and Section 16-4-11 EMC, “(Minimum Floodproofing Criteria).”
  - b. The lowest floor, including the basement, of any structure to be erected, constructed, reconstructed, or moved on or within ~~the Floodplain District~~ a special flood hazard area, shall be constructed at or above a point one foot (1’) above the 100-year flood elevation for the particular area and the fill shall extend at such elevation at least fifteen feet (15’) beyond the limits of any structure or building erected thereon.
  - c. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and to withstand hydrodynamic loads.
- 3. Fills or Deposition of Materials. Fills or deposition of materials may be permitted only upon a finding by the Floodplain Administrator that:
  - a. Any fill or deposition of materials will comply with applicable sections of Chapter 16-6 EMC, “(Development Standards).”

- b. The fill or deposition of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill or other material and the use to which the filled land will be put.
  - c. The fill or deposition of materials does not encroach on that portion of the floodplain, which would have significant and perceptible flow during the flood, and which for that reason would help convey the floodwaters.
  - d. The fill or other materials will be protected against erosion by riprap, strong vegetative cover, or bulkheading.
4. Storage or Processing of Materials. The storage or processing of materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal or plant life, shall be above the flood protection elevation for the particular area or floodproofed in compliance with Section 16-4-11 EMC, "(Minimum Floodproofing Criteria)." Solid waste disposal facilities, such as salvage yards or areas for the dumping of refuse or the storage of non-operable vehicles, shall not be permitted.

**16-4-8: Floodplain Regulations.**

The following regulations shall apply to all uses within ~~the Floodplain District~~ a special flood hazard area, notwithstanding that such uses may be specifically permitted under the terms of this Chapter.

- A. *Flood Protection Elevation or Height.* The flood protection elevation or height shall correspond to a point one foot (1') above the elevation or "flood profile" shown on or attached to the FIRM.
- B. *Flood-Carrying Capacity.* No floodplain uses shall adversely affect the efficiency of, or unduly restrict the capacity of any channel, any tributary to any main stream, drainage ditch, or any other drainage facility or systems; nor shall any watercourse be altered or restricted unless the flood-carrying capacity of the watercourse shall be maintained.
- C. *General Standards.* In all ~~areas~~ of special flood hazards areas the following provisions are required for all new construction and substantial improvements:
  - 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  - 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
  7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  8. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- D. *Specific Standards.* In all of special flood hazards areas where base flood elevation data has been provided as set forth in Subsections 16-4-2(B) EMC (Basis for Establishing Special Flood Hazard Areas), 16-4-6(B)(5) EMC, or 16-4-13(D) EMC (Subdivision Plats) of this Chapter, the following provisions are required:
1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to ~~or~~ one foot (1') above the base flood elevation. A registered Colorado professional engineer, architect, or land surveyor shall certify and submit a certification the elevation of the lowest floor, including basement, to the Floodplain Administrator, ~~that the standard of this subsection as proposed in Section 16-4-13 EMC, "Subdivision Plats" is satisfied.~~
  2. Nonresidential Construction. With the exception of Critical Facilities, outlined in Subsection 16-4-8(H) EMC (Standards for Critical Facilities), ~~N~~new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to ~~or~~ one foot (1') above the base flood level elevation or together with attendant utility and sanitary facilities, be designed so that ~~below~~ at one foot (1') above the base flood level elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot (1') above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes.

- a. Zones A1-30, AH and AE: All manufactured homes, ~~those substantially improved, or those having that are placed or substantially improved on sites (i) outside of a~~ manufactured home park or subdivision; (ii) in a new manufactured home park of subdivision; or (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, on sites in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are is at or elevated one foot (1') above the base flood elevation and is are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This Subsection shall apply in an expansion to an existing manufactured home park or in an existing manufactured home park where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

- b. Zones A1-30, AH, and AE: Manufactured homes, in an existing manufactured home park, not subject to the provisions of 4.a above shall be elevated so that either:
  - 1) The lowest floor of the manufactured home and electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities (including ductwork) is are at or one foot (1') above the base flood elevation, or
  - 2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- e. ~~Zone A:~~ Manufactured homes shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes shall be elevated and anchored to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Any additions to the manufactured home shall be similarly anchored.
5. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE shall either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days,
  - b. Be fully licensed and ready for highway use, or
  - c. Meet the permit requirements of Subsection 16-4-7(B) EMC (Floodplain Development Permit) ~~above~~ and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Subsection. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- E. *Standards for Areas of Shallow Flooding (AO/AH Zones)*. Located within ~~the areas of~~ special flood hazard areas established in Subsection 16-4-2(A) EMC (Applicability) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
1. Residential structures: All new construction and substantial improvements shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least as ~~high as~~ one foot (1') above the depth number specified in feet on the FIRM (at least ~~two~~ three feet (23') if no depth number is specified).  
  
Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
  2. Non-residential structures: With the exception of Critical Facilities, outlined in Subsection 16-4-8(H) EMC (Standards for Critical Facilities), ~~All~~ new construction and substantial improvements shall:
    - a. Have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least as ~~high as~~ one foot (1') above the depth number specified in feet on the FIRM (at least ~~two~~ three feet (23') if no depth number is specified), or;

- b. Together with attendant utility and sanitary facilities, be designed so that ~~below the base flood level~~ the structure is watertight to at least one foot (1') above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer or architect. Such certification shall be submitted to the Floodplain Administrator.

3. ~~A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Subsection are satisfied.~~

43. Within Zones AH or AO, adequate drainage paths around structures on slopes shall be required to guide flood waters around and away from proposed structures.

F. Alteration of a Watercourse. For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and City of Englewood floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing Floodway conditions resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Subsection 16-4-8(D) EMC (Specific Standards).

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

G. Properties Removed from the Floodplain by Fill. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR F), unless such new structure or addition complies with the following:

1. Residential Construction: The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot (1') above the base flood elevation that existed prior to the placement of fill.
2. Nonresidential Construction: The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot (1') above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facility be designed so that the structure or addition is watertight to at least one foot (1') above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

H. Standards for Critical Facilities. A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of Critical Facilities. It is the responsibility of the City to identify and confirm that specific structures in the community meet the following criteria.

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:

- (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
- (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
- (3) Designated emergency shelters;
- (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other

emergency warning systems, but excluding towers, poles, lines, cables, and conduit);

(5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

(6) Air Transportation lifelines (airports, municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

(7) Exemptions.

(a) Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

(b) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

(1) These facilities may include:

(a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

(b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

(c) Refineries;

(d) Hazardous waste storage and disposal sites; and

(e) Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or

greater than the Threshold Planning Quantity (TPO) for that chemical, then that facility shall be considered to be a Critical Facility. The TPO for these chemicals is: either five hundred (500) pounds or the TPO listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. §302 (2010) also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. §1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification." 40 C.F.R. §302 (2010) and OSHA regulation "Occupational Safety and Health Standards." 29 C.F.R. §1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this ordinance, but exclude later amendments to or editions of the regulations.

(2) Specific exemptions to this category include:

- (a) Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
- (b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction, by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority), that a release of the subject hazardous material does not pose a major threat to the public.
- (c) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

c. At-risk population facilities include medical care, congregate care, and schools.

(1) These facilities consist of:

- (a) Elder care (nursing homes);
- (b) Congregate care serving twelve (12) or more individuals (day care and assisted living);
- (c) Public and private schools (preschools, K-12 schools), before-school and after-school care serving twelve (12) or more children);

d. Facilities vital to restoring normal services including government operations.

(1) These facilities consist of:

- (a) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

- (b) Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the City that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City on an as-needed basis upon request.

- (2) Protection for Critical Facilities. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

(a) Location outside the special flood hazard area; or

(b) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet (2') above the Base Flood Elevation.

- (3) Ingress and Egress for New Critical Facilities. New Critical Facilities shall, when practicable as determined by the City, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

#### **16-4-9: Undesignated Floodways. (Reserved)**

~~Until a regulatory floodway is designated, it must be demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City, before any new construction, substantial improvements or other development, including fill, is permitted within Zones A1 30 and A AE as shown on the FIRM.~~

#### **16-4-10: Development in Floodways.**

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 16-4-16 EMC (Floodplain Definitions)). Located within areas of special flood hazard areas established in Subsection 16-4-2-A(A) EMC (Applicability) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply: ~~to public facilities or utilities only:~~

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless it has been demonstrated through hydrologic and hydraulic analyses performed by a registered Colorado professional engineer in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels (a No-Rise Certification is required) during the occurrence of the base flood discharge.
- B. If Subsection A, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
  - 1. The Floodplain Administrator shall act on an application in the manner above described within thirty (30) days from receiving the application.
- C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

**16-4-11: Minimum Floodproofing Criteria.**

- A. All new construction and substantial improvements of non-residential structures within zones A-AE on the FIRM that do not have the lowest floor, including basement, elevated to or above the base flood level shall be floodproofed. All floodproofed structures, together with attendant utility and sanitary facilities, shall be so designed that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The Floodplain Administrator shall require that the applicant submit a plan or document certified by a registered Colorado professional engineer that the floodproofing measures are consistent with the flood protection elevation for the particular area.
- B. Floodproofing measures include the following:
  - 1. Anchorage to resist flotation and lateral movement.
  - 2. Installation of watertight doors, bulkheads and shutters.
  - 3. Reinforcement of walls to resist water pressures.
  - 4. Use of waterproof paints, membranes, or mortars to reduce seepage of water through walls.
  - 5. Addition of mass or weight to structures to resist flotation.
  - 6. Installation of pumps to lower water levels in structures.
  - 7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
  9. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.
  10. Construction to resist rupture or collapse caused by water pressure or floating debris.
  11. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
  12. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  13. Other floodproofing measures certified by a registered Colorado professional engineer to be consistent with the flood protection elevation for the particular area.
- C. Where a non-residential structure is intended to be made watertight below the base flood level.
1. A registered Colorado professional engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of Section 16-4-7 EMC, "Floodplain Development Permit."

**16-4-12: ~~Floodplain District~~ Special Flood Hazard Area Amendments.**

The boundaries of the ~~Floodplain District~~ Special Flood Hazard Areas shall be subject to periodic review and shall be amended in the manner provided by law, to conform to any revised, corrected or additional hydrological data available from Federal, State or regional agencies or from a consulting engineer retained by the City.

**16-4-13: Subdivision Plats.**

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be designed to minimize flood damage.
- B. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood ~~damage~~ hazards.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments including the placement of manufactured home parks and subdivisions that contain at least fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to Subsections 16-4-2(B) EMC (Basis for Establishing Special Flood Hazard Areas) and 16-4-5(B) EMC (Floodplain Administrator Duties and Responsibilities).

E. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet requirements of Section 16-4-7 EMC (Floodplain Development Permit).

**16-4-14: Floodplain Appeals and Variances.**

A. *General.* The Planning and Zoning Commission shall hear and decide appeals and requests for variances from the requirements of this Chapter.

1. Appeals and floodplain variance requests shall be processed pursuant to the general zoning appeals and variances requirements of 16-2-18 EMC, "Appeals" and 16-2-16 EMC, "Variances", respectively.

2. Those aggrieved by the final decision of the Commission may appeal such decision by appropriate legal action to a court of record having jurisdiction. Such appeal shall be filed no more than thirty (30) days from the date of the Commission's final decision.

B. *Appeals.* The Commission shall hear and decide appeals only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. *Variances.*

1. Any applicant to whom a variance is granted to build the lowest floor elevation below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

~~2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.~~

~~3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant items 1-1011 in Subsection 16-4-6(B)(2)(ed) EMC of this Chapter have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.~~

~~4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~5. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~6. In passing upon a Floodplain Variance application, the Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Title.~~

76. Criteria for Considering a Floodplain Variance. The Commission shall grant a Floodplain Variance only upon a showing of good and sufficient cause and determination that:
- a. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  - b. Failure to grant the Floodplain Variance would result in exceptional hardship to the applicant; and
  - c. The granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws. ~~Upon consideration of the above and the intent of this Chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.~~
7. Upon consideration of the above and the intent of this Chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.

#### **16-4-15: Enforcement.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without being in full compliance with the terms of this Chapter and other applicable regulations. Enforcement of the provisions of this Chapter shall be pursuant to ~~Section Chapter~~ 16-10 EMC, "(Enforcement and Penalties)".

#### **16-4-16: Floodplain Definitions.**

The following definitions pertain specifically to Chapter 16-4 EMC, "(Floodplain Regulations)" and are intended to be used only in the regulation of special flood hazard areas as identified in this Chapter. For the purposes of floodplain regulation, these definitions supersede the same terms as defined in 16-11-2 EMC, "(Definition of Word, Term, and Phrases)" of this Title.

100-Year Flood: A flood having a recurrence interval that has a one-percent (1%) chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-hundred flood." The term does not imply that the flood will necessarily happen once every one-hundred years.

100-Year Floodplain: The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-Year Flood: A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five-hundred years.

500-Year Floodplain: The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

*Area of Shallow Flooding:* A designated AO, AH, or VO zone on the City's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of Special Flood Hazard:* The land in the floodplain within the City of Englewood subject to a one percent (1%) or greater chance of flooding in any given year.

*Base Flood:* A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

*Basement:* Any area of a building having its floor sub-grade (below ground level) on all sides.

Channel: The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Conditional Letter Of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility: A structure or related infrastructure, but not the land on which it is situated, as specified in Subsection 16-4-8(H) EMC (Standards for Critical Facilities) that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

*Development:* Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Digital Flood Insurance Rate Map (DFIRM): FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

*Elevated Building:* For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by (i) foundation walls, shear walls, posts, piers, pilings, or

columns, or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls and openings sufficient to facilitate the unimpeded movement of flood waters.

*Existing Construction:* For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

*Existing Manufactured Home Park or Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain regulations adopted by the City.

*Expansion to an Existing Manufactured Home Park or Subdivision:* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*FEMA:* Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

*Flood (or Flooding):* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters, and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood Damage Potential:* The susceptibility of a specific land use at a particular location to damage by flooding, and the potential of the specific land use to increase off-site flooding or flood related damages.

~~*Flood, Fringe Area:* That portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty five percent (25%) of the regulatory base flood discharge.~~

~~*Flood Hazard Area:* The floodplain consisting of the floodway and the flood fringe area.~~

*Flood Insurance Rate Map (FIRM):* The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards areas and the risk premium zones applicable to the City of Englewood.

*Flood Insurance Study (FIS):* The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

*Flood Profile:* A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

*Flood Protection Elevation:* An elevation one foot (1') above the elevation of "flood profile" of the 100-year flood under existing channel and floodplain conditions. It is one foot (1') above the elevation of the flood for the Floodplain District a special flood hazard area as shown on the Official Zoning Map City's official Flood Insurance Rate Maps maintained in the office of the Community Development Department.

*Floodplain or Flood-Prone Area:* ~~The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For administrative purposes, the floodplain may be defined as the area that would be inundated by the "standard project flood" (U.S. Army Corps of Engineers) or the "maximum probable flood".~~ Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain development permit: A permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

*Floodplain District:* That portion of the floodplain subject to inundation by the 100-year flood. Its width is determined by the 100-year flood. Its length or reach is determined by natural bounds such as a lake, or by political or legal bounds. This equals the intermediate regional flood as defined by the U.S. Army Corps of Engineers.

*Floodplain Management:* The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain regulations.

*Flood-prone Area:* Any land area susceptible to being inundated by water from any source (see definition of flooding).

*Floodproofing:* Any combination of structural and nonstructural additions, changes, or adjustments to structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and their contents.

*Floodway:* The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot (1')~~ a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (1/2'). Letters

of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard: The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

*Highest Adjacent Grade:* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic Structure:* Any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (C) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (D) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior; or
  - 2. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevation (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

*Lowest Floor:* The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

*Manufactured Home:* A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

*Manufactured Home Park or Subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Manufactured Home Park or Subdivision, Existing:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain regulations adopted by the City.

*Manufactured Home Park or Subdivision, New:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Mean Sea Level:* For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on the City's Flood Insurance Rate Map are referenced.

*National Flood Insurance Program (NFIP):* A Federal program that authorizes the sale of federally subsidized flood insurance in participating communities.

*Natural Drainage:* The pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any regrading.

*New Construction:* For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City and includes any subsequent improvements to such structures.

*New Manufactured Home Park or Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*No-Rise Certification:* A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used

to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

*Recreational Vehicle:* A vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Special Flood Hazard Area:* The land in the floodplain within the City of Englewood subject to a one percent (1%) or greater chance of flooding in any given year, i.e. the 100-year floodplain.

*Start of Construction:* Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure:* A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

*Substantial Damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

*Substantial Improvement:* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (A) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or

- (B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Violation:* The failure of a structure or other development to be fully compliant with the City's floodplain regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Standards Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), as amended, is presumed to be in violation until such time as that documentation is provided.

*Water Surface Elevation:* The height, in relation to the National American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain.

*Watercourse:* A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

Section 7. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16 Chapter 5, Section 2, Subsection A(3)(b)(1); B(1); and C(1) &(2), of the Englewood Municipal Code 2000, entitled Use-Specific Standards, to read as follows:

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

A. *Residential Uses.*

3. **Manufactured Home Park.**

b. *Standards for Development of Manufactured Home Parks.*

(1) **Manufactured Home Park Site Location.**

- (a) The manufactured home park shall be located on a well-drained site, shall not be within the lines of a 100-year ~~floodplain plain~~ or flood hazard area, and the site shall be made free from marshes, swamps or other potential breeding places for insects or rodents. The site should not be exposed to undue chronic nuisances such as noise, smoke, fumes, or odors.
- (b) The topography on the manufactured home park site should be favorable to minimum grading, manufactured home placement, and ease of maintenance. The longitudinal grade for the individual space shall not exceed five percent (5%) and an adequate crown or cross-gradient for surface drainage shall be provided.

B. *Public/Institutional Uses.*

1. **Utility Facility.** Within ~~the flood plain overlay district~~ a special flood hazard area, all utility facilities allowed by the underlying zone district classification shall be permitted

provided the facility complies with the conditions set forth in Chapter 16-4 EMC<sub>2</sub> (Floodplain Regulations).

C. *Commercial Uses.*

1. Adult Use. An adult use shall be permitted so long as it complies with the following requirements:

- a. *Distance Limitation.*

- (1) No adult entertainment or service facility shall be located on any site unless such site is a minimum of one thousand feet (1,000') from the location of another such adult entertainment or service facility, whether inside or outside of the City of Englewood city limits; and
- (2) No adult use shall be located on a site unless such site is located a minimum of five hundred feet (500') from the boundary line of:
  - (a) Any residential district defined in this Title, including, but not limited to, all "R" districts and the TSA district;
  - (b) A manufactured home park or similar residential zone district in an area adjoining the City of Englewood; or
  - (c) Any religious institution, public park, public library, community center, or educational institution, whether within or without the City of Englewood.

- b. *Measurement of Distance.* All distances in this Section shall be measured by following a straight line from the nearest point of the property line of the proposed adult use, to the nearest point of the boundary of the residential districts noted above or nearest point of the property line of:

- (1) Any existing adult use;
- (2) Manufactured home park;
- (3) Religious institution;
- (4) Public park;
- (5) Public library;
- (6) Community center; or
- (7) Educational institution.

Measurements based on one inch (1") to one hundred feet (100') Arapahoe County Assessor maps shall be deemed acceptable for this purpose.

2. Agricultural Use. Within ~~the Flood Plain District~~ a special flood hazard area, all uses allowed by the underlying zone district classification shall be permitted provided the use complies with the conditions set forth in Chapter 16-4 EMC (Floodplain Regulations).

**EDITORS NOTE: The remaining sections of 16-5-2 contain no changes and therefore are not included here.**

Section 8. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16 Chapter 6, Section 8, Subsection A, of the Englewood Municipal Code 2000, entitled Storm Water Drainage and Erosion/Siltation Control, to read as follows:

**16-6-8: Storm Water Drainage and Erosion/Siltation Control.**

A. *Applicability.*

1. General Applicability to All Development. All subdivision plats, Planned Unit Developments, or any other proposed construction submitted for approval shall include adequate drainage system design. Plans, engineering analysis and calculations, diagrams, drainage reports and other data shall be submitted, as required by the City Manager or designee with each development proposal or application for permit.
2. Applicability to Development in ~~the Flood Plain~~ a Special Flood Hazard Area. Proposed development or improvements in ~~the a special flood hazard zone area~~ shall meet the requirements of Chapter 16-4 EMC, ~~"Flood Plain Overlay District."~~ (Floodplain Regulations). The flood hazard study shall be in the form of a final drainage report and shall include all such computations necessary to show that the requirements of Chapter 16-4 EMC, (Floodplain Regulations) are met.

**EDITORS NOTE: The remaining sections of 16-6-8 contain no changes and therefore are not included here.**

Section 9. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16 Chapter 8, Section 4, of the Englewood Municipal Code 2000, entitled Subdivision Design and Improvements, to read as follows:

**16-8-4: Subdivision Design and Improvements.**

I. *Subdivision Plats in ~~the Flood Plain Zone District~~ a Special Flood Hazard Area:*

1. All subdivision proposals shall be designed to minimize flood damage and comply with the flood control standards, as applicable, in Chapter 16-4 EMC. (Floodplain Regulations).
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments that contain at least fifty (50) lots or five (5) acres, whichever is less.

**EDITORS NOTE: The remaining sections of 16-8-4 contain no changes and therefore are not included here.**

Section 10. The City Council of the City of Englewood, Colorado hereby authorizes amending title 16, Chapter 9, Section 2, Subsection A, of the Englewood Municipal Code 2000, entitled Nonconforming Uses, to read as follows:

**16-9-2: Nonconforming Uses.**

A. Nonconforming Use of Building or Structure.

1. The nonconforming use of a building or structure may be continued, except as otherwise provided herein.
2. A nonconforming use in a Floodplain District may be modified, altered, or repaired to incorporate floodproofing measures, but shall not be extended or expanded.
3. The nonconforming use shall not be changed to a different nonconforming use.
4. The nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.
5. The nonconforming use shall not be extended or expanded. An "extension or expansion" shall include any increase in the floor area of the building or structure in which the nonconforming use is conducted or any expansion or relocation of the nonconforming use, in whole or in part, to a different part of the building or structure.
6. The permitted accessory uses to a nonconforming use shall be those existing on the effective date of this Title, and the initiation of additional accessory uses shall not be permitted after that date, except as follows:
  - a. A nonconforming residential use in any zone district shall be permitted to initiate a single home occupation, subject to all applicable standards stated in Section 16-5-4.C.1 EMC, "Home Occupations".
  - b. A nonconforming residential use shall be permitted to construct a residential garage or carport that otherwise complies with this Title.
7. A nonconforming multi-unit dwelling containing two (2) units shall be permitted to add a separate water and sewer line for each unit, and such addition shall not be deemed to constitute a change to a different nonconforming use or an extension or expansion of the existing nonconforming use.
8. If the nonconforming use is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the buildings or structure must be a conforming use.

9. If a conforming building or structure containing a nonconforming use is destroyed or damaged to the extent of more than sixty percent (60%) of its value, as determined pursuant to the method of valuation of buildings for the issuance of a building permit, any future use of the rebuilt or restored building or structure shall be a conforming use. However, a legal nonconforming one-unit dwelling, on the effective date of this Title, located in a business or industrial zone district, may be rebuilt or reconstructed and used as a one-unit dwelling if a building permit for the dwelling unit is applied for within one (1) year after the destruction or damage occurred. Further, a legal nonconforming dwelling containing two (2) units, on the effective date of this Title, located in an R-1-A, R-1-B, or R-1-C residential zone district may be rebuilt or reconstructed and used as a two-unit dwelling if a building permit for a multi-unit dwelling containing two (2) units is applied for within one (1) year after the destruction or damage occurred.

**EDITORS NOTE: The remaining sections of 16-9-2 contain no changes and therefore remain the same.**

Section 11. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 9, Section 3, Subsection B, of the Englewood Municipal Code 2000, entitled Nonconforming Structures, to read as follows:

**16-9-3: Nonconforming Structures.**

*B. Nonconforming Building or Structure.*

1. A nonconforming building or structure may continue to be used, except as otherwise provided herein.
2. A nonconforming building or structure may be repaired, structurally altered, or expanded only if the alteration, repair, or expansion complies with this Title. If the nonconforming building or structure or any portion thereof, is declared unsafe by the Chief Building Official, the building may be strengthened or restored to a safe condition.
3. Notwithstanding the provisions of subsection A.2, above, a nonconforming building or structure in a Floodplain Plain District may be modified, altered, or repaired to incorporate floodproofing measures, but shall not be extended or expanded.
4. No nonconforming building or structure that is destroyed or damaged to the extent of more than sixty percent (60%) of its value, as determined pursuant to the method of determining the valuation of buildings for building permit issuance, shall be repaired or rebuilt except in compliance with the requirements of this Title.
5. If a nonconforming building or structure becomes conforming, it shall not be changed back to a nonconforming building or structure.
6. No person shall move a nonconforming building or structure to another parcel unless the building or structure and its location on the new parcel comply with the use regulations of the zone district applicable to the new parcel.

**EDITORS NOTE: The remaining sections of 16-9-3 contain no changes and therefore are not included here.**

Section 12. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2, Subsection B, of the Englewood Municipal Code 2000, entitled Definition of Words, Terms, and Phrases by deleting the following, to read as follows:

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

B. Definition of Words, Terms, and Phrases.

~~*Equal Degree of Encroachment:* The degree of encroachment established by considering the effect of encroachments on the hydraulic efficiency of the flood plain along a significant reach of the stream on both sides.~~

~~*Open Space:* Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses and set aside, dedicated, or reserved for public or private use and enjoyment including recreational, scenic, or environmental purposes. Open space may include agricultural uses and natural features located on a site, including but not limited to steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources. Parking lots and storage areas for vehicles and material shall not be considered as open space.~~

~~*Program Deficiency:* A defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those Flood plain Management Regulations of the NFIP Standards in Sections 60.3, 60.4, 60.5 and 60.6.~~

~~*Reach:* A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood plain where flood heights are primarily controlled by man-made or natural flood plain obstructions or restrictions. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most likely be a reach.~~

~~*Remedy a Violation:* To bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Title or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.~~

~~*Storage Capacity of a Flood Plain:* The volume of space above an area of flood plain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.~~

**EDITORS NOTE: The remaining definitions contain no changes and therefore are not included here.**

Section 13. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and

welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 14. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 15. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 16. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 17. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 4th day of March, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 8th day of March, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 6th day of March, 2013 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 4th day of March, 2013.

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Loucrishia A. Ellis

## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 11 a iii	<b>Subject:</b> Ordinance Amending Titles 12 and 16 of the Englewood Municipal Code to Correct Certain Errors and Omissions
<b>Initiated By:</b> City Attorney's Office	<b>Staff Source:</b> Stewart Fonda, Director of Utilities Alan White, Community Development Director	

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

None.

### RECOMMENDED ACTION

Staff recommends adoption of a Bill for an Ordinance amending Titles 12 and 16 of the Englewood Municipal Code to correct certain errors and omissions.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

Certain errors and omissions in the Englewood Municipal Code (EMC) have been identified during the normal course of using the Code. The attached ordinance amends the EMC to correct these errors and omissions in Titles 12 and 16. The amendments are considered minor housekeeping items.

### FINANCIAL IMPACT

None.

### LIST OF ATTACHMENTS

Proposed Bill for an Ordinance

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2013

COUNCIL BILL NO. 4  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

A BILL FOR

AN ORDINANCE CLEANING UP CERTAIN ERRORS AND OMISSIONS IN THE  
ENGLEWOOD MUNICIPAL CODE 2000 BY AMENDING TITLES 12 AND 16.

WHEREAS, certain errors and omissions have been discovered through normal use of the  
Englewood Municipal Code; and

WHEREAS, staff recommends approval of this Bill for an Ordinance to clean up and clarify  
various sections of the Englewood Municipal Code.

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 amending  
Title 12, Chapter 2, Section 1, Subsection D(a)(2), entitled *Wastewater Utility* of the Englewood  
Municipal Code 2000, to read as follows:

**12-2-1-D: *Definitions/Abbreviations and Acronyms:*** Unless the context specifically indicates  
otherwise, the following terms and phrases, as used in this chapter, shall have the meanings  
hereinafter designated:

*Abbreviations and Acronyms:* The following abbreviations shall have the designated  
meanings.

BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
BMR	Baseline Monitoring Report
°C	degrees Centigrade
CDPS	Colorado Discharge Permit System
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act (33 USC 1251 et seq.), as amended
EPA	Environmental Protection Agency
°F	degrees Fahrenheit
FOG	Fats, Oils, and Grease

gpd	gallons per day
IU	Industrial User
mg/L	milligrams per Liter
O&M	Operations and Maintenance
POGS	Petroleum, Oil, Grease and Sand
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act & Section
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-Compliance
TSS	Total Suspended Solids
U.S.C.	United States Code

*Act or the Act:* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

*Approval Authority:* The Regional Administrator of EPA Region 8. At such time as the State receives authorization, the Approval Authority shall be the Director of the Colorado Department of Public Health and Environment.

*Authorized representative of the industrial user:*

(a) If the user is a corporation:

- (1) The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (2) The City manager of one or more manufacturing, production, or operating facilities, provided the City manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for industrial wastewater permit requirements; and where authority to sign documents has been assigned or delegated to the City manager in accordance with corporate procedures.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 1, Subsection C(1)(b)(1), entitled *Board of Adjustment and Appeals*, of the Englewood Municipal Code 2000, to read as follows:

16-2-1(C): *Board of Adjustment and Appeals.*

1. Administrative and Review Roles Under this Title. The Board of Adjustment and Appeals ("Board") shall have the following responsibilities in administering this Title:
  - a. *Appeals from Building Permit Denials.* The Board shall have power to hear and determine appeals from refusal of building permits.
  - b. *Administrative Appeals.* In addition to such other jurisdiction as authorized by law, the Board shall have the jurisdiction and power:
    - (1) To hear and decide appeals from and to review any order, requirement, decision, or determination by the Chief Building Official or any employee in the enforcement of this Title, or ~~similar~~ Uniform Codes adopted by the City, except the Model Traffic Code, and to hear and decide all matters referred to it, or upon which it is required to pass under this Title or any amendment hereto.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 3, Subsection G, entitled *Notice Requirements* of the Englewood Municipal Code 2000, to read as follows:

16-2-3(G). *Notice Requirements.*

1. Published Notice. Notice shall be by one (1) publication on the City's official website or in the newspaper designated by City Council as the City's official newspaper at least ten (10) days before any hearing before the Council, the Commission, or the Board. The City shall be responsible for all required published notices, and for providing evidence of timely published notice at the time of the hearing or consideration.
2. Posted Notice. The property shall be advertised by posting for not less than ten (10) consecutive days prior to a hearing before the Council, the Commission, or the Board; provided, however, that where the case does not involve a specific property, no posted notice shall be required. A posted notice shall consist of a sign not less than twenty-two inches (22") by twenty-eight inches (28") in size, located not less than four feet (4') above ground level in a conspicuous place, with letters not less than one inch (1") in height in black paint, which letters can be read from the adjoining street right-of-way. The applicant shall be responsible for complying with posted notice provisions and for providing evidence of timely posted notice at the time of the hearing or

consideration. All required posted notices shall remain in place until after the date of the hearing or consideration, and shall be removed by the applicant within seven (7) days after the hearing or consideration.

3. Mailed Notice.

- a. *Mailed Notice to Applicant.* The City shall give written notice of the date, time, and place of any scheduled hearing to the applicant in person or by first class mail.
- b. *Summary of Mailed Notice Requirements.* Table 16-2-3.1 below summarizes the mailed notice requirements of this subsection, and includes requirements for: Responsible party for mailing notice, the minimum deadline by which notice must be mailed, the intended recipients and the geographic scope of mailed notice, whether the applicant must provide a mailing list and receipt, and the type of mail service required.
- c. *Mailed Notice of Neighborhood Meeting and Certain Public Hearings.* Whenever a mailed notice is required by Table 16-2-3.1, the applicant shall mail written notification of the neighborhood meeting or hearing at least ten (10) days prior to the meeting or hearing to occupants and property owners within one thousand feet (1,000') of the perimeter of the proposed development. Notification shall be sent to property owners of record from data available within thirty (30) days before the required mailing date from the Arapahoe County ~~Clerk and Recorder's~~ Assessor's office.
- d. *Mailed Notice for Conditional Use Telecommunications Towers and Antenna(s).* At least ten (10) days prior to the first public hearing on any request for a conditional use permit for a telecommunications tower or antenna(s), the applicant shall provide written notice to all occupants and property owners within one thousand feet (1,000') of the property boundary of the site upon which the tower or antenna(s) are proposed to be located. Notification shall be sent to property owners of record from data available within thirty (30) days before the required mailing date from the Arapahoe County ~~Clerk and Recorder's~~ Assessor's office.
- e. *Proof of Mailing Required.* Whenever mailed notice is required according to this subsection, the applicant shall provide a mailing list to staff and certify that letters were mailed via the U.S. Postal Service to the listed addresses within the time frame specified in Table 16-2-3.1 below prior to the meeting or hearing. A USPS receipt shall be attached to the certification.

**TABLE 16-2-3.1: SUMMARY OF MAILED NOTICE REQUIREMENTS**

Type of Application	Notice Mailed by	When Mailing Must Occur - # of Calendar Days Prior to Meeting or Hearing	Notice Shall be Mailed to	Notification Area for Receipt of Mailed Notice	Mailing List and Mailing Receipt Required?	Type of Mailing
PUD, TSA, other Rezoning Neighborhood Meeting	Applicant	10 (prior to neighborhood meeting and Planning and Zoning Commission hearing)	Property owners of record [1] and Occupants	1,000 feet radius measured from boundary lines of subject parcel	Yes	1st Class Mail
Major Subdivision	Applicant	10 (prior to neighborhood meeting and Planning and Zoning Commission hearing)	Property owners of record [1] and Occupants	1,000 feet radius measured from boundary lines of subject parcel	Yes	1st Class Mail
Conditional Use for Telecommunication Facility	Applicant	10 prior to Planning and Zoning Commission hearing	Property owners of record [1] and Occupants	1,000 feet radius measured from boundary lines of subject parcel	Yes	1st Class Mail

**Notes to Table:**  
 [1] Property owners of record at the Arapahoe County ~~Clerk and Recorder's~~ Assessor's office from data available within thirty days (30) before the required mailing date.

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

16-5-1(C): *Table of Allowed Uses*.

TABLE 16-5-1.1: TABLE OF ALLOWED USES																	
P = PERMITTED USE C = CONDITIONAL USE A = ACCESSORY USE T= TEMPORARY USE L= LIMITED USE																	
C-A = ACCESSORY USE APPROVED CONDITIONALLY L-A = ACCESSORY USE APPROVED WITH LIMITED USE PROCEDURE																	
Use Category	Use Type	Residential							Non-Residential						Additional Regulations		
		R 1 A	R 1 B	R 1 C	R 2 A	R 2 B	MUR 3 A	MUR 3 B	MUR 3 C	M 1	M 2 MO 2	M U B 1	M U B 2	T S A		I 1	I 2
RESIDENTIAL USES																	
Group Living	Group living facility, large/special						C	C	C	C	C	P	P				16-5-2.A.1

	Group living facility, small	P	P	P	P	P	P	P	P	P	P	P	P	P			16-5-2.A.1
	Small treatment center						C	C	C	C	C	P	P				16-5-2.A.1
Household Living	Live/work dwelling									P	P	P		P	L	L	16-5-2.A.2
	Manufactured home park														P		16-5-2.A.3
	Multi-unit dwelling				P	P	P	P	P	P	P	P	P	P			16-5-2.A.4 16-6-1.C.4
	One-unit dwelling	P	P	P	P	P	P	P	P	P	P						16-5-2.A.5 16-5-2.A.6
	One-unit dwelling on a small lot	P	P	P	P	P	P	P	P	P	P						16-5-2.A.6
	Boarding or rooming house				C	C	C	C	C	C	C						
PUBLIC/INSTITUTIONAL USES																	

Animal Shelter	Not-for-profit animal shelter																P	P	
Emergency Temporary Shelter	Housing shelter, food shelter						C									C			
Government and City	All other buildings and facilities not specified under the public/institutional uses category	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Library	Public										P	P	P	P	P				
Museum/Cultural	All uses						P	P			P	P	P	P	P				
Park and Open Space	Athletic field	C	C	C	C	C	C	C	C						C	P	P		
	Community garden	C	C	C	C	C	C	C	C	C	C				C				
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	Religious institutions and	P	P	P	P	P	P	P	P	P	P	L	L	L	L	L	L		

	associated accessory uses																		
School	Education institution	P	P	P	P	P	P	P	P	P	P	P	P	P	C				
Telecommunication Facility <i>(See Chapter 16-7, "Telecommunications," for applicable use-related guidelines and standards)</i>	Alternative tower structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Antenna(microwave antenna, sectorized panel antenna, whip antenna)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Tower structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P		
Transportation Facility	RTD maintenance facility														P	P			
	Transit center														P				
Utility Facility(not including Telecommunication Facility)	Major utility facility															P	P	16-5-2.B.1	
	Minor utility facility (as a principal use of land)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		

COMMERCIAL USES

Adult Use	All types as defined in Chapter 16-11													P		P		16-5-2.C.1
Agricultural Use	Greenhouse/ nursery, raising of plants, flowers, or nursery stock															P	P	16-5-2.C.2
Animal Sales and Service	Animal shelter															P	P	
	Kennel/day care													L		P	P	
	Pet store (live animal sale)									P	P	P	P		P	P		
	Small animal veterinary hospital or clinic									L	L	P	C		P	P		
Assembly	Assembly hall or auditorium, hall rental for meetings or social occasions									P	P	P	C		P	P		

	Membership organization (excluding adult use)											P	P	P	C	P	P	
Dependent Care	Dependent care center (less than 24-hour care, any age)	C	C	C	C	C	P	P	P	P	P	P	P	P	C			16-5-2.C.7
Entertainment/Amusement: Indoor	Amusement establishment											C	C	C	C	C	C	
	Hookah lounge											P	P	P			P	P
	Physical fitness center/spa											P	P	P	P	P	P	
	Theater and performance/concert venue, not including adult entertainment													P	P	P	P	P
Entertainment/ Amusement: Outdoor	General outdoor recreation													C			C	C
Financial Institution	Check cashing facility											P		P			P	P



Medical/Scientific Service	Clinic							P	P	P	P	P	P	P	P		
	Hospital							P		P	P		P		P	P	
	Laboratory (dental, medical or optical)						P	P	P	P	P	P	P	P	P		
Medical Marijuana	Medical marijuana center										P	P	P		P	P	16-5-2.C.13 16-5-4.C.1.f
	Medical marijuana optional premises cultivation operation										A	A	A		P	P	16-5-2.C.13 16-5-4.C.1.f
	Medical marijuana infused products manufacturer										A	A	A		P	P	16-5-2.C.13 16-5-4.C.1.f
Office	Office, type 1 (general)							P	P	P	P	P	P	P	P		
	Office, type 2 (limited)						P	P	P	P	P	P	P	P	P		16-5-2.C.8





	Convenience store											P		P	P	P	P	
	Grocery/specialty food store											P	P	P	P	P	P	
	Internet sales location											P		P		P	P	
	Liquor store											P	P	P	P	P	P	
	Pawnbroker															P	P	16-5-2.C.10
	Retail sales, general merchandise											P	P	P	P/C	P	P	For TSA, P if ≤ 20,000 sq. ft., C if > 20,000 sq. ft. of gross leasable floor area
School	Trade or business school											P	P	P	C	P	P	16-5-2.C.12

Studio	Radio/television broadcasting studio, recording/film studio										P		P		P	P	
Vehicle and Equipment	Automobile pawnbroker												P		P	P	16-5-2.C.10
	Automotive sales, rental											L		P	P		16-5-2.C.3
	Automotive service and repair, including body or fender work													P	P		16-5-2.C.4
	Automotive service and repair, not including body or fender work											L		P	P		16-5-2.C.4
	Automotive service station (gasoline facility)											L		P	P		16-5-2.C.5
	Car wash, auto detailing											L		L	L		16-5-2.C.6 16-5-2.C.4
	Commercial storage of													P	P		16-5-2.C.3

	operable vehicles																
	Fuel dispensing											L			P	P	
	Parking facility, structure (operable vehicles), principal use					C	C		C	C	L	L	C	P	P		16-5-2.C.3 16-5-2.C.14
	Parking area, surface (operable vehicles), principal use					C	C		C	C	L	L	C	P	P		16-5-2.C.9 16-5-2.C.3
	Recreational vehicles and boats, sales or rental											L			P	P	
Visitor Accommodation	Bed and breakfast								P	P			P				
	Hotel								P	P		P	P	P			
	Hotel, extended stay								P	P				P			







Other Accessory Uses	Caretaker's quarter									A	A	A	A		A	A	
	Dormitory												A		A	A	
	Home occupation		A	A	A	A	A	A	A	A				A			16-5-4.C.1
	Minor utility facility (as accessory use of land)	L-A	16-5-2.B.1														
	Parking area (surface)					A	A	A	A	A	A	A	A	A	A	A	16-5-4.C.2
	Parking garage ( <u>structure</u> )									A	A			A			
	Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16-5-4.C.3
	Service units or facility							A	A	A	A			A			16-5-4.C.4
	Swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16-5-4.C.5

	Wholesale sales and distribution										A	A	A	A					16-5-4.C.6
TEMPORARY USES - See Section 16-5-5 for additional regulations																			
	Car wash	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	Expansion or replacement of existing facilities	T	T	T	T	T	T	T	T	T	T	T	T			T	T		
	Farmers market											T	T	T	T	T	T		
	Food vendor carts										T	T	T	T	T	T	T		
	Mobile storage (with or without building permit)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		
	Real estate sales or leasing office (also model homes)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		

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

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, Subsection B, *entitled Summary Table of Dimensional Requirements for Principal Uses and Structures* of the Englewood Municipal Code 2000, to read as follows:

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

TABLE 16-6-1.1: SUMMARY OF DIMENSIONAL REQUIREMENTS FOR PRINCIPAL STRUCTURES								
	Min Lot Area (sq ft)	Max FAR	Max Lot Coverage (%)	Min Lot Width (ft)	Max Height (ft)	Minimum Setbacks (ft)		
						Front	Each Side [1] & [2]	Rear
R-1-A District								
One-Unit Dwelling	9,000	None	35	75	32	25	7	20
One-Unit Dwelling on a Small Lot [5]	6,000 [4]	None	40	50	32	25	5	20
All Other Allowed Uses	24,000	None	35	200	32	25	25	25

R-1-B District								
One-Unit Dwelling	7,200	None	40	60	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	6,000 [4]	None	40	50	32	25	5	20
All Other Allowed Uses	24,000	None	40	200	32	25	25	25
R-1-C District								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,500 [4]	None	35	37	32	25	3	20
All Other Allowed Uses	24,000	None	40	200	32	25	25	25
R-2-A District								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling	3,000 per	None	40	25 per unit	32	25	5	20

(Maximum 2 units)	unit			[4]				
All Other Allowed Uses	24,000	None	60	200	32	25	25	25
R-2-B District								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling (Maximum Units Based on Lot Area & Lot Width)	3,000 per unit	None	60	25 per unit [4]	32	25	5	20
All Other Allowed Uses	24,000	None	60	200	32	25	25	25
MU-R-3-A District								
One-Unit Dwelling	6,000	None	40	50	32	25	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	25	3	20
Multi-Unit Dwelling (Maximum	3,000 per	None	60	25 per unit	32	25	5	25

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

		structures)						
All Other Allowed Uses	24,000 [4]	None	75	None	60	15	15	25
MU-R-3-C District (See Additional Regulations Following the Table)								
One-Unit Dwelling	6,000	None	40	50	32	15	5	20
One-Unit Dwelling on a Small Lot [5]	4,000	None	35	40	32	15	3	20
Multi-Unit Dwelling	6,000	None	75	None	40	15	5	20
Office, Limited	6,000	None	75	None	40	15	5	20
All Other Allowed Uses	24,000 [4]	None	75	None	40	15	5	20
M-1, M-2, M-O-2 Districts (See Table 16-6-1.1a)								
MU-B-1 District (See Additional Regulations Following the Table)								
Live/Work Dwelling	None	None	None	None	100	0 and no more than 5 feet	0	5
Multi-Unit Dwelling [4]	None	None	None	None	100	0 and no more than 5	0	5

						feet		
All Other Allowed Uses	None	None	None	None	100	0 and no more than 5 feet	0	5
MU-B-2 District (See Additional Regulations Following the Table)								
Multi-Unit Dwelling [4]	None	None	None	None	60	0 and no more than 5 feet	0	5
All Other Allowed Uses	None	None	None	None	60	0 and no more than 5 feet	0	5
TSA District								
<p><i>Please refer to Section 16-6-14 EMC, of this Chapter and the applicable Station Area Design Standards and Guidelines for intensity and dimensional standards.</i></p>								
I-1 AND I-2								
All Allowed Uses Except Manufactured Home Parks	None	2:1	None	None	None	Where a building abuts upon, adjoins, or is adjacent to a residential zone district, minimum setbacks of 10 ft on all sides are required, except as required in Section 16-6-7.K.G, "Screening Requirements."		

Manufactured Home Parks	See Section 16-5-2.A.3, above.
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**Notes to Table:**

[1] The minimum side setback stated in this table for one-unit attached and multi-unit dwellings shall apply to the entire dwelling structure, and not to each individual dwelling unit located in the structure.

[2] The minimum side setback standard for principal residential dwellings in the residential (R) zone districts, as stated in this Table, shall apply to such dwellings that existed on the Effective Date of this Title. However, principal residential dwellings existing on the Effective Date of this Title, and which as of that date are not in compliance with the minimum side setback standards established in this Table, shall not be considered nonconforming structures due solely to the dwelling's noncompliance with the minimum side setback. Such dwellings are "grandfathered," and shall be considered legal, conforming structures for the purposes of sale and development under this Title and other City building and safety regulations. See Section 16-9-3 (Nonconforming Structures), below.

[3] The minimum separation between principal buildings located on the same or adjoining lots, whether or not the lots are under the same ownership, shall be fifteen feet (15').

[4] See Section 16-6-1.C for additional dimensional standards appropriate to the zone district.

[5] Small lot of record on or before February 23, 2004.

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsection L, entitled *Landscaping and Screening* of the Englewood Municipal Code 2000, to read as follows:

16-6-4 *Off-Street Loading in the MU-B-1 District.* Access for loading should be provided off the alley; or, if the property has no access to an alley, from the primary street. All other loading requirements in this subsection shall apply in the MU-B-1 district.

EDITORS NOTE: 16-6-4, (A) through (K) contains no changes and is therefore not included here.

L. *Landscaping and Screening.* Off-street parking and loading areas shall comply with the parking area landscaping requirements in Section 16-6-7.F EMC, and the screening requirements for off-street loading areas stated in Section 16-6-7.~~K~~ G EMC.

Section 7. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 7, Subsection I, entitled *Incentives for Alternative Landscape Materials* of the Englewood Municipal Code 2000, to read as follows:

EDITORS NOTE: 16-6-4, (A) through (H) contains no changes and is therefore not included here.

16-6-7(I). *Incentives for Alternative Landscape Materials.*

TABLE 16-6-7.9: INCENTIVES FOR ALTERNATIVE LANDSCAPE MATERIALS		
Alternative Landscape Material	Unit of Measurement for Alternative Material	Equivalent to Unit of Standard Material
Masonry Wall or Decorative Metal Fence	1 Linear Foot	3 Square Feet of RLA
Englewood Standard Fence	1 Linear Foot	6 Square Feet of RLA
3' Minimum Height Green Screen with Vines	1 Linear Foot	3 Square Feet of RLA
Water Feature	1 Square Foot of RLA	1 Square Feet of RLA
Rooftop Gardens	1 Square Foot	0.5 Square Feet of RLA
One Gallon Perennial or Groundcover	4 Plants	1 Five Gallon Shrub
City Approved Tree Grate with Minimum 2½" Cal. Street Tree Between Principal Structure and Curb	1 Tree Grate, Not to Exceed 1 Grate per 25 Linear Feet of Lot Frontage	150 Square Feet of RLA

Section 8. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11 Section 2(B), "*Definition of Words, Terms, and Phrases*" of the Englewood Municipal Code 2000 to read as follows:

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

B. Definition of Words, Terms, and Phrases.

*Caliper:* The inch diameter of the trunk of a tree measured ~~six inches (6")~~ four feet (4') above grade, ~~for new trees.~~

*Office, Type 2 (Limited):* A specific type of office use. General office types described in definition of "Office, Type 1," that the City finds are compatible within a zone district where the predominant use may be medium to high density residential, or when the office type is proposed to be part of a mixed-use development. Type 2 offices may be mixed with residential uses in the same building (vertical mixed use) or on the same development parcel (horizontal mixed use). Compatibility shall be evaluated in terms of the proposed office's scale (floor area), hours of operations, parking and loading demand, and typical levels and peaks of customer/client traffic. Limited office types will typically include most professional offices that are open and operating primarily during daytime hours. Type 2 (limited) office does not include ~~offices or~~ clinics that provide medical or dental services, which are classified separately under "medical/scientific services". See definition of "Office".

Section 9. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 10. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 11. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 12. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well

as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 13. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 4th day of March, 2013.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 8<sup>th</sup> day of March, 2013.

Published as a Bill for an Ordinance on the City's official website beginning on the 6<sup>th</sup> day of March, 2013 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 4th day of March, 2013.

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Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012/2013

COUNCIL BILL NO. 68  
INTRODUCED BY COUNCIL  
MEMBER WOODWARD

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

All Commercial and Industrial Uses shall have a maximum height of one-hundred feet  
(100')

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 17<sup>th</sup> day of December, 2012 and continued until the 22<sup>nd</sup> day of January, 2013.

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

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

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

A Public Hearing was held on the 4<sup>th</sup> day of February, 2013.

Read on second reading and amended on February 19<sup>th</sup>, 2013

Published as amended by title in the City's official newspaper on the 22<sup>nd</sup> day of February, 2013.

Published as amended on second reading by title on the City's official website beginning on the 20<sup>th</sup> day of February, 2013 for thirty (30) days.

Read by title and passed as amended on final reading on the 4<sup>th</sup> day of March, 2013.

Published by title as amended in the City's official newspaper as Ordinance No. \_\_\_\_, Series of 2013, on the 8<sup>th</sup> day of March, 2013.

Published by title as amended on the City's official website beginning on the 6<sup>th</sup> day of March, 2013 for thirty (30) days.

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Randy P. Penn, Mayor

ATTEST:

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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 amended Ordinance passed on final reading and published by title as Ordinance No. \_\_\_\_, Series of 2013.

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Loucrishia A. Ellis

# 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 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 ¼ OF NE ¼ 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 ¼ OF NE ¼; THENCE NORTH ALONG THE EAST LINE OF SAID SE ¼ OF NE ¼, 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 ¼ OF NE ¼; THENCE EAST ALONG THE SOUTH LINE OF SAID SE ¼ OF NE ¼, 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 ¼ OF SW ¼ 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 ¼ OF SW ¼ OF SECTION 34 WHICH IS 200.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID NW ¼ OF SW ¼ OF SECTION 34; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID NW ¼ OF SW ¼ OF SECTION 34, 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 ¼ OF SW ¼ OF SECTION 34; THENCE EAST, ALONG THE SOUTH LINE OF SAID NW ¼ OF SW ¼ OF SECTION 34, 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 ½ OF THE NW ¼ OF THE SW ¼, OF THE NW ¼ 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 ¼ 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 THE NW ¼ OF SAID SECTION 34, S 0°02'12" W, 1318.88 FEET TO THE NORTHWEST CORNER OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 34; THENCE ALONG THE NORTH LINE OF THE SW ¼ OF THE NW ¼ OF SAID SECTION 34, N 89°42'38" E, 228.46 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°02'15" W, 558.96 FEET TO A POINT ON THE SOUTH LINE OF THE W ½ OF THE NW ¼ OF THE NW ¼ 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 ¼ OF THE NW ¼ 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;

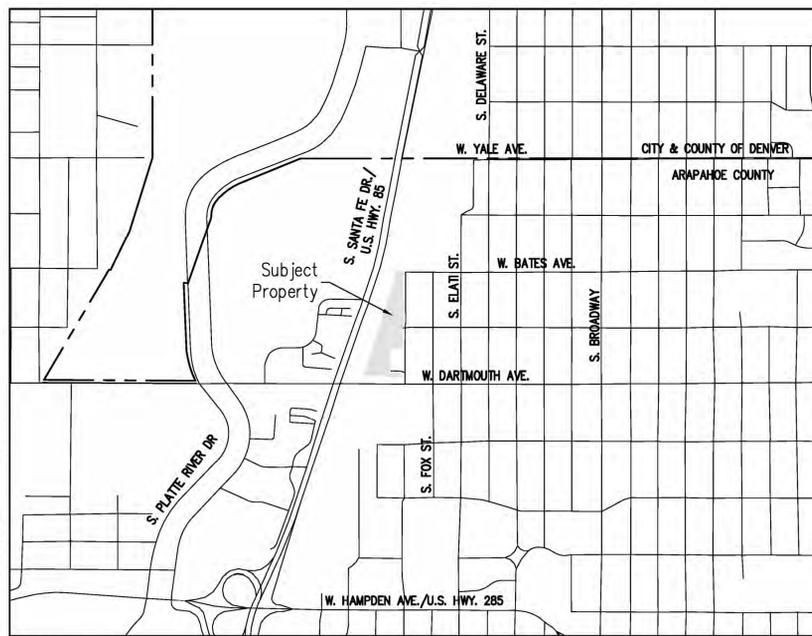
TOGETHER WITH THOSE CERTAIN PARCELS OF LAND CONVEYED TO W.H. INVESTMENTS INC., A COLORADO CORPORATION, BY STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A REMAINDER PARCEL OF LAND NO. 23R OF THE STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, PROJECT NO. FCU 085-2(51), IN LOTS 25 AND 26, BLOCK 1, TAYLORS ADDITION, A SUBDIVISION IN THE SW ¼ OF THE NW ¼ 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 88°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 ¼ OF THE NW ¼, 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 88°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 THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH 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 ¼" ALUMINUM CAP IN RANGE BOX MARKED PLS17666-1995); WHENCE THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34 (3 ¼" 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 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" A DISTANCE OF 101.91 FEET, AND AN ARC DISTANCE OF 101.91 FEET; THENCE N 0°16'26" 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 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 6TH 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 ¼" 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 ¼" 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°16'24" 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 DOCUMENTS.
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 80401

### 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

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

PROCESS, SUNSET CLAUSE UPDATE

DATE  
2/21/13

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

REVISION	DESCRIPTION	DATE
1	DISTRICT PLAN, SITE PLAN, LANDSCAPING	10/30/12
2	PROCESS, SUNSET CLAUSE UPDATE	2/21/13

**W H INVESTMENTS, INC.**  
ARAPAHOE COUNTY  
W H PLANNED UNIT DEVELOPMENT  
700 W Cornell Ave, 3001, 3011, & 3025 S Galapago St, 3002, 3016, & 3065 S Huron St  
COVER / DISTRICT PLAN

FOR AND ON BEHALF OF	DATE
BASELINE CORPORATION	9/25/12
INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" X 36"
SURVEY FROM	SURVEY DATE
BASELINE	
JOB NO.	PL200
DRAWING NAME	200_PUD 2013-2-21.dwg
SHEET	1 OF 4

P1

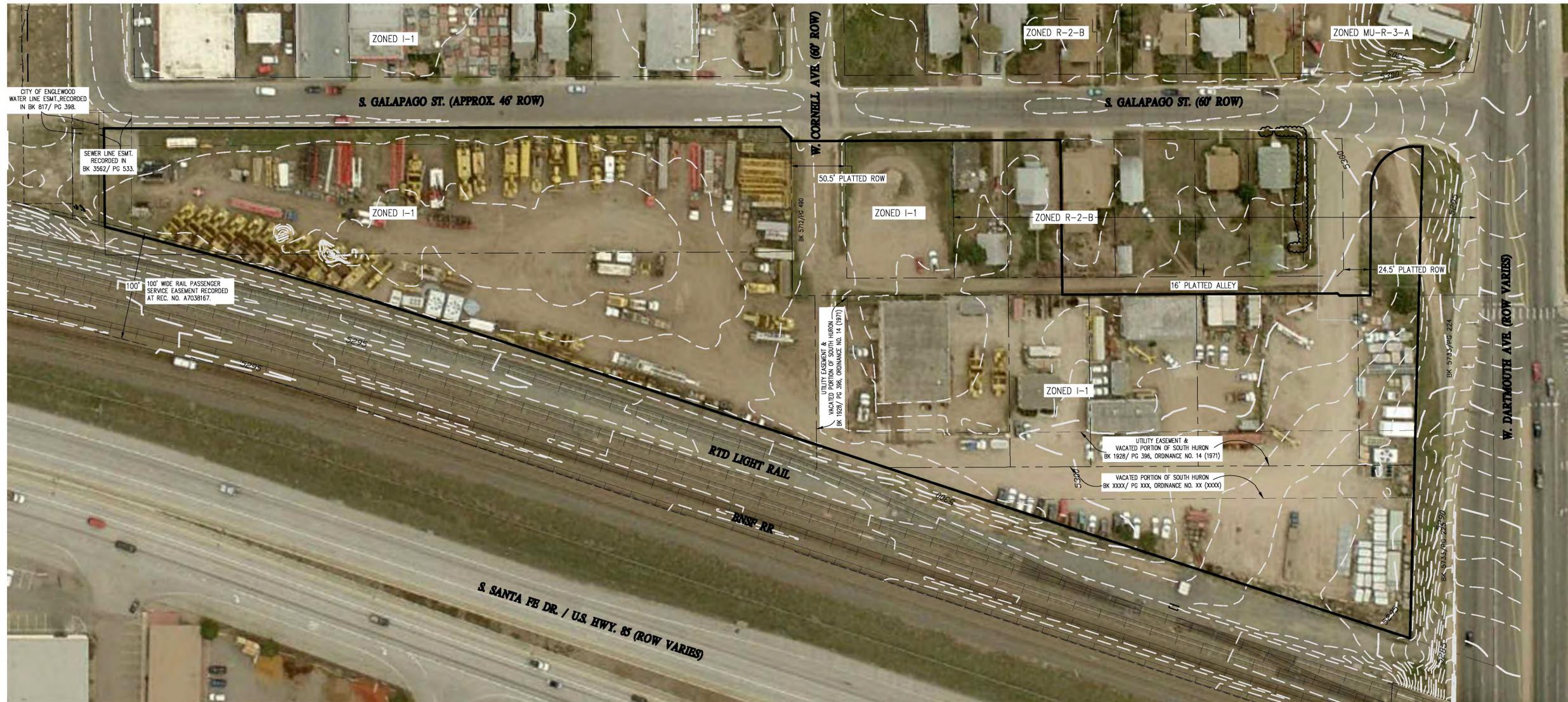
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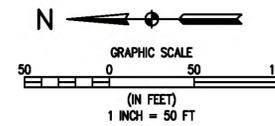
# W H PLANNED UNIT DEVELOPMENT

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

**BASELINE**  
Engineering - Planning - Surveying  
700 12TH STREET, SUITE 200 • GOLDEN, COLORADO 80401  
P. 303.940.9966 • F. 303.940.9969 • www.baselinecorp.com

REVISION DESCRIPTION	DATE	PREPARED BY	DESIGNED BY
DISTRICT PLAN, SITE PLAN, LANDSCAPING	10/30/12	EW, CM	EW
PROCESS, SUNSET CLAUSE UPDATE	2/21/13	EW	EW/CM

**W H INVESTMENTS, INC.**  
ARAPAHOE COUNTY  
**W H PLANNED UNIT DEVELOPMENT**  
3001, 3011, & 3025 S Galapago St, 3002, 3016, & 3050 S Huron St  
700 W Cornell Ave 775 W Dartmouth Ave  
EXISTING SITE 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.	PL200
DRAWING NAME	200_PUD 2013-2-21.dwg
SHEET	3 OF 4

P3

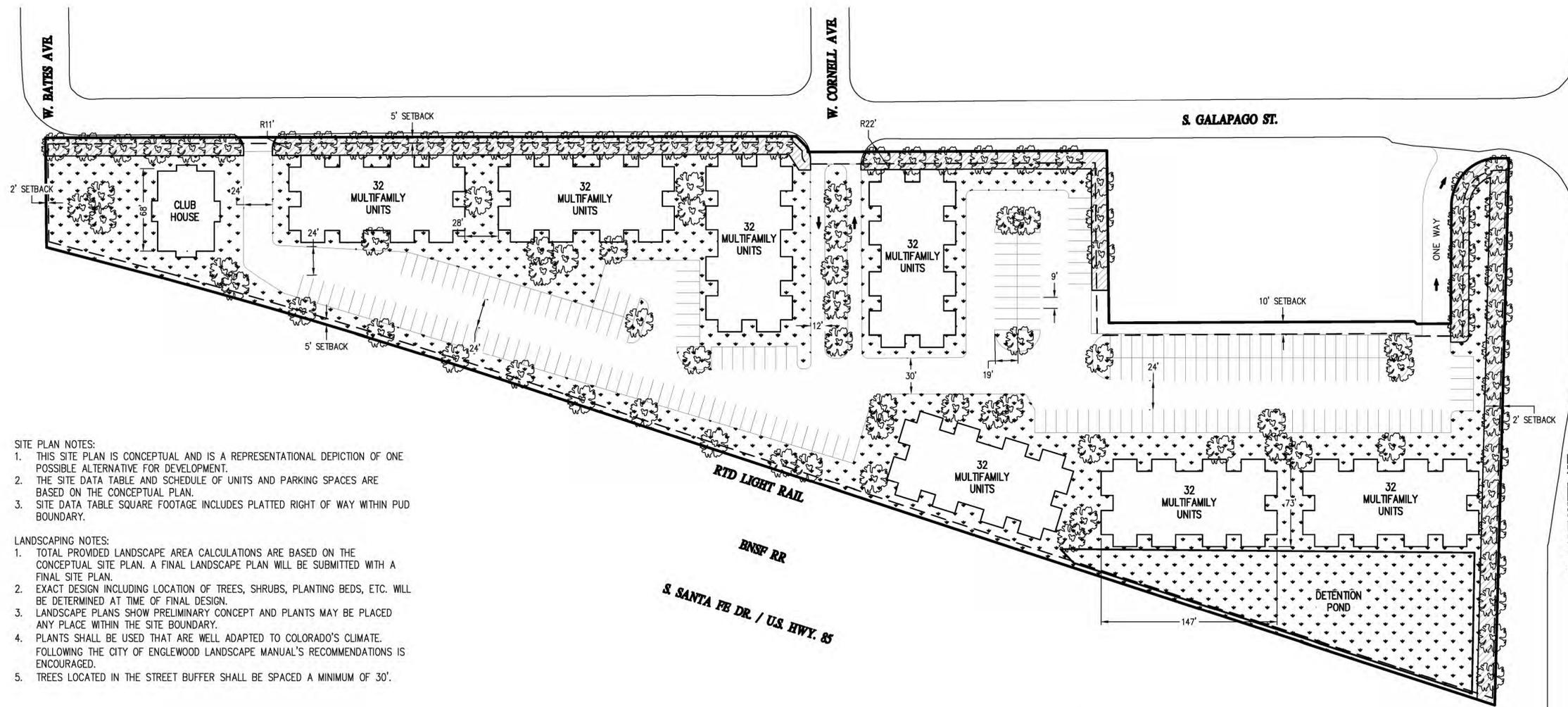
N:\PLANNING LLC\200 Winslow Recoming\Drawings\200\_PUD 2013-02-21.dwg, 2/21/2013 11:06:47 AM, Ethon Wetel

# 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:**

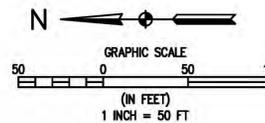
1. TOTAL PROVIDED LANDSCAPE AREA CALCULATIONS ARE BASED ON THE CONCEPTUAL SITE PLAN. A FINAL LANDSCAPE PLAN WILL BE SUBMITTED WITH A FINAL SITE PLAN.
2. EXACT DESIGN INCLUDING LOCATION OF TREES, SHRUBS, PLANTING BEDS, ETC. WILL BE DETERMINED AT TIME OF FINAL DESIGN.
3. LANDSCAPE PLANS SHOW PRELIMINARY 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'.

**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



1  
P4 | P4

CONCEPTUAL SITE PLAN

**BASELINE**  
Engineering - Planning - Surveying  
700 12TH STREET, SUITE 200 • GOLDEN, COLORADO 80401  
P. 303.440.9666 • F. 303.440.9669 • www.baselinecorp.com

REVISION	DESCRIPTION	DATE	PREPARED BY	DESIGNED BY
1	DISTRICT PLAN, SITE PLAN, LANDSCAPING	10/30/12	EW, CM	EW
2	PROCESS, SUNSET CLAUSE UPDATE	2/21/13	EW	EW/CM

**W H INVESTMENTS, INC.**  
ARAPAHOE COUNTY  
CITY OF ENGLEWOOD  
**W H PLANNED UNIT DEVELOPMENT**  
700 W Cornell 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 FROM	SURVEY DATE
BASELINE	
JOB NO.	PL200
DRAWING NAME	200_PUD 2013-2-21.dwg
SHEET	4 OF 4

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BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2012/2013

COUNCIL BILL NO. 69  
INTRODUCED BY COUNCIL  
MEMBER WOODWARD

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 1<sup>st</sup> 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  
Industrial Service, heavy  
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

All Commercial and Industrial Uses shall have a maximum height of one-hundred feet (100')

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 17<sup>th</sup> day of December, 2012 and continued until the 22<sup>nd</sup> day of January, 2013.

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

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

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

A Public Hearing was held on the 4<sup>th</sup> day of February, 2013.

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

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

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

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

A Public Hearing was held on the 4<sup>th</sup> day of February, 2013.

Read on second reading and amended on February 19<sup>th</sup>, 2013

Published as amended by title in the City's official newspaper on the 22<sup>nd</sup> day of February, 2013.

Published as amended on second reading on the City's official website beginning on the 20<sup>th</sup> day of February, 2013 for thirty (30) days.

Read by title and passed as amended on final reading on the 4<sup>th</sup> day of March, 2013.

Published by title as amended in the City's official newspaper as Ordinance No. \_\_\_\_, Series of 2013, on the 8<sup>th</sup> day of March, 2013.

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

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Randy P. Penn, Mayor

ATTEST:

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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 amended Ordinance passed on final reading and published by title as Ordinance No. \_\_\_\_, Series of 2013.

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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 1°59'56", 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 0°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 89°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 0°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. 2609250 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. 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 ANCIILLARY 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 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  
INDUSTRIAL SERVICE, HEAVY  
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  
DRAWN BY: EW/CM  
CHECKED BY: VH

PREPARED BY: EW, CM  
DATE: 10/30/12

REVISION DESCRIPTION: DISTRICT PLAN, SITE PLAN, LANDSCAPING  
DATE: 2/21/13

PROCESS, SUNSET CLAUSE UPDATE

REVISION DESCRIPTION: DISTRICT PLAN, SITE PLAN, LANDSCAPING

DATE: 2/21/13

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REVISION DESCRIPTION: DISTRICT PLAN, SITE PLAN, LANDSCAPING  
DATE: 2/21/13  
PROCESS, SUNSET CLAUSE UPDATE  
SHEET 1 OF 4  
P1

FOR AND ON BEHALF OF  
BASELINE CORPORATION

INITIAL SUBMITTAL: 9/25/12

DRAWING SIZE: 24" X 36"

SURVEY FROM: BASELINE

JOB NO.: PL200

DRAWING NAME: 200\_PUD 2013-2-21.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:** 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 (CO) FOR ANY RESIDENTIAL OR COMMERCIAL USE WITHIN THE PUD, WHETHER OR NOT THE PROPERTY WITHIN THE BOUNDARIES OF THE PUD HAS BEEN PLATTED.

### 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 HEIGHT: 100'-0"
  - 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:**  
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 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.

### F. PROCESS:

1. SITE PLAN: 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.
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



REVISION	DESCRIPTION	PREPARED BY	DATE
	DISTRICT PLAN, SITE PLAN, LANDSCAPING	EW, CM	10/30/12
	PROCESS, SUNSET CLAUSE UPDATE	EW	2/21/13

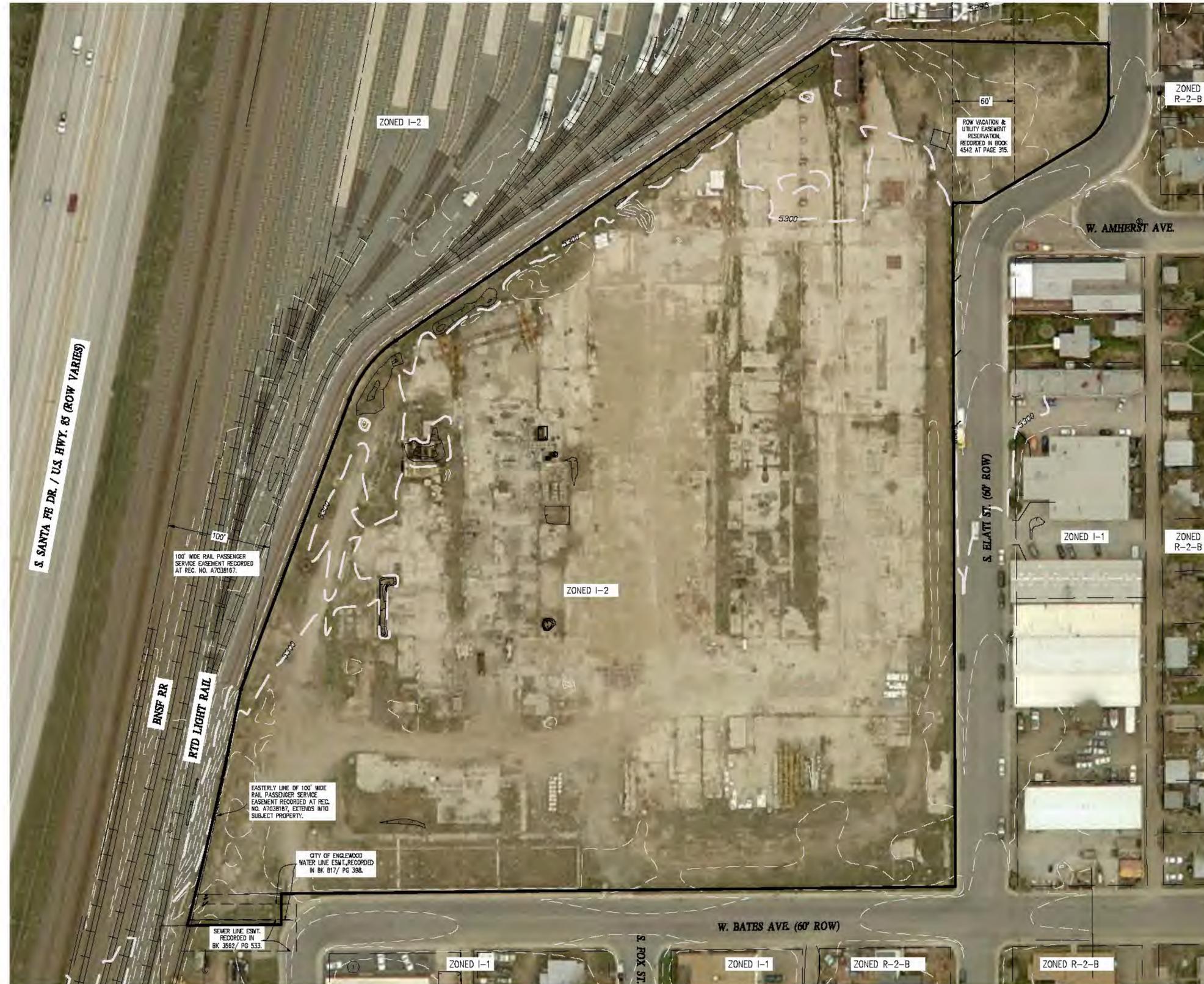
**SAND CREEK INVESTORS, L.L.C.**  
ARAPAHOE COUNTY  
**SAND CREEK PLANNED UNIT DEVELOPMENT**  
601 W BATES AVE  
DISTRICT PLAN / ARCHITECTURAL IMAGES & DETAILS

FOR AND ON BEHALF OF BASELINE CORPORATION
INITIAL SUBMITTAL: 9/25/12
DRAWING SIZE: 24" X 36"
SURVEY FROM: SURVEY DATE
BASELINE
JOB NO.: PL200
DRAWING NAME: 200_PUD 2013-2-21.dwg
SHEET 2 OF 4

# SAND CREEK PLANNED UNIT DEVELOPMENT

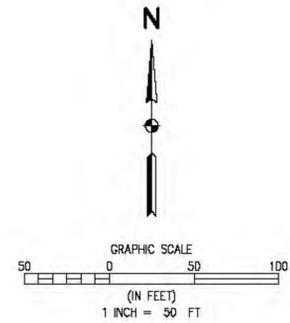
A PARCEL OF LAND LOCATED IN THE NW ¼ OF SECTION 34,  
T4S, R68W OF THE 6TH P.M.,  
CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

SHEET 3 OF 4  
EXISTING SITE PLAN



**LEGEND**

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



1  
P3/P3 EXISTING SITE PLAN

**BASELINE**  
Engineering - Planning - Surveying  
700 27TH STREET, SUITE 200 • GOLDEN, COLORADO 80401  
P: 303.401.6868 • F: 303.401.5858 • WWW.BASELINECO.COM

DESIGNED BY	DATE
EW	10/30/12
DRAWN BY	DATE
EW/CM	2/21/13
CHECKED BY	VH

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

FOR AND ON BEHALF OF BASELINE CORPORATION
INITIAL SUBMITTAL: 9/25/12
DRAWING SIZE: 24" X 36"
SURVEY FIRM: BASELINE
SURVEY DATE: PL200
JOB NO.: 200_PUD 2013-2-21.dwg
SHEET 3 OF 4

H:\VPL\AIRING LLC\200 Winslow Recording\Drawings\200\_PUD 2013-02-21.dwg, 2/21/2013 11:08:30 AM, Ethan Water

# 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

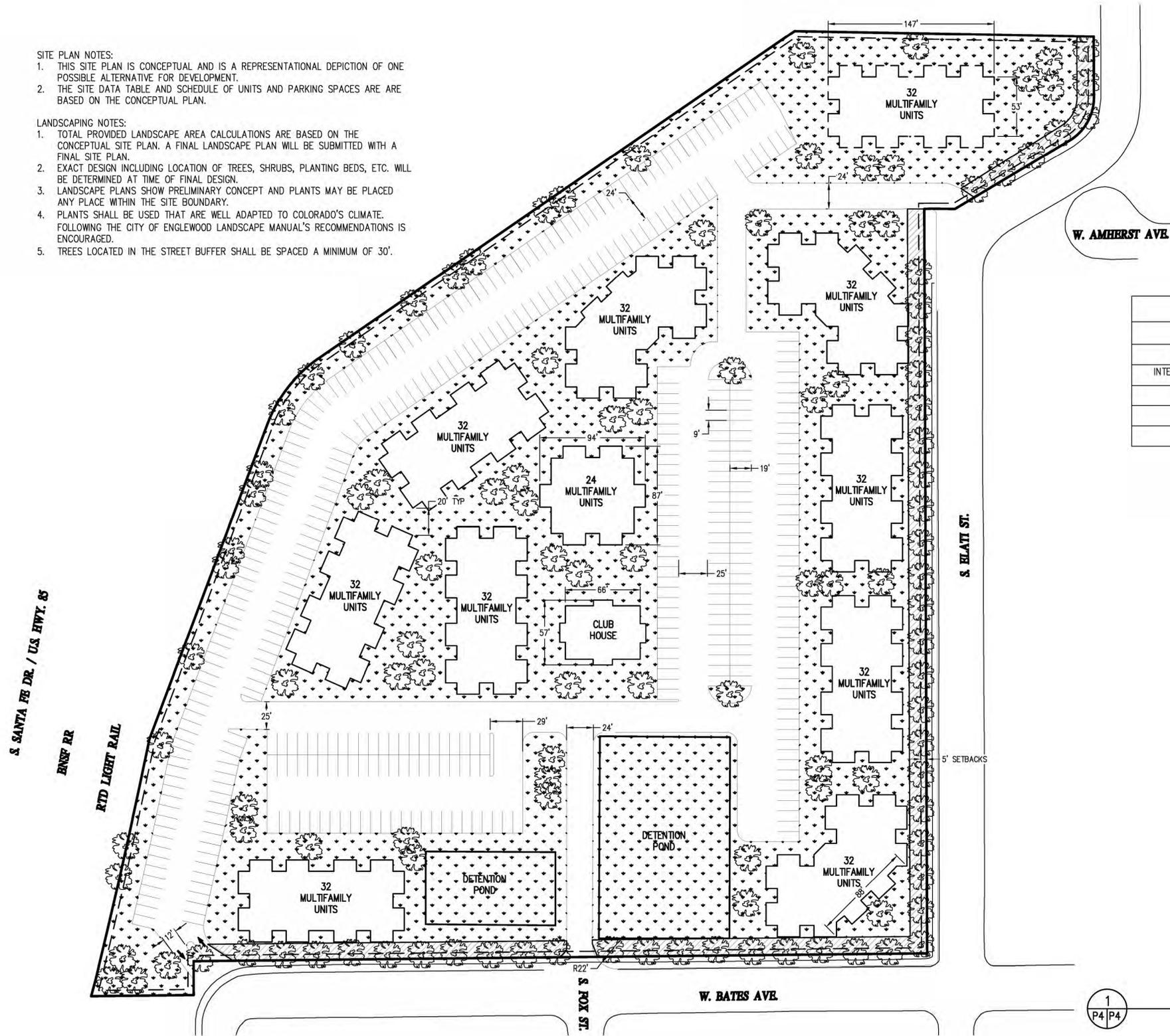
SHEET 4 OF 4  
CONCEPTUAL SITE PLAN

**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'.

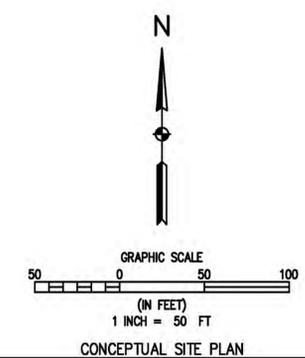


**LEGEND**

- PUD BOUNDARY
- SETBACKS
- EXISTING CURB
- INTERIOR LANDSCAPE
- STREETSCAPE

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

TYPE	QUANTITY
RESIDENTIAL UNITS	344
PARKING SPACES	414



1  
P4 | P4

REVISION	DESCRIPTION	DATE	PREPARED BY	DESIGNED BY	CHECKED BY
1	DISTRICT PLAN, SITE PLAN, LANDSCAPING	10/30/12	EW, CM	EW	VH
2	PROCESS, SUNSET CLAUSE UPDATE	2/21/13	EW	EW/CM	VH

**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	
INITIAL SUBMITTAL	9/25/12
DRAWING SIZE	24" X 36"
SURVEY FROM	SURVEY DATE
BASELINE	
JOB NO.	PL200
DRAWING NAME	200_PUD_2013-2-21.dwg
SHEET	4 OF 4

H:\PLANNING\LLC\200 Winflow Resoning\Drawings\200\_PUD\_2013-02-21.dwg, 2/21/2013 11:08:32 AM, Ethan Wetel

## COUNCIL COMMUNICATION

<b>Date:</b> March 4, 2013	<b>Agenda Item:</b> 11 c i	<b>Subject:</b> HB 13-1191 Nutrient Grant Fund Bill
<b>Initiated By:</b> Littleton/Englewood WWTP Supervisory Committee		<b>Staff Source:</b> Stewart Fonda, Utilities Director

### COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

This issue was discussed at the City Council Study Session on February 25, 2013.

### RECOMMENDED ACTION

The recommended action is to support HB 13-1191, establishing a Nutrients Grant Fund in the State Treasury, in the current session of the Colorado General Assembly.

### BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The control of nutrients, primarily phosphorus and nitrogen, has been a high priority for the Environmental Protection Agency (EPA) for over a decade. The EPA has strongly advocated for numeric criteria for both of these nutrients in the State of Colorado. In 2012, the Colorado Water Quality Control Commission adopted two state regulations concerning nutrients:

Regulation 31: This regulation was amended to include numeric water quality 'interim values' for phosphorus and nitrogen, as well as several other water quality parameters. These 'interim values' become effective in 2022. The 'interim values' are intended to meet EPA's need for numeric criteria.

Regulation 85: This regulation sets effluent treatment requirements for wastewater treatment plants based on existing treatment technology for nutrient removal. Only 44 of the state's wastewater treatment plants will need to meet these requirements, including the Littleton/Englewood WWTP. This is purely a state regulation, is not required by EPA and is effective this year.

Meeting these two regulations will be expensive and the bill as proposed seeks to provide funding primarily for meeting Regulation 85; the regulation effective this year. The proposed funding level is currently set at \$15,000,000.

The attached memorandum dated February 25, 2013 provides more information, including the proposed bill and fiscal statement.

### FINANCIAL IMPACT

There is no fiscal impact to supporting HB 13-1191.

### LIST OF ATTACHMENTS

Memorandum to Michael Penny, Gary Sears and Stewart Fonda dated February 25, 2013  
Proposed Resolution

## MEMORANDUM

**TO:** Michael Penny, Littleton City Manager  
Gary Sears, Englewood City Manager  
Stewart Fonda, Englewood Utilities Director

**FROM:** Dennis Stowe, L/E WWTP Manager

**DATE:** February 25, 2013

**SUBJECT:** Littleton/Englewood Wastewater Treatment Plant Packet

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A bill to establish a nutrient grants fund has been introduced in the Colorado legislature. The purpose of the fund is to provide financial assistance to municipalities that own and operate publically owned treatment works (POTW) that may need additional treatment systems to comply with regulations recently adopted by the Colorado Water Quality Control Commission (WQCC). Attached are the bill as introduced and the most recent fiscal note.

The fund will be used to assist municipalities with the “planning, design, construction or improvement” of POTW’s. The WQCC is to establish the criteria for awarding/administering the grants, which can be expected to be similar to the existing revolving loan program for wastewater facilities. The bill requires such criteria to include priority to municipalities with the lowest financial ability to pay for improvements. It also includes a self repeal provision on September 1, 2016. Initially, the fund will receive \$15,000,000.

### BACKGROUND

The WQCC adopted two nutrient control regulations – Regulation 31 setting water quality standards for nutrients (phosphorus and nitrogen) and nutrient related constituents (such as chlorophyll a, an indicator of the amount of algae present in streams and lakes) and Regulation 85 setting nutrient removal requirements for the 44 largest POTW’s in the state, including the Littleton/Englewood WWTP (L/E). Regulation 85 requirements are effective in 2014 and will be incorporated in the L/E discharge permit during the next renewal cycle that begins in 2014 when the current permit expires. Regulation 31 does not become effective until 2022.

The Cities and L/E have a strong track record in the development of the nutrient regulations and subsequent legislative activities:

- We were active members of the Colorado Nutrient Coalition, a group of utilities and others that worked on the development of the regulations.

- We provided testimony to the WQCC on the regulations, including the cost of the regulations.
- We provided testimony at the House hearing on HB 12-1161, requiring legislative review of the cost of the regulations (the bill was defeated in committee).
- We provided testimony to the interim water resources committee on the cost of the regulations (on behalf of the Colorado Wastewater Utility Council and in response to questions regarding L/E specifically).

The funds that may be available under this bill are quite small compared to the total cost of the nutrient regulations to the state as a whole, approximately 2% of the total estimated cost. However, the bill is recognition of this cost and does provide some funding. Supporting the bill would be consistent with previous actions by the Cities.

#### Action Recommended

We recommend the City Councils support HB 13-1191 and its associated funding level of \$15,000,000.

cc: Charlie Blosten, Littleton Public Services Director  
Rick Kahm, Englewood Public Works Director  
Jennifer Hunt, Hill & Robbins  
Mary Gardner, L/E WWTP

RESOLUTION NO. \_\_\_\_\_  
SERIES OF 2013

A RESOLUTION SUPPORTING THE PASSAGE OF H.B. 1191 ESTABLISHING A  
NUTRIENT GRANT FUND FOR POTWS

WHEREAS, The Colorado Water Quality Control Commission has adopted two nutrient control regulations – Regulation 31 setting water quality standards for nutrients (phosphorus and nitrogen) and nutrient related constituents (such as chlorophyll a, an indicator of the amount of algae present in streams and lakes) and Regulation 85 setting nutrient removal requirements for the 44 largest publicly owned treatment works (POTW) in the state, including the Littleton/Englewood WWTP (L/E); and

WHEREAS, Regulation 85 requirements are effective in 2014 and will be incorporated in the L/E discharge permit during the next renewal cycle that begins in 2014 when the current permit expires and Regulation 31 becomes effective in 2022; and

WHEREAS, H.B. 13 – 1191 which will establish a nutrient grants fund has been introduced in the Colorado legislature to provide financial assistance to municipalities that own and operate publicly owned treatment works (POTW) and may need additional treatment systems to comply with these new regulations; and

WHEREAS, The fund will be used to assist municipalities with the “planning, design, construction or improvement” of POTWs and requires such criteria to include priority to municipalities with the lowest financial ability to pay for improvements.

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

Section 1. The City Council of the City of Englewood, Colorado hereby supports H.B 13-1191 and its associated funding level of \$15,000,000.00.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 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