Agenda for the
Regular Meeting of the
Englewood City Council
Monday, January 5, 2015
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.

6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. There is an expectation that the presentation will be conducted in a respectful manner. 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. There is an expectation that the presentation will be conducted in a respectful manner. 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.
9. Consent Agenda Items

a. Approval of Ordinances on First Reading.

b. Approval of Ordinances on Second Reading.

i. Council Bill No. 70 (as amended), reducing the number of members of the Keep Englewood Beautiful Commission to nine and the minimum number of meetings from monthly to quarterly.

c. Resolutions and Motions.

i. Recommendation from the Public Library to approve a resolution authorizing the 2015 Spring Food for Fines program. **Staff Source: Dorothy Hargrove, Director of Library Services.**

ii. Recommendation from the Department of Finance and Administrative Services, City Clerk’s Office, to approve a resolution designating the bulletin board on the north side of the second floor of the Englewood Civic Center as the Official Posting Place for all Legal Notices for the City of Englewood for 2015. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services and Loucrishia A. Ellis, City Clerk.**

iii. Recommendation from the Police Department to approve, by motion, the purchase of a new unmarked Chevrolet Tahoe police vehicle to replace an older model that has met its years of service, mileage, and maintenance replacement criteria. Staff recommends purchasing the vehicle from John Elway Chevrolet through the State of Colorado Fleet Management bid in the amount of $31,125. **Staff Sources: Gary Condreay, Police Commander and Pat White, Fleet Manager.**

iv. Recommendation from the Department of Parks and Recreation to approve, by motion, the purchase of a Chevrolet CK3500 pickup truck. Staff recommends purchasing the vehicle from John Elway Chevrolet through the State of Colorado Fleet Management bid in the amount of $31,350. **Staff Source: Pat White, Fleet Manager and Dave Lee, Manager of Open Space.**

v. Recommendation from the Public Works Department to approve, by motion, the purchase of a Skid Steer Loader. Staff recommends awarding the contract to Caterpillar through a GSA (Government Services Administration) contract, in the amount of $67,723. **Staff Sources: Rick Kahm, Director of Public Works, Brad Hagan, Streets Maintenance Manager, and Pat White, Fleet Manager.**


a. A public hearing to gather input on Council Bill No. 69, authorizing amendments to Title 16: Unified Development Code regarding Official Zoning Map Amendments (Rezoning) and Planned Unit Developments.
b. A public hearing to gather input on Council Bill No. 71, authorizing amendments to Title 16: Unified Development Code regarding Minimum Lot Width for Multi-Unit Dwellings in the MU-R-3-B and M-U-R-3-C Zone Districts.

11. Ordinances, Resolutions and Motions.
   a. Approval of Ordinances on First Reading.
      i. Council Bill No. 1 – Recommendation from the Community Development Department to adopt a bill for an ordinance authorizing amendments to Title 16: Unified Development Code regarding Bulk Plane Requirements. Staff further recommends setting a Public Hearing for January 20, 2015 to consider public testimony on this matter. Staff Source: Brook Bell, Planner II.

12. General Discussion.
   a. Mayor’s Choice.
   b. Council Members’ Choice.


   a. Litigation: Johnson v. Englewood

15. Adjournment.
AN ORDINANCE AMENDING TITLE 2, CHAPTER 8, ENTITLED *KEEP ENGLEWOOD BEAUTIFUL COMMISSION* OF THE ENGLEWOOD MUNICIPAL CODE 2000.

WHEREAS, the Englewood City Council wishes to reduce the membership of the Keep Englewood Beautiful Commission (KEB) from fifteen (15) to nine (9) members.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 2, Chapter 8, entitled *Keep Englewood Beautiful Commission* of the Englewood Municipal Code 2000, to read as follows:

2-8-1: Commission Established; Membership and Terms.

There is hereby established a Keep Englewood Beautiful Commission an affiliate of Keep America Beautiful, Inc. of the City of Englewood, to be of fifteen (15) nine (9) persons to be appointed by the City Council.

All commission members will be appointed to overlapping terms of two years. The City Council shall make appointments to fill vacancies for unexpired terms.

2-8-2: Organization and Meetings.

A. In November of every year, the Keep Englewood Beautiful Commission shall select its chairperson and vice chairperson for a one-year term. The chairperson and vice chairperson shall be entitled to enter into all discussions of the commission and to vote on all questions before the commission. The chairperson shall be the presiding officer and shall have such other and further duties as may be designated by the rules and regulations of the commission. When the chairperson is absent, the vice chairperson shall serve as the presiding officer.

B. A simple majority of the duly appointed members of the commission shall constitute a quorum for the transaction of business. In the absence of a quorum, such members as are present may adjourn from time to time until a quorum is present.
2-8-3: Powers and Duties.

The Keep Englewood Beautiful Commission shall have the following powers and duties:

A. Be advisory to the City Council in all matters pertaining to Keep America Beautiful, Inc.

B. Act as a sounding board of the community and gather and assess the facts and data necessary to make sound recommendations to the City Council in providing Keep America Beautiful services. The commission may form committees made up of commission members as well as citizens as needed, to research programs that call for extensive time and discussion. These committees will be advisory only to the commission.

C. Adopt rules and regulations for the conduct of the commission meetings and duties of its officers and committees.

D. At a minimum meet monthly- quarterly.

E. Develop programs and services that increase citizen commitment to and responsibility in issues relating to waste reduction, environmental protection and Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

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

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

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

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

Introduced, read in full, amended and passed as amended on first reading on the 15th day of December, 2014.
Published by Title as an amended Bill for an Ordinance in the City’s official newspaper on the 19th day of December, 2014.

Published as an amended Bill for an Ordinance on the City’s official website beginning on the 17th day of December, 2014 for thirty (30) days.

Read by title on final reading on the 5th day of January, 2015.

Published by title in the City’s official newspaper as Ordinance No. ___, Series of 2015, on the 9th day of January, 2015.

Published by title on the City’s official website beginning on the 7th day of January, 2015 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

______________________________
Randy P. Penn, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ___, Series of 2015.

______________________________
Loucrishia A. Ellis
COUNCIL COMMUNICATION

Date: January 5, 2015
Agenda Item: 9 c i
Subject: Englewood Public Library Food for Fines

Initiated By: Library Department
Staff Source: Dorothy Hargrove, Director of Library Services

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The Food for Fines program was first sponsored by the Library in 1990 and has long been a tradition for the Englewood community. The goal today is the same as the original goal: to encourage library patrons to return overdue books and to provide donations to local food banks to help those in need. For many years, the Library offered the program every spring and fall, but we discovered that the predictable nature of this program discouraged people from promptly returning books or paying fines. Consequently, in consultation with the Library Board, the decision was made to offer the program on a less regular schedule in order to maximize the benefit both for the Library and for the food banks. While the Board considered offering this program in late 2014, the consensus was that food banks would appreciate the donations more after the busy holiday season.

RECOMMENDED ACTION

The Library Department recommends City Council approve a resolution authorizing the Library Department to implement a Spring Food for Fines program from Sunday, March 1 through Sunday, March 15, 2015.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Food for Fines program will require the donation of one non-perishable food item for each $5.00 of accrued charges. This amount is the maximum accrual for overdue fines for each book. The program will therefore encourage the return of long overdue items since, with a donation, there will essentially be no penalty for returning items late. It is important to note that a cardholder cannot check out additional books if their accrued charges exceed $10.00. Because many of our long-overdue items are children’s books, the Food for Fines program will enable many children and their families to get back in the habit of reading.

The Library Board has recommended that all the food be donated to the Holy Cow Food Bank associated with the Mosaic Church in Englewood. This organization has indicated that they have the volunteer staff needed to pick up and distribute the donations. They serve many families in need in the Englewood community.

This program has been warmly received and supported by the public since its inception, and Library patrons now look forward to it as a way of helping others while relieving their own financial obligations. The program presents a positive image of the Library and the City and is a “win-win” situation for everyone involved.
FINANCIAL IMPACT

*Food for Fines* reduces the General Fund revenue provided by overdue fees. These revenues typically drop about 50% during a two-week *Food for Fines* programs, for an estimated loss in revenue of about $600.00. This is partially offset by the value of returned library materials, reducing the need for purchase of replacement books and materials. The food donation value would be approximately $1,500 to $2,000.

LIST OF ATTACHMENTS

Proposed Resolution
RESOLUTION NO. ______
SERIES OF 2015

A RESOLUTION AUTHORIZING THE ENGLEWOOD PUBLIC LIBRARY TO IMPLEMENT THE "2015 SPRING FOOD FOR FINES" PROGRAM FROM SUNDAY, MARCH 1, 2015 THROUGH SUNDAY, MARCH 15, 2015.

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

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

WHEREAS, the food items are then forwarded to the Holy Cow Food Bank for distribution to financially disadvantaged families in the Englewood area; and

WHEREAS, the program is a benefit to the community in that the disadvantaged are assisted; patrons are able to clear their library account of fines; patrons are encouraged to return overdue items and hence increase the availability of library materials for the community; and the program presents a positive image of the Library and the City.

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

Section 1. The Englewood City Council hereby authorizes the Englewood Public Library’s implementation of “2015 Spring Food For Fines” program from Sunday March 1, 2015 through Sunday March 15, 2015. The collected food will then be forwarded to the Holy Cow Food Bank for distribution to financially disadvantaged families in the Englewood area.

ADOPTED AND APPROVED this 5th day of January, 2015.

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 2015.
COUNCIL COMMUNICATION

Date
January 5, 2015

Agenda Item
9 c ii

Subject
Designation of Bulletin Board on the north side of the second floor of Englewood Civic Center as the Official Posting Place for all Legal Notices of the City of Englewood for 2015.

INITIATED BY
Department of Finance and Administrative Services
City Clerk’s Office

STAFF SOURCE
Frank Gryglewicz, Director of Finance and
Administrative Services
Loucrishia Ellis, City Clerk

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION
Since 2001 City Council has designated the bulletin board on the north side of the second floor of Englewood Civic Center as the Official Posting Place for all Legal Notices of the City of Englewood.

RECOMMENDED ACTION
Approve a resolution designating the bulletin board on the north side of the second floor of Englewood Civic Center as the Official Posting Place for all Legal Notices of the City of Englewood for 2015.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED
The OPEN MEETINGS LAW, State Statute § 24-6-402 (2) (c) states that “a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body’s first regular meeting of each calendar year.”

FINANCIAL IMPACT
None

LIST OF ATTACHMENTS
Resolution
RESOLUTION NO. ______
SERIES OF 2015


WHEREAS, the “Open Meetings Law”, State Statute §24-6-402(2)(c) requires that the public place or places for posting legal notices shall be designated annually at the local public body’s first regular meeting of each calendar year.

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

Section 1. The official posting place for all legal notices of the City of Englewood for the year 2015, shall be the Bulletin Board on the north side of the second floor of the Englewood Civic Center and such notices shall be posted under the heading “OFFICIAL CITY NOTICES.” This Resolution does not in any way of itself create a requirement for notice.

ADOPTED AND APPROVED this 5th day of January, 2015.

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 2015.
COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council regularly approves requests for new vehicle replacement.

RECOMMENDED ACTION

The Police Department is recommending that Council approve, by motion, the purchase of one 2015 Chevrolet Tahoe for use as an unmarked police vehicle. Staff recommends purchase through a state bid in the amount of $31,125.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Police Department and the Public Works Department are working together to facilitate the replacement of one unmarked police vehicle. The current vehicle is a 2003 GMC Yukon which has met the replacement criteria of years of service, mileage and maintenance dollars expended.

FINANCIAL IMPACT

The Chevrolet Tahoe is available on a state bid for $31,125.00 which will be paid for through the existing Capital Equipment Replacement Fund (CERF) account budgeted by the Police Department.

LIST OF ATTACHMENTS

Service Center Garage Summary Specification Sheet for New Vehicles (and related attachments)
SERVICENTER GARAGE

SUMMARY SPECIFICATION SHEET FOR NEW VEHICLES

STATE AWARD # 201500000000209

ENGLEWOOD BID# ________________________________

MANUFACTURER OF VEHICLE Chevrolet

MODEL OF VEHICLE Tahoe

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<td>4 WHEEL DRIVE</td>
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<td>FLEX FUEL OPTION</td>
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<td>NO</td>
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<tr>
<td>CERF REPLACEMENT</td>
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<tr>
<td>NEW ADDITION TO FLEET</td>
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DEPARTMENT VEHICLE ASSIGNED TO 021105, Police Department

COMMENTS: This unit will replace Unit 7382, a 2003 GMC Yukon which has met the replacement criteria of years of service, mileage, and maintenance dollars expended. The cost of the replacement unit, a 2015 Chevrolet Tahoe, is $31,125.00. The funds are available in the Capital Equipment Replacement Fund (CERF).
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<th>INDICATE ACTUAL DEALER SPECIFICATIONS</th>
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<td>479</td>
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<td>910</td>
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**STANDARD VEHICLE BASE PRICE:** $34,846

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<td>683</td>
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# Colorado State Fleet Management
## 2015 VEHICLE SPECIFICATIONS
### Dealers Invitation to Bid

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<thead>
<tr>
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<th>Body Code: K7</th>
<th>PASS UTIL LARGE 4X4, PATROL</th>
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<tbody>
<tr>
<td>Representative Models: 1: CHEVROLET TAHOE</td>
<td>2: FORD EXPEDITION</td>
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<td>3:</td>
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### MAKE: CHEVY MODEL: TAHOE

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<thead>
<tr>
<th>OEM MODEL #:</th>
<th>OEM CODE:</th>
<th>TRIM LEVEL:</th>
<th>OEM CODE ACTUAL / COMMENTS</th>
<th>PRICE</th>
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<td>730 INSTALL</td>
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</tr>
<tr>
<td>763 PHEV (PLUG IN HYBRID ELEC VEH)</td>
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<td>764 DELETE LEFT SPOTLIGHT</td>
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<td>795 CLOTH MIDDLE SEAT</td>
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<tr>
<td>800 FLOOR MATS FRONT AND REAR</td>
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<td>B30</td>
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<td>825 REVERSE SENSING SYSTEM</td>
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<td>329</td>
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<td>826 CONSOLE BTWN BUCKET SEATS FORD ONLY</td>
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<tr>
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<td>828 PA SYSTEM W/SIREN SPEAKER</td>
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<td>819</td>
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<td>829 PROGRAM &amp; INSTALL LIGHTING CONTROLLER</td>
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<td>1859</td>
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</tr>
<tr>
<td>982 EXT WARRANTY - POWER TRAIN 5/100,000</td>
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<td>Included</td>
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Class: SUV 4x4
Body Code: K7

Representative Models:
1: CHEVROLET TAHOE
2: FORD EXPEDITION

MAKE: CHEVY MODEL: TAHOE OEM MODEL #: CK15766 TRIM LEVEL: OEM CODE:

AVAILABLE COLORS: Please attach manufacturer color chart

OTHER VEHICLE SPECIFICATIONS / OPTIONS (Please attach separate sheet if necessary)

STANDARD FACTORY WARRANTY (Attach detailed description):

<table>
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<th>MILES</th>
<th>MONTHS</th>
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<tbody>
<tr>
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<td>36K</td>
</tr>
<tr>
<td>Drive Train</td>
<td>100K</td>
</tr>
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<td>Other</td>
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</table>

OPTIONAL FACTORY WARRANTY (Attach detailed description):

<table>
<thead>
<tr>
<th>MILES</th>
<th>MONTHS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Several options are available. Please contact dealer.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

EPA FUEL RATING: 16 M.P.G CITY, 22 M.P.G HIGHWAY

OEM MINIMUM FUEL RATED OCTANE: 85

DELIVERY: APPROX. 60 DAYS FROM DEALER RECEIPT OF ORDER FROM STATE (E.G. 90 DAYS)

IDENTIFY ANY EXCEPTIONS TO SPECIFICATIONS:

DEALER NAME: JOHN ELWAY CHEVY
DEALER PHONE: 719-866-1134

BIDDER'S NAME: MARK McMUNN
SIGNATURE: ____________________________
#430 - PACKAGE: OEM TOWING OPTION

Attach one copy of this form to each body code specification sheet that has an Available Option #430 including the following body codes:

C2, C3, C4, D1, D2, D3, D5, D8, E2, E3, E4, E8, F2, F3, F4, F8, G3, H3, K1, K2, K3, K5, K6, T1, T4, T5

An installed OEM TOWING OPTION PACKAGE should include the following:

- Frame mounted receiver hitch with a class 3 (class 4 for T1, T4, T5) rating that accepts a 2" square receiver
- Heavy duty engine cooling
- Transmission cooling (automatic only)
- Trailer wiring harness
- HD turn signal flasher
- Handling package (describe:__________________________)
- HD battery and Alternator.
- Price to include complete installation.
- All items to be covered at a minimum by the 3 year 36,000 mile factory warranty

Please list additions and/or deletions to your company's OEM TOWING OPTION package from the above listed specs:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Total Price for OEM TOWING PACKAGE: $ 650

For Body Code: K7

Total Price for T1 - OEM TOWING PACKAGE: $
#479 - PACKAGE: POLICE 4WD UTILITY
MINIMUM SPECIFICATIONS FOR 2015 MODEL YEAR FULL-SIZE, BODY CODE K7 4-DR, 4WD, UTILITY PATROL VEHICLES

2015 V-8, full-size, 4-door, 4 Wheel drive, utility type PPV 9C1 OEM Certified Police vehicle: Chevrolet Tahoe CK10708:

**SPECIFICATIONS**

<table>
<thead>
<tr>
<th>Specification</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Bags:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Frontal and side-impact for driver and front passenger, driver inboard seat-mounted side-impact and head curtain side-impact for all rows in outboard seating positions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Conditioning:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Factory-installed air conditioning with Tri-zone manual climate control with auxiliary rear air conditioning and heat operated from the front only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternator System:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>170-amp with idle boost controlled by energy level sensing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assist steps:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Black running boards on both sides.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auxiliary Power, Front (6J1):</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>110-amp main power supply wiring at instrument panel and trunk cargo area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Battery:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Dual heavy duty maintenance free batteries, minimum of 660 CCA with rundown protection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bluetooth</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Bluetooth cell phone connectivity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brakes:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Heavy-duty 4-wheel anti-lock brake system with VAC power.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Console Delete:</td>
<td>Y/N</td>
<td></td>
</tr>
<tr>
<td>Delete OEM center console (9N5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Console:</td>
<td>Y/N</td>
<td></td>
</tr>
</tbody>
</table>
| Must be Kerr Industries Package - KON18 Console includes mounting platform (Floor plate and leg kit). KON-CUP- cupholder, KON-PWR-3 outlet power plug (12 volt) | **New Kerr Air Letter from Kerr**
<p>| Cooler, Engine Oil: | Y/N |    |
| Auxiliary engine oil cooler. (KC4) |
| Cooler, Transmission Oil: | Y/N |    |
| External air-to-oil transmission oil cooler. (KNC) |
| Cooling System: | Y/N |    |
| Heavy duty high capacity radiator and cooling system, electric fans and extended life coolant. Hoses are EPDM rubber. |
| Cruise Control: | Y/N |    |
| Electronic cruise control system with tilt steering wheel. |
| Defroster, Rear Window: | Y/N |    |
| Electric rear window defroster / defogger. |
| Daytime Running Lights (9GB): | Y/N |    |
| Delete daytime running lights and automatic headlights. |
| Differential: | Y/N |    |
| Axle Ratio to be 3.42 to 1. |
| Dome lamps | Y/N |    |
| Cargo lamp with delayed entry feature and map lamps |
| Door, Rear: | Y/N |    |
| Full lift up door with lift up glass. |
| Engine: | Y/N |    |
| 5.3L Eco Tec3 V8, with active fuel management |
| Flasher system 6J7: | Y/N |    |
| SEO 6J7 Headlight flasher module with control wire and body control module rear lamp flashing. |
| Floor Covering: | Y/N |    |
| Carpeting (B33) |
| Frame: | Y/N |    |
| Heavy Duty Frame |</p>
<table>
<thead>
<tr>
<th>Packages</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gauges:</td>
<td>☑️ N</td>
<td>Tachometer, oil pressure, and engine temperature and fuel gauges mounted in dash in normal positions.</td>
</tr>
<tr>
<td>Grille Lamp, Siren &amp; Speaker</td>
<td>☑️ N</td>
<td>Wiring package SEO 6J3</td>
</tr>
<tr>
<td>Horn/siren wiring:</td>
<td>☑️ N</td>
<td>SEO 6J4 Connection of a switch to select either horn or siren operation when the horn pad is pressed.</td>
</tr>
<tr>
<td>Lighting Controller</td>
<td>☑️ N</td>
<td>Whelen CanTrol siren and lighting control system. System to include a remote mounted photo cell that will be direct wired to the CanTrol inputs as per CSP/Whelen specs. CanTrol system to have interface cable pre wired from the rear of the vehicle to the console area for the CANCTL1 control head to be attached. Part number CanTrol CANWC1 w/ Control Head # CANCTL1, Photo Cell part number CANLITEB</td>
</tr>
<tr>
<td>Lighting Package - 4 corner strobes:</td>
<td>☑️ N</td>
<td>Must be Kerr Industries Package – KCRN-LED front and rear corner strobes installed in front head lamps &amp; rear tail lamps of vehicle. Front to be white and rear to be red</td>
</tr>
<tr>
<td>Lighting Package Grille Lamps:</td>
<td>☑️ N</td>
<td>Must be Kerr Industries Package – KGRIL-LEDRB Front facing red and blue lamps located behind grille just below the Chevrolet emblem on the lower portion of the grill to not be covered up by the push bumper. Non Kerr Use Letter from Kerr</td>
</tr>
<tr>
<td>Locking System:</td>
<td>☑️ N</td>
<td>Single key locking system (different key for each vehicle). Remote keyless entry (AMF)</td>
</tr>
<tr>
<td>Locks, Power:</td>
<td>☑️ N</td>
<td>Power door locks controlled from driver’s and passenger position, rear door handles to remain operational. Inside rear door handles inoperative, inside rear door locks inoperable (6N6)</td>
</tr>
<tr>
<td>Luggage Rack Delete:</td>
<td>☑️ N</td>
<td>Delete roof top luggage rack.</td>
</tr>
<tr>
<td>Mirrors, Outside Heated:</td>
<td>☑️ N</td>
<td>Heated left and right outside mirrors, adjustable with remote control. Manual folding.</td>
</tr>
<tr>
<td>Molding, body side:</td>
<td>☑️ N</td>
<td>Installed</td>
</tr>
<tr>
<td>Power Outlets</td>
<td>☑️ N</td>
<td>Two located on instrumental panel and one in rear cargo area.</td>
</tr>
<tr>
<td>Radio AM/FM:</td>
<td>☑️ N</td>
<td>OEM AM/FM/CD Radio</td>
</tr>
<tr>
<td>Radio Suppression</td>
<td>☑️ N</td>
<td>Grounding straps at five locations. (UN9)</td>
</tr>
<tr>
<td>Seats:</td>
<td>☑️ N</td>
<td>Heavy duty front bucket cloth seats. The 2nd row seat to be made of vinyl. No third row seating.</td>
</tr>
<tr>
<td>Siren Speaker:</td>
<td>☑️ N</td>
<td>Must be Kerr Industries Package – KSPEAK- A 100-watt siren speaker installed behind the vehicle grille. Wiring connections are weather proof</td>
</tr>
<tr>
<td>Sirius XM (U2J):</td>
<td>☑️ N</td>
<td>Delete SiriusXM satellite Radio</td>
</tr>
<tr>
<td>Speedometer:</td>
<td>☑️ N</td>
<td>120 MPH certified analog, 1 mph increments digital trip odometer.</td>
</tr>
<tr>
<td>Spotlight:</td>
<td>☑️ N</td>
<td>One, driver’s-side spot light, cowl or post mounted, 5” in diameter. Head to be mounted on door pillar in such a manner as to provide adequate clearance from steering wheel in all positions of spotlight and tilt steering wheel. White lens to have a minimum of 160,000 candle-power. Unity 94012-0002 with sealed beam bulb, or equivalent. Dealer installed</td>
</tr>
<tr>
<td>Package</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>StabiliTrak:</td>
<td>Stability enhanced system.</td>
<td></td>
</tr>
<tr>
<td>Steering:</td>
<td>Heavy-duty power operated steering system.</td>
<td></td>
</tr>
<tr>
<td>Suspension System:</td>
<td>Heavy duty, police rated, independent torsion bar, and stabilizer bar and rear multi-link with coil springs.</td>
<td></td>
</tr>
<tr>
<td>Theft Deterrent:</td>
<td>Vehicle theft PASS-key III+</td>
<td></td>
</tr>
<tr>
<td>Tires and Wheels:</td>
<td>Five heavy-duty 17&quot; steel wheels and five &quot;V rated&quot; tires (P265/60R17) and BSW all-season tires.</td>
<td></td>
</tr>
<tr>
<td>Tire Carrier-Spare:</td>
<td>Lockable outside spare, winch type mounted under frame at rear.</td>
<td></td>
</tr>
<tr>
<td>Trailer Tow Package:</td>
<td>Includes trailering hitch platform, 7 wire harness with independent fused trailering circuits mated to a 7-way sealed connector, VR4 2-Inch trailering receiver and electric brake controller jumper harness.</td>
<td></td>
</tr>
<tr>
<td>Transmission:</td>
<td>Heavy-duty minimum of 6-speed automatic transmission with overdrive.</td>
<td></td>
</tr>
<tr>
<td>Windows, Power:</td>
<td>Power windows, rear inside switch inoperable (6N5)</td>
<td></td>
</tr>
<tr>
<td>Windshield Wipers:</td>
<td>Front and rear intermittent windshield wiper system.</td>
<td></td>
</tr>
<tr>
<td>Wiring provisions for Grille lamps and siren SEO 6J3:</td>
<td>Blunt cut ends for alternating signal flasher, for grille lamps and siren/speaker. Control wires from in-line connector in forward lamp harness for grille lamps and speaker.</td>
<td></td>
</tr>
<tr>
<td>Wiring Special:</td>
<td>RG58AU coaxial radio antenna cable to extend from the roof to the left side of the trunk compartment with at least six inches of cable to be left readily accessible. An auxiliary battery power stud shall be furnished for electrical connections of additional equipment. &quot;MNStar Wiring ED50 Installer utility harness system&quot;. Fused grounds for these circuits are also to be included. DEALER INSTALLED</td>
<td></td>
</tr>
</tbody>
</table>

THE WARRANTY IS TO GO INTO EFFECT ON THE DATE THE VEHICLE IS PUT INTO SERVICE, NOT THE PURCHASE DATE. END USER WILL BE RESPONSIBLE FOR NOTIFYING THE MANUFACTURER OF THE IN SERVICE DATE.

Delivery to be made to the Colorado State Patrol at 15203 W. 12th Ave., Golden, CO 80401. Per State Fleet Management instructions.

OTHER

Please list a description of any additions and/or deletions to your factory's POLICE PACKAGE from the above listed specs or list next to the item directly on the attached sheets described above:

See Attached List from Kerr

Body Code: K7

ATTACH A COPY OF THIS FORM TO THE "DEALER'S INVITATION TO BID" FOR BODY CODE K7 WHICH HAS OPTION PACKAGE #479.

Since this Package is part of the Standard Specification for body code K7, the total cost for this package must be included in the "Standard Vehicle Base Price" as listed on pg 1 of the Vehicle Specs for this body code.
Mark,

Per your request to Aly attached please find our proposed pricing for the Colorado State bid. Please note that we have limited our pricing to specific Kerr options and have not responded to all items listed in the State bid. We have researched our records as well as the information provided by the State and we have found over the course of many years very few Kerr options have ever been purchased by the State or an other agency piggy backing on the State bid.

We have informed the State of our decision to reduce our product offering and all dealers requesting our pricing for this bid are being provided with the same limited number of Kerr options.

Many thanks, if you have any questions please don't hesitate to contact me.

Brad Baker
Kerr Industries
Oshawa - Texas - California
800-585-1774

Attachments:
- 2015 - Tahoe DC.pdf
- 2015 - Impala DC.pdf
- 2015 - Caprice DC.pdf
#528 - Package Light Bar
Attach one copy of this form to each body code specification sheet that has an Available Option #528 in the following body codes:

A5, A7, A8, E2, F2, J4, K2, K7, K8

Bid equipment for vehicle model being bid.

The LIGHT BAR PACKAGE must include the following:

- (Non-OEM) Whelen Liberty 2 Model LW8CSP1
  - FRONT (Driver-Passenger)
    - RED Linear 12 diode LED corner module, RED Linear 6 diode LED outboard module, RED Linear-6 diode LED inboard module, (2) 12 Diode LED Take Down Lights, BLUE Linear-6 diode LED inboard module, BLUE Linear-6 diode LED outboard module, BLUE Linear-12 diode LED corner module.
  - REAR (Driver-Passenger)
    - RED Linear 12 diode LED corner module, RED Linear 6 diode LED outboard module, RED Linear-6 diode LED inboard module, RED Linear-6 diode LED inboard module, Blue Linear 6-diode LED inboard module, BLUE Linear-6 diode LED inboard module, BLUE Linear-6 diode LED outboard module, BLUE Linear-12 diode LED corner module
  - SIDES (Driver-Passenger)
    - Single 3-LED Vertical LED Alley Light Modules

- Lenses
  - All lenses shall be clear in color
- Mounting kit
  - Mounting kit to match vehicle application from bid award-Mounting brackets for the A5, A7 and A8 are to be powder coated Black.
- Delivery
  - Light bar to be delivered in factory shipping box and placed in the trunk of the new vehicle when delivered to Colorado State Patrol Garage (No Installation).

If bidding equal, must have exact configuration of the above light bar to provide uniform appearance and functionality.

List the make and model of Light Bar that is bid:

Make Whelen Model Liberty 2 LW8CSP1

List any additions and/or deletions of your bid from the LIGHT BAR PACKAGE spec's listed above:

Total Price for PACKAGE: LIGHT BAR: $1499 For Body Code K7
#563 - Undercover Lighting Package
Attach one copy of this form to each body code specification sheet that has an Available Option #563 in the following body codes:

J4, K2, K7, K8

Bid equipment for vehicle model being bid. The UNDERCOVER LIGHTING PACKAGE must include the following:

- (Non-OEM) **Whelen Model Inner Edge Front:**
  IW34UFX - Interceptor Utility, IW45UFX - Tahoe, IW08UFX - Expedition, IW44UFX - Durango
  - Front Inner-Edge(Driver-Passenger)
    o Red LED module X4, takedown module X2, blue LED module X4
    o No one-way Mirrored housing on driver side.

- (Non-OEM) **Whelen Traffic Advisor TAZ86RB Rear:**
  Same model for all 3 vehicle types
  - Rear Inner-Edge(Driver-Passenger)
    o Red LED Warning module, AMBER T/A module X6, Blue warning module.
    o T/A to function separately from Red/Blue light and plug directly into the CanTrol CANWC1 w/ Control Head # CANCTL1.

- **Mounting kit**
  o Mounting kit to match vehicle application from bid award

- **Delivery**
  o Lighting and siren/lighting/traffic advisor to be delivered in factory shipping box and placed in the trunk of the new vehicle when delivered to Colorado State Patrol Garage (No Installation).

If bidding equal, must have exact configuration of the above light bar to provide uniform appearance and functionality.

List the make and model of Lighting Package that is bid:

<table>
<thead>
<tr>
<th>Make</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whelen</td>
<td>IW45UFX</td>
</tr>
<tr>
<td>Whelen</td>
<td>TAZ86RB</td>
</tr>
</tbody>
</table>

List any additions and/or deletions of your bid from the UNDERCOVER LIGHTING PACKAGE spec's listed above:

Total Price for UNDERCOVER LIGHTING PACKAGE: $ 1249
For Body Code K7.
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date:</th>
<th>Agenda Item:</th>
<th>Subject:</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 5, 2015</td>
<td>9 c iv</td>
<td>Purchase of Chevrolet 3500 Truck for Parks</td>
</tr>
</tbody>
</table>

Initiated By: Department of Parks and Recreation  
Staff Source: Pat White, Fleet Manager  
Dave Lee, Manager of Open Space

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

A City that provides and maintains quality infrastructure. Council has previously approved trucks for use by the Parks Department as part of the normal fleet rotation under the Capital Equipment Replacement Fund (CERF).

RECOMMENDED ACTION

Staff recommends City Council award, by motion, a bid to purchase a Chevrolet CK3500 pickup truck from John Elway Chevrolet through the State of Colorado Price Agreement.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This vehicle will replace Unit 5244, a 2008 Ford F-250 that has met the replacement criteria in years of service, mileage and maintenance dollars expended. The department has requested that the vehicle be upgraded to a 1 ton truck from a ¾ ton truck due to changes in towing operation. This unit is also equipped with a plow for snow removal.

FINANCIAL IMPACT

Funds are available in the 2015 Capital Equipment Replacement Fund (CERF) for the purchase of the truck. The total cost for the truck, including the upgrade, is $31,350.00. The Parks and Recreation Department will pay for the $1,000.00 cost of the upgrade from the Open Space Fund.

LIST OF ATTACHMENTS

- Summary Specification Sheet
- State of Colorado Price Agreement
- Colorado State Fleet Management 2015 Vehicle Specifications
SERVICENTER GARAGE

SUMMARY SPECIFICATION SHEET
FOR
NEW VEHICLES

STATE AWARD # 20150000000209

ENCEWOOD BID# __________________________________ __

MANUFACTURER OF VEHICLE Chevrolet

MODEL OF VEHICLE CK3500

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 021305 Parks Department

COMMENTS: This vehicle will replace Unit 5244, a 2008 Ford F 250 that has met the replacement criteria in years of service, mileage, and maintenance dollars expended. The department has requested that the vehicle be upgraded to a 1 ton truck from a ¾ ton due to changes in operation. This unit is equipped with a snow plow. The total cost is $31,350.00 and the funds are available in the Capital Equipment Replacement Fund (CERF) and the department will be paying $1,000.00 for the upgrade.
Agreement #: 201500000000209

State of Colorado Price Agreement

Status: Current

Duration of Agreement:
Options: Option to Renew for 0 More Year(s)

Category: Vehicles

Commodity Code: 07000
Commodity Description: AUTOMOTIVE VEHICLES AND RELATED TRANSPORTATION EQUIPMENT

Files:
- application/pdf 473 KB John Elway A5 Chevy Impala.pdf
- application/pdf 559 KB John Elway K7 Chevy Tahoe.pdf
- application/pdf 468 KB John Elway Chevrolet C1 Chevy City Express.pdf
- application/pdf 433 KB John Elway Chevrolet C3 Chevy Express.pdf
- application/pdf 366 KB John Elway Chevrolet D3 Chevy Express.pdf
- application/pdf 398 KB John Elway Chevrolet D5 Chevy Express.pdf
- application/pdf 630 KB John Elway Chevrolet F3 Chevy Silverado.pdf
- application/pdf 576 KB John Elway Chevrolet F4 Chevy Silverado.pdf
- application/pdf 543 KB John Elway Chevrolet H3 Chevy Silverado.pdf
- application/pdf 312 KB John Elway Chevrolet K5 Chevy Tahoe.pdf

Conditions Of Agreement

Department of Personnel and Administration
State Purchasing Office
1525 Sherman Street 3rd floor
Denver, CO 80203
Amy Risley at (303) 866-5663
email:
<table>
<thead>
<tr>
<th>Standard Specifications</th>
<th>OEM Code</th>
<th>OEM Model</th>
<th>Trim Level</th>
<th>OEM Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>101 PASS: 3 PERSONS MIN.</td>
<td>standard</td>
<td>35903</td>
<td></td>
<td></td>
</tr>
<tr>
<td>110 DOORS: 2 SIDE DOORS</td>
<td>standard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>121 LONG BED</td>
<td>standard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>140 TIRES: ALL SEAS M &amp; S RADIAL</td>
<td>standard</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>146 FULL SIZE SPARE TIRE</td>
<td>standard</td>
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<td></td>
</tr>
<tr>
<td>183 WHEELBASE: 131.0 IN. MIN</td>
<td></td>
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<td></td>
<td>133.6</td>
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<tr>
<td>197 ENG MIN CYL: 8</td>
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<tr>
<td>200 ENG MIN DISP: 5.4L</td>
<td>standard</td>
<td></td>
<td></td>
<td>4.0L 8.0</td>
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<tr>
<td>225 FUEL TANK: 30 GAL MIN</td>
<td>standard</td>
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<tr>
<td>290 SINGLE REAR WHEELS</td>
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<tr>
<td>300 AIR CONDITIONING - R134a</td>
<td>standard</td>
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<tr>
<td>302 RADIO: AM/FM</td>
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</tr>
<tr>
<td>307 POWER BRAKES &amp; POWER STEERING</td>
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<td></td>
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<tr>
<td>308 ABS BRAKES</td>
<td>standard</td>
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<tr>
<td>310 SEATS: CLOTH SEATS</td>
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<tr>
<td>321 FLOORING: RUBBER</td>
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<tr>
<td>340 AIR BAG - DRIVER SIDE</td>
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</tr>
<tr>
<td>400 MIRRORS: RIGHT AND LEFT</td>
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</tr>
<tr>
<td>404 INTermittent Wipers</td>
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<tr>
<td>410 TRANSMISSION: AUTOMATIC</td>
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</tr>
<tr>
<td>415 FOUR-WHEEL DRIVE</td>
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<td></td>
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</tr>
<tr>
<td>418 AUTOMATIC LOCKING FRONT HUBS</td>
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<td></td>
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<tr>
<td>436 HEAVY DUTY COOLING</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>458 STEP BMPR: 4000#TONGUE, 4000#TRLR</td>
<td>standard</td>
<td></td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>500 GVW RATING; 9900 MIN</td>
<td>4.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>752 AXLE RATIO: SPECIFY</td>
<td>standard</td>
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</tr>
<tr>
<td>910 PRIMARY FUEL: UNLEADED</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>921 STD WANTED - BUMPER TO BUMPER 3/8</td>
<td>standard</td>
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</tr>
</tbody>
</table>

**Standard Vehicle Base Price:** $26,470
### Colorado State Fleet Management
#### 2015 VEHICLE SPECIFICATIONS

**Dealers Invitation to Bid**

**Page 2 of 4**

**4/28/2014**

**Class:** PU - 4x4

**Body Code:** F4

**1 T 4X4 TRUCK**

<table>
<thead>
<tr>
<th>Representative Models</th>
<th>1: CHEVROLET 3500 PU</th>
<th>2: FORD F350 PU</th>
<th>3: RAM 3500 PU</th>
<th>4: GMC 5500 PU</th>
</tr>
</thead>
</table>

**MAKE:** Chevy  
**MODEL:** Silverado  
**OEM MODEL #:** CK35903  
**TRIM LEVEL:**  
**OEM CODE:**

### AVAILABLE OPTIONS:

<table>
<thead>
<tr>
<th>Option Code</th>
<th>Description</th>
<th>OEM Code</th>
<th>OEM Code (Actual / Comments)</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>097</td>
<td>CREW CAB (4 DOORS): SPECIFY CA</td>
<td>CK33943 551</td>
<td>39/1</td>
<td>$2875</td>
</tr>
<tr>
<td>098</td>
<td>EXT CAB LONG BED 3 OR 4 DOOR</td>
<td>CK35953</td>
<td>-</td>
<td>-</td>
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<tr>
<td>099</td>
<td>EXT CAB SHORT BED 3 OR 4 DOOR</td>
<td>CK35743</td>
<td>NOT AVAILABLE</td>
<td>-</td>
</tr>
<tr>
<td>122</td>
<td>SHORT BED</td>
<td>B53</td>
<td>-</td>
<td>138</td>
</tr>
<tr>
<td>133</td>
<td>BACK UP ALARM</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>141</td>
<td>TIRES; ALL-TERRAIN, LIST SIZE:</td>
<td>G25</td>
<td>265/70R18E ON EAS 265/70R18</td>
<td>200</td>
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<tr>
<td>143</td>
<td>TIRES; OPTION #1, LIST SIZE:</td>
<td>AZ3</td>
<td>265/70R18</td>
<td>300</td>
</tr>
<tr>
<td>152</td>
<td>SPILT BENCH 40/20/40 FULL CONSOLE</td>
<td>-</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>218</td>
<td>NON-STD ENGINE OPTION A:</td>
<td>NOT AVAILABLE</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>217</td>
<td>ENG OPTION: DIESEL</td>
<td>CK8</td>
<td>B20 6.6 L</td>
<td>7230</td>
</tr>
<tr>
<td>218</td>
<td>NON-STD ENGINE OPTION B:</td>
<td>NOT AVAILABLE</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>220</td>
<td>HEAVY DUTY SUSPENSION SPECIFY TYPE:</td>
<td>CKX</td>
<td>13,400 Loads 217,261</td>
<td>300</td>
</tr>
<tr>
<td>239</td>
<td>GVW OPTION: SPECIFY</td>
<td>CK1</td>
<td>13,400 Loads 217,261</td>
<td>300</td>
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<tr>
<td>244</td>
<td>AXLE RATIO (MIN) 4.10</td>
<td>Standard</td>
<td>C14</td>
<td>750</td>
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<tr>
<td>248</td>
<td>AXLE RATIO OPTION: SPECIFY</td>
<td>Standard</td>
<td>3.73</td>
<td>100</td>
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<tr>
<td>252</td>
<td>CNG PREP PACKAGE</td>
<td>Standard</td>
<td>-</td>
<td>8325</td>
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<tr>
<td>254</td>
<td>ALT FUEL - OEM BI FUEL SPECIFY TANK LOC</td>
<td>Standard</td>
<td>D2W</td>
<td>750</td>
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<tr>
<td>255</td>
<td>ALT FUEL - OEM DEDICATED SPEC TANK LOC</td>
<td>Standard</td>
<td>D2W</td>
<td>750</td>
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<tr>
<td>261</td>
<td>DUAL REAR WHEELS</td>
<td>Standard</td>
<td>-</td>
<td>750</td>
</tr>
<tr>
<td>265</td>
<td>CUSTOM CLOTH SEAT W/CONTR CNSOLE STRG</td>
<td>A23</td>
<td>PCL</td>
<td>410</td>
</tr>
<tr>
<td>284</td>
<td>REMOTE KEYLESS ENTRY</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>285</td>
<td>CRUISE CONTROL/TILT</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>311</td>
<td>SEATS: VINYL SEATS</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>401</td>
<td>MIRRORS: EX/COMP FOR TWNG (7&quot;x9&quot;)</td>
<td>Standard</td>
<td>DPN Requires 284</td>
<td>410</td>
</tr>
<tr>
<td>405</td>
<td>REAR AXLE - ANTI SPIN</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>411</td>
<td>TRANSMISSION: MANUAL W/OVERDRIV</td>
<td>G80</td>
<td>NOT AVAILABLE</td>
<td>-</td>
</tr>
<tr>
<td>420</td>
<td>BEDLINER-FULL MOLDED-TAILGATE</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>423</td>
<td>TOOL BOX - ACROSS BED BOX (attachment)</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>424</td>
<td>TOOL BOX - SIDE BED BOX (attachment)</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>429</td>
<td>TRAILER BRAKE CONTROL-ELECTRIC</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>430</td>
<td>PKG: TOWING/ROVR HITCH (Attachment)</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>432</td>
<td>TOW HOOKS</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>433</td>
<td>PACKAGE: SNOW PLOW (Attachment)</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
<tr>
<td>439</td>
<td>OEM SNOW PLOW PREP</td>
<td>Standard</td>
<td>-</td>
<td>410</td>
</tr>
</tbody>
</table>
### 2015 Vehicle Specifications

#### Class: P/U - 4x4

**Body Code:** P4

**Representative Models:**
1. CHEVROLET 3500 PU
2. FORD F350 PU
3. RAM 3500 PU
4. GMC 3500 PU

**MAKE:** CHEVY  
**MODEL:** SIERRA

#### Available Options:

<table>
<thead>
<tr>
<th>Option Description</th>
<th>OEM Code</th>
<th>ACTUAL/COMMENTS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Package: Off Road (Attachment)</td>
<td></td>
<td></td>
<td>$360</td>
</tr>
<tr>
<td>PKG: Strobe Light (Attachment)</td>
<td>443</td>
<td></td>
<td>$335</td>
</tr>
<tr>
<td>Engine Block Heater</td>
<td>444</td>
<td></td>
<td>$90</td>
</tr>
<tr>
<td>Skid Plate-Fuel Tank, Transfer CS/OI</td>
<td>450</td>
<td></td>
<td>$150</td>
</tr>
<tr>
<td>Steering Wheel Controls</td>
<td>451</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auxiliary Battery</td>
<td>454</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GooseNeck Hitch (Attachment)</td>
<td>452</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spray in Bedliner</td>
<td>458</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EPACT AFV Credit: Specify</td>
<td>472</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Left Door Post Spotlight (50W)</td>
<td>518</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power Locks</td>
<td>520</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power Mirrors</td>
<td>526</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power Windows</td>
<td>530</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delete Daytime/Auto Headlights</td>
<td>541</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AM/FM CD Player</td>
<td>599</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hybrid Gas/Electric</td>
<td>608</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Trim Level PKG: Specify</td>
<td>620</td>
<td></td>
<td></td>
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<tr>
<td>Add Daytime Running Lights</td>
<td>643</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meets 2010 Fed Emissions Diesel Eng</td>
<td>693</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diesel Eng B20 Compliant</td>
<td>694</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHEV (Plug in Hybrid Elec Veh)</td>
<td>753</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upfitter Switches</td>
<td>780</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ext Warranty - Power Train 5/100,000</td>
<td>982</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Colorado State Fleet Management**  
**2015 VEHICLE SPECIFICATIONS**  
**Dealers Invitation to Bid**

**Class: P/U - 4x4**  
**Body Code:** F4  
**1.4L TRUCK**

<table>
<thead>
<tr>
<th>Representative Models</th>
<th>1: CHEVROLET 3500 PU</th>
<th>2: FORD F350 PU</th>
<th>3: RAM 3500 PU</th>
<th>4: GMC 3500 PU</th>
</tr>
</thead>
</table>

**MAKE:** CHEV  
**MODEL:** SILVERADO  
**OEM MODEL #:** CK35923  
**TRIM LEVEL:**  
**OEM CODE:**

**AVAILABLE COLORS:** Please attach manufacturer color chart

**OTHER VEHICLE SPECIFICATIONS / OPTIONS**  
(Please attach separate sheet if necessary)  
**PRICE**

---

**STANDARD FACTORY WARRANTY (Attach detailed description):**

<table>
<thead>
<tr>
<th>MILES</th>
<th>MONTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bumper to Bumper</td>
<td>36K</td>
</tr>
<tr>
<td>Drive Train</td>
<td>100K</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

**OPTIONAL FACTORY WARRANTY (Attach detailed description):**

<table>
<thead>
<tr>
<th>MILES</th>
<th>MONTHS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Several options are available. Please contact dealer.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EPA FUEL RATING:**  
CITY: NA  
HIGHWAY: NA

**OEM MINIMUM FUEL RATED OCTANE:** 85

**DELIVERY:** Approx. 60 days from dealer receipt of order from state (e.g., 90 days)

**IDENTIFY ANY EXCEPTIONS TO SPECIFICATIONS:**

---

**DEALER NAME:** John Elway Chevy  
**DEALER PHONE:** 319-866-1134

**BIDDER'S NAME:** Mark McMinn  
**SIGNATURE:**
## #423 - PACKAGE: TOOLBOX - ACROSS BED BOX

Attach one copy of this form to each body code specification sheet that has an Available Option #423 including the following body codes:

E1, E2, E3, E4, E8, F1, F2, F3, F4, F8

An installed TOOLBOX - ACROSS BED BOX PACKAGE should include the following:

- Delta brand or equivalent
- Either a gull-wing, double lid or chest-style, full-hinged, single lid crossover toolbox
- Painted white with all steel construction
- Torsion bar lift on lid(s)
- Removable tray
- Weather stripping around lid(s)
- A lock on each lid with key
- Price to include complete installation.

### Total Price for TOOL BOX - ACROSS BED BOX PACKAGE:

- A gull-wing, double lid, tool box:
  
  $\boxed{350}$

- A chest-style, full-hinged, single lid crossover toolbox:
  
  $\boxed{413}$

For Body Code: $\boxed{F4}$
#424 - PACKAGE: TOOL BOX - SIDE BED

Attach one copy of this form to each body code specification sheet that has an Available Option #424 including the following body codes:

E1, E2, E3, E4, E8, F1, F2, F3, F4, F8

An installed TOOLBOX - SIDE BED PACKAGE should include the following:

- Delta brand or equivalent
- A quantity of one, side-bed, wheel-well, utility, tool box
- Toolbox must rest inside, on the floor of the pickup bed and fit over the wheel well.
- Extending length of pickup bed
- Painted white with all steel construction
- A lock on the lid with key
- Removable tray
- Weather stripping around lid
- Price to include complete installation, rearward of an optional across bed box.

For Body Code:

Total Price for 48" TOOLBOX - SIDE BED PACKAGE: $340

Total Price for 60" TOOLBOX - SIDE BED PACKAGE: $363
#430 - PACKAGE: OEM TOWING OPTION

Attach one copy of this form to each body code specification sheet that has an Available Option #430 including the following body codes:

C2, C3, C4, D1, D2, D3, D5, D8, E2, E3, E4, E8, F2, F3, F4, F8, G3, H3, K1, K2, K3, K5, K6, T1, T4, T5

An installed OEM TOWING OPTION PACKAGE should include the following:

- Frame mounted receiver hitch with a class 3 (class 4 for T1, T4, T5) rating that accepts a 2" square receiver
- Heavy duty engine cooling
- Transmission cooling (automatic only)
- Trailer wiring harness
- HD turn signal flasher
- Handling package (describe: ________________)
- HD battery and Alternator.
- Price to include complete installation.
- All items to be covered at a minimum by the 3 year 36,000 mile factory warranty

Please list additions and/or deletions to your company's OEM TOWING OPTION package from the above listed specs:

__________________________

__________________________

Total Price for OEM TOWING PACKAGE: $ No Charge

For Body Code: F4

Total Price for T1 - OEM TOWING PACKAGE: $  ___________________
#438 - PACKAGE: SNOW PLOW

Attach one copy of this form to each body code specification sheet that has an Available Option #438 including the following body codes:

F3, F4, H3, T1, T4, T5

An installed snow plow package should include the following:

- Meyer Standard Series Snowplow model #ST 7.5 or equivalent (7 1/2 foot blade).
- To be installed on a full size, 4WD pickup (Ford, Chevy or Dodge) with a minimum GVW rating of 8500 lbs
- The plow mounting kit used must be specifically designed for use on this vehicle.
- Must have dual batteries with isolator as a power source for the plow.
- Either an all-steel moldboard or a polymer moldboard with a high carbon steel cutting edge blade.
- Quick disconnect of front-end hardware, lights, and hydraulic unit.
- Hydraulic powered lift with electric, solenoid operated controls inside the cab that will allow the plow to be angled from side to side and lifted up and down.
- Additional headlights and directional lights above the plow. Must be a vibration free installation connecting to either the bumper or the plow hitch.
- Price to include complete installation.
- Audible back up alarm (light bulb type acceptable)
- Includes standard factory warranty of at least one year parts/labor

Specify how normal use of snow plow will not cause vehicle air bag to be engaged:

________________________________________________________________________

Please list additions and/or deletions to your company's SNOW PLOW PACKAGE from the above listed specs:

________________________________________________________________________

Total Price for SNOW PLOW package with all steel moldboard: $3625

Total Price for SNOW PLOW package with polymer moldboard: $4025

For Body Code: F4
#440 - PACKAGE: OEM OFF ROAD

Attach one copy of this form to each body code specification sheet that has an Available Option #440 including the following body code:

F1, F2, F3, F4, F8, K1, K2, K3, K5, K6, T1, T4, T5

An installed OEM OFF ROAD package should include the following:

- High pressure front and rear gas shocks
- H/D springs
- Mud and snow radial tires “LT” rated. Specify tire size: 265/70R18E
- Skid plate group. Specify types: N22
- Front and rear tow hooks
- Limited Slip Rear Axle – Specify Ratio G80
- All items to be covered at a minimum by the 3 year 36,000 mile factory warranty

Please list additions and/or deletions to your company's OEM OFF ROAD PACKAGE from the above listed specs:

________________________________________________________________________

Total Price for the OEM OFF ROAD package: $360

For Body Code: F4
#443 - STROBE LIGHT

Attach one copy of this form to each body code specification sheet that has an Available Option #443 including the following body codes:

All C's, D's, E's, F's, G's, H's & K's, P4, PE

The STROBE LIGHT PACKAGE must include the following:

- Roof mount of strobe on truck, van or sport utility vehicle
- Dual flash strobe with amber shield
- Class 2 light, SAE spec J1318 or DFS750-A North American Signal spec or equivalent.
- Minimum: 15 joules
- Minimum of 60 double flashes per minute
- Base must be aluminum, not plastic.
- Switch in cab
- Height: between 3 1/2 inches to 6 inches, measured to top of light housing
- Warranty: 1-year parts and labor
- Complete installation with locations as follows:
  - Location for strobe light on pickups:
    - On the roof of the pickup cab
    - The light must be centered between the front of the roof and the rear of the roof.
    - The light must be also centered from one side to the other side of the roof.
  - Location for strobe light on vans and sport utilities:
    - On the roof of the van or sport utility
    - The light must be centered from one side to the other side of the roof
    - The light must also be two feet from the rear of the roof.

List the make and model of strobe that is bid:

Make __________________________ Model __________________________

List any additions and/or deletions of your bid from the STROBE LIGHT PACKAGE specs listed above:

Total Price for STROBE LIGHT PACKAGE: $335

For Body Code: [ ]
#462 – GOOSENECK TRAILER HITCH

Attach one copy of this form to each body code specification sheet that has an Available Option #462 including the following body codes:

E3, E4, E8, F3, F4, F8, T1, T4, T5

The GOOSENECK TRAILER PACKAGE must include the following:
ONE 5TH WHEEL HITCH WITH FOLDING BALL (2 5/16") MOUNTED IN BED

- Must be retractable ball mount that allows for a clear and smooth pickup bed when not in use
- Capacity: 5000 lbs maximum vertical load
- 25,000 max gross trailer weight
- Weld two ½" steel cross plates (approx. 38" by 4") under the pickup floor and bolt the 5th wheel hitch to these cross pieces
- Weld two more ½" steel plates (approx. 3" by 10") at right angles under the tow cross plates and bolt these pieces to the frame
- Trailer wiring harness – 7 way
- HD turn signal flasher
- Handling package (describe: ____________________________)
- HD battery
- Price to include complete installation.
- All items to be covered at a minimum by the 3 year 36,000 mile factory warranty

Please list additions and/or deletions to your company's Gooseneck trailer package from the above listed specs:

____________________________________________________________________________________

____________________________________________________________________________________

Total Price for OEM TOWING PACKAGE: $ 725

For Body Code: F4
COUNCIL COMMUNICATION

Date: Agenda Item: Subject:
January 5, 2015 9 cv Purchase Approval: Skid Steer Loader

Initiated By: Staff Source:
Public Works Rick Kahm, Director of Public Works
Brad Hagan, Streets Maintenance Manager
Pat White, Fleet Manager

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Approval of 2015 Capital Equipment Replacement Fund replacements in the 2015 Annual Budget.

RECOMMENDED ACTION

Staff seeks Council approval, by motion, the purchase of 2015 Caterpillar 272D XHP Skid Steer Loader with cold planner from General Services Administration (GSA) contract GS-30F-0018U.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This unit replaces Unit 3229, a 2001 Volvo L50D wheel loader that has met the replacement criteria of years of service, hours of use, and maintenance dollars expended.

FINANCIAL IMPACT

Funds are available in the Capital Equipment Replacement Fund (CERF) in the amount of $67,723.

LIST OF ATTACHMENTS

GSA Caterpillar Quote
Summary Specification Sheet
This is the quote for the Commercial GSA New Machine Quotation: 2720 XHP Skid Steer Loader from Caterpillar Inc. It is intended for use by the City of Englewood, Colorado, for potential delivery orders. The quote is based on the GSA Contract GS-30F-0018U and is valid until December 31, 2015.

### Commercial GSA New Machine Quotation: 2720 XHP Skid Steer Loader

#### Part Number Description
- 422-2923 2720 SKID STEER LOADER XHP $72,790
- 05-5902 LANE 2 ORDER $-
- 345-5911 CONVERSION ARRANGEMENT $-
- 432-3261 INSTRUCTIONALS ANSI, IAC $-
- 422-3485 F.M. RIDE CONTROL ASSY $-
- 345-6265 TPO CAR TYRE CABLE 210
- 345-6156 RADIO, AM/FM, BLUETOOTH $496
- 345-3024 SEAT, P. L. 2 1,820
- 331-2466 Tires, 14 x 17.5 4.80-15 $1,820
- 345-6191 QUICK Coupling, ELECTRONIC $910
- 365-5811 INSTRUCTIONS, ENGLISH $-
- SP-2288 WEARING PARTS, CASE PROTECTION $188
- PR-5012 PART, DOMESTIC, RING $-
- SP-3006 BHP S450, LADD, WORK TOOLS $-
- 391-4300 1C, (130mm) drum with -42 all purpose cone bits 13,110
- 422-3290 REPLACEMENT HAMMER 6/11750mm overall width $-
- 362-4154 KIT KO, ANTI-CROWNS TO XHP $226
- 279-5337 B 191/51/11 0/4 0/4/23986 9445 9445 $1,770
- 422-2923 2720 SKID STEER LOADER XHP $72,790

#### Total List Price (USD) $32,100

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Net Price Factory Items: $67,729</th>
</tr>
</thead>
</table>
| Item 1  | Delivery to Englewood, CO and Dealer Provided Basic Familiarization Training | $-
| Item 2  | Complete Set of Manuals, Operation & Maintenance Manual, Parts Hook and Service Manual | $-

#### Net Price Factory Items: $67,729

- 21.00% $19,162
- 5.00% $4,637

#### Delivery Timeframe: Up To 180 Days After Award

### Standard Warranty 12 Months / Unlimited Hours

### Travel Time and Mileage Not Included

### This quote made in accordance with GSA Contract GS-30F-0018U. Caterpillar Inc. is the sole contract holder for GS-30F-0018U and retains all obligations for contract compliance pertaining to potential delivery orders associated with this quote made on behalf of Caterpillar Inc. by Wagner Equipment.
CATERPILLAR MACHINE PRICE LIST

272D
SKID STEER LOADER XHP
SANFORD, NORTH CAROLINA

Standard Equipment:

POWERTRAIN
Cat C3.8 Diesel Engine
- Gross Horsepower per SAE J1349
  110 hp (82 kW) @ 2400 RPM
- EPA Tier 4i and EU Stage IIIB
  Certified with Aftertreatment
- Electric Fuel Priming Pump
- Air Inlet Heater Starting Aid
- Liquid Cooled, Direct Injection
Two Speed Travel with Ride Control
Air Cleaner, Dual Element, Radial Seal
S-O-S Sampling Valve, Hydraulic Oil
Filter, Cartridge Type, Hydraulic
Filters, Cartridge Type, Fuel
and Water Separator
Radiator/Hydraulic Oil
Cooler (side-by-side)
Spring Applied, Hydraulically Released,
Parking Brakes
Hydrostatic Transmission
Four Wheel Chain Drive

HYdraulics
HYDRAULICS, XHP
- High Flow: 40 gpm (150 lpm) max
- High Flow Pressure: 4061 psi
  28000 kPa max
- Continuous Flow
- Hydraulics, Proportional
- Worktool Harness

CONTROLS:
Electro/Hydraulic Implement Control, RH
Electro/Hydraulic Hydrostatic
Transmission Control, LH

STARTERS, BATTERIES, & ALTERNATORS
1000 CCA Heavy Duty Battery

ELECTRICAL
12 Volt Electrical System
100 Ampere Alternator
Ignition Key Start / Stop / Aux Switch
Lights:- Gauge Backlighting
- Two Rear Tail Lights
- Two Rear Halogen Working Lights
- Two Adjustable Front
  Halogen Lights
- Dome Light
Backup Alarm
Electrical Outlet, Beacon

OPERATOR ENVIRONMENT
Gauges:
- Fuel Level
- Hour Meter
Operator Warning System Indicators:
- Air Filter Restriction
- Alternator Output
- Armrest Raised / Operator
  Out of Seat
- Engine Coolant Temperature
- Engine Oil Pressure
- Air Inlet Heater Activation
- Hydraulic Filter Restriction
- Hydraulic Oil Temperature
- Park Brake Engages
- Engine Emission System
Storage Compartment with netting
Seat, Comfort, Air Suspension, Cloth,
Heat
- High Back heated seat with recline
- Lumbar support
- Fully adjustable Seat Mounted
  Controls
Ergonomic Contoured Armrest
Control Interlock System, when Operator
Leaves Seat or Armrest Raised:
- Hydraulic System Disables
- Hydrostatic Transmission Disables
- Parking Brake Engages
ROPS Cab, Enclosed (C3), Tilt Up:
- Air Conditioner incl Heater/Defroster
- Side Windows
- Cup Holder
FOPS, Level 1
Top and Rear Windows
Deluxe Headliner
Floormat
Interior Rear View Mirror
12V Electric Socket
Horn
Hand (Dial) & Foot Throttle, Electronic
Dual Direction Electronic Self Level -
  (Raise and lower)
Work Tool Return to Dig
Work Tool Positioner
Electronic Snubbing (Lift)
Advanced LCD Display
- Full color 5 inch LCD screen
- Advanced Anti-theft Security System,
  multioperator
- Rear View Camera
- Integrated AMICS features

Subject to change without notice
Effective 11NOV2014

Caterpillar: Confidential Green
US-A D
Printed in USA
U. S. DOLLAR CURRENCY
272D1 XHP-001
272D SKID STEER LOADER XHP
SANFORD, NORTH CAROLINA

FRAMES
- Lift Linkage, Vertical Path
- Chassis, One Piece Welded
- Machine Tie Down Points (4)
- Belly Pan Cleanout
- Support, Lift Arm
- Rear Bumper, Welded

OTHER STANDARD EQUIPMENT
- Engine Enclosure - Lockable
- Extended Life Antifreeze (-37C, -34F)
- Coupler, Mechanical
- Hydraulic Oil Level Sight Gauge
- Radiator Coolant Level Sight Gauge
- Radiator Expansion Bottle
- Cat Tough Guard Hose
- Counterweight, Machine, External
- Heavy Duty Flat Faced Quick Disconnects with Integrated Pressure Release
- Split D-Ring to Route Work Tool Hoses
  Along Side of Left Lift Arm
- Variable Speed Hydraulic Cooling Fan

Per SAE J818-2007 and EN 474-3:2006 and
ISO 14397-1:2007
At 50% Tipping Load
- 3700 lb (1698 kg)
SERVICENTER GARAGE

SUMMARY SPECIFICATION SHEET
FOR
NEW VEHICLES

GSA Contract __GS-30F-0018U________________________

ENGLEWOOD BID# _________________________________

MANUFACTURER OF VEHICLE ______Caterpillar_________

MODEL OF VEHICLE ____272D XHP Skid Steer Loader_____

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 __021003 Streets Division__

COMMENTS: This unit replaces Unit 3229, a 2001 Volvo L50D loader that has met the replacement criteria of years of service, hours of use, and maintenance dollars expended. Departmental needs have changed and a smaller piece of equipment equipped with a cold planer will provide a more efficient operation. Purchase of this unit will also provide a departmental cost savings in CERF and Maintenance. Attached is the GSA bid award for this piece of equipment (including the cold planner) in the amount of $67,723.00.
COUNCIL COMMUNICATION

<table>
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<tr>
<th>Date:</th>
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<th>Subject:</th>
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<th>Staff Source:</th>
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<tr>
<td>January 5, 2015</td>
<td>10 a</td>
<td>Public Hearing: Ordinance Adopting Amendments to Title 16 Concerning Rezonings and Planned Unit Development</td>
<td>Community Development Department</td>
<td>Chris Neubecker, Senior Planner</td>
</tr>
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</table>

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

This item was most recently discussed with City Council during First Reading on December 15, 2014. This ordinance advances the City Council goals of having clear regulations, making the development review process easier, responding to market conditions for rezonings, and ensuring that new developments integrate with surrounding land uses and respond to the needs of the community.

PREVIOUS PLANNING COMMISSION ACTION

The Planning and Zoning Commission discussed this proposal to amend Title 16: Unified Development Code, Planned Unit Developments at study sessions on the following dates:

- November 6, 2012
- February 5, 2013
- September 4, 2013
- April 8, 2014

The Commission conducted Public Hearings on April 22 and October 7, 2014. There was one member of the public that testified at the April 22, 2014 public hearing in support of the proposed amendments. Following the October 7, 2014 hearing, the Commission voted 7-0 in favor of forwarding to City Council the proposed amendments to Title 16, Chapter 2: “Development Review and Approval Procedures (Rezonings)”, and “Planned Unit Developments” as presented in the attached Bill for an Ordinance.

RECOMMENDED ACTION

The Community Development Department recommends conducting a Public Hearing to consider testimony on Council Bill No. 69 concerning Rezonings and Planned Unit Development.
The proposed ordinance identifies a process for rezoning land (changing the allowed land uses) by either changing the base zone district or through the Planned Unit Development ("PUD") process. These procedures list the steps that an applicant must take, and the conditions that must be met, for the City to review and approve rezonings. However, the current PUD review process does not work well for land development where a specific site plan and detailed architectural designs have not been developed. The current process also does not work well where a developer seeks preliminary land use entitlements before investing in detailed site plans and design standards for the site. Furthermore, the existing regulations do not have clear application requirements for PUDs. The proposed code amendments fix the shortfalls of the current code and are intended to facilitate development.

Early on in the discussions on PUDs it was determined by staff and the Planning & Zoning Commission that a “two-step” process would be best. This process would allow a developer to obtain initial land use and density entitlements through a “District Plan”, followed by a more detailed “Site Development Plan.” The Site Development Plan would include conceptual architecture, location of roads and walkways, landscaping, etc. At the option of the developer, these two steps could be combined into one step if all required submittal information is provided up front.

The proposed ordinance will improve the PUD review process by clarifying submittal requirements and allowing developers to follow the two-step process, if they choose. These changes should help to encourage development by allowing developers to obtain preliminary land use and density entitlements before making the investment in detailed site improvement and architectural plans.

A Planned Unit Development (PUD) is intended as an alternative to conventional land use regulations resulting in the creation of a unique zone district that offers the City and Applicant forms or qualities of development or amenities not possible through existing base zone districts. In some cases, this may result in different land uses, or different densities, from the base zoning district. However, in all cases, the applicant must demonstrate to the City that the proposed development plan will be as good as, or better than, the development that would otherwise be allowed as a “use-by-right” on the property. In most cases, this is accomplished with higher quality design, better landscaping, or additional amenities not required by current zoning regulations. As a result, the public receives higher quality development, and the developer receives increased value from different uses, higher density, or greater certainty of development rights.

Following are some highlights of the proposed code amendment:

- Allows a two-step process: District Plan and a Site Development Plan. Each step would require public notice and a public hearing.
- District Plans would need to include allowed land uses, maximum density (number of residential units, or square feet of commercial uses), site plans showing major roads and location of land uses, proposed building heights, recreation areas or major amenities proposed, conceptual layout of utilities, minimum perimeter setbacks, and a traffic impact study.
- Site Development Plans must include building footprints, building sizes, sight lines and shadow studies, pedestrian circulation (sidewalks and paths), drainage features, grading plans, parking areas, landscaping materials, bicycling parking areas, site lighting and conceptual architectural designs.
- Minimum land area for PUDs would remain one-half acre (21,780 sq. ft.)
- Minor Amendments to PUDs may be approved by the City Manager or designee. Depending on the amendment, this would usually involve referral to relevant City departments for comment and
advice. “Minor Amendments” include changes in the location of structures or facilities, or the location of streets or walkways, if required by engineering or other circumstances not foreseen at the time of the PUD approval. Also, any other change that is not listed as a “Major Amendment” would be considered a Minor Amendment.

- Major Amendments to approved PUDs would require public hearings with Planning Commission and City Council.
- Final approval of a PUD is by City Council; appeals to Council decisions are to Arapahoe County Court.

FINANCIAL IMPACT

There will be no direct financial impact on the City as a result of this ordinance. Indirectly, there should be a positive financial impact on the City by making development easier and encouraging new development by facilitating approval of a preliminary District Plan before developers need to invest in more detailed Site Development Plans.

LIST OF ATTACHMENTS

Proposed Bill for an Ordinance
BY AUTHORITY

ORDINANCE NO. ____
SERIES OF 2014

COUNCIL BILL NO. 69
INTRODUCED BY COUNCIL
MEMBER ________________

A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTER 2, SECTION 7, ENTITLED OFFICIAL ZONING MAP AMENDMENTS (REZONINGS), AND TITLE 16, CHAPTER 2, SECTION 8, TO BE ENTITLED PLANNED UNIT DEVELOPMENT (PUD) REZONING PROCESS AND REQUIREMENTS, OF THE ENGLEWOOD MUNICIPAL CODE 2000.

WHEREAS, a Planned Unit Development (PUD) is intended as an alternative to conventional land use regulations resulting in the creation of a unique zone district that offers the City and Applicant forms or qualities of development or amenities not possible through existing base zone districts; and

WHEREAS, in 2004 the City adopted the Unified Development Code; and

WHEREAS, the Planned Unit Development regulations in the 2004 Unified Development Code were included with other types of rezonings and addressed only the basic elements of PUD size thresholds, criteria, and process; and

WHEREAS, in November 2012 the City began the process to modify the Planned Unit Development regulations to address a lack of procedural details in the Unified Development Code; and

WHEREAS, this Ordinance is to clarify the regulations for the Planned Unit Development rezoning of property to ensure that new developments integrate with the surrounding land uses; and

WHEREAS, the current PUD review process needs to be improved where a specific site plan and detailed architectural designs have not been adequately developed; and

WHEREAS, the Planning & Zoning Commission found that additional detail on the submittal requirements for a Planned Unit Development would be helpful to applicants to understand the information required in an application for a PUD and would further help to ensure that the plan provides sufficient detail for the Commission to make an informed decision; and

WHEREAS, the Planning & Zoning Commission determined that by consolidating information on Planned Unit Development regulations into one Section of the Development Code and removing Planned Unit Developments from “the Official Zoning Map Amendments” Section will clarify the review process and development standards for PUDs; and

WHEREAS, the amendments allow the two step district plan and site plan process to be joined into one or two steps at the option of the developer; and

1.
WHEREAS, District Plans would need to include allowed land uses, maximum density (number of residential units, or square feet of commercial uses), preliminary site plans showing major roads and location of land uses, proposed building heights, recreation areas or major amenities proposed, conceptual layout of utilities, minimum perimeter setbacks, and a traffic impact study; and

WHEREAS, Site Development Plans must include building footprints, building sizes, sight lines and shadow studies, pedestrian circulation (sidewalks and paths), drainage features, grading plans, parking areas, landscaping materials, bicycle parking areas, site lighting and conceptual architectural designs; and

WHEREAS, this ordinance relocates and consolidates provisions regarding Planned Unit Development (PUD) processes and requirements into one subsection, 16-2-8 EMC to make the requirements easier for applicants to see what is required for a rezoning to a PUD; and

WHEREAS, the intent of PUDs is to allow for the creation of a unique zone district and to accomplish that 16-2-7(B)(2) is clarified and moved to 16-2-8(A) and;

WHEREAS, the minimum size for a PUD remains the same at one-half acre and;

WHEREAS, 16-2-7(C)(2) relating to neighborhood meetings is amended to remove the possible criminal sanctions for City staff regarding reporting; and

WHEREAS, public utilities and other government agencies have been added to the City review process to insure that the application is compatible with existing infrastructure; and

WHEREAS, 16-2-7(F)(2) and 16-2-7(G)(3) regarding Commission hearings and standards transferred to 16-2-8(G) which outlines the entire approval process; and

WHEREAS, 16-2-7(H)(2) removes PUDs from the general rezoning criteria section and transfers it to 16-2-8(F) along with the provision that it be consistent with the Comprehensive Plan; and

WHEREAS, 16-2-7(I) repeals the lapsing provision in the current title regarding TSA and base district “rezonings” and this ordinance also clarifies that PUD rezonings do not lapse 16-2-8(G) because any rezoning is a permanent change and does not lapse; and

WHEREAS, 16-2-8(A) through (C) is new language to clarify the intent of and procedures for allowing PUD rezoning; and

WHEREAS, 16-2-8(D) lists permitted uses allowed under a PUD; and

WHEREAS, 16-2-8(E) describes the requirements for granting a PUD rezoning, some of which exist in the current code and are relocated to this section; and

WHEREAS, 16-2-8(F) lists the current criteria for a PUD rezoning which has no major change; and
WHEREAS, 16-2-8(G) & (H) clarifies the difference between a PUD District Plan and a PUD Site Development Plan which provides more details for the proposed development; and

WHEREAS, 12-2-8(G) & (H) also sets out the process for approval and allows the applicant to choose a one or two step process depending upon the amount of detail provided in the application; and

WHEREAS, 16-2-8(I) defines and lists criteria for major and minor amendments to a previously approved PUD and a Site Development Plan; and

WHEREAS, 16-2-8(J) reiterates that the appeal process for PUD rezoning is the same as for any other rezoning under Title 16 EMC; and

WHEREAS, after a Public Hearing the Englewood Planning and Zoning Commission recommended approval of this Ordinance at their October 7, 2014 meeting.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 7, entitled Official Zoning Map Amendments (Rezonings) of the Englewood Municipal Code 2000, to read as follows:

16-2-7: Official Zoning Map Amendments (Rezonings).

The City may initially zone annexed property, or the boundaries or areas of any zone district may be changed, or the zone classification of any parcel of land may be changed pursuant to this Section. Rezonings shall not be used as a way to legitimate nonconforming uses or structures, and should not be used when a conditional use, Zoning Variance, or Administrative Adjustment could be used to achieve the same result. Rezonings to a Planned Unit Development district (PUD) or Transit Station Area (TSA) district are subject to additional shall follow the procedures and criteria as set forth in this Section 16-2-8 for Planned Unit Developments.

A. Initiation.

1. A proposed rezoning may be initiated by any party identified in Section 16-2-3.A EMC.

2. A rezoning application shall expire one (1) year after submittal unless a public hearing on the application has been held by the Council on or before that date; provided, however, that the City Manager or designee may extend the application for six (6) months if the reason for the delay was due to circumstances beyond the control of the applicant.
3. No application for rezoning property shall be accepted within twelve (12) months following a final decision on a prior rezoning application relating to all or any portion of that same property. A "final decision" shall mean denial of a rezoning by the Council, or withdrawal of the rezoning application occurring after a recommendation of denial by the Commission.

B. \textit{Thresholds for Rezoning.}

1. Thresholds for Base District Rezonings:
   a. \textit{General.} A base district rezoning results in the change of a property's existing base zoning district classification to a base zoning district classification identified in Table 16-3-1.1, other than a PUD or TSA district.

   b. \textit{Minimum District Size.} A base district rezoning application shall only be considered for properties greater than thirty-seven thousand, five hundred (37,500) square feet of land area and contiguous to a compatible zone district.

   c. For purposes of this Section, "compatible zone districts" are districts within the same base zoning district headings as identified in Table 16-3-1.1 (i.e. R-2-A and R-2-B are compatible zone districts within residential one and multi-unit district headings.) The contiguity to compatible zone district requirement does not apply if the rezoning request is consistent with and implements the Comprehensive Plan.

2. Thresholds for Planned Unit Development (PUD) Rezonings:

   a. \textit{General.} A PUD rezoning results in the creation of a unique zone district that offers the City additional forms or qualities of development or amenities not possible through other zone districts. The terms and conditions of each PUD zone district shall be based on negotiations between the property owner and the City, but all PUD zone districts must be consistent with the Comprehensive Plan and applicable provisions of this Title. Each PUD zone district must include its own list of permitted and conditional uses and shall identify what development standards shall apply. If a PUD proposal will require the creation of one (1) or more new lots of record, or amendment of the boundaries or properties of existing lots of record, then approval of a subdivision plat shall also be required.

   b. \textit{Minimum District Size.} A PUD rezoning application shall only be considered for properties greater than one-half (½) acre in area.

3. Thresholds for Transit Station Area (TSA) Rezonings:

   a. \textit{District Location.} The location of a Transit Station Area (TSA) district shall be consistent with the following criteria:
(1) The location of the proposed TSA district shall be consistent with the locations described or depicted for transit-related and/or mixed-use development in the Comprehensive Plan.

(2) The TSA district shall be located generally within a one-quarter (¼) mile radius of an existing, or a planned and approved light-rail rapid transit station.

(3) The one-quarter (¼) mile radius may be augmented by an extended area which would include up to a one-half (½) mile radius where the area is contiguous to the TSA district and that it can be demonstrated that the area creates a transitional zone when the Planning and Zoning Commission makes a finding that such an extension is a benefit to the adjoining zone districts.

b. Minimum District Size.

(1) An application to rezone to a TSA district shall include a minimum gross land area of three (3) acres.

(2) The City may allow smaller incremental and contiguous additions to an existing TSA district, if the subsequent rezoning application:

   (a) Includes a minimum gross land area of twenty thousand (20,000) square feet;

   (b) Is consistent with the intent of the TSA district;

   (c) Provides uses or a mix of uses complementary to the mix of uses planned or developed in the adjoining, existing TSA district; and

   (d) Demonstrates site and building designs that will be compatible with, and integrated with, the adjoining, existing TSA district.

C. Pre-Application Review and Neighborhood Meeting.

1. Pre-Application Conference. All applicants for rezoning shall be required to participate in a pre-application conference pursuant to Section 16-2-3.F EMC.

2. Pre-Application Neighborhood Meeting Rezoning. Following the pre-application conference, each applicant for a rezoning shall hold a neighborhood meeting in accordance with City procedures to describe their proposal before an application for rezoning can be accepted by the City. The neighborhood meeting is an opportunity for the applicant to describe the proposal as well as for area residents and property owners to offer input about the proposal at an early stage. The applicant shall hold the meeting at a time and location accessible and convenient for the public. The City shall be represented at the meeting. Following the neighborhood meeting the City representative shall prepare a written report summarizing the general discussion of the neighborhood meeting and make copies available to the City staff, the applicant, and the public.
3. The maximum time between a required neighborhood meeting and a public hearing before the Commission shall not be more than one hundred eighty (180) days. In the event the public hearing is not held within one hundred eighty (180) days, the applicant shall be required to hold another neighborhood meeting.

D. Notice. The City Manager or designee shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC.

E. City Review. The City Manager or designee shall review the proposed rezoning, and may refer the application to any City department or agency (including any utility providers, other municipalities or other agency as determined by the City) for its review and comments, and shall prepare a report of its recommendations for review by the Commission and Council. A copy of the report shall be furnished to the applicant.

F. Commission Review and Recommendation.

1. Base District Rezoning.

   The Commission shall review the proposed rezoning and the recommendation of City staff, and shall hold a public hearing on the proposed rezoning. Following such hearing, the Commission may make a recommendation to approve, deny, or modify the proposed rezoning.
2. b. The Commission may recommend to the Council that an application for an initial zoning or a rezoning be approved upon condition that the applicant, or the applicant's successors and assigns, obtain approval by the Commission and Council of a site plan or subdivision plat of the subject property either prior to Council action, within a certain time after Council action, or prior to any site development.

2. PUD or TSA Rezoning.

a. The Commission shall review the proposed PUD or TSA rezoning, and the recommendations of City staff on both applications, and shall hold a public hearing on each application.

b. The Commission shall then review the proposed PUD or TSA rezoning pursuant to this Section, and following the public hearing, may recommend that the Council approve, deny, or approve the proposed rezoning with conditions.

2. e. In its review of the rezoning application, in addition to any other criteria and findings applicable to the decision, the Commission's recommendations shall include its written findings on each of the following points:

1. The application is or is not in conformance consistent with the Comprehensive Plan and this Title; and

2. The application is or is not consistent in conformance with adopted and generally accepted development standards of development in the City, and any other ordinance, law, or requirement of the City; and

3. The application is or is not substantially consistent with the goals, objectives, design guidelines, and policies and any other ordinance, law, or requirement of the City.

G. Council Action.

1. Base District Rezoning Applications. The Council shall review the proposed rezoning, the recommendation of City staff, and the recommendation of the Commission, and shall hold a public hearing on the proposed amendment. Following such hearing, the Council may approve, deny, or refer a proposed amendment back to the Commission, amend the proposal.

2. PUD and TSA Rezoning.

a. The Council shall then review the proposed PUD or TSA rezoning in light of the recommendation of City staff, and the recommendation of the Commission, and shall hold a public hearing on the proposed rezoning. Following such hearing, the Council may approve, deny, or amend the proposed rezoning.

2. Refer Back to Commission. No substantial amendment to an application for a rezoning may be made by the Council after a recommendation on the rezoning has
been made by the Commission, unless it is first referred back to the Commission for comment on the proposed substantial amendment.

H. **Criteria.** Rezonings shall be made in the interest of promoting the health, safety, and general welfare of the community, and shall be consistent with the Comprehensive Plan. In addition, the review- or decision-making body shall only recommend approval of, or shall only approve, a proposed rezoning, if it finds that the proposed rezoning meets the criteria listed below.

1. For base district rezonings, the proposed rezoning shall meet at least one of the following criteria:
   
   a. That there has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change; or
   
   b. That the property to be rezoned was previously zoned in error; or
   
   c. That the property cannot be developed, or that no reasonable economic use of the property can be achieved, under the existing zoning.

   The criteria in subsections 1.a through c above shall not apply to the initial zoning of property annexed to the City or to rezonings that may occur incidental to a comprehensive City-initiated revision of the City's Official Zoning Map.

2. For PUD or TSA rezonings, the proposed development shall comply with all applicable use, development, and development design standards set forth in this Title that are not otherwise modified or waived according to the rezoning approval; and the proposed rezoning shall meet at least one of the following criteria:

   a. That the proposed development will exceed the development quality standards, levels of public amenities, or levels of design innovation otherwise applicable under this Title, and would not be possible allowed or practicable under a standard zone district with conditional uses or with a reasonable number of Zoning Variances or Administrative Adjustments; or
   
   b. That the property cannot be developed, or that no reasonable economic use of the property can be achieved, under the existing zoning, even through the use of conditional uses or a reasonable number of Zoning Variances or Administrative Adjustments.

3. All rezonings shall meet the following criterion:

   a. The resulting rezoned property will not have a significant negative impact on those properties surrounding the rezoned area and that the general public health, safety and welfare of the community are protected.
I. After Approval—Lapsing Period.

1. Base-District Rezoning. An approved base-district rezoning shall not lapse, but shall remain in effect until and unless superseded by a later or inconsistent amendment to, or replacement of, the Official Zoning Map. However, if the City has required the submission of a Zoning Site Plan as part of the rezoning process, and has approved a Zoning Site Plan for the rezoned property, and the Zoning Site Plan later lapses pursuant to Section 16-2-9.E EMC, the Council may initiate a rezoning of the property to its prior zone map designation, or to an alternative designation more consistent with the Comprehensive Plan.

2. PUD or TSA rezoning. An approved PUD or TSA district rezoning shall not lapse, but shall remain in effect until superseded by a later or inconsistent amendment to, or replacement of, the TSA District Official Zoning Map.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, by adding a new Section 8, entitled Planned Unit Development (PUD) Rezoning Process and Requirement of the Englewood Municipal Code 2000, to read as follows:

16-2-8: Reserved. Planned Unit Development (PUD) Rezoning Process and Requirements.

A. Intent. The PUD Zone District is an alternative to conventional land use regulations resulting in the creation of a unique zone district that offers the City and Applicant forms or qualities of development or amenities not allowed through existing base zone districts. The PUD Zone District combines use, density, height, design and site plan considerations into a unified process. Each PUD Zone District must include its own list of permitted and conditional uses and shall identify what development standards will apply.

The PUD Zone District is specifically intended to:

1. Provide an opportunity for the developer and the City to review the type and intensity of development being proposed, and to identify any elements of the proposed plan that may not comply with existing City development standards.

2. Provide development opportunities not otherwise permitted within existing zone districts by reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards.

3. Permit and encourage innovative design, flexibility, and diversity in land planning and development.

4. Provide the opportunity for unified development control for a single parcel or multiple properties in harmony with the environment and respecting the context of the surrounding neighborhoods by establishing design and development standards for the general character of the properties within the PUD.

5. Plan for the general configuration of land uses, common elements, major transportation and pedestrian circulation elements, utilities and necessary easements.
to serve the site and to connect to existing and planned transportation networks, pedestrian networks and utilities.

6. Plan for proposed amenities, such as parks, open space and recreational facilities.

7. Identify natural features of the site that should be enhanced, protected or remain undeveloped.

8. Ensure consistency with the Englewood Comprehensive Plan.

9. Provide for the public health, safety, integrity and general welfare, and otherwise achieve the purposes provided in the Planned Unit Development Act of 1972 as amended (C.R.S. 24-67-101, et seq.).

B. **Applicability.** The provisions of this Section shall apply to all lands, uses, and structures to be rezoned to Planned Unit Development (PUD) Zone District. The provisions of this Section shall not apply to:

1. Planned Developments (P.D.) approved prior to July 1, 1996, which shall continue to be governed by the respective development plans and the regulations of the underlying zone districts. However, any major amendments to an existing P.D., as determined by the City Manager or designee, shall require review and approval under the new requirements of this Section.

2. Any land currently zoned PUD, and partially developed prior to the date of the adoption of this Section. Such approved PUDs may continue and complete such development under the terms and conditions of approval for that PUD. However, any major amendments to an existing PUD, as determined by the City, shall require review and approval under the new requirements of this Section.

C. **Initiation.**

1. A proposed rezoning may be initiated by any party identified in Section 16-2-3(A) EMC. All property owners within the boundaries of a proposed PUD zone district shall consent in writing to the application for a PUD.

2. A PUD application shall expire one (1) year after submittal unless a public hearing on the application has been held by the Council on or before that date, provided however, that the City Manager or designee may extend the application for six (6) months if the reason for the delay was due to circumstances beyond the control of the applicant.

3. No application for substantially the same PUD shall be accepted within twelve (12) months following a final decision on a prior rezoning application relating to all or any portion of that same property. A “final decision” shall mean denial of a rezoning by the Council.

D. **Permitted Uses.** Uses permitted in a PUD zone district may include any use which is a permitted use in any zone district of the City, or as may be permitted through the unlisted uses determination process of Section 16-5-1(B) EMC Unlisted Uses. Each PUD
application shall include its own list of allowed or conditional uses and shall identify
applicable design and development standards. A PUD District Plan or a PUD Site
Development Plan may vary the provisions of Title 16 EMC, but only to the extent
specifically shown on an approved PUD District Plan or Site Development Plan.

E. General Use and Development Requirements and Limitations. PUDs shall be subject to the
following:

1. PUD applications shall only be considered for properties equal to or greater than
one-half (1/2) acre.

2. Requests for rezoning to a PUD zone district shall be filed on application forms
provided by the City, together with all plans, maps and any other information as may
be necessary, reasonable and relevant for review by the City. Applications shall be
submitted with fees established by City Council resolution.

3. Requests for rezoning to a PUD zone district shall be authorized in writing by the
landowner(s) or an authorized agent.

4. All PUD zone districts shall be established through a map amendment to this Title
pursuant to the procedures and criteria set forth in this Title.

5. The terms and conditions of each PUD zone district shall be based on negotiations
between the applicant and the City. However, all PUD zone districts shall be
consistent with the Comprehensive Plan and applicable provisions of this Title.

6. If a PUD proposal requires the creation of one (1) or more new lots of record, or
amendment of the boundaries of existing lots of record, then approval of a
subdivision plat shall also be required.

7. The area of land for the PUD zone district may be controlled by one or more
landowners and shall be developed under unified control or a unified plan of
development.

8. Provisions shall be made for the establishment of an organization for the ownership
and maintenance of areas designated as private streets and/or common space unless
other adequate arrangements for the ownership and maintenance thereof are provided
in a manner acceptable to the City Council.

9. The PUD zone district shall be subject to all applicable use and development
standards of this Title unless otherwise waived or modified by the applicant and
approved by City Council in the terms of the approved PUD.

F. Approval Criteria. PUD rezonings shall be made in the interest of promoting the health,
safety, and general welfare of the community, and shall be consistent with the
Comprehensive Plan. In addition the review or decision making body shall only
recommend approval of, or shall only approve, a proposed PUD rezoning if it finds that the
proposed rezoning meets the criteria listed below:

1. The proposed development shall comply with all applicable use, development, and
design standards set forth in this Title that are not otherwise modified or waived
according to the rezoning approval. In addition, the proposed rezoning shall meet at least one of the following criteria:

a. The proposed development will exceed the development quality standards: levels of public amenities; or levels of design innovation otherwise applicable under this Title, and the proposed development would not be allowed or practicable under a standard zone district with conditional uses or with a reasonable number of Zoning Variances or Administrative Adjustments; or

b. The property cannot be developed, or no reasonable economic use of the property can be achieved, under the existing zoning, even through the use of conditional uses or a reasonable number of Zoning Variances or Administrative Adjustments.

2. All PUD rezonings shall meet the following criterion:

a. The resulting rezoned property will not have a significant negative impact on those properties surrounding the rezoned area and the general public health, safety and welfare of the community will be protected.

G. **PUD Approval Process Summary:** The Planned Unit Development zone district requires three (3) steps for PUD project review and approval: 1) Pre-application review and neighborhood meeting; 2) PUD District Plan review and approval; 3) PUD Site Development Plan review and approval. If an applicant provides site-specific development plans, the PUD District Plan and PUD Site Development Plan steps may be combined.

The PUD rezoning may be processed in one phase or two, at the option of the developer. A complete and final PUD shall not take effect until and unless all of the information required below for both a PUD District Plan and a PUD Site Development Plan have been reviewed and approved by the City.

The PUD District Plan is a general plan for the land within the boundaries of the application, and includes general land uses and densities, building heights, general design intent, parking ratios, and a conceptual layout of the site. Approval of PUD District Plan requires a later approval of a PUD Site Development Plan prior to any development or issuance of a Building Permit.

The PUD Site Development Plan is a more detailed plan for the development of the site by applying the standards set forth in the District Plan, but shall also include a statement of architectural intent; design standards necessary to achieve the architectural intent; location of major transportation and circulation systems; parking standards; landscaping requirements; common elements and other details required to demonstrate that the development will meet or exceed the standards set forth on the District Plan and the qualities of development otherwise required by City standards in the base zone district.

1. **Pre-Application Conference and Neighborhood Meeting:** Applicant shall submit a preliminary proposal indicating the property to be included in the proposed PUD: the size of the land in acres and square feet; proposed land uses; maximum density and/or number of units; anticipated building heights; and approximate location of major circulation elements. Staff may review the preliminary proposal and provide
written comments and recommendations to potential applicants. No project approval is implied or granted at this early review stage.

Neighborhood Meeting: Following the pre-application conference, each applicant for a PUD shall hold a neighborhood meeting in accordance with City Procedures to describe their proposal before an application for rezoning can be accepted by the City. The neighborhood meeting is an opportunity for the applicant to describe the proposal as well as for area residents and property owners to offer input about the proposal at an early stage. The applicant shall hold the meeting at a time and location accessible and convenient for the public. The City shall be represented at the meeting. Following the neighborhood meeting, the City representative may prepare a written report summarizing the general discussion of the neighborhood meeting and make copies available to the City staff, the applicant, and the public.

The maximum time between a required neighborhood meeting and a public hearing before the Commission shall not be more than one hundred eighty (180) days. In the event the public hearing is not held within one hundred eighty (180) days, the applicant shall be required to hold another neighborhood meeting.

2. Notice. The City Manager or designee shall require that notice of required public hearings be given in accordance with Section 16-2-3. (G) EMC.

3. City Review. The City Manager or designee shall review the proposed PUD, and may refer the application to any City department or agency (including any utility providers, other municipalities or other agency as determined in the City) for its review and comments, and shall prepare a report of its recommendations for review by the Commission and Council. A copy of the report shall be furnished to the applicant.

4. Commission Review and Recommendation. The Commission shall review the proposed PUD and the recommendation of City staff and shall hold a public hearing on the PUD. Following such hearing the Commission may make a recommendation to approve, approve with conditions, deny, or modify the PUD.

(a) In its review of the PUD application, in addition to any other criteria and findings applicable to the decision, the Commission’s recommendations shall include its written findings on each of the following points:

1. The application is or is not consistent with the Comprehensive Plan and this Title; and

2. The application is or is not in conformance with adopted and generally accepted development standards, and any other ordinance, law or requirement of the City; and

3. The application is or is not substantially consistent with the goals, objectives, and policies of the City.
5. Council Action. The Council shall review the proposed PUD, the recommendation of the City staff, and the recommendation of the Commission, and shall hold a public hearing on the proposed PUD. Following such hearing, the Council may approve, deny, or refer a proposed PUD back to the Commission for modifications based on the requirements of this Title.

6. After Approval – Lapsing Period. An approved PUD shall not lapse but shall remain in effect until superseded by a later or inconsistent amendment to, or replacement of, the PUD or the Official Zoning Map.

   a. Following approval of a PUD and the execution of all certificates appearing on the final PUD document, the applicant shall submit the final PUD and all other required documents to the City and the City shall record them with the Arapahoe County Clerk and Recorder. All expenses for recording shall be borne by the applicant and be paid prior to recording.

H. Submittal Requirements.

1. PUD District Plan: The PUD District Plan shall include all submittal requirements as listed below. The Planning and Zoning Commission shall make a recommendation to City Council for final action on a PUD District Plan zoning request. If a PUD District Plan is submitted for review without inclusion of a PUD Site Development Plan, then the Planning and Zoning Commission action on the PUD District Plan shall include a recommendation for final action on the Site Development Plan, which may include requiring review by staff only, review at a public hearing by the Planning and Zoning Commission, and additional review at a public hearing by the City Council, depending upon the size, uses, and complexity of the plan or issues remaining for review.

   PUD Site Development Plan: If a PUD Site Development Plan is submitted with a PUD District Plan, the Site Development Plan shall be reviewed at the same time as the PUD District Plan. If a PUD Site Development Plan is submitted subsequently to a PUD District Plan, then the Site Development Plan shall be reviewed as specified in the approved District Plan.

2. PUD District Plan: The applicant shall submit for City review a minimum of twelve (12) sets of the proposed PUD District plan. Applications shall be deemed complete only upon submittal of all required information and payment of all application fees. Review will not occur until the application is complete. The PUD District Plan shall be sufficiently detailed to indicate the general land uses; locations; development densities and/or minimum lot areas per unit; building heights; major transportation and circulation elements; the intended design character of the development and shall include but shall not be limited to, the following:

   a. The name and location of the proposed development; and

   b. The names, addresses and phone numbers of the applicants, owners, developers and designers of the development; and
c. Documentation confirming that the applicant has legally sufficient interest in the property proposed for development, or is the duly authorized agent of such a person; and

d. A PUD District Plan, drawn at a scale of not less than one inch per fifty feet (1" = 50') along with north arrow, written and graphic scale, of the proposed development. The District Plan shall be of sufficient detail to determine impacts, both on and off-site that may require mitigation. The District Plan shall additionally include the following, where applicable:

1. A boundary survey and legal description prepared by a Colorado registered Professional Land Surveyor.

2. A description of the location of the property, and an identification of the primary developments, sensitive areas and other surrounding uses, features and major transportation networks in the immediate vicinity of the property.

3. Adjacent streets, proposed points of access and internal vehicular circulation routes.

4. Existing zoning and land use for all properties within at least three hundred feet (300') of all property boundary lines.

5. Location and area of proposed land uses, including private, public and quasi-public facilities; for plans with multiple uses, applicant shall provide a land use schedule listing permitted land uses.

6. Maximum heights of proposed structures.

7. Parking ratios for allowed uses, plus a statement of the intent to use surface or structured parking.

8. The maximum allowed density of the site, including any density maximums or minimums on individual uses.

9. A description of the intended parks, recreation and open space features necessary and major amenities proposed to achieve the intended goal of the development, including the approximate location and area of open space and recreation areas.

10. General intent and location of landscape areas, including percent of site dedicated to natural and landscaped areas, and transitional buffer areas.

11. Location of existing bus stops, bike paths and pedestrian networks.

12. The existing topography of the land and existing natural features, together with areas subject to 5-year and 100-year flooding.

13. Locations of any existing easements on the property.
(14) Required major extensions of utilities, including conceptual layout of utilities and storm sewer systems.

(15) A description of the architectural design concept and development standards for exterior building materials sufficient to demonstrate that the development will be compatible with the surrounding neighborhood or will achieve a higher level of design. Development standards shall include a list of allowed and prohibited exterior materials, standards for articulation of street facing facades, and minimum transparency (windows) for building elevations.

(16) Minimum perimeter setbacks and other setbacks as appropriate.

(17) A Traffic Impact Study describing existing conditions, projected traffic generation from the new development, and anticipated impacts on the external street network in the vicinity of the proposed PUD.

(18) A written statement generally describing the proposed PUD and the market which it is intended to serve, its relationship to the Comprehensive Plan, and how the design and architectural concept of the proposed PUD will relate to adjacent property. Where the applicant’s objectives are not substantially consistent with the Comprehensive Plan, the statement shall include the changed or changing conditions that justify approval of the proposal.

(19) Other information deemed necessary, reasonable, and relevant to evaluate the application as determined by City Manager or designee, Planning and Zoning Commission, or City Council.

3. PUD Site Development Plan: After or concurrent with the review of the PUD District Plan, the applicant shall submit for City review a minimum of twelve (12) sets of the proposed PUD Site Development Plan. Applications shall be deemed complete only upon submittal of all required submittal information and payment of applicable fees. Review will not occur until the application is complete. The PUD Site Development Plan may include the entire area within the PUD District Plan or the PUD Site Development Plan may consist of one or more phases, provided however, that the approval of any one phase may be contingent on improvements that involve other or all phases. The PUD Site Development Plan shall be sufficiently detailed and shall contain such information and documentation to fully indicate the ultimate operation and appearance of the project and shall include, but shall not be limited to, the following:

a. A boundary survey and legal description prepared by a Colorado registered Professional Land Surveyor.

b. Structure footprints, locations, gross floor areas, building heights and dimensioned setbacks from streets, as well as other structures and other features.

c. Sight lines and shadow studies.
d. Locations of major vehicular circulation system elements, including streets, curb cuts, and parking areas. Circulation systems shall be designed to connect with existing or planned street networks.

e. Pedestrian circulation elements including sidewalks, pathways, bus stops, plazas, with materials indicated; pedestrian circulation systems shall be designed to connect with existing or planned sidewalks and pathways.

f. Drainage features including retention and detention areas.

g. Overall grading showing existing and proposed grades.

h. Location, dimensions and descriptions of all existing utility easements on the property.

i. Parking areas and a preliminary design of internal circulation for parking areas or structures.

j. Location and amount of bicycle parking.

k. Loading and trash areas.

l. A schedule of dwelling units (if applicable) by building, and dwelling unit density based on units divided by acres of net lot area remaining after right-of-way dedications.

m. Location and area of parks, open space and recreation facilities, including amounts and locations of play areas for children and other recreational areas shown on the PUD District Plan.

n. Landscaping to include a material schedule listing quantities, plant types (e.g. deciduous street trees, evergreen shrubs, etc.), common name, minimum size at planting, area calculations for required and provided landscape area.

o. Fences, walls or year-round natural screen planting and landscaping when necessary to shield adjacent residential areas from commercial, industrial and parking areas.

p. Site lighting elements, including street lights, pedestrian lights and any other lighting elements.

q. Areas subject to flooding from a major storm including the 5-year and 100-year storms, detention and retention areas and provisions for controlled release of water from detention or retention areas following a major storm.

r. Site signage locations, and lighting of signs including specifically adopted sign standards where applicable.

s. Public amenities that may be included in the development proposal, including public art.
Conceptual building elevations that illustrate how the design standards established in the PUD District Plan are being implemented, including architectural concepts, façade treatments, and exterior building materials, as necessary to establish how the proposed PUD uses and structures relate internally and/or to the neighboring properties.

Other information deemed necessary, reasonable, and relevant to evaluate the application as determined by City Manager or designee, Planning and Zoning Commission, or City Council.

Amendments.

District Plan Amendments.

a. Major Amendments to the PUD District Plan: Major amendments may be made to the approved Planned Unit Development District Plan pursuant to the procedures as provided within this Section 16-2-8 EMC, including a neighborhood meeting. Major amendments shall include any of the following:

(1) An increase in the maximum building height beyond that allowed in the approved PUD District Plan.

(2) An increase in the maximum allowed density or number of units beyond that allowed in the approved PUD District Plan.

(3) A change in land use to a use not otherwise allowed in the approved PUD District Plan.

(4) A reduction of the perimeter setbacks from those required in the approved PUD District Plan.

(5) A reduction in the amount of landscaping required in the approved PUD District Plan.

(6) An increase in the allowed lot coverage above that approved in the PUD District Plan.

(7) Any change not considered a minor amendment by the City Manager or designee.

b. Minor Amendments to the PUD District Development Plan: The City Manager or designee may approve minor amendments in the location of structures or facilities, or location of streets or walkways if required by engineering or other circumstances not foreseen at the time the Planned Unit Development District Plan was approved so long as no amendment violates any standard or regulation set forth in this Section; or any change not listed as a “Major Amendment” in Section 16-2-8(D)(1)(a) above.
2. Site Development Plan Amendments: All PUD Site Development Plans and
documents may be changed and/or amended in whole or in part from time to time as
provided in this Section.

a. Major Amendments to PUD Site Development Plans: PUD Site Development
Plans approved and recorded hereunder may only be amended as provided in
Section 16-2-8(H)(3) and (G) EMC. This shall include those amendments
which meet any of the following criteria:

(1) A change in the character of the development; or
(2) A change in the allowed land uses; or
(3) A change in the general location of land uses; or
(4) An increase in the maximum allowed building or structure height; or
(5) 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; or
(6) A change in the required setbacks from property lines, or “build-to”
lines; or
(7) An increase of more than two percent (2%) in ground coverage by
structures or surface parking; or
(8) A reduction by more than two percent (2%) in the land area designated
for landscaping; or
(9) A reduction in the ratio of off-street parking and loading space to gross
floor area or number of dwelling units in structures; or
(10) A change affecting the access from and through public rights-of-way.

b. Minor Amendments to PUD Site Development Plan: The City, through the
City Manager or designee, may authorize minor deviations from the PUD Site
Development Plan when such deviations appear necessary in light of technical
or engineering considerations. Minor Amendments shall not be permitted for
any changes included with the list of Major Amendments in Section 16-2-8(H)(2)(a) above.

1. Appeals.

1. PUD District Plan: The applicant may appeal any determination or action taken by
the City Council under this Chapter to an Arapahoe County Court of competent
jurisdiction. Said appeal to the court must comply with Rule 106 of Colorado Rules
of Civil Procedure.
2. **PUD Site Development Plan:** The applicant may appeal any determination or action taken by the City Council under this Chapter to an Arapahoe County court of competent jurisdiction. Said appeal to the court must comply with Rule 106 of Colorado Rules of Civil Procedure.

*Editor’s note* - Ord. 08-48, § 4, adopted Sept. 15, 2008, deleted 16-2-8, which pertained to overall concept plan review and derived from Ord. 04-5.

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

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

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

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

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

Introduced, read in full, and passed on first reading on the 15th day of December, 2014.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 19th day of December, 2014.

Published as a Bill for an Ordinance on the City’s official website beginning on the 17th day of December, 2014 for thirty (30) days.

____ ATTEST: ____________

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk
I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 15th day of December, 2014.

Loucrishia A. Ellis
COUNCIL COMMUNICATION

Date: Agenda Item: Subject:
January 5, 2015 10 b Public Hearing: Amendments to Title 16: Minimum Lot Width for Multi-Unit Dwellings in the MU-R-3-B and MU-R-3-C Zone Districts

Initiated By: Community Development Department
Staff Source: Brook Bell, Planner II

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council considered the proposed Title 16 amendments at First Reading on December 15, 2014 and set a public hearing for January 5, 2015.

RECOMMENDED ACTION

Recommendation from the Community Development Department to consider testimony during Public Hearing on Council Bill No. 71 authorizing amendments to Title 16: Unified Development Code regarding minimum lot width for multi-unit dwellings in the MU-R-3-B and MU-R-3-C zone districts.

BACKGROUND

It has come to the City’s attention that an error was made related to the minimum lot widths for the MU-R-3-B zone district when Section 16-6-1.C.1 was added as part of a UDC amendment in Ordinance #37 of 2008; and subsequently, when the MU-R-3-C zone district was created by Ordinance #23 of 2012. The errors are discrepancies between UDC Table 16-6-1.1: Summary of Dimensional Requirements, and UDC Section 16-6-1.C.1 Multi-Unit Development Standards in R-2-A, R-2-B, R-3-A, MU-R-3-A, MU-R-3-B, and MU-R-3-C. For the MU-R-3-B and MU-R-3-C zone districts, the minimum lot width required for a multi-unit dwelling in Table 16-6-1.1 is “None”; whereas, Section 16-6-1.C.1 requires a minimum lot width of “twenty-five feet (25’) per unit for properties with alley access” and “thirty feet (30’) per unit” for properties without alley access.

SUMMARY

UDC section 16-6-1.C.1 was added as part of a UDC amendment in Ordinance #37 of 2008; and subsequently, the MU-R-3-C zone district was created by Ordinance #23 of 2012. Since then, it has come to the City’s attention that errors were made that created discrepancies in the minimum lot widths required for the MU-R-3-B and MU-R-3-C zone districts between UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1. After researching the intent of the 2008 Ordinance related to impacts of front loaded garages and the 2012 Ordinance that created the MU-R-3-C zone district, it is clear in both cases that the intent of the Ordinances was not to require a minimum lot width for multi-unit dwellings in the MU-R-3-B and MU-R-3-C zone
districts. The proposed amendments to the UDC will correct the discrepancy between the two sections of the zoning code.

**PROPOSED AMENDMENTS**

In order to correct the discrepancies between the minimum lot widths required for the MU-R-3-B and MU-R-3-C zone districts between UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1, staff recommends the proposed UDC amendments that are attached as the Bill for an Ordinance.

**FINANCIAL IMPACT**

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

**LIST OF ATTACHMENTS**

Planning and Zoning Commission Staff Report – November 18, 2014
Planning and Zoning Commission Minutes – November 18, 2014
Planning and Zoning Commission Findings of Fact – November 18, 2014
Bill for an Ordinance
TO: Planning and Zoning Commission
THRU: Alan White, Community Development Director ✓
Chris Neubecker, Senior Planner
FROM: Brook Bell, Planner II ✓
DATE: November 18, 2014
SUBJECT: Case # 2014-06: Amendments to Minimum Lot Width for Multi-Unit Dwellings in the MU-R-3-B and MU-R-3-C Zone Districts

RECOMMENDATION:
Community Development Department requests that the Planning and Zoning Commission review, take public testimony, and forward to City Council a recommendation for adoption of Unified Development Code (UDC) amendments regarding the minimum lot width for multi-unit dwellings in the MU-R-3-B and MU-R-3-C zone districts.

BACKGROUND:
It has come to the City's attention that an error was made related to the minimum lot widths for the MU-R-3-B zone district when Section 16-6-1.C.1 was added as part of a UDC amendment in Ordinance #37 of 2008; and subsequently, when the MU-R-3-C zone district was created by Ordinance #23 of 2012. The errors are discrepancies between UDC Table 16-6-1.1: Summary of Dimensional Requirements, and UDC Section 16-6-1.C.1 Multi-Unit Development Standards in R-2-A, R-2-B, R-3-A, MU-R-3-A, MU-R-3-B, and MU-R-3-C. For the MU-R-3-B and MU-R-3-C zone districts, the minimum lot width required for a multi-unit dwelling in Table 16-6-1.1 is “None”; whereas, Section 16-6-1.C.1 requires a minimum lot width of “twenty-five feet (25') per unit for properties with alley access” and “thirty feet (30') per unit” for properties without alley access. These portions of the UDC are highlighted and attached as Exhibit A.

ANALYSIS:
Discrepancy Related to the MU-R-3-B Zone District
UDC Table 16-6-1.1 was created with the adoption of the UDC in 2004. Subsequently, section 16-6-1.C.1 was added as part of a UDC amendment in 2008. One focus of the 2008 UDC amendment was to mitigate negative impacts associated with front loaded garages and driveways for multi-unit dwellings in the following two areas of the City:

- The first area is the R-2-A, R-2-B, R-3-A, MU-R-3-A, and MU-R-3-B zone districts that are mostly east of South Santa Fe Drive. These areas are typically platted with lots in increments of 25’, and most have alley access.
The second area is the R-2-A zone district in northwest Englewood. This area is typically platted with lots in increments of 30', and most do not have alley access. There are no MU-R-3-B zone districts in northwest Englewood with 30' lots, and most MU-R-3-B zones east of South Santa Fe Drive without alleys are existing multi-unit condo or apartment complexes.

The concerns in 2008 over negative impacts associated with front loaded garages and driveways were valid. However, it was an oversight to include the MU-R-3-B zone district in the 2008 UDC amendment that required a minimum lot width of 25' per unit for properties with alley access, and 30' per unit for properties without alley access. In order to correct the discrepancy between the MU-R-3-B minimum lot width required in UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1 staff recommends the following amendments to the UDC.

- Add an exception in UDC Section 16-6-1.C.1.c.(1) and UDC Section 16-6-1.C.1.d.(1) for the MU-R-3-B zone district such that the minimum lot width requirements of 25' per unit for properties with alley access, and 30' per unit for properties without alley access do not apply. The minimum required lot widths for the MU-R-3-B zone district would default to “None” per UDC Table 16-6-1.1.

Discrepancy Related to the MU-R-3-C Zone District

In order to correct the discrepancy in the MU-R-3-C zone district between the minimum lot width required in UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1, staff researched previous Commission and City Council meeting minutes and communications from 2012 when the Ordinance creating the MU-R-3-C zone district was originally passed. In researching the intended minimum lot width for multi-unit dwellings in the MU-R-3-C zone district when the Ordinance was originally adopted, the following was considered.

One of the objectives leading to the creation of the MU-R-3-C zone district in 2012 was to establish more flexible dimensional standards for side setbacks, floor area ratio, lot width, and lot area. In terms of lot width and lot area, the Planning and Zoning Commission conducted a study session on February 23, 2011 on the Medical District Sub-area 3 which eventually became the MU-R-3-C zone district. Minutes of the study session include a statement that the Commission is “Not in favor of adopting a Minimum Lineal Street Frontage; it is not appropriate for this sub-area.” Subsequently, minutes of the March 6, 2012 Planning and Zoning Commission public hearing includes staff testimony that the proposed MU-R-3-C zone district would, “Remove land area per residential unit requirement in favor of regulating density through maximum height limit and minimum off-street parking standards”. Those portions of the Planning and Zoning Commission minutes are highlighted and attached as Exhibit B.

Following the Planning and Zoning Commission public hearing, the proposed MU-R-3-C zone district was forwarded to City Council with a favorable recommendation for adoption. Subsequently, staff presented a Bill for an Ordinance to City Council to create the MU-R-3-C zone district and a public hearing was held on April 16, 2012. In the Council Communication for the public hearing, staff summarized the details of the dimensional standards for the proposed MU-R-3-C zone district which included, “Remove land area per
residential unit requirement in favor of regulating density through maximum height limit and minimum off-street parking standards”. That portion of the Council Communication is highlighted and attached as Exhibit C. Following the City Council public hearing on April 16, 2012, Ordinance #23 of 2012 was approved on second reading, and the MU-R-3-C zone district was created.

Based on the Planning and Zoning Commission minutes and the subsequent Council Communication, it is clear that the intent of the MU-R-3-C Ordinance was to not have a minimum lot width for multi-unit dwellings. In order to correct the discrepancy between the minimum lot width required for the MU-R-3-C zone district in UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1, staff recommends the following amendments to the UDC.

- In UDC Section 16-6-1.C.1, remove MU-R-3-C from the heading. The minimum required lot widths for the MU-R-3-C zone district would default to “None” per UDC Table 16-6-1.1.
- In UDC Section 16-6-3:F.3.b.(1)(b), correct the reference to Section 16-6-1.C.4 and replace it with a reference to Section 16-6-1.C.1. Remove MU-R-3-C from the sentence.

**PROPOSED AMENDMENTS:**
In order to correct the discrepancies between the minimum lot widths required for the MU-R-3-B and MU-R-3-C zone districts between UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1, staff recommends the proposed UDC amendments that are attached as Exhibit D.

**SUMMARY:**
UDC section 16-6-1.C.1 was added as part of a UDC amendment in Ordinance #37 of 2008; and subsequently, the MU-R-3-C zone district was created by Ordinance #23 of 2012. Since then, it has come to the City’s attention that errors where made that created discrepancies in the minimum lot widths required for the MU-R-3-B and MU-R-3-C zone districts between UDC Table 16-6-1.1 and UDC Section 16-6-1.C.1. After researching the intent of the 2008 Ordinance related to impacts of front loaded garages and the 2012 Ordinance that created the MU-R-3-C zone district, it is clear in both cases that the intent of the Ordinances was not to require a minimum lot width for multi-unit dwellings in the MU-R-3-B and MU-R-3-C zone districts. The proposed amendments to the UDC will correct the discrepancy between the two sections of the zoning code.

**ATTACHMENTS:** Exhibit A - D
CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBERS
November 18, 2014

I.  CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:00 p.m. in the City Council Chambers of the Englewood Civic Center, Chair Fish presiding.

Present:  Fish, Bleile, Brick, Freemire, King, Kinton, Knoth, Roth
Absent:  Townley (Excused), Madrid (Excused)
Staff:  Alan White, Director, Community Development
       Chris Neubecker, Senior Planner
       Brook Bell, Planner II
       Nancy Reid, Assistant City Attorney

II.  APPROVAL OF MINUTES

November 4, 2014

Bleile moved;
Knoth seconded:  TO APPROVE THE NOVEMBER 4, 2014, MINUTES

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

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

Motion carried.

III.  PUBLIC HEARING CASE #2014-06 MINIMUM LOT WIDTHS IN MU-R-3-B AND MU-R-3-C ZONE DISTRICTS

Bleile moved;
Freemire seconded:  TO OPEN THE PUBLIC HEARING FOR CASE #2014-06 MINIMUM LOT WIDTHS IN MU-R-3-B AND MU-R-3-C ZONE DISTRICTS

AYES:  Fish, Bleile, Brick, King, Kinton, Knoth, Roth
NAYS:  None

Page 1 of 4
ABSTAIN:  Freemire
ABSENT:  Townley

Staff Report

Brook Bell, Planner II, was sworn in. Mr. Bell reviewed the history of the case and the discussion from the previous study session and public hearing. The proposed text amendment will correct a discrepancy in the UDC (Unified Development Code) that exists between table 16-6-1.1 and UDC Section 16-6-1-C. He presented Exhibit A illustrating the discrepancy. Staff recommends adding an exception to Section 16-6-1-C for the MU-R-3-B zone district such that minimum lot width requirements do not apply. The minimum lot width stated as “none” in the table will remain unchanged.

The discrepancy related to MU-R-3-C is similar in that the table 16-6-1.1 and the text in Section 16-6-1-C.1 are contradictory. In order to correct the text, Mr. Bell proposes that the text be amended to reflect that there is no minimum lot width requirement in MU-R-3-C.

- In UDC Section 16-6-1 C.1, remove MU-R-3-C from the heading. The minimum required lot widths for the MU-R-3-C zone district would default to “None” per UDC Table 16-6-1.1.
- In UDC Section 16-6-3:F.3.b.(1)(b), correct the reference to Section 16-6-1.C.4 and replace it with a reference to Section 16-6-1.C.1. Remove MU-R-3-C from the sentence.

Public Testimony

Jeremy Letkomiller, 2856 S. Lincoln Street, was sworn in. Mr. Letkomiller expressed concern regarding the increase in redevelopment in the city, particularly the multi-family units such as duplexes that are replacing single family homes. He feels that the density is going to be too high to be sustainable.

Response

Mr. Bell explained that the amendment to the code will not affect residential densities that were previously established in table 16-6-1.1. He reviewed the requirements for the various zone districts in the city and the purpose of the hearing to correct the inconsistency between the table and the text in the UDC that resulted from an administrative error.

Bleile moved; Knoth seconded: TO CLOSE THE PUBLIC HEARING FOR CASE #2014-06 MINIMUM LOT WIDTHS IN MU-R-3-B AND MU-R-3-C ZONE DISTRICTS

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

Commissioner's Comments

Brick – The integrity of the neighborhoods will remain intact and the Commission has maintained the character of the neighborhoods that are affected by MU-R-3-B and MU-R-3-C.

King – These zone districts are historically higher density neighborhoods and agrees with Mr. Brick.

Knoth moved; King seconded: TO APPROVE CASE #2014-06 MINIMUM LOT WIDTHS IN MU-R-3-B AND MU-R-3-C ZONE DISTRICTS AND FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION

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

Fish – Cleaning up the code is a good thing to do
Bleile – Agrees with Mr. Brick and is glad to receive public input. The intention of the zoning initially was to create higher density areas and he is in favor of the proposal as written.
Brick – Housekeeping issue that does not affect the zone area but will prevent circumvention of the code in the future. The correction serves to maintain the quality and character of the neighborhoods.

Motion passes.

IV. PUBLIC FORUM
There were no members of the public present who wished to comment.

V. ATTORNEY'S CHOICE
Assistant City Attorney Reid did not have any comment.

VI. STAFF'S CHOICE
Mr. Neubecker stated that the December 2nd meeting will be a holiday dinner for the Commission and staff, beginning at 6:00 p.m. and the study session topic will be work priorities for 2015.

VII. COMMISSIONER'S CHOICE
Freemire – The December 2nd meeting could be beneficial; the Commission has the opportunity to be visionary in shaping the future of the City. He encourages Staff to be creative and bring ideas to the Commission to enable a prospective plan of action.

Fish – Agrees with Mr. Freemire, would like to discuss the Comprehensive Plan. Mr. Neubecker responded that he will provide an update to the Commissioners on the progress of the projects and the December meeting is an opportunity to talk about ideas for the future.

Brick – Interested in having the Superintendent of Englewood Schools attend a meeting; Director White stated that it will probably be January or February. Mr. Brick feels that education is a key component of the Comprehensive Plan.

The meeting adjourned at 7:40 p.m.

/s/ Julie Bailey __, Recording Secretary
CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #2014-06 )
AMENDMENTS TO THE MINIMUM )
LOT WIDTH REGULATIONS IN MU-R-3-C )
AND MU-R-3-B ZONE DISTRICTS )
FINDINGS OF FACT, )
CONCLUSIONS AND )
RECOMMENDATIONS RELATING FININGS OF FACT AND )
TO THE UNIFIED DEVELOPMENT CODE CONCLUSIONS OF THE )
) CITY PLANNING AND )
) ZONING COMMISSION )

INITIATED BY: )
Community Development Department )
1000 Englewood Parkway )
Englewood, CO 80110 )

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

This matter was heard before the City Planning and Zoning Commission on November 4, 2014, and on November 18, 2014, 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 (UDC) Title 16 Chapter 6 Development Standards, was brought before the Planning and Zoning 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 October 24, 2014, and on November 7, 2014. Notice of the Public Hearing was on the City of Englewood website from October 10, 2014 to October 21, 2014 and from November 6, 2014 to November 18, 2014.

3. THAT the Staff report was made part of the record.
4. THAT testimony was received from the public at the Public Hearing held on November 18, 2014.

5. THAT a discrepancy exists in the UDC between the code text 16-6-1-C.1 and 16-6-3:F.3.b. (1)(b) and table 16-6-1.1 Summary of Dimensional Requirements for Principal Structures.

6. THAT it was an oversight to include the MU-R-3-B zone district in the 2008 UDC amendment that required a minimum lot width of 25 feet per unit for properties with alley access, and 30 feet per unit for properties without alley access.

7. THAT adding an exception to the code text for zone district MU-R-3-B will clarify the minimum lot width requirements and create consistency between the code text and table 16-6-1.1 Summary of Dimensional Requirements for Principal Structures.

CONCLUSIONS

1. THAT the proposed corrections to the Unified Development Code will result in consistency in the code text and the corresponding table 16-6-1.1 Summary of Dimensional Requirements for Principal Structures.

2. THAT the zoning regulations for zone districts MU-R-3-B and MU-R-3-C is intended to encourage higher density development.

3. THAT the original 2012 Ordinance creating the MU-R-3-C zone district was not intended to impose a minimum lot width for multi-unit dwellings.

4. THAT removing MU-R-3-C from the heading of UDC Section 16-6-1.C will clarify the minimum lot width requirements and create consistency between the code text and table 16-6-1.1 Summary of Dimensional Requirements for Principal Structures.

5. THAT the proposed amendment serves to maintain the quality and the character of the neighborhoods in the City of Englewood.

6. THAT the proposed changes are in conformance with Roadmap Englewood: 2003 Englewood Comprehensive Plan by supporting Redevelopment, Revitalization and Reinvention.

DECISION
THEREFORE, it is the decision of the City Planning and Zoning Commission that Case #2014-06 Minimum Lot Width in the MU-R-3-B and MU-R-3-C Zone Districts text 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 November 18, 2014, by Knoth, seconded by King, which motion states:

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TO APPROVE CASE #2014-06 AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE RELATED TO MINIMUM LOT WIDTHS IN MU-R-3-B AND MU-R-3-C ZONE DISTRICTS AS WRITTEN BE FORWARD FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION.
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AYES: Bleile, Brick, Fish, Freemire, King, Kinton, Knoth, Roth
NAYS: None
ABSTAIN: None
ABSENT: Townley

Motion carried.

These Findings and Conclusions are effective as of the meeting on November 18, 2014.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

______________________________
Ron Fish, Chair
A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTER 6, SECTIONS 1 AND 3, OF THE
ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO MINIMUM LOT WIDTHS FOR
MULTI-UNIT DWELLINGS IN THE MU-R-3-B AND MU-R-3-C ZONE DISTRICTS.

WHEREAS, errors were made related to the minimum lot widths for multi-unit dwellings
when Section 16-6-1(C)(1), was added as part of a UDC amendment in Ordinance No. 37, Series
of 2008; and

WHEREAS, the errors are discrepancies between UDC Table 16-6-1.1: Summary of
Dimensional Requirements, and UDC Section 16-6-1(C)(1) Multi-Unit Development Standards
for the MU-R-3-B and MU-R-3-C zone districts; and

WHEREAS, there was no minimum lot width required for a multi-unit dwelling in Table 16-
6-1.1; and

WHEREAS, Section 16-6-1(C)(1) requires a minimum lot width of “twenty-five feet (25’) per
unit for properties with alley access”, and “thirty feet (30’) per unit” for properties with out alley
access which is a direct conflict with Table 16-6-1.1 EMC; and

WHEREAS, the intent of the 2008 Ordinance related to impacts of front loaded garages
makes it clear that the intent of the Ordinance was to not require a minimum lot width for multi-
unit dwellings in the MU-R-3-B and MU-R-3-C zone districts; and

WHEREAS, this proposed ordinance will amend the UDC and correct the discrepancy
between these two sections of the Zoning Code.

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

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

16-6: DEVELOPMENT STANDARDS.

16-6-1: Dimensional Requirements
EDITORS NOTE: Title 16-6-1 (A) and (B), contain no changes and are therefore not included here.

C. Additional Dimensional and Development Standards.

1. Multi-Unit Development Standards in R-2-A, R-2-B, MU-R-3-A and MU-R-3-B and MU-R-3-C Districts.
   a. Applicability. The following standards apply to all multi-unit dwellings constructed or converted after the effective date of this Section.
   b. Multi-unit dwellings existing on the effective Date of this Section and which as of that date are not in compliance with standards established by this Section, shall not be considered nonconforming due solely to the dwelling's noncompliance with the standards of this Section. Such dwellings are "grandfathered," and shall be considered legal, conforming structures for the purposes of sale and development under this Title.
   c. Property having rear alley access.
      (1) Minimum lot width shall be twenty-five feet (25') feet per unit except in the MU-R-3-B District the minimum lot width shall be per Table 16-6-1.1 EMC.
      (2) Driveway access from the public street shall be prohibited, except for:
         (a) Corner lots where garage, carport or parking pad may be accessed from the side street.
         (b) Dwellings with four (4) or more units may have one driveway accessing the street.
      (3) Parking pads within the front yard or front setback shall be prohibited.
   d. Property without rear alley access.
      (1) Minimum lot width shall be thirty feet (30') per unit; except in the MU-R-3-B District the minimum lot width shall be per Table 16-6-1.1 EMC.
      (2) Garages, carports and parking pads shall be off-set behind the front building line of each unit by a minimum of five feet (5').
      (3) Minimum separation between driveways or parking pads of attached units shall be twenty feet (20').
      (4) Maximum driveway and/or parking pad width within front yard or front setback shall be ten feet (10') per unit.
      (5) The maximum garage door width on the front facade of the structure shall be 9 feet per unit.
A parking pad may be located in the front yard or front setback only when a garage or carport is not provided.

An opaque fence or wall shall be provided between driveways or parking pads on adjacent properties.

Units that provide attached garages behind the rear building line of the principal structure may reduce the principal structure's rear setback to ten feet (10').

It is recognized that because of the wide variety of multi-unit development options, the City Manager or designee may on a case-by-case basis consider minor deviations to (2) through (7) above, whenever such deviations are more likely to satisfy the intent of this subsection.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 2, Chapter 16, Section 3, Subsection F, entitled Streets and Vehicle Access and Circulation of the Englewood Municipal Code 2000, to read as follows:

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

EDITOR'S NOTE: Title 16-6-3 (A) through (E), contain no changes and are therefore not included here.

F. Vehicle Access and Circulation.

1. Access to Public Roads. All new lots shall have direct or indirect access to a dedicated public street, through one (1) or more access points approved by the City. In addition to direct access to a dedicated public street, access may be provided through private streets or through alleys.

   a. No back-out driveways from any type of use shall be permitted onto an arterial street.

   b. No back-out driveways or back-out parking spaces from multi-unit residential on sites with alley access, commercial, or industrial uses shall be permitted onto a public street. This requirement shall not prohibit back-out driveways or parking spaces onto an alley.

2. Traffic Impact Analysis. A traffic impact analysis (TIA) shall be required with applications for development review and approval when trip generation during any peak hour is expected to exceed one hundred (100) vehicles, based on traffic generation estimates when trip generation during any peak hour is expected to exceed one hundred (100) vehicles, based on traffic generation estimates of the Institute of Transportation Engineers' Generation Manual (or any successor publication). The City may also require a TIA for:

   a. Any project that proposes access to a street with level of service (LOS) "D" or below;
b. Any application for a rezoning;

c. Any case where the previous TIA for the property is more than two (2) years old;

d. Any case where increased land use intensity will result in a fifteen percent (15%) or greater increase in traffic generation; and

e. Any case in which the traffic engineer determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

f. When access points are not defined or a Zoning Site Plan is not available at the time the TIA is prepared, additional studies may be required when a Zoning Site Plan becomes available or the access points are defined.


a. General Rules. The number of intersections and curb-cuts on streets and highways shall be minimized consistent with the basic needs of ingress and egress. Intersections and curb-cuts shall be designed to provide the greatest safety for both pedestrians and motorists.

b. Driveways, Residential.

(1) One-Unit and Multi-Unit Dwellings Containing Up to Three (3) Units.

(a) The width of any driveway leading from the public street to a one-unit dwelling, or multi-unit dwelling containing up to three (3) units shall not exceed twenty feet (20') at its intersection with the street.

(b) See also Section 16-6-1C.4 16-6-1(C)(1) EMC, "Multi-Unit Development Standards in R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B, and MU-R-3-C Districts," for additional driveway standards that apply to multi-unit dwellings on properties with or without alley access.

(c) See also Section 16-6-10.B. EMC, "Residential Design Standards and Guidelines," for additional driveway standards that apply to new residential development, including substantial expansions or alterations of existing dwellings, in the R-1, R-2, and R-3 zone districts.

(2) Multi-Unit Dwellings Containing Four (4) or More Units.

(a) The width of any entrance driveway to a multi-unit dwelling containing four (4) or more units shall not exceed twenty-five feet (25') at its intersection with the street, unless the applicant can demonstrate that additional width is required to adequately accommodate anticipated driveway volumes.
(b) In new multi-unit developments not located within MU-R-3-C, M-1, M-2 and M-O-2 districts containing ten (10) or more units, vehicular access shall be spaced no closer than twenty-five feet (25') to any adjacent property line. However, the City may reduce this setback requirement to permit a single vehicular access point that can serve two (2) adjacent properties or where compliance with these requirements would deny vehicular access to a property.

c. Driveways, Nonresidential. The location and size of driveways leading from the public street to a nonresidential or mixed-use building is subject to the following conditions:

(1) No portion of any driveway shall be closer than forty feet (40') to the curb line of an intersecting street, or closer than ten feet (10') from a fire hydrant, catch basin, or end of curb radius at corners.

(2) In new non-residential developments not located within MU-R-3-C, M-1, M-2, and M-O-2 districts, vehicular access shall be spaced no closer than twenty-five feet (25') to any adjacent property line. However, the City may reduce this setback requirement to permit a single vehicular access point that can serve two (2) adjacent properties or where compliance with these requirements would deny vehicular access to a property.

(3) Only one (1) access per street frontage shall be permitted, unless a Zoning Site Plan or traffic impact analysis shows, and the City agrees, that additional access points are required to adequately accommodate driveway volumes and that additional access will not be detrimental to traffic flow.

(4) The width of any entrance driveway shall not exceed thirty feet (30') measured along its intersection with the property line.

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

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

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.
Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

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

Introduced, read in full, and passed on first reading on the 15th day of December, 2014.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 19th day of December, 2014.

Published as a Bill for an Ordinance on the City’s official website beginning on the 17th day of December, 2014 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 15th day of December, 2014.

Loucrishia A. Ellis
COUNCIL COMMUNICATION

Date: January 5, 2015
Agenda Item: 11 a i
Subject: Amendments to Title 16: Bulk Plane Requirements

Initiated By:
Community Development Department

Staff Source:
Brook Bell, Planner II

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Proposed amendments to Title 16: Unified Development Code (UDC) Bulk Plane Requirements were presented to Council and discussed during a Study Session on November 3, 2014.

PREVIOUS PLANNING COMMISSION ACTION

The Planning and Zoning Commission conducted a public hearing on October 21, 2014, to consider the proposed amendments to Title 16: Unified Development Code. Two members of the public testified at the public hearing in favor of the proposed amendments. Following discussion, the Commission voted 7 to 0 to forward a favorable recommendation to City Council to approve proposed amendments to Title 16: Bulk Plane Requirements.

RECOMMENDED ACTION

Recommendation from the Community Development Department to adopt a Bill for an Ordinance authorizing amendments to Title 16: Unified Development Code regarding Bulk Plane Requirements on First Reading and to set January 20, 2015 as the date for a Public Hearing to consider testimony on the proposed amendments.

BACKGROUND

Prior to the adoption of the Unified Development Code (UDC) in 2004, residential building mass was regulated primarily by minimum setback, maximum height, and maximum lot coverage standards. With the adoption of the UDC, bulk plane requirements were added to further regulate residential building mass.

The intent of the bulk plane regulations is "to ensure that new residential development, including additions and expansions of existing dwellings, provides adequate light and privacy to neighboring properties. In addition, the bulk plane requirements are intended to assure greater design compatibility in terms of building mass and scale within Englewood neighborhoods".

The bulk plane creates an invisible tent-like boundary limiting the three dimensional space in which a dwelling structure, including the roof, may occupy (with some exceptions). The current bulk plane regulations apply to residential development of 4 units or less in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts. The bulk plane regulations do not apply to residential developments of 5 or more units, or non-residential development, or accessory structures in the zone districts listed above. The
bulk plane regulations do not apply to any development in the MU-R-3-C, MU-B-1, MU-B-2, M-1, M-2, M-O-2, I-1, I-2 or TSA zone districts.

As residential development activity in the City of Englewood has increased, some architects, builders, and real estate professionals have stated that the UDC's bulk plane regulations are too restrictive and hinder new development. This is especially problematic for new duplexes and townhomes on 25 foot wide lots. It should be noted that many cities have bulk plane regulations, including Denver, although their regulations are less restrictive than Englewood's. The City of Littleton does not have any bulk plane regulations.

PROPOSED AMENDMENTS

Recently, staff has had more detailed discussions with architects and builders regarding how the current bulk plane regulations affect the design, construction cost, and sale of new residential development and expansions of existing dwellings. The specific issues and proposed amendments to the current bulk plane regulations are listed below.

• **Beginning Point of Bulk Plane 12 Feet Above Midpoint of Side Property Line** - The current bulk plane begins at a point 12 feet above the midpoint of the side property line and continues at a 45 degree angle toward the center of the property. This results in the bulk plane intersecting with the side wall of the house at an elevation of 17 feet for a house with a 5 foot setback. The market for most new homes demands 9 or 10 foot ceilings on the first floor, and 8 or 9 foot ceilings on the second floor.

The current bulk plane does not accommodate these ceiling heights without recessing the first floor joists into the foundation wall and using a low sloping ceiling towards the side wall on the second floor. These construction techniques are not standard and increase costs for a builder. This issue becomes more critical for duplexes and triplexes on 25 foot wide lots where the side units are limited to 20 feet in overall width. The potential loss of functional space in these multi-unit developments has deterred some developers from building in Englewood.

**Proposed Amendment to Beginning Point of Bulk Plane:** Increase the beginning point of the bulk plane from 12 feet above the midpoint of the side property line, to a point 17 feet above the midpoint of the side property line; then continue at a 45 degree angle toward the center of the property. This results in the bulk plane intersecting with the side wall of the house at an elevation of 22 feet for a house with a 5 foot setback. This will allow for 9 or 10 foot ceilings on the first floor, and 8 or 9 foot ceilings on the second floor without requiring special construction techniques.

• **Applicability of Bulk Plane in Different Zone Districts** - Currently the bulk plane applies to residential development of 4 units or less in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts. The R-1-A zone requires a minimum of 75 feet of lot width and minimum 7 foot side setbacks. The R-1-B zone requires a minimum of 60 feet of lot width and minimum 7 foot side setbacks.

The R-1-A and R-1-B zone districts are intended to be less dense with wider lots and in some cases wider side setbacks than the other residential zone districts. These wider lots with increased setbacks are not impacted by the current bulk plane regulations as much as the other residential zone districts.

**Proposed Amendment:** Staff proposes to change the bulk plane only in the R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts. No change is proposed in the R-1-A and R-1-B zone districts. The current UDC bulk plane that begins at a point 12 feet above the midpoint of the side property line is consistent with Denver’s “suburban house” regulations. Neighborhoods in Denver such as Platt Park, Washington Park, and Observatory Park (which are similar in density to many of Englewood's
neighboring) fall under the “urban house” zoning. Denver neighborhoods such as Wellshire, University Hills, and Southern Hills fall under the “suburban house” zoning. The character of the City of Englewood’s R-1-A and R-1-B is more suburban and as such, staff recommends maintaining the current UDC bulk plane that begins at a point 12 feet above the midpoint of the side property line for the R-1-A and R-1-B zone districts.

- **Method of Measuring Grade** - Currently the bulk plane is measured from the existing grade (or ground elevation) at the midpoint of each side property line. If the existing grade at the midpoint on one side property line is different than the other side property line, then the resulting bulk planes are asymmetrical when viewed from the front of the lot. When this occurs, most architects end up having to comply with the more restrictive of the two bulk planes to avoid having an elevation change in the floor of the house from side to side. Changing floor elevations adds construction costs and can compromise the internal layout of the home.

  **Proposed Amendment to Method of Measuring Grade:** Use the average existing grade of the midpoints of the side property lines to establish a base plane for both bulk planes.

- **Method of Measuring Maximum Side Wall Height** - The maximum side wall height is currently measured at the point where the bottom of the soffit or eave intersects the side wall of the house. This approach penalizes certain roof framing profiles while rewarding others without regard to the intent of the bulk plane.

  **Proposed Amendment to Method of Measuring Maximum Side Wall Height:** Staff proposes to measure the side wall height at the point where the side wall of the house intersects the top roof framing member (roof sheathing). This approach is better aligned with the intent of the bulk plane and treats various roof framing profiles more equitably. A clarification for parapet walls (a short protective wall above a flat roof) will also be made that requires the top of the parapet wall to meet the bulk plane. Lastly, an exception for rooftop patio railings will be added so that a railing may extend into the bulk plane a maximum of 42 inches provided it is at least 75% open or transparent.

**SUMMARY**

The City of Englewood is experiencing increased demand and new interest in in-fill development. Staff has received feedback from architects, builders, and real estate professionals on the restrictive nature of the current bulk plane requirements in the UDC. Denver’s less restrictive bulk plane regulations, and Littleton’s lack of any bulk plane restrictions, may be steering some new development away from the City of Englewood. In order to create a competitive environment more conducive to redevelopment, the Planning and Zoning Commission recommends the proposed UDC amendments which are detailed in the attached Bill for an Ordinance.

**FINANCIAL IMPACT**

Residential redevelopment will generate additional revenue incrementally from increased building and use taxes and through increased property taxes based on higher property valuations.

**LIST OF ATTACHMENTS**

Planning and Zoning Commission Minutes – October 21, 2014
Planning and Zoning Commission Findings of Fact – October 21, 2014
Bill for an Ordinance
 CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:00 p.m. in the City Council Chambers of the Englewood Civic Center, Vice Chair King presiding.

Present: Brick, Freemire, King, Kinton, Knoth (arrived 7:03), Roth, Townley, Madrid (arrived 7:06)

Absent: Fish (Excused), Bleile (Excused)

Staff: Alan White, Director, Community Development
      Chris Neubecker, Senior Planner
      Brook Bell, Planner II
      Dugan Comer, City Attorney's Office

APPROVAL OF MINUTES

- October 7, 2014

Brick moved; Roth seconded: TO APPROVE THE OCTOBER 7, 2014, MINUTES

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

AYES: Brick, King, Kinton, Roth, Townley
NAYS: None
ABSTAIN: Freemire
ABSENT: Fish, Bleile, Knoth (arrived 7:03)

Motion carried.

FINDINGS OF FACT CASE #2012-07 PUD PROCESS AMENDMENTS

Roth moved;
Freemire seconded: TO APPROVE FINDINGS OF FACT FOR CASE #2012-07 PUD PROCESS AMENDMENTS

AYES: Brick, Freemire, King, Kinton, Roth, Townley
NAYS: None
ABSTAIN: None
ABSENT: Fish, Bleile, Knoth (arrived 7:03)

PUBLIC HEARING CASE #2014-05 BULK PLANE REGULATION AMENDMENTS

Townley moved;
Freemire seconded: To open the Public Hearing for Case #2014-05 Bulk Plane Regulation Amendments

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

Motion passes.

Staff Presentation

Brook Bell, Planner II with the Community Development Department, was sworn in. Mr. Bell reviewed the proposed amendments that were previously discussed in the study session September 16, 2014. Prior to the adoption of the Unified Development Code in 2004, building mass was constrained by setbacks, height and lot coverage. With the adoption of the UDC, bulk plane requirements were added at that time. The bulk plane is a three dimensional “tent” that contains a structure. The current regulations apply to residential structures with four (4) or fewer units in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts.

Over the last few years, feedback from architects, builders and developers has been that the bulk plane is too restrictive to permit reasonable redevelopment with standard construction techniques. The proposed amendments seek to resolve issues related to the bulk plane:

1) Beginning point of Bulk Plane 12 Feet Above Midpoint of Side Property Line
   a. Staff proposes that the bulk plane begin at a point 17 feet above the midpoint of the side property line and continue at a 45 degree angle toward the center of the property.

2) Applicability of Bulk Plane in Different Zone Districts
   a. The character of the City of Englewood’s R-1-A and R-1-B is more suburban and as such, staff recommends maintaining the current UDC bulk plane that begins at a point 12 feet above the midpoint of the side property line for these zone districts. The increased height of the bulk plane would apply to zones R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B.

3) Method of Measuring the Grade
   a. The average height of the existing grade measured at the mid-point of the side lot lines would be used to establish the base plane from which the side wall height would be measured.

4) Method of Measuring Maximum Side Wall Height
   a. Staff proposes to measure the side wall height at the point where the side wall of the house intersects the roof framing member (roof sheathing).

Staff recommends that the Commission forward the proposed amendments to City Council for approval.

Mr. Brick asked if the citizens of Englewood received enough notice to be aware of the proposed UDC amendment. Mr. Bell responded that the appropriate postings were made and to his knowledge there were no additional press releases or other notifications of the hearing.
Mr. Knoth inquired about odd size lots in R-1-A and R-1-B, specifically narrow lots and whether or not there would be accommodation for those lots since the amendment would not affect those zone districts. Mr. Bell replied that the option of pursuing a variance remains for lots with unusual dimensions. Mr. Knoth asked if that variance would be administrative and Mr. Bell responded that the matter of a variance would go before the Board of Adjustments and Appeals.

Mr. Freemire asked what the difference in home values would be for a single family home in Englewood should a house be removed and replaced with a new home. Mr. Bell responded that his sense is that the new homes are much larger than the existing homes and would be considerably more expensive. The market for duplexes and triplexes is very strong.

Mr. Bell pointed out that there is not a blackline version of the code provided but that per the Commission’s request, the proposed changes are outlined in the staff memo with details of staff’s recommendations of how to address each item.

Public Comment

Eric Bennett, 2740 South Delaware Street, was sworn in. Mr. Bennett currently owns a property with an 800 square foot home adjacent to a triplex that was built prior to the adoption of the UDC. He would like to redevelop his property with a duplex unit that would sell for approximately $450,000-475,000 per unit. This redevelopment would represent an increase in taxes to the City of Englewood as well as increased property value for the community.

Bill McVey, 2059 Eudora Street, Denver, was sworn in. Mr. McVey is a real estate developer. He recently purchased a home at 2835 South Sherman with the intention of scraping the house and building a duplex. He believes the units will sell for $550,000-575,000 each. The bulk plane affected his development because of the sloping nature of the lot and hampered his ability to build the duplex as it was designed. He supports the proposed code amendment and feels that he will continue to redevelop properties in Englewood if the less restrictive bulk plane regulations are adopted.

Freemire moved; Knoth seconded: TO CLOSE THE PUBLIC HEARING FOR CASE #2014-05 BULK PLANE REGULATION AMENDMENTS

AYES: Brick, Freemire, King, Kinton, Knoth, Roth, Townley
NAYS: None
ABSTAIN: None
ABSENT: Fish, Bleile
Motion passes.

Brick moved; Freemire seconded: TO APPROVE CASE #2014-05 BULK PLANE REGULATION AMENDMENTS AS WRITTEN AND FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION

Discussion
Mr. Roth explained that the purpose of the bulk plane regulation in the UDC is to control the scale of new development and reduce the effects of shading on the neighboring properties. Englewood was originally developed as a suburban community. Areas of Englewood are evolving into neighborhoods with more urban character. He supports the idea but has reservations about including R-1-C. He feels that by adopting liberal development standards there will be an issue when residents become aware of the change in building sizes. His desire is to see the amended regulation applied to R-2 and the more dense areas and not reach so deeply into the neighborhoods.

Mr. Brick asked where the majority of R-1-C properties are in the City and how many homes fall under the R-1-C designation. Mr. Roth responded that the majority of the homes in the City are in R-1-C and described the boundaries.

Discussion about when the Comprehensive Plan will be enacted. [Secretary’s Note: The Comprehensive Plan is scheduled to be completed in August/September 2015, with adoption following. Adoption of other plans and code changes to implement the recommendations of the Comprehensive Plan may take longer.]

Mr. Freemire estimated that the R-1-C is 60% of the City. He has personally seen property values increase in his neighborhood. His home is larger than those in the surrounding area and has not had an adverse effect on adjacent homes. Mr. Freemire expressed that he feels the current code amendment proposal is prudent based on market conditions.

Mr. Roth expressed concern that the proposed code amendment will create additional non-conforming structures in the City.

Roth moved; Brick seconded:

TO APPROVE CASE #2014-05 BULK PLANE REGULATION AMENDMENTS WITH THE EXCLUSION OF THE R-1-C ZONE DISTRICT.

Discussion

Mr. Freemire commented that in his past experience where the decision was made to be market-based by creating an environment that was friendly to business and development, tax revenues increased incrementally and improvements were made to existing neighborhoods while fixed costs of providing services remained relatively stable.

Mr. Brick commented that with the process of developing the revised Comprehensive Plan, the City will have an opportunity to hear from a larger segment of the population. If the revision is not made now, it will take longer to address R-1-C. He feels that if the case is presented before the citizens there will be understanding of the benefits to R-1-C and to the City.

Mr. King discussed the difference in redevelopment activity in Denver north of Yale and the amount of redevelopment that is taking place across Englewood's border. Denver revised their regulations and development activity increased. Building cycles are relatively short-lived and this is an opportunity to take advantage of the market.

VOTE ON AMENDMENT TO THE ORIGINAL MOTION TO EXCLUDE R-1-C FROM THE PROPOSED AMENDMENT TO THE UDC:
AYES: Brick, Roth
NAYS: Freemire, King, Kinton, Knoth, Townley
ABSTAIN: None
ABSENT: Fish, Bleile

Brick – Yes, he agrees with the proposed amendment to the bulk plane but also believes that three years isn’t too long to wait to make changes. He would like to see more of the community involved in the decision, specifically in the R-1-C. With the (coincidental) public engagement activities related to the Comprehensive Plan, there will be opportunity for the public to learn about the change.

Freemire – No, the issue of the bulk plane will not necessarily be on the agenda for the Comprehensive Plan.

King – No

Kinton – No, although more public participation would be ideal, it will most likely not happen.

Knoth – No

Roth – Yes

Townley – No

Motion failed.

Vote on original motion:

TO APPROVE CASE #2014-05 BULK PLANE REGULATION AMENDMENTS AS WRITTEN AND FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION

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

Mr. Brick – Yes, cited Section 5 and Objective 2.1 under housing in Section 5 of the Comprehensive Plan regarding housing. This amendment is in alignment with the Comprehensive Plan.

Freemire – Yes, this is a way to improve the tax base and the future appearance of Englewood, to allow the market to prevail and not have a government that stands in the way thereof.

King – Yes, it is consistent with the Comprehensive Plan and will bring in a mix of different kinds of housing with appropriate amenities for families.

Kinton – Yes, for the reasons previously stated and this change will promote and spur development.

Knoth – Yes, market forces should drive these decisions and right now the market has stopped at Yale and he would like to see it cross over into Englewood.
Roth – Yes, it is something that is needed in the higher density areas although there are still concerns about R-1-C but all in all it is a positive change.

Townley – Yes, this amendment supports all three R’s of the 2003 Comprehensive Plan Redevelopment, Revitalization and Reinvention.

Motion passes.

IV. PUBLIC FORUM

There were no comments by the public.

V. ATTORNEY’S CHOICE

City Attorney did not have any comments.

VI. STAFF’S CHOICE

Director White – The Commissioners are scheduled for an informal meeting with the consultants for the Comprehensive Plan next Monday night, October 27th at 7:30 p.m. at Englewood Civic Center in a conference room on the 3rd floor. There will be several more opportunities to participate in the future, such as the public meeting to be held November 12th. Mr. Brick asked if it would be possible to come early to listen to other sessions; Director White stated that because 3 or more members from a board or commission will be present, the meetings are considered public.

Ms. Townley asked what kind of information the consultants are hoping to obtain from the Commissioners. Director White responded that the sessions are fairly informal and there is no preparation necessary on the part of the Commissioners. Mr. Kinton asked if the three plans are separate or will they be conducted concurrently. Director White explained that staff and Consultants are attempting to combine the three into one via the website EnglewoodForward.org since the plans are interrelated. The website will provide an opportunity for the public to express their thoughts and opinions on a variety of topics related to each project. The three projects are the Comprehensive Plan, Light Rail Next Steps Study and the Kaiser Walk and Wheel study. The questions from the consultants will cover all three topics.

Mr. Bell supplied a handout with the UDC chart of uses for MU-R-3-C. He explained that in 2012, staff was considering a “phase 2” rezoning in the Medical District area encompassing an area between Girard Avenue and Floyd Avenue. Staff has discovered a conflict in the code regarding minimum lot width in the hospital district zoning and the MU-R-3-C zoning code. When the code was adopted by City Council, the text was changed slightly and was codified. A public hearing has been scheduled for November 4th to address the issue.

Mr. Knoth asked if the same amendment should be made for the MU-R-3-B zone district because the same apparent conflict exists in the Code. Staff will research the subject further and present information to the Commission either at the Public Hearing November 4th or in a study session if necessary.
VII. COMMISSIONER’S CHOICE

Freemire - Appreciates opposing viewpoints and that the end result is agreement among the Commissioners.

Townley - Thanked the Commissioners for their input for her Leadership Practices Inventory; she has received a report with information on what she is doing correctly and areas she needs to improve.

Brick – The RiNo (River North Arts District) field trip was inspiring and the Comprehensive Plan will provide opportunity to build something similar in Englewood. He thanked Staff for arranging the trip.

King – Thanked the Commissioners for their cooperation even when there are differing opinions.

The meeting adjourned at 8:18 p.m.

/s/ Julie Bailey, Recording Secretary
CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #2014-05
AMENDMENTS TO BULK PLANE REGULATIONS
FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS RELATING TO THE UNIFIED DEVELOPMENT CODE

INITIATED BY:
Community Development Department
1000 Englewood Parkway
Englewood, CO 80110

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

This matter was heard before the City Planning and Zoning Commission on October 21, 2014, 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 (UDC) Title 16 Chapter 6-6-1 Bulk Plane Requirements, 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 October 10, 2014, and notice of the Public Hearing was on the City of Englewood website from October 10, 2014 to October 21, 2014.

3. THAT the Staff report was made part of the record.
4. THAT The City of Englewood is experiencing increased demand and interest in redevelopment of older residential properties.

5. THAT the revision to the UDC would increase the height of the bulk plane.

6. THAT two members of the general public testified during the October 21, 2014, public hearing in favor of the proposed code amendments, and indicated that the proposed code amendments would allow greater flexibility for building in Englewood.

7. THAT the revision to the UDC is necessary to meet market demand for taller ceilings inside new homes.

8. THAT the revision to the UDC will allow a greater variety of housing to be constructed in the City of Englewood.

9. THAT some of the recent new construction projects in the City have required the use of special construction techniques that limit ceiling height on the second floor and cost more to build.

10. THAT some neighboring communities have changed their bulk plane regulations and have seen an increase in new residential construction.

CONCLUSIONS

1. THAT the proposed amendment to the UDC will encourage building and redevelopment of new homes in the city.

2. THAT redevelopment activity should result in increased tax collections.

3. THAT the proposed code changes will facilitate development by allowing greater flexibility in design.

4. THAT the proposed code amendments will allow the demands of the private real estate market to prevail.

5. THAT the proposed changes are in conformance with Roadmap Englewood: 2003 Englewood Comprehensive Plan by supporting Redevelopment, Revitalization and Reinvention.
DECISION

THEREFORE, it is the decision of the City Planning and Zoning Commission that Case #2014-05 Bulk Plane Requirements amendments should be referred to the City Council with a favorable recommendation.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on October 21, 2014, by Brick, seconded by Freemire, which motion states:

CASE #2014-05 AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE RELATED TO BULK PLANE REQUIREMENTS AS WRITTEN BE FORWARDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION.

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

Motion carried.

These Findings and Conclusions are effective as of the meeting on October 21, 2014.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

Steve King, Vice Chair
A BILL FOR

AN ORDINANCE AMENDING TITLE 16, CHAPTER 6, SECTION 1, SUBSECTION G, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO BULK PLANE REQUIREMENTS.

WHEREAS, the intent of the bulk plane regulations is to ensure that new residential development, including additions and expansions of existing dwellings, provides adequate light and privacy to neighboring properties. In addition, the bulk plane requirements are intended to assure greater design compatibility in terms of building mass and scale within Englewood neighborhoods; and

WHEREAS, the bulk plane creates an invisible tent-like boundary limiting the three dimensional space which a dwelling structure, including the roof, may occupy (with some exceptions); and

WHEREAS, as residential development activity in the City of Englewood has increased, some architects, builders, and real estate professionals have stated that the UDC's bulk plane regulations are too restrictive and hinder new development. This is especially problematic for new duplexes and town homes on twenty-five foot wide lots; and

WHEREAS, the current bulk plane begins at a point twelve feet above the midpoint of the side property line and continues at a forty-five degree angle toward the center of the property. This results in the bulk plane intersecting with the side wall of the house at an elevation of seventeen feet for a house with a five foot setback. The market for most new homes demands nine or ten foot ceilings on the first floor, and eight or nine foot ceilings on the second floor; and

WHEREAS, this proposed change to the beginning point of bulk plane increases the beginning point of the bulk plane from twelve feet above the midpoint of the side property line to seventeen feet; then continues at a forty-five degree angle toward the center of the property. This results in the bulk plane intersecting with the side wall of the house at an elevation of twenty-two feet for a house with a five foot setback. This will allow for nine or ten foot ceilings on the first floor, and eight or nine foot ceilings on the second floor without requiring special construction techniques; and

WHEREAS, this ordinance changes the bulk plane only in the R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts; and
WHEREAS, the bulk plane height will remain at twelve feet in R-1-A and R-1-B zone districts, because those districts have wider lots and set backs to meet the current bulk plane request; and

WHEREAS, the bulk plane is currently measured from the existing grade (or ground elevation) at the midpoint of each side property line; and

WHEREAS, the proposed change to this method of measuring grade uses the average existing grade of the midpoints of the side property lines in all zone districts; and

WHEREAS, the maximum side wall height is currently measured at the point where the bottom of the soffit or eave intersects the side wall of the house in all zone districts; and

WHEREAS, the proposed change to the method of measuring maximum side wall height will measure the side wall height at the point where the side wall of the house intersects the top roof framing member in all zone districts; and

WHEREAS, the Englewood Planning and Zoning Commission recommended these changes to allow more flexibility for a mix of housing with a minimal impact on adjacent properties.

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

Section I. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, Subsection G, entitled Bulk Plane Requirements, of the Englewood Municipal Code 2000, to read as follows:

16-6-1: Dimensional Requirements.

EDITORS NOTE: Title 16-6-1 (A) through (F), contain no changes and are therefore not included here.

G. Bulk Plane Requirements.

1. Intent. The bulk plane requirements in this subsection are intended to ensure that new residential development, including additions and expansions of existing dwellings, provides adequate light and privacy to neighboring properties. In addition, the bulk plane requirements are intended to assure greater design compatibility in terms of building mass and scale within Englewood neighborhoods.

2. Applicability and Exceptions.

a. Applicability. Except as exempt by this subsection, the bulk plane requirements in this subsection shall apply to:
(1) All new residential development of four (4) dwelling units or less in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts; subject to the Residential Design Standards and Guidelines in Section 16-6-10.B. EMC;

(2) All new residential development on legal, nonconforming lots that have lot widths less than the minimum required by the applicable zone district; and

(3) All new residential development on small lots and urban lots.

b. Exceptions.

(1) The bulk plane requirements in this subsection shall not apply to new residential developments of five (5) or more units, or non-residential development, or accessory structures in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B zone districts, or the MU-B-1, MU-B-2, M-1, M-2, M-O-2, or TSA districts. The bulk plane requirements in this subsection shall not apply to structures or portions of structures exempt from the maximum height limits, as specified in subsection 16-6-1.F.1 EMC. The bulk plane requirements in this subsection shall not apply to any development in the MU-R-3-C, MU-B-1, MU-B-2, M-1, M-2, M-O-2, I-1, I-2 or TSA zone districts.

(2) Dormers with window(s) may partially protrude through the bulk plane defined below for a maximum cumulative length of fifteen (15) linear feet, measured horizontally at the point of intersection with the bulk plane, and provided the vertical height of a dormer window does not extend above the height of the ridgeline of the roof surface from which the dormer protrudes.

(3) Eaves may extend up to twenty-four inches (24") into the bulk plane, provided it does not project further into a side setback than the maximum projection allowed by 16-6-1.F5(b)(1). The extension shall be measured horizontally from the building wall to the furthest extent of the eave.

(4) Gutters may extend into the bulk plane, regardless of whether the eave projects into the bulk plane.

(5) Chimneys may extend vertically into the bulk plane a maximum of ten feet (10').
(6) Patio or deck railings may extend vertically into the bulk plane a maximum of forty-two inches (42") if the railing is at least seventy-five percent (75%) open or transparent.

3. **Bulk Plane Requirements.** Except as specifically excepted in subsection G:(2), above, no part of any structure subject to these bulk plane requirements (including air conditioner, elevator penthouses, and other mechanical equipment) shall project through the following defined bulk planes, which define a building envelope for the subject lot:

a. For all applicable zone districts, the base plane for the vertical measurement of the bulk plane shall be established by taking the average of the existing grades of the midpoints of the two side property lines.

b. The maximum side wall height shall be measured at the point where the side wall of the structure intersects the highest roof framing member (typically roof sheathing). The top of any parapet wall shall not extend beyond the defined bulk plane.

c. **R-1-A and R-1-B Zone Districts.**

a. (1) A horizontal line that is located directly above the side lot line and which passes through a point twelve feet (12') above the midpoint of such side lot line base plane described in paragraph (a) above; and

b. (2) The intersecting lines that extend over the lot at a pitch of 12:12 (45-degree angle) from the horizontal lines defined in paragraph (a)(1) above.

d. **R-1-C, R-2-A, R-2-B, MU-R-3-A, AND MU-R-3-B Zone Districts.**

(1) A horizontal line that is located directly above the side lot line and which passes through a point seventeen feet (17') above the base plane described in paragraph (a) above; and

(2) The intersecting lines that extend over the lot at a pitch of 12:12 (45-degree angle) from the horizontal lines defined in (d)(1) above.
Figure 16-6(3): Bulk Plane
Figure 16-6(3): Bulk Plane

A Beginning point of Bulk Plane shall be:
- 12' above Base Plane for R-1-A and R-1-B Districts.
- 17' above Base Plane for R-1-C, R-2-A, R-2-B, MU-R-3-A and MU-R-3-B zone districts.

B Side setback varies by zone district and lot type, see table 16-6-1.1 EMC.

C Maximum Side wall height (A+B=C), where side wall of structure intersects the highest roof framing member.

D Maximum height of structure, see Table 16-6-1.1 EMC.

E Base Plane, average existing grade of the two side property line midpoints.

Commentary to Figure 16-6(3) Bulk Plane [above]: The shaded portion of the illustration above depicts the defined bulk plane, which must contain the entire dwelling structure (with limited exceptions for projecting dormers, chimneys, and railings). The bulk plane is measured at a forty-five degree (45°) angle from a horizontal line located directly above each side lot line and which passes through a point twelve feet (12') above the base plane in the R-1-A and R-1-B zone districts, or seventeen feet (17') above the base plane in the R-1-C, R-2-A, R-2-B, MU-R-3-
A and MU-R-3 B zone districts, midpoint of such side lot line. The fifteen feet (15') vertical height shown in the illustration indicates the point where the bulk-plane in this example inclines toward the center of the lot, accounting for a three-foot (3') side setback required in several of the residential zone districts. The maximum side wall height is the point where the side wall of the structure intersects the highest roof framing member.

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

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

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

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

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

Introduced, read in full, and passed on first reading on the 5th day of January, 2015.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of January, 2015.
Published as a Bill for an Ordinance on the City’s official website beginning on the 7th day of January, 2015 for thirty (30) days.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 5th day of January, 2015.

Loucrishia A. Ellis