



# Council Newsletter

---

## CITY MANAGER'S NOTES May 10, 2018

### Upcoming Council Meetings

City Council will meet on **Monday, May 14, 2018**. A Study Session will begin at 6:00 p.m. in the Community Room.

City Council will meet on **Monday, May 21, 2018**. The Regular Meeting will begin at 7:00 p.m. in Council Chambers.

### Informational Items

The following attachments are in response to City Council requests, as well as other informational items.

1. Littleton Independent article: DeGette talks opioids, housing, DACA at local meetings
2. Englewood Herald article: Pot-consumption shop says it's leaving Englewood
3. Invitation: Planned Unit Development Neighborhood Meeting
4. Calendar of Events
5. Tentative Study Session Topics



# DeGette talks opioids, housing, DACA at local meetings

## Rep. Diana DeGette sits down in Denver, Englewood

Posted Friday, May 4, 2018 10:10 pm

Ellis Arnold  
[earnold@coloradocommunitymedia.com](mailto:earnold@coloradocommunitymedia.com)

U.S. Rep. Diana DeGette took time this week to sit down with Denver-area reporters and the Englewood City Council to talk about the opioid crisis, movements on DACA policy for undocumented immigrants, housing and homelessness. She represents Denver, Englewood, Sheridan, Cherry Hills Village, Bow Mar and unincorporated areas west of Littleton.

Here's what the 1st Congressional District representative had to say at her Denver office to reporters May 3, and at the Englewood Civic Center May 4.

### Help from above

States need money from the federal government to solve the crisis of opioid-substance abuse, DeGette said. She's worked recently on putting more than 50 bills dealing with different aspects of the opioid epidemic through committee in Congress. DeGette serves on the Committee on Energy and Commerce.

"We shouldn't be doing 56 bills for opioids," said DeGette, who said her committee has discussed medical treatments for addiction and community health responses. "Let's put it all into one big bill. We should do it like the Ryan White bill for AIDS (of 1990). This is a public health crisis."

The country needs a comprehensive opioid-prevention approach, similar to the approach it took to AIDS decades ago, DeGette said. States should get money to take preventative measures, she added.

One question at the reporters' roundtable brought up [fentanyl](#) and overdoses in Pueblo.

"Pueblo is an issue, the San Luis Valley is an issue and Denver is an issue," DeGette said. "It's not just concentrated in the urban core."

### Pushing to transition from DACA

After the Trump administration announced the end of the Deferred Action for Childhood Arrivals program in September, undocumented immigrants who arrived in the country as children had until March 5 before the group's legal status would largely begin to expire.

Since then, though, federal courts have temporarily blocked the Trump administration's end to the program, allowing it to continue while the [legal battle in courts](#) plays out.

"I've been working for quite some time before (President Donald Trump) got elected to try to pass comprehensive immigration reform," DeGette said.

His attempt to end the program made that more urgent, she said.

A path to citizenship for Dreamers, a possible way for other undocumented immigrants to apply for citizenship and "go to the back of the line," and border security — but no wall along the Mexican border — is what reform should include, DeGette said.

"There's not much enthusiasm in Congress for the wall," DeGette said.

DACA started under President Barack Obama in 2012 when the federal government decided to change how it enforces immigration law. The term "Dreamers" has been applied to young undocumented immigrants at least in part because of the title of the Development, Relief and Education for Alien Minors (DREAM) Act, first introduced in 2001 but never passed by both houses of Congress.

Roughly 689,800 people with active DACA status lived in the country recently, with about [15,500 residing in Colorado](#).

### **Struggling to stay housed**

A proposal by federal Housing and Urban Development Secretary Ben Carson that could triple the minimum rent the poorest Americans pay for federally subsidized housing found criticism from DeGette.

"Carson announced they were going to triple the rent people would have to pay before they get Section 8 vouchers, which, in a market like this, it's a disaster for low-income people," DeGette said. "We're hoping that doesn't make it through (Congress)."

The move risks exacerbating homelessness, an ongoing problem for DeGette's area, especially in Denver. It is also a growing problem in Englewood. A recent federal-spending bill increased HUD funding compared with last year, DeGette said, but Carson's effort would exclude large amounts of people from getting assistance.

"Especially in Colorado, where housing prices are going up," DeGette said.

Englewood City Council is planning to look into its city's homelessness in an upcoming study-session meeting. Businesses are upset by problems they say homeless individuals have brought, Councilmember Linda Olson said.

"We have never had any resources focused on this at all," Olson said, asking if the state or county could help.

DeGette suggested a survey or study in addition to the point-in-time counts of homeless individuals in the metro area that occur on one day per year. The opioid crisis has affected homelessness, DeGette said.

Some say homeless arrive in Englewood on Denver buses, but some grew up in Englewood schools and are local, Olson said.

"If it's an easy thing to solve, we would have solved it," DeGette said, adding that the city should identify if the homeless have substance-use disorders, are families who can't afford housing or fall into other categories. "First, you have to figure out what the problem is."

City officials have noticed an uptick in the city's population in the last few years.

In Englewood, a city preparing for a large financial gap, Olson said officials don't have the money to adequately take on the problem.

The city needs help from Arapahoe County and the state, she said. "We need a regional approach."



# Pot-consumption shop says it's leaving Englewood

## Studio 420 moving after long battle with city

Posted Monday, May 7, 2018 12:02 pm

Ellis Arnold

[earnold@coloradocommunitymedia.com](mailto:earnold@coloradocommunitymedia.com)

Englewood isn't a welcome place for a business operating as marijuana-consumption venue — that's what the Englewood City Council decided in June 2016 when it voted unanimously to ban the opening of such businesses. And now the sole business to offer on-site marijuana consumption in Englewood is leaving.

The business, Studio 420, had been operating on South Broadway for a year when the mid-2016 ban passed, and the owners tried to remain open long-term. But in December 2016, six months after the passage of the ban, Studio 420 — which sells tobacco and paraphernalia used to consume marijuana in addition to offering a space for consumption — received a cease-and-desist order from the city to stop the pot-consumption part of its business, and subsequent appeal attempts did not work out for the company.

"They don't want us anyway, so we're going peacefully," said Marty Fuchs, the shop's co-owner, on April 30. He announced on Studio 420's Facebook page April 27 that the store will move to a location outside Englewood. It was set to close May 10.

The business at 3995 S. Broadway had challenged the city's cease-and-desist order at a hearing last June, arguing that it qualified for an exemption under a state law it said would allow pot consumption at the business. At Studio 420, formerly known as iBake Englewood, customers can buy memberships to consume marijuana and marijuana products in the building.

Studio 420's legal counsel argued at the hearing that under the Colorado Clean Indoor Air Act, tobacco and marijuana are regulated similarly. Smoking is allowed in retail tobacco shops in which the sale of non-tobacco products is only a small part of the business. Studio 420 argued it qualified for the exception.

The city roundly rejected that argument, writing that the shop doesn't meet the definition of a tobacco business in a decision released last July, a month after the hearing. The city also

said the business, which opened in June 2015, obtained a license by “fraud, misrepresentation or false statements.”

Studio 420’s business-license application described it as a retail shop selling tobacco products, pipes, shirts and hats.

Its business application did not list that it would charge a membership fee that would provide access to a back room for consumption of marijuana and marijuana products brought by members. The shop argued that Englewood’s application form only asks for taxable activities, but the city questioned why it did not list its accommodation of marijuana consumption under a section that asked for other services.

City Manager Eric Keck testified at the June hearing that he couldn’t say whether the Studio 420 owners, Fuchs and his son Craig Fuchs, intended to mislead the city, but he said outside the hearing that the majority of a store’s sales must be tobacco sales if it is to be exempt from the smoking restriction. Studio 420 does not meet that criteria, in the city’s view. Studio 420’s conflict was the first license-revocation case in Englewood history, Keck said at the time.

Studio 420 filed to appeal the July decision, Marty Fuchs said at the time. The city got an outside arbitrator to review the case, but another attorney for the city took over the case this year, and in connection with the change in attorneys, “the whole process got stagnated,” Fuchs said.

Keck on May 2 said the city is not able to comment on the matter.

“I still feel we’re 100 percent in the right,” Fuchs said, saying the shop was good for the community. Customers came from the metro area and other states and countries, he said.

“In three years, we have never had a negative issue in the city — police, fire or ambulance,” Fuchs said.

Craig Fuchs said at the June hearing that the membership part of the business was originally intended to be a slight aspect that became more popular than anticipated.

“It helps people get off the street and consume legally,” Craig Fuchs said at the time. “There are a lot of people in apartments, or with children and animals, that won’t (or can’t) smoke in their homes.”

A witness at the June hearing said he smokes for medical reasons and can’t smoke at the property where he lives. He also said he’s met others who smoke for medical reasons at Studio 420.

“Would you rather have people smoking by parks or schools or city hall? Or in here, in a safe environment?” Marty Fuchs said in July.

Englewood Fire Marshal Laura Herblan said at the June hearing that she was not aware that Studio 420 would be using lighting devices like torches and said such activity would bring fire code issues into play.

The city argued that hats, T-shirts, snacks or other such items — or memberships — can’t be the main part of a tobacco retailer’s sales if it wants to be exempt from smoking restrictions.

“We see them as a shop that sells tobacco as incidental to other things they do there,” Keck said outside the hearing.

The shop plans to move closer to downtown Denver than it is now, Marty Fuchs said, but the new location was not announced as of May 2.

May 10, 2018

**RE: Planned Unit Development**  
1050 & 1090 W Hampden Ave. (former Sports Authority site)  
Englewood, Colorado 80110

Dear Neighbor:

Ogilvie Properties is pleased to invite you to our third neighborhood meeting to describe our plan to re-develop the above referenced property. Ogilvie's proposed development involves converting the vacant Sports Authority buildings and associated properties into a new and vibrant mixed-use development including a new climbing gym, office and self-storage space.

Our re-development of this property will require re-zoning of a 4-acre portion of the property to a Planned Unit Development ("PUD") by the City of Englewood. An important part of the PUD process is to hold neighborhood meetings to present our application and receive input, answer questions or concerns, and listen to your comments.

The date and location of the meeting are as follows:

**Date:** Wednesday May 23, 2018  
**Time:** 6:00 to 7:00 p.m.  
**Location:** Malley Senior Recreation Center  
3380 South Lincoln Street  
Englewood, CO 80113

Representatives from the City of Englewood Community Development Department will also be attending the meeting. These representatives will be available to answer questions regarding the City's PUD process. Attached you will find a fact sheet on frequently asked questions about a PUD, along with a vicinity map and site plan.

If you have questions or comments regarding the proposed project, please contact Don Ryan at Norris Design, 303.892.1166, [dryan@norris-design.com](mailto:dryan@norris-design.com)



If you have questions or comments regarding the City of Englewood process, please contact Will Charles- [wcharles@englewoodco.gov](mailto:wcharles@englewoodco.gov) or Erik Sampson [esampson@englewoodco.gov](mailto:esampson@englewoodco.gov)

Sincerely,

**Norris Design**



Don Ryan  
Senior Associate



## **Planned Unit Development (PUD) Frequently Asked Questions**

### **What is a Planned Unit Development (PUD)?**

A Planned Unit Development (PUD) is a rezoning process that establishes specific zoning regulations and development criteria for a particular site.

### **What makes up a PUD?**

The PUD is composed of a *District Plan* (zoning regulations) and a *Site Plan* (design and development requirements) that apply to the site.

### **Who approves or denies a Planned Unit Development?**

The Planning and Zoning Commission reviews the PUD rezoning application and makes a recommendation to City Council, who has the authority to approve or deny the PUD rezoning application.

### **How can I make my opinion known?**

Opportunities for public comments on a PUD application may occur at the required neighborhood meeting, the Planning and Zoning Commission Public Hearing, or the City Council Public Hearing.

### **What if I can't attend a meeting or do not wish to speak at a meeting?**

All written comments received prior to a Public Hearing will be included in the application packet prepared for the Planning and Zoning Commission and/or City Council. Written comments received between packet delivery and the Public Hearing will be presented at the Public Hearing.

### **Where should I send my written comments?**

City of Englewood  
Community Development Department  
1000 Englewood Parkway  
Englewood, Colorado 80110

### **I don't live in Englewood, can I still comment on the proposal?**

Yes, Planning and Zoning Commission and City Council will hear comments from all interested parties.

### **How will I know about the Public Hearings?**

By Ordinance, notice of the Public Hearing will be published in the *Englewood Herald* at least 10 day prior to a Public Hearing. Also, signs will be posted on the property (visible from the street) for 10 days prior to a Public Hearing. You may also contact Community Development for updates.

### **I don't like the proposal, why is the City considering the development?**

The City is obligated to process all PUD rezoning applications.

### **Whom do I contact if I need more information?**

Community Development Department  
Brook Bell 303-762-2352

### **How long does the PUD process take?**

The PUD rezoning process takes approximately 4 to 6 months to complete.

## What is the PUD process?

- **Neighborhood Meeting (Pre-application)**  
The neighborhood meeting is an informal presentation hosted by the developer to introduce the development concept and seek input from neighbors. The meeting is an open forum that provides an opportunity for interested parties to ask questions and provide comments directly to the developer.
- **Formal PUD rezoning application submitted of the to the City**
- **City Review and referral to outside agencies**
- **Notice published and property posted with the date of the upcoming Public Hearing**
- **Planning and Zoning Commission**  
**Public Hearing:** The Public Hearing is a formal hearing where sworn testimony, by one person at a time, is taken on the PUD rezoning application.  
**Possible Action:**
  - Continue the Public Hearing
  - Recommendation forwarded to City Council to:
    - Approve
    - Approve with Conditions, or
    - Deny
- **City Council First Reading**  
The PUD rezoning application is introduced and Council sets a date for a Public Hearing. Public comments are not taken at this meeting.
- **Notice published and property posted with the date of the upcoming Public Hearing**
- **City Council**  
**Public Hearing:** The Public Hearing is a formal hearing where sworn testimony, by one person at a time, is taken on the PUD rezoning application. (Note: A vote is not taken at this Public Hearing)
- **City Council Second Reading**  
Council deliberates and votes to:
  - Approve
  - Approve with Conditions, or
  - Deny
- **Publication of PUD rezoning by Ordinance**  
(Note: Publication occurs only if the PUD rezoning is approved or conditionally approved)
- **Effective date**  
An approved or conditionally approved PUD rezoning is effective 30 days after publication



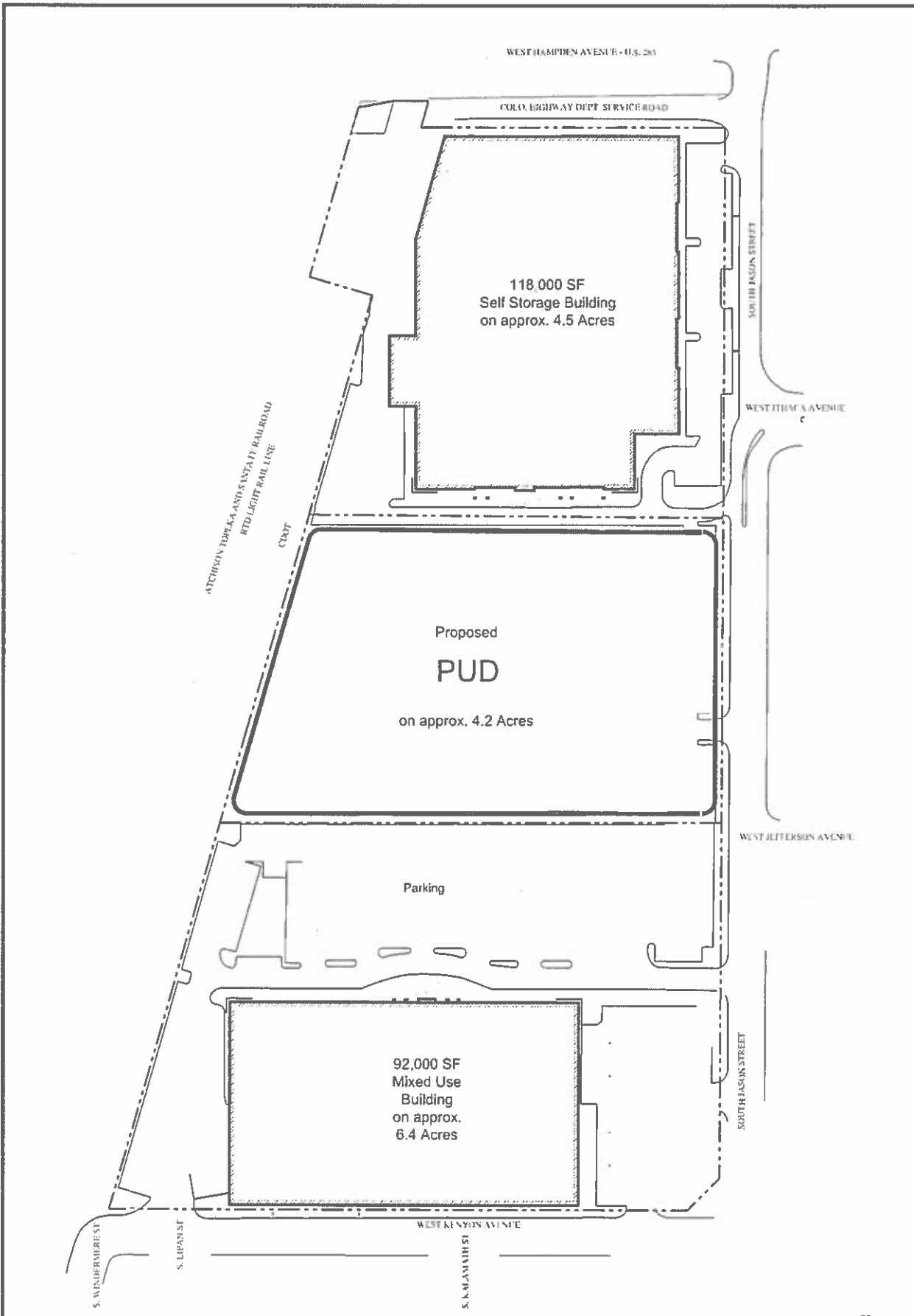


**Vicinity Map**  
Englewood, Colorado

**Legend**  
SUBJECT PROPERTY

1050 & 1090 HAMPDEN | VICINITY MAP  
MAY 2018

**NORRIS DESIGN**  
300 11th St. Suite 1000, Boulder, CO 80502



Images are conceptual only and subject to change



**CITY OF ENGLEWOOD  
2018 CALENDAR OF EVENTS**

|                |            |   |
|----------------|------------|---|
| Thurs., May 10 | 3:00 p.m.  | Firefighters Pension Plan Board   |
|                | 5:30 p.m.  | Parks and Recreation Commission, Englewood Recreation Center Aquatics Room, 1155 W. Oxford Ave. |
| Mon., May 14   | 6:00 p.m.  | City Council Study Session  |
| Tues., May 15  | 2:30 p.m.  | Mayor/Manager Meeting   |
| Wed., May 16   | 5:30 p.m.  | Code Enforcement Advisory Committee (tentative)   |
|                | 6:30 p.m.  | Historic Preservation Commission, Community Development Conference Room                         |
| Mon., May 21   | 6:00 p.m.  | City Council Regular Meeting  |
| Tues., May 22  | 2:30 p.m.  | Mayor/Manager Meeting   |
|                | 6:30 p.m.  | Budget Advisory Committee   |
|                | 7:00 p.m.  | Planning and Zoning Commission, City Council Conference Room/Council Chambers                   |
| Thurs., May 24 | 6:00 p.m.  | Town Hall Meeting on ADUs, Community Room   |
| Tues., May 29  | 6:00 p.m.  | City Council Study Session  |
| Wed., May 30   | 2:30 p.m.  | Mayor/Manager Meeting   |
| Mon., June 4   | 7:00 p.m.  | City Council Regular Meeting  |
| Tues., June 5  | 2:30 p.m.  | Mayor/Manager Meeting   |
|                | 7:00 p.m.  | Planning and Zoning Commission, City Council Conference Room/Council Chambers                   |
| Wed., June 6   | 11:30 a.m. | Alliance for Commerce in Englewood, City Council Conference Room                                |
|                | 4:00 p.m.  | Englewood Housing Authority, EHA Board Room   |
|                | 5:45 p.m.  | Cultural Arts Commission, Englewood Public Library, Perrin Room                                 |
| Mon., June 11  | 6:00 p.m.  | City Council Study Session  |
| Tues., June 12 | 2:30 p.m.  | Mayor/Manager Meeting   |
|                | 5:00 p.m.  | Water & Sewer Board, Community Development Conf. Room   |
|                | 5:30 p.m.  | Keep Englewood Beautiful, City Council Conference Room  |
|                | 7:00 p.m.  | Public Library Board, Englewood Public Library, Altenbach Room                                  |
| Wed., June 13  | 6:30 p.m.. | Englewood Urban Renewal Authority, City Council Conference Room                                 |

|                 |            |   |
|-----------------|------------|---|
|                 | 7:00 p.m.  | Board of Adjustment and Appeals, Council Chambers                             |
| Thurs., June 14 | 5:30 p.m.  | Parks and Recreation Commission, Community Development Conference Room        |
|                 | 6:00 p.m.  | Englewood Transportation Advisory Committee, City Council Conf. Room          |
| Mon., June 18   | 7:00 p.m.  | City Council Regular Meeting  |
| Tues., June 19  | 2:30 p.m.  | Mayor/Manager Meeting   |
|                 | 7:00 p.m.  | Planning and Zoning Commission, City Council Conference Room/Council Chambers |
| Wed., June 20   | 5:30 p.m.  | Code Enforcement Advisory Committee (tentative)                               |
|                 | 6:30 p.m.  | Historic Preservation Commission, Community Development Conference Room       |
| Mon., June 25   | 6:00 p.m.  | City Council Study Session  |
| Tues., June 26  | 2:30 p.m.  | Mayor/Manager Meeting   |
|                 | 5:15 p.m.  | Budget Advisory Committee, City Council Conference Room                       |
| Mon., July 2    | 7:00 p.m.  | City Council Regular Meeting  |
| Tues., July 3   | 2:30 p.m.  | Mayor/Manager Meeting   |
|                 | 7:00 p.m.  | Planning and Zoning Commission, City Council Conference Room/Council Chambers |
| Wed., July 4    | 11:30 a.m. | Alliance for Commerce in Englewood, City Council Conference Room              |
| Mon., July 9    | 6:00 p.m.  | City Council Study Session  |
| Tues., July 10  | 2:30 p.m.  | Mayor/Manager Meeting   |
|                 | 5:00 p.m.  | Water & Sewer Board, Community Development Conf-Room                          |
|                 | 5:30 p.m.  | Keep Englewood Beautiful, City Council Conference Room                        |
|                 | 7:00 p.m.  | Public Library Board, Englewood Public Library, Altenbach Room                |
| Wed., July 11   | 4:00 p.m.  | Englewood Housing Authority, EHA Board Room                                   |
|                 | 5:45 p.m.  | Cultural Arts Commission, Englewood Public Library, Perrin Room               |
|                 | 6:30 p.m.  | Englewood Urban Renewal Authority, Council Conference Room                    |
|                 | 7:00 p.m.  | Board of Adjustment and Appeals, Council Chambers                             |
| Thurs., July 12 | 5:30 p.m.  | Parks and Recreation Commission, Malley Recreation Center, 3380 S Lincoln St. |

**TENTATIVE**  
**STUDY SESSIONS TOPICS**  
**FOR ENGLEWOOD CITY COUNCIL**

- May 14      Study Session  
                 Discussion of Joint Use Agreement for the Littleton-Englewood WWTP  
                 Homelessness Discussion  
                 Recap of City Council Strategy Formulation  
                 Arapahoe County Transportation Forum Discussion  
                 Police Building Project Update  
                 Emergency Management
- May 21      Regular Meeting
- May 24      Town Hall Meeting on ADUs
- May 29      Study Session  
                 Discussion of ADUs  
                 Council Policy Manual
- June 4      Study Session  
                 FY Budget Process Overview  
                 Signature Events Discussion
- June 4      Regular Meeting
- June 11     Study Session  
                 Capital Improvement Plan Review  
                 FY 19 Budget Team #1 Presentation  
                 Joint meeting with the Planning and Zoning Commission
- June 18     Regular Meeting
- June 25     Study Session  
                 Police Building Project Update  
                 FY 19 Budget Teams 2-4 Presentation
- July 2      Regular Meeting
- July 9      Study Session
- July 11     Community Budget Workshop
- July 16     Regular Meeting
- July 18     Community Budget Workshop
- July 19     Joint Meeting with Littleton City Council on Wastewater Treatment Plant (0730-1000)



|           |  |
|-----------|--|
| July 23   | Study Session  |
| July 30   | 5 <sup>th</sup> Monday   |
| August 6  | Study Session<br>City Manager's Proposed FY 2019 Budget Overview           |
| August 6  | Regular Meeting  |
| August 13 | Study Session<br>FY 2019 Capital Budget Overview<br>2019-2023 CIP Overview |
| August 20 | Regular Meeting  |

## **FUTURE STUDY SESSION TOPICS**

Board & Commission Presentations  
 Englewood Arts Hampden Hall Agreement Update  
 Small Cell Technology Discussion  
 Youth Commission Discussion  
 Building Use Tax Discussion  
 Immigration Policy Discussion  
 Home Rule Charter Amendment Discussion  
 Home Rule Charter Review  
 Aid to Other Agencies Funding Discussion  
 ULI Healthy Corridor Report Study

### Boards and Commissions

- Board and Commission Interviews (January and June)
- Alliance for Commerce in Englewood Committee
- Board of Adjustment and Appeals
- Budget Advisory Committee
- Code Enforcement Advisory Board (May)
- Cultural Arts Commission
- Election Commission
- Englewood Housing Authority (February)
- Keep Englewood Beautiful Commission (May)
- Liquor Licensing Authority
- Fire Pension, Police Pension and Retirement Board
- Parks and Recreation Commission
- Planning and Zoning Commission (February)
- Public Library Board (June)
- Transportation Advisory Committee
- Urban Renewal Authority
- Water and Sewer Board