



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: November 30, 2011

SUBJECT: REVISED Study Session Agenda for December 5, 2011

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Amending Title V, Chapter 14, WMC, Concerning Special Event Permits and Optional Premise Licenses
2. Countryside Filings 10 and 12 RV Survey and ODP Requirements

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY ITEMS

None at this time.

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

1. Obtain direction from the WEDA Board of Directors re a proposed redevelopment assistance agreement with Kohl's Department Store, pursuant to CRS 24-6-402(4)(e) - **Verbal**

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager





WESTMINSTER

Staff Report

City Council Study Session Meeting
December 5, 2011



SUBJECT: Proposed Councillor's Bill Amending Title V, Chapter 14, WMC, Concerning Special Event Permits and Optional Premise Licenses

PREPARED BY: Linda Yeager, City Clerk
Hilary Graham, Assistant City Attorney

Recommended City Council Action

Direct Staff to place on City Council's Agenda a proposed Councillor's Bill amending Title V, Chapter 14, of the Westminster Municipal Code concerning special event permits and optional premise licenses.

Summary Statement

- The 2011 Legislature adopted Senate Bill 11-066 making changes to provisions of Title 12, Article 48, regarding special event permits. One notable change allows local licensing authorities to assume full responsibility for the approval and issuance of special event permits without approval of the State licensing authority. Although State law no longer requires City Council action to exercise this authority, the Westminster Municipal Code still contains language requiring the City Clerk to submit approved special event applications and fees to the state licensing authority. The attached draft ordinance removes that language and replaces it with new language to fully empower the City to exercise total responsibility for the approval and issuance of special event permits, which will comport with the changes in state law.
- The attached draft ordinance also creates a local optional premise license in response to a request from Richard Fuller, legal counsel for Hyland Hills Parks & Recreation District. The optional premise license allows the service of malt, vinous, and spirituous liquor on specific dates and times and at specific locations on an outdoor sports and recreational facility that charges a fee for use. This type of license is permitted under State law, but the City must authorize such licenses before they can be granted locally. The drafted ordinance recognizes a local optional premises license and allows it to be issued by the City.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

Does City Council want to make the approval and issuance of special event permits a matter of local control and to create a new class of local optional premises license?

Alternatives

1. Council could determine it is in the public's best interest to leave the special event permit application and issuance process unchanged and continue to require State licensing authority approval and issuance of the permits. Staff does not recommend this course of action, as the existing process adds at least 15 days to the approval process. Further, the change in State law reflects the Department of Revenue's desire to be removed from the process to better serve customers throughout Colorado and to reduce its own workload.
2. City Council could decide that adding the optional premise license to the classes of locally issued licenses is not desirable. Staff does not recommend this course of action and notes that optional premise permits, issued in association with hotel/restaurant liquor licenses, are held by the concessionaires at both municipal golf courses and the Board of Directors of the Ranch County Club. Accordingly, full service of alcoholic beverages is currently available on those golf courses.

Background Information

Recent changes to the Special Event Permit Code in Title 12 of the Colorado Revised Statutes increased the number of special event permits a qualifying organization can obtain during a calendar year from 10 to 15. Additionally, the changes provided the option for local licensing authorities to assume full responsibility for the review and issuance of special event permits. The legislation did not require the governing body to enact legislation to exercise this responsibility; however, the Westminster Municipal Code contains references to State review and approval. Thus, a Code amendment is needed for the City to remove the State from the approval and issuance process, as is now allowed under State law. This action will improve customer service by reducing the time it takes to obtain State consideration of each application and will eliminate the State's \$25-per-day fee. The State will maintain a database for statewide reference to ensure that each qualifying organization does not exceed its maximum of 15 permits per calendar year.

The Hyland Hills Parks & Recreation District currently holds a 3.2% beer license for on-premise consumption, a license that does not permit the service of wine that is a frequent customer request on the golf course. The District wants to remain in control of alcohol beverage service on the golf course (rather than relying on a hotel/restaurant licensed concessionaire) and would like to provide the level of service requested by customers. In order to do so, the District would require a City- issued optional premise *license*.

The Westminster Municipal Code has allowed for optional premise permit associated with hotel/restaurant liquor licenses for outdoor recreational facilities since 1990. A stand-alone optional premise license has existed in State law since 1983, but the City has not previously recognized it. Both the license and permit require a local governing body to legislatively opt-in to issue either category within the jurisdiction.

Until now, the optional premises permits have satisfied the needs of local businesses. However, repeated requests from customers of Hyland Hills Golf Course for full-service of alcoholic beverages, primarily wine, have caused the District to investigate licensing alternatives. The District is in the process of renovating the clubhouse and some of its infrastructure and would like to upgrade its liquor license to provide full service to its customers while keeping the golf course and the clubhouse under separate management and control. The optional premise license is the class of license that best satisfies the District's needs, and the District approached the City with a request to issue that type of license locally.

The optional premise license allows the service of malt, vinous, and spirituous liquor on specific dates and times and at specific locations on an outdoor sports and recreational facility that charges a fee for use. The optional premise license class allows the holder to serve alcoholic beverages for on-premise consumption only on dates and between hours specified within the application. Those dates and times cannot be changed without 48-hours advanced notification to the local licensing authority. Dates and times of operation are re-established each year with license renewal. As with all liquor licenses, snacks must be available for customers to purchase, but a full-service menu, kitchen, and percentage of gross sale from the sale of food are not required.

The attached ordinance will allow the Hyland Hills Parks and Recreation District to apply for an optional premise license. If granted by the Special Permit and License Board, the District will voluntarily surrender the 3.2% beer retail license it currently holds.

There are few other outdoor sports and recreation facilities that charge a fee for use in the City, and it is not expected that opting-in to allow local optional premise licenses will result in many future applications.

The proposed ordinance revisions would support the Strategic Plan goal of a strong, balanced local economy by supporting an existing business, making changes to encourage the success of small and/or local businesses, and assisting local non-profit organizations that seek to raise funding to promote their causes through alcohol sales at special events.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Proposed Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2011

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING PORTIONS OF TITLE V, CHAPTER 14, OF
THE WESTMINSTER MUNICIPAL CODE REGARDING SPECIAL EVENT
PERMITS AND OPTIONAL PREMISES LICENSES, WHICH REGULATE THE
SALE AND SERVICE OF ALCOHOLIC BEVERAGES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 5-14-10(B), W.M.C., is hereby AMENDED to read as follows:

5-14-10: SPECIAL EVENT PERMIT:

(A) Definition: A special event permit is a special license which authorizes a qualified organization or political candidate to sell, by the drink only, malt beverages or malt, spirituous or vinous liquors. A qualified organization is an organization which has been incorporated under the laws of this State for purposes of social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain; a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes which is not for profit; a regularly established religious or philanthropic institution; or a municipality owning arts facilities at which productions or performances of an artistic nature are presented.

(B) Application Procedure:

...
(6) Upon approval of the application ~~and within ten (10) days after issuing the permit,~~ the City Clerk shall submit the approved application ~~and fees~~ to the state licensing authority ~~at least ten (10) days prior to the date of the special event in the form required by state law.~~

Section 2. Section 5-14-11, W.M.C., is hereby AMENDED to read as follows:

5-14-11: OPTIONAL PREMISES LICENSES AND PERMITS

(A) An annually renewable optional premises license for the sale or service of alcoholic beverages may be issued by the local licensing authority for one or more optional premises within an outdoor sports and recreational facility that charges a fee for the use of such facility.

(1) An application for an optional premises license shall be accompanied by the fees required by this Title.

(2) An optional premises license shall allow the licensee to sell and serve alcoholic beverages by the drink only to customers for consumption on the optional premises and for storage of alcohol beverages in a secure area on or off the optional premises for future use on the optional premises.

(3) An optional premises license application shall be reviewed and approved or denied according to Section 15-1-4 herein, and all other provisions of this Title shall apply.

~~(AB) Meals shall be served whenever and wherever alcoholic beverages are sold, served or consumed between the hours of 8 A.M. and 11 P.M. weekdays, and 8 A.M. and 8 P.M. Sundays and Christmas. No alcoholic beverages may be sold, served or consumed outside the designated areas. An annually renewable optional premises license permit for a hotel and restaurant license the sale or service of alcoholic beverages may be issued by the local licensing authority for any an outdoor sports and recreational facility which that charges a fee for the use of such facility so long as if such facility is part of an existing or a new hotel and restaurant license and the optional premises is located on or adjacent to the hotel and restaurant premises. an existing or a new hotel and restaurant license. Any optional premise license permit shall permit allow the licensee to sell or serve alcoholic beverages only on the optional premises specified in the license permit.~~

(1) An application for an optional premises permit for a hotel and restaurant license shall be made by the applicant for hotel and restaurant license or by the hotel and restaurant licensee.

(2) Meals shall be served whenever and wherever alcoholic beverages are sold, served or consumed between the hours of 8 A.M. and 11 P.M. weekdays, and 8 A.M. and 8 P.M. Sundays and Christmas. No alcoholic beverages may be sold, served or consumed outside the designated areas.

(3) An application for a new hotel and restaurant license with optional premises permit shall be processed in the same manner as any other hotel and restaurant license application. If an application to permit an optional premises is filed in connection with an existing hotel and restaurant license, the application shall be processed in the same manner as an application to modify or expand licensed premises. No local fee shall be required in connection with an application for an optional premises permit for an existing hotel and restaurant license.

(4) In addition to or in lieu of any enforcement actions the authority takes against the hotel and restaurant license for violations of this Code or the Colorado Liquor Code and regulations adopted pursuant to such Codes, the authority may decline to renew the optional premises permit for good cause shown, subject to judicial review. In addition, the authority may suspend or revoke the optional premises permit in accordance with the procedures specified in Colorado Liquor Code Regulation 47-110.1, as the same may be amended from time to time, and upon consideration of the criteria specified in this Title.

(5) Nothing contained in this Section shall preclude the local licensing authority, in its discretion, from denying an application for an optional premises permit or imposing conditions, restrictions or limitations on any optional premises permit in order to serve the public health, safety and welfare. Any such conditions may be imposed when the permit is initially issued or should any specific event or use of the optional premises so warrant.

(C) Unless otherwise permitted by law, it shall be unlawful for any person to sell or dispense alcoholic beverages at an outdoor sports and recreational facility without having first obtained a valid optional premises license or optional premises permit or in violation of any provision, restriction or limitation of such a license or permit.

(D) Definitions: The following terms shall be defined as provided below. Terms not defined in this subsection (D) shall be defined consistent with state law.

(1) "Ancillary Facility" shall mean a permanent, temporary or moveable structure or vehicle located on optional premises and used to dispense alcoholic beverages.

(2) "Outdoor Sports and Recreational Facility" shall mean a facility which consists of a golf course or tennis facility or both.

~~(E) Nothing contained in this Section shall preclude the local licensing authority, in its discretion, from denying an application for an optional premises license or imposing conditions, restrictions or limitations on any optional premises license in order to serve the public health, safety and welfare. Any such conditions may be imposed when the license is initially issued or should any specific event or use of the optional premises so warrant.~~

(F) No one licensee or permittee shall have more than five optional premises within an outdoor sports and recreational facility. No optional premise may include a parking lot.

(G) Application for an optional premises license or an optional premises permit as part of a hotel and restaurant license shall be made to the City Clerk ~~by an applicant for hotel and restaurant license or a hotel and restaurant licensee~~, upon forms to be furnished by the City Clerk for that purpose, which forms shall require the following information in addition to any information required by the state licensing authority and this ~~Chapter~~Title:

(1) A detailed diagram of the outdoor sports and recreational facility indicating:

(a) The location of the outdoor sports and recreational facility;

(b) The location of all proposed optional premises;

(c) The proposed locations of the ancillary facilities which are proposed to be used for the sale or service of alcoholic beverages;

(d) The seating, if any;

(e) Restroom facilities, if any;

(f) Restrictions, if any, to access to the optional premises; and

(g) Location of secured area or areas for use in storing malt, vinous and spirituous liquors for future use on the optional premises.

(2) A written statement setting forth what will be done to secure the optional premises and storage area or areas and the reason the Licensing Authority should grant the license or permit; and

(3) Such other information as reasonably may be required to satisfy the local licensing authority that control of the optional premises will be assured, and that the health, safety and welfare of the neighborhood and outdoor sports and recreational facility users will not be adversely affected should the license or permit be issued.

(H) If the applicant does not own the proposed optional premises, it shall submit to the City Clerk a written statement by the owner of the premises approving the application sought.

(I) The applicant shall provide the City Clerk with evidence that the state licensing authority has approved the location proposed to be optional premises, as required by the Colorado Liquor Code.

~~(J) — An application for a new hotel and restaurant license with optional premises shall be processed in the same manner as any other hotel and restaurant license application. If an application to use optional premises is filed in connection with an existing hotel and restaurant license, then the application shall be processed in the same manner as an application to modify or expand licensed premises. No fee shall be required in connection with an application for an optional premises license relating to an existing hotel and restaurant license.~~

~~(K)~~ (J) It shall be unlawful for any alcoholic beverages to be served on a licensed or permitted optional premises without the licensee or permittee having first provided written notice to the City Clerk and the state licensing authority no less than forty-eight (48) hours prior to such service of alcoholic beverages. Such notice shall contain specific days and hours on which the optional premises are to be used for the sale or service of alcoholic beverages. Nothing contained in this Section shall preclude written notice, submitted within the time limits set out above, from specifying that an optional premises may be utilized for a continuous or extended period of time. However, should any special or unusual event be anticipated to occur during any extended period of time, no less than forty-eight (48) hours written notice should be given to the City's Chief of Police, or his designee, who shall have the authority, on behalf of the local licensing authority, to impose any conditions reasonably related towards serving the public health, safety and welfare. The licensee or permittee may file more than one notice during a calendar year.

~~(L) — In addition to or in lieu of any enforcement actions which the authority takes against the adjacent hotel and restaurant license for violations of this Code or the Colorado Liquor Code and regulations adopted pursuant to such Codes, the authority may decline to renew the optional premises license for good cause shown, subject to judicial review. In addition, the authority may suspend or revoke the optional premises license in accordance with the procedures specified in Colorado Liquor Code Regulation 47-110.1, as the same may be amended from time to time, and upon consideration of the criteria specified in Chapter 1 of this Title.~~

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ___ day of ____, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___ day of ____, 2011.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER

Staff Report

City Council Meeting
December 5, 2011



SUBJECT: Countryside Filings 10 and 12 RV Survey and ODP Requirements

PREPARED BY: Mac Cummins, AICP, Planning Manager

Recommended City Council Action

Staff is updating the City Council on an issue that has arisen in the Countryside Subdivision, Filings 10 and 12, regarding the storage of recreational vehicles. Staff will be available Monday evening to receive City Council feedback and to answer any questions the Council may have.

Summary Statement

Approximately 11 months ago, staff received a complaint about a recreational vehicle that was being stored in Countryside. As is the usual practice, staff checked the Official Development Plan (ODP) to see what sort of allowance, if any, the Countryside subdivision provides for those kinds of vehicles. The ODP prohibits the storage of RV's in Filings 10 and 12 of the Countryside Subdivision. RV storage is permitted in other Countryside filings.

Upon initial observation, staff believed there could be upwards of 100 or more recreational vehicles in these subdivision filings, and to date, the City has not taken an aggressive zoning enforcement stance in this neighborhood on this issue. Rather than launch a significant zoning enforcement program in Countryside, staff approached the residents of Countryside Filings 10 and 12 in the early spring about whether there was any interest in a possible change to the ODP to allow RV's to be stored on residential lots within their filings. This was conducted via survey, mailed out to the over 700 property owners living in these two filings. Staff received 85 total individual responses, 21 comments back in support of a change to allow RV's and 64 comments back to keep the status quo in place (i.e. prohibition of RV's on residential lots)--approximately 75% responding supported the prohibition.

At the June 20, 2011, Council Study Session, staff presented some options for Council to consider, including moving forward with enforcement on any lot that had an RV parked on it, or considering a City initiated ODP amendment to allow RV's in these two filings. At this meeting, there was discussion about whether or not the response rate was sufficient, and whether or not more community outreach could be done to gain more input from the affected property owners. The direction of the Council that evening was to conduct a neighborhood open house meeting and solicit further public input on the matter. Staff conducted that meeting on Thursday evening, October 27th. There were 15 members of the public in attendance; the majority of whom supported the status quo, keeping a prohibition on RV storage in the ODP. One member of the audience said that he'd



specifically bought his home knowing that this prohibition was in place, and questioned “why the rules are being changed to accommodate residents who are in violation of their zoning.” A few of those in the audience questioned whether someone at the City had a “secret agenda,” because they felt strongly that they had provided input on the matter and an “overwhelming” majority of those respondents favored the status quo, but the dialogue was still continuing. Staff explained there was no “secret agenda” and that the Council wanted to solicit as much input as possible. The majority of those in attendance felt the existing prohibition in the ODP should be continued. There were a minority of people in attendance who felt that storage of RV’s was acceptable; many of whom offered that they personally owned an RV. There was some discussion about certain circumstances where an RV might be attractively stored and then some members of the audience suggested that this was a “slippery slope” and asked that no allowance be made.

In addition to this meeting, staff conducted a 2nd survey and mailed out notices to all the homeowners again. There were 45 responses and 34 said that they prefer the status quo (keeping the prohibition in place), while 11 said that the zoning should be changed to allow RV’s in these filings. Although fewer people responded, the results were consistent with the previous survey results where 75% of the respondents indicated the current zoning prohibition on RV’s should remain.

Given the feedback received from residents to keep the status quo in place, staff will proceed with beginning enforcement on those lots storing RV’s. This does not prohibit any future ODP amendment application from proceeding, but at this time there does not appear to be a groundswell of desire to change the status quo. Unless City Council directs otherwise, staff will not proceed with a City-initiated ODP amendment for a proposed change.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City consider a City-initiated ODP amendment to change the current zoning prohibition on the ODP against RV storage in Countryside Filings 10 and 12?

Alternative

File a City-initiated ODP amendment to allow RV storage within Countryside Filings 10 and 12. This option is not supported since 75% of the residents who responded to two surveys conducted by the City prefer that the status quo remain in place. This would not preclude a future application from the homeowners in either or both of these filings from applying for this change in the future. If the alternative were chosen (City-initiated amendment), the issue would be referred to the City's Planning Commission as an ODP amendment for consideration with a possibility of appeal to the City Council the same as any other ODP amendment.

Background Information

The City first became aware of the prohibition against RV's in these filings after a complaint was made against an owner of an RV within Countryside by a neighbor. After researching the complaint, staff became aware that the storage of RV's is prohibited in these two filings (map of Filings 10 and 12 attached for reference). The exact ODP language says "Storage of recreational vehicles shall not be permitted in this development." RV's are defined in the Westminster Municipal Code as "a vehicle that is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use." Sec.11-2-19(B), W.M.C.

This prohibition does not preclude someone from loading and unloading their RV in these filings, but prohibits these vehicles from being stored on any residential lot. There are multiple definitions of RV in the City's municipal code, including Title 11, the Land Development title, as well as in Chapters 8-1 and 10-1. After consultation with the City Attorney's Office, the definition contained in the land use regulations is the one applicable to the ODP condition.

Staff researched the background information on Countryside Filings 10 and 12 to determine the reasoning behind RV's being prohibited in these two filings. No documentation was found that gave an explanation.

As staff considered how to approach this issue, a "windshield" survey was undertaken to determine how many potential violations of this ODP provision there might be. It appears that a rough estimate would be quite a lot, perhaps as many as 100 or more in these two filings. It is possible that the residents of these two filings are not even aware that their zoning (ODP) prohibits the storage of RV's on their lots. Further, the other filings within Countryside do NOT prohibit RV storage, further complicating the matter.

Given this information, staff approached the residents of Filings 10 and 12 to solicit input about what they thought about a potential change to the ODP to allow RV storage. A survey was mailed out to all Filing 10 and 12 residents in the spring (over 700 persons) with an email and phone number to contact the City with their thoughts. 85 individual responses were received (some responded more than once, but staff only counted the responses as one response). The results of the survey revealed that 75% (64 of 85 responses) of the respondents were supportive of the status quo (keeping the prohibition in place), and 25% of the respondents wanted to change the ODP to allow RV storage on the residential lots. As

mentioned above, staff conducted a 2nd survey in the fall of this year, again with 75% of the respondents in favor of keeping the status quo in place, i.e. keeping the prohibition of RV's in place for these two filings.

Generally, the comments staff received are along the following (These are the same "general" theme comments received from BOTH surveys that were mailed out):

Respondents who prefer the status quo (Prohibition of RV storage):

1. Don't change the ODP
2. Storage of RV's will clutter the subdivision
3. Neighborhood looks like a junkyard
4. Resale of homes would be harder

Respondents who prefer a change to the ODP to allow RV Storage:

1. It has not been enforced in the past and the rest of Countryside permits it, they should be allowed
2. The title company and real estate agent assured me that RV parking was allowed when I purchased the home
3. I don't own a RV but it will ultimately cost people to store them off site

Staff was considering approaching the Council with the concept of a possible City-initiated ODP amendment on this issue. However, given the responses of the neighborhood, it would seem that the current status quo is preferable to the neighborhood. At this point, staff wanted to update the Council that the zoning enforcement officer will be approaching those storing RV's on their residential lots and informing them that their zoning prohibits this and directing them to remove them. This will most likely occur in late January or early February.

This action would meet City Council's Strategic Goals of Vibrant Neighborhoods and Beautiful City as it will keep large vehicles and campers out of site in these subdivisions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

1. Map of Countryside, Filings 10 and 12
2. Copy of the Survey Letter mailed to all property owners in Filings 10 and 12, dated March 10, 2011
3. Copy of the Survey Letter mailed to all property owners in Filings 10 and 12, dated October 11, 2011
4. Copy of a letter received from Alex May, resident in Countryside, dated October 30, 2011



WESTMINSTER

March 10, 2011

RESIDENT/NAME
ADDRESS
WESTMINSTER CO 80021

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80031

303-658-2400
FAX 303-706-3922

Dear Resident/Homeowner:

The City of Westminster would like to inform you that the City is considering a change to the zoning (Official Development Plan) in your area. Homes located in Countryside Filings 10 and 12 would potentially be affected. Currently, the zoning in these filings prohibits storage of RVs on residential lots. The change would delete the statement "Storage of recreational vehicles shall not be permitted in this development," from both Official Development Plans. The storage of recreational vehicles would then be permitted under Westminster Municipal Code §10-1-12(C)(2), which restricts the locations and conditions of parking these types of vehicles.

If the zoning is not changed, recreational vehicles will continue to *not* be permitted to be stored in Countryside Filings 10 and 12 and recreational vehicles currently stored in these filings will need to be removed.

Please call **303.658.2127** or email at rvsurvey@cityofwestminster.us **before April 25, 2011**, if you have any concerns or comments relating to this matter. The City of Westminster will take all concerns under consideration before making a decision on this matter.

Sincerely,

Mac Cummins
Planning Manager





WESTMINSTER

October 11, 2011

Dear Resident/Homeowner:

The City of Westminster would like to inform you that the City is considering a change to the zoning (Official Development Plan) in your area. Homes located in Countryside Filings 10 and 12 would potentially be affected. Currently, the zoning in these filings prohibits storage of RVs on residential lots. The change would delete the statement "Storage of recreational vehicles shall not be permitted in this development," from both Official Development Plans. The storage of recreational vehicles would then be permitted under Westminster Municipal Code §10-1-12(C)(2), which restricts the locations and conditions of parking these types of vehicles.

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80031

303-658-2400
FAX 303-706-3922

If the zoning is not changed, recreational vehicles will continue to *not* be permitted to be stored in Countryside Filings 10 and 12 and recreational vehicles currently stored in these filings will need to be removed.

The City conducted a survey in April of this year on this issue and didn't receive very many comments and/or feedback. The City will be conducting a neighborhood meeting to solicit additional feedback. This meeting will be held at:

Date: October 27, 2011
Time: 6:30 – 8:00 p.m.
Place: Westview Recreation Center, 10747 W. 108th Avenue

If you are unable to attend the meeting, or would like to give additional feedback, please call **303.658.2127** or email at rvsurvey@cityofwestminster.us **before October 30, 2011**. Additionally, we will be taking notes and responding to questions at the neighborhood meeting. The City of Westminster will take all concerns under consideration before making a decision on this matter.

Sincerely,

Mac Cummins, Planning Manager



Alex and Audrey May
10954 W. 102nd Circle
Westminster, CO 80021
303-466-8283
alex-audrey.may@att.net

October 30, 2011

Mr. Mac Cummins, AICP
Planning Manager
City of Westminster
Department of Community Development
4800 West 92nd Avenue
Westminster, CO 80031

Re: RV Parking Restriction in Countryside Filings 10 and 12

Dear Mr. Cummins:

As you are aware, I responded to the City's questionnaire on this topic last March, and attended the neighborhood meeting on October 27th. I have also reviewed the memorandum from the June 20th City Council study session on this topic.

We live at 10954 W. 102nd Circle in Countryside Filing 12A and have owned this property and lived there for 18 years, since our purchase in 1993.

My wife and I do **NOT** support a change to the existing Official Development Plan (ODP) for Countryside Filings 10 and 12 related to the possibility of allowing RV parking- and **therefore oppose allowing RV vehicle parking** in these filings for the following primary reasons:

1. We purchased our home in 1993- with the knowledge of the development plan zoning restriction in place that prohibited the parking of RV vehicles. Our realtor provided that information to us, which I verified at that time. This was a factor in our purchase decision, compared to other Countryside filings nearby.
2. Residents in the neighborhood should know and abide by the applicable restrictions and codes in place when they purchase a home. I don't agree with changing a law like this to fit a desired action **after the fact**. This equates to changing a law to allow currently illegal activity.
3. We consider the visual impact of this possible change undesirable- which would create an eyesore that would have an adverse impact on neighbors views, and neighborhood character and would negatively impact property values, and marketability of homes.
4. There would also be potential safety issues with this change- due to sight restrictions related to sidewalk and roadway visibility, and other safety aspects.
5. We would consider this possible change to be a "taking of private property" as it would enact a change (against the majority opinion of affected residents) that would fall disproportionately on some property owners and cause significant diminution of property value in my opinion. This could be the basis for a legal challenge to this potential ODP change.
6. If an owner chooses to own an RV vehicle- that's great- but I feel that owner should find an acceptable storage area outside the development- in accordance with current laws.
7. We feel this possible change would create an unnecessary burden on the **majority** of affected owners, by a select few who would benefit.

If the ODP was amended, then reverting to applicable City Code Sections- I consider the provisions of City Code Section 10-1-12(c)2 that you cited, to be inadequate for allowing RV vehicle parking. RVs could then be parked on front driveways with no screening, or on a side lot parking area behind a 6' fence (these types of vehicles well exceed this height- fence would provide inadequate screening).

A questionnaire was sent out to all affected owners last March. **75% of the responders** did not support any change to the Official Development Plan on this matter, and do not support allowing RV parking within Countryside Filings 10 and 12. At the October 27th meeting, a majority well exceeding 75% expressed this same sentiment. Why would the City be pushing this possible zoning change in opposition to the majority of affected property owners?

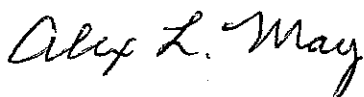
We feel extending this discussion dismisses the concerns of an overwhelming majority of affected property owners, and unnecessarily drags out this discussion, creating an unnecessary burden on our time, City staff time, and unnecessary public expense. These efforts could be better used in enforcing the current zoning law.

As an 18-year resident/owner in Countryside Filing 12A, we would question the accuracy of the estimated number of RVs in Countryside Filings 10 and 12. We have 17 homes on our street- and over the past 18 years I have found 0 instances of RV parking (or other conflicts with parking code) that conflict with the current laws. The estimate of "upwards of 100 or more RV vehicles in these subdivision filings" would mean that on average, an RV is illegally parked in **over 1 in 7** of the applicable 700 homes, which I would question.

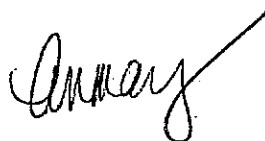
Those attending the 10-27 public meeting signed in, and you said you would keep us informed via our email addresses that we provided, and would inform us when the next City Council study session is on this matter. I provided some questions at the 10-27 meeting, as did other property owners. I suggested that the City distribute answers to these questions via email to those who attended, including the multiple definitions of Recreation Vehicles referenced. You stated that public hearing notifications would typically be placed at key access points to the affected Countryside Subdivision filings. I also suggested that if following a study session, that the City intends to take up this issue as a formal action item (contrary to the sentiments of the majority of those affected), that all affected property owners be mailed notifications for this.

In summary, we (like the overwhelming majority) are **opposed to any change in the ODP that would allow Recreation Vehicles (conventional definition) to be parked in Countryside Filings 10 and 12**. We feel any change like this would result in a taking of private property, forcing unwanted and adverse conditions on our property and would affect our neighborhood character, views and property values.

Sincerely,



Alex May, P.E.



Audrey May

Attachment A: Questions from 10/27 meeting

cc: City Council Members (via email)
City Manager (via email)
City Attorney (via email)

Attachment A

Questions from 10/27 Meeting, and Confusion in City Code Sections Discussed

1. There are multiple definitions in City Code for "Recreational Vehicle", "Recreation Vehicle RV" or "recreational use vehicle". The first two listed below, provide what I would consider most applicable and reasonable. The definition you provided at the 10/27 meeting for "recreational use vehicles" is not capitalized and seems to be applicable to a different and general class of smaller vehicles and not the conventional RV that people think of. In fact, in the section you cited, it doesn't even list the larger motor-home type RV, only small ski-dos, snowmobiles, dirt bikes, boats, etc. These types of devices would require parking "in a backyard not facing a street, in a building/garage, or on a trailer which bears proper and current license plates," per Code Section 8-1-12(B)2. I think the reference to being parked on a trailer- also supports my opinion that this section is not meant to apply to conventional RVs. Parking requirements for non-wheeled campers along with camper shells, toppers, etc. are referenced similarly in 8-1-12(C).

Is the definition for **Recreational Vehicle** or **Recreation Vehicle RV** different than **Recreational use vehicles**? Which is applicable?

- a. The June 20th Council Study Session memorandum referenced the definition of **Recreational Vehicle** from Code Section 11-2-1 as: "a vehicle that is 1) built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use."
 - b. 10-1-12(A) defines a **Recreation Vehicle RV** as "a motor home, mobile home, or camping trailer."
 - c. You provided a different definition at the October 27th public meeting that was taken from Code Section 8-1-12(B): "recreational use vehicles shall be defined as a motorized or non-motorized device designed for recreational purposes, but not limited to ski-dos, snowmobiles, mopeds, dirt bikes, all-terrain vehicles, canoes, boats and go-carts."
2. The definition in Code Section 10-1-12 for "**Front Yard or Side Yard on Street**", and the graphic you showed at the 10-27 meeting could be interpreted as inconsistent. Can this definition, and the graphical representation be confirmed, as it applies to application of the Code related to this issue?
 3. There seems to be some conflict in cited sections of Code on this issue. Which is applicable and correct?

The March questionnaire referred to Code Section 10-1-12(C)2, as being the applicable code section if the ODP were changed to allow RV parking. That section of code would permit parking of RVs on front driveways with no screening, or on a side lot parking area behind a 6' fence.

Code section 8-1-12(B) indicates that it is only acceptable to store an "operable" recreational use vehicle "in a backyard not facing a street, in a building/garage, or on a trailer which bears proper and current license plates."