



City Council of Commerce City

Regular Meeting Agenda

Council Chambers, 7887 E. 60th Ave.

Monday, March 21, 2011, 6:30 p.m.

(TIMES INDICATED NEXT TO AGENDA ITEMS ARE AN APPROXIMATE START TIME ONLY)

1. Call to Order - 6:30

2. Roll Call - 6:35

3. Pledge of Allegiance

4. Audience Introduction - 6:40

5. Citizen Communication - 6:45

Two Public Comment Rosters are available immediately inside the Council Chambers. Anyone who would like to address Council will be given the opportunity after signing one of the rosters. Speakers should limit their comments to three minutes.

6. Approval of Minutes - 7:00

a) Regular Meeting Minutes of January 24, 2011

Tab 1

b) Regular Meeting Minutes of February 7, 2011

7. Executive Session - 7:05

7. Executive Session - 7:05

- a) An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning an economic development opportunity (ies) in Commerce City.

8. Consent Agenda - 7:20

- a) **Resolution 2011-13** Appointing members to various boards and commissions **Tab 2**

9. Resolution

- a) 7:25 **Resolution 2011-14** Resolution Approving Intergovernmental Agreement between Adams County and the City of Commerce City Regarding Cost Sharing for a Public Improvements Project within and Adjacent to the Dupont Neighborhood **Tab 3**

10. Ordinance on 1st Reading

- a) 7:35 **Ordinance 1854** **Tab 4**

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

11. Study Items

- a) 7:45 2010-2011 Presentation on the Commerce City Comprehensive Plan Indicators **Tab 5**
- b) 8:10 Residential Garage Regulations **Tab 6**

12. Administrative Council Business - 8:30

13. Legislative Update - 8:45

14. Reports - 8:50

15. Adjourn - 9:05

MINUTES
REGULAR MEETING OF
COMMERCE CITY COUNCIL

January 24, 2011

CALL TO ORDER

At 5:38 p.m. a quorum was not present. Mayor Natale postponed convening the meeting.

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on January 24, 2011, at 5:58 p.m.

ROLL CALL

Present:

Mayor Natale – presiding
Councilman Moreno
Councilman Benson
Councilwoman Carson
Councilman Johnson – arrived during the executive session
Councilman McEldowney
Councilman Bullock – arrived during the executive session

Absent:

Mayor Pro-Tem Snyder
Councilwoman Teter

Staff Reporting:

City Manager Jerry Flannery
Deputy City Manager Tom Acre
City Attorney Bob Gehler
Finance Director Roger Tinklenberg

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

EXECUTIVE SESSION

Council members Carson and Moreno moved and seconded to continue the executive session regarding the city attorney review to February 7, 2011.

VOICE VOTE: Unanimous; all present affirmed

Council members Benson and McEldowney moved and seconded to enter into an executive session to update Council on an economic development matter pursuant to C.R.S. 24-6-402(4)(e)

VOICE VOTE: Unanimous; all present affirmed

Council reconvened the regular meeting at 6:31 p.m.

AUDIENCE INTRODUCTION

The audience members introduced themselves.

CITIZEN COMMUNICATION

Pam Sprattler, 7041 E. 75th, asked to have the city clerk distribute a letter.

APPROVAL OF MINUTES

December 6, 2010

Council members McEldowney and Moreno moved and seconded to allow Councilman Johnson to abstain from voting on the minutes of December 6, 2010, because of his excused absence.

VOICE VOTE: 6 aye, 1 abstain (Johnson)

Council members Moreno and McEldowney moved and seconded to approve the minutes of the December 6, 2010, meeting

VOICE VOTE: 6 aye, 1 abstain (Johnson)

December 13, 2010

Council members Carson and Benson moved and seconded to approve the minutes of the December 13, 2010, meeting.

VOICE VOTE: Unanimous; all present affirmed

CONSENT AGENDA

Council members McEldowney and Johnson moved and seconded to approve the consent agenda as presented.

City Attorney Gehler read the title of Resolution 2011-05: *RESOLUTION APPROVING SECOND AMENDED AND RESTATED ESTABLISHING CONTRACT FOR THE E-470 PUBLIC HIGHWAY AUTHORITY*

City Attorney Gehler read the title of Resolution 2011-06: *RESOLUTION APPROVING A QUITCLAIM DEED DEDICATING CERTAIN CITY-OWNED PROPERTY AS RIGHT-OF-WAY*

City Attorney Gehler read the title of Resolution 2011-09: *RESOLUTION APPROVING CITY 2010 HUTF REPORT*

ROLL CALL VOTE: 7 aye

RESOLUTIONS

Resolution 2011-02

Deputy City Manager Tom Acre stated that the city is seeking approval of Council to join Local Governments for Sustainability, formally known as International Council for Local Environmental Initiatives (ICLEI). Joining this organization will assist the city in sustainable development projects.

Council members Moreno and McEldowney moved and seconded to approve Resolution 2011-02.

City Attorney Gehler read the title of Resolution 2011-02: *RESOLUTION AUTHORIZING THE CITY OF COMMERCE CITY TO JOIN ICLEI – LOCAL GOVERNMENTS FOR SUSTAINABILITY (FORMERLY KNOWN AS INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES)*

VOICE VOTE: Unanimous; all present affirmed

Resolution 2011-04

Finance Director Roger Tinklenberg stated that the Series 2002 bonds were established to refund bonds that had been issued previously for the construction of the municipal services center and expansion of the recreation center. These bonds would normally be retired in 2013, but during the budget process, they were identified as candidates for early call. Upon further investigation, it was discovered that only the 2013 portion of the bonds could be called early, so the rest have to be defeased by setting aside the money in an escrow account. The escrow agent will be responsible for making the principal and interest payments when they become due.

Council members McEldowney and Moreno moved and seconded to approve Resolution 2011-04.

City Attorney Gehler read the title of Resolution 2011-04: *A RESOLUTION AUTHORIZING THE DEFEASANCE OF ALL OF THE OUTSTANDING CITY OF COMMERCE CITY, COLORADO, SALES AND USE TAX REVENUE REFUNDING BONDS, SERIES 2002*

VOICE VOTE: Unanimous; all present affirmed

ORDINANCES ON FIRST READING

Ordinance 1849

Council members Moreno and McEldowney moved and seconded to introduce Ordinance 1849 by Council as seated and approve the ordinance on first reading.

City Attorney Bob Gehler read the title or Ordinance 1849: *AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE DEBT SERVICE FUND IN THE AMOUNT NECESSARY, NOT TO EXCEED \$1,630,000, FOR THE DEFEASANCE OF THE SALES AND USE TAX REVENUE REFUNDING BONDS SERIES 2002 AND AUTHORIZING THE EXPENDITURE THEREOF*

ROLL CALL VOTE: 7 aye

STUDY ITEMS

Greenberg Traurig Presentation

Representatives from the Washington D.C. office of Greenberg Traurig addressed Council. They stated that last year, the Congressional delegation submitted eight (8) requests to the House and Senate Appropriations Committee. Despite the ban on earmarks, there was legislative language in the bills directing \$400,000 for the interoperable communications equipment. Congress didn't pass a single 2011 fiscal-year appropriations bill, but they did pass continuing resolutions. Congress is now under a continuing resolution until March. Typically, members submit one project only, but Commerce City submitted several projects for funding:

- Second Creek Trail and O'Brian Canal Trail (\$2.4 million), submitted by Senator Udall
- Interoperable Communications Equipment (\$500,000), submitted by Senator Bennett
- Law Enforcement Technology Enhancements (\$309,000)
- Interoperable Communications Equipment (\$713,000), submitted by Congressman Perlmutter
- Tower Road/Pena Boulevard Exchange (\$1.25 million), submitted by Congressman Perlmutter and Congresswoman DeGette

The representatives informed Council that since they have made their requests, they should concentrate on the six-year re-authorization bill.

Terrance Carroll, from the Denver office of Greenberg Traurig, addressed Council on the redistricting process that will be followed by the state legislature. Redistricting occurs every ten (10) years throughout the United States and is the basis for reapportioning congressional and state legislative seats. According to the preliminary figures released by the census bureau, Colorado will not gain another congressional seat, but each of the seven (7) current districts will increase. Currently, each congressional district has approximately 650,000 people and is anticipated to grow to 718,000. Each house district is anticipated to grow from 66,500 to 77,000 and each senate district is anticipated to grow from 120,000 to 160-170,000 people. Legislative reapportionment is done by a non-partisan commission made up of 11 commissioners: four (4) legislative members (Speaker of the House, Senate President, House Minority Leader and Senate Minority Leader, or their designees), three (3) governor appointees, and four (4) appointees of the chief justice of the Supreme Court.

Long-Range Financial Plan

Finance Director Roger Tinklenberg addressed Council. Mr. Tinklenberg explained that the drainage challenges faced by the city are:

- The southern half of the city is urbanized and was developed with little consideration given to drainage. To correct the drainage issues, right-of ways will need to be acquired and improvements retrofitted to adequately drain the area
- The north area is changing from agriculture to urban and as it develops the storm water runoff increases. Increased runoff above historic storage flows accelerates erosion and adds sediment elsewhere
- There is no dedicated funding for ongoing maintenance. Maintenance expenditures come from the general fund and those are limited by the constraints of the general fund.
- the federal government placed an unfunded mandate on cities to comply with and to enforce national pollution discharge elimination system regulations

In 2010, labor costs for drainage-related maintenance were approximately \$200,000; equipment costs were estimated at \$450,000 per year.

ADMINISTRATIVE COUNCIL BUSINESS

Councilman McEldowney stated that City Attorney Gehler's review must be rescheduled as soon as possible. He reported on identifying possible vendors who provide web applications for performance evaluations and he would like Council to review these vendors and their applications. Councilman McEldowney provided Council with a memo outlining guidelines for their retreat including a proposal to reach out to the community for input before the retreat.

Councilman Moreno suggested that the Council Strategic Committee meet on January 31, 2011, to discuss issues related to the upcoming retreat.

Councilman Benson asked about the status of a previous request regarding maintenance issues with foreclosed properties. Councilman Benson also asked for clarification of a rumor regarding an upcoming planned trip to China by the Mayor and a rumor regarding the city's golf course. Councilman Benson said he would like to see an ordinance or resolution identifying the responsibilities of Council and staff. He expressed concern over the condition of the hand ball courts at the recreation center and he expressed his interest in attending ICSC this year.

Mayor Natale asked Council to submit their mileage and reimbursement requests every 30 days instead of at year end.

Council members Moreno and McEldowney moved and seconded to cancel the March 14, 2011, Council meeting to allow members to attend the National League of Cities (NLC) Conference.

VOICE VOTE: Unanimous; all present affirmed

REPORTS

City manager Flannery introduced the city's new communication's manager Michelle Halstead.

Council members Carson, Johnson and Bullock had no report.

Councilman McEldowney reported on his attendance at the Adams County Water Quality meeting.

Councilman Benson reported on attending an E-470 meeting, Metro North Chamber of Commerce breakfast meeting, a state transportation advisory meeting and the grand opening of the new Singh Temple.

Mayor Natale reported on attending various meetings and events.

ADJOURNMENT:

The meeting adjourned at 8:43 p.m.

CITY OF COMMERCE CITY

ATTEST

Paul Natale, Mayor

Laura Bauer, City Clerk

MINUTES
REGULAR MEETING OF
COMMERCE CITY COUNCIL

February 7, 2011

CALL TO ORDER

At 5:34 p.m. Mayor Natale, Councilwoman Teter, and Councilman McEldowney met with City Attorney Gehler in the Council workroom for the purposes of conducting Mr. Gehler's performance review.

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on February 7, 2011, at 6:30 p.m.

ROLL CALL

Present:

Mayor Natale – presiding
Mayor Pro-Tem Snyder
Councilman Moreno
Councilwoman Carson
Councilwoman Teter
Councilman Johnson – arrived late
Councilman McEldowney

Absent:

Councilman Bullock
Councilman Benson

Staff Reporting:

City Manager Jerry Flannery
City Attorney Bob Gehler
Planner Paul Workman

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

EXECUTIVE SESSION

See statement under Call to Order

AUDIENCE INTRODUCTION

The audience members introduced themselves.

PROCLAMATIONS AND PRESENTATIONS

Colorado Rapids

Mayor Natale and Council presented the Colorado Rapids with a key to the city in honor of their 2010 Major League Soccer Championship win.

Council members Teter and McEldowney moved and seconded to approve the proclamation.

VOICE VOTE: Unanimous; all present affirmed

Quality Community Foundation Grant Awards

Quality Community Foundation Members Debbie Mitchell and Carol Taylor-Boyd presented \$145,000 in grant funding to various non-profit organizations.

The Mayor called a brief recess at 7:20 p.m. The meeting reconvened at 7:25 p.m.

CITIZEN COMMUNICATION

Glen Murray, 11010 Havana St., appeared before Council. Mr. Murray requested a change in policy regarding notification of property owners for public hearings.

Guillermo Serna, 14122 E. 102nd Pl., appeared before Council. He wanted to remind the community about upcoming public hearings regarding the I-70 realignment.

Debra Bullock, 6130 Ivanhoe St., thanked Council for all their support of the Commerce City Historical Society. Ms. Bullock invited Council to the Society's next annual membership meeting and distributed their annual report.

Elias DelaCruz, addressed Council on behalf of the Adams City Junior Prom Committee and asked Council for financial assistance.

John Zeiler, 6910 Locust, addressed Council. Mr. Zeiler thanked Council for the grant funding distributed earlier in the meeting.

APPROVAL OF MINUTES

January 3, 2011

Council members Teter and Snyder moved and seconded to approve the minutes of the January 3, 2011, meeting.

VOICE VOTE: Unanimous; all present affirmed

CONSENT AGENDA

Council members McEldowney and Snyder moved and seconded to approve the consent agenda as presented.

City Attorney Gehler read the title of Resolution 2011-11: *RESOLUTION APPROVING AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION REGARDING CONSTRUCTION OVERSIGHT, ADMINISTRATION AND SUPERVISION OF INTERSECTION IMPROVEMENTS AT 104TH AVENUE AND U.S. HIGHWAY 85 AND AUTHORIZING EXPENDITURE OF NECESSARY MATCHING FUNDS*

ROLL CALL VOTE: 7 aye

PUBLIC HEARINGS

Ordinance Z-894-11

Mayor Natale opened the public hearing.

Planner Paul Workman presented the case. The applicant, Metro Wastewater Reclamation District has applied to rezone approximately two (2) acres of newly acquired property, so that all of their property is identically zoned. The Planning Commission held a public hearing on the application and voted unanimously to forward the matter to City Council with a favorable recommendation.

No one came forward to address Council and the public hearing was closed.

In response to questions from Council, Barbara Biggs, Governmental Affairs Officer for Metro Wastewater replied that there will be impacts on the trail during construction, but the trail will be restored afterward.

Council members Moreno and Snyder moved and seconded to approve the findings and recommendations of the Planning Commission.

VOICE VOTE: Unanimous; all present affirmed.

Council members and moved and Teter seconded to introduce Ordinance Z-894-11 by Council as seated and approve the ordinance on first reading.

ROLL CALL VOTE: 7 aye

RESOLUTIONS

Resolution 2011-03

Council members Snyder and McEldowney moved and seconded to approve Resolution 2011-03.

City Attorney Gehler read the title of Resolution 2011-03: *RESOLUTION APPROVING CONSOLIDATION PLAT IN CASE #S-574-11*

VOICE VOTE: Unanimous; all present affirmed

ORDINANCES ON FIRST READING

Ordinance 1852

Council members Moreno and Snyder moved and seconded to introduce Ordinance 1852 by Council as seated and approve the ordinance on first reading.

City Attorney Gehler read the title of Ordinance 1852: AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DIVISION OF EMERGENCY MANAGEMENT GRANT IN THE AMOUNT OF \$10,000 FOR THE REPLACEMENT OF WORKSTATIONS IN THE EMERGENCY OPERATIONS CENTER AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

ROLL CALL VOTE: 7 aye

Ordinance 1853

Council members Teter and McEldowney moved and seconded to introduce Ordinance 1853 by council as seated and approve the ordinance on first reading.

City Attorney Bob Gehler read the title or Ordinance 1853: *AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$40,000 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF*

ROLL CALL VOTE: 7 aye

ADMINISTRATIVE COUNCIL BUSINESS

Councilman McEldowney reported that the Strategic Planning and Review Committee has received lots of feedback relative to both the review and annual retreat process. Council was provided with a proposal that reflects the updates, dates, and activities to occur at their retreat on February 24th and 25th.

Council discussed how best to gather community input for their 2011 Council goals, challenges with the proposed retreat dates and the location of the retreat.

Councilman McEldowney researched software platforms for the city manager and city attorney review templates for use in the future.

Councilwoman Teter asked about lack of signage and lighting along Chambers and how it affects business at the Bison Grill.

Mayor Pro-Tem Snyder asked City Manager Flannery to clarify, for the community, that there is a moratorium on issuing citations for trash cans.

Mayor Natale received Council approval to have the City Manager review the budgetary possibility of a \$4,500 membership to Rocky Mountain Air Quality Control. He said that the Metro Mayors had requested a short presentation from DRCOG or NATA. Mayor Natale reported on receiving a request from an industrial city in Mexico who wishes to become a sister city to Commerce City. He asked for Council approval to attend an NLC Conference in Seattle.

Council members Moreno and Johnson moved and seconded to approve the Mayor attending a conference in Seattle for a cost not to exceed the cost of attending NLC in Washington.

VOICE VOTE: Unanimous; all present affirmed

REPORTS

Council members McEldowney, Johnson and Teter had no report.

Mayor Pro-Tem Snyder reported on attending the Metro North Gala and the Get Fit Event at Dick's Sporting Goods Park

Councilwoman Carson reported on attending a town hall meeting at the Brighton Armory sponsored by RTD.

Councilman Moreno reported on attending the Metro North Gala and being appointed to Human Development Steering Committee of NLC.

Mayor Natale reported on attending numerous events and meetings.

City Manager Flannery informed Council that the next PACT meeting is on February 10, 2011, at Swansea.

LEGISLATIVE UPDATE

Intergovernmental Relations Manager Mizraim Cordero provided Council with a summary of bills that he is tracking at the Capitol.

ADJOURNMENT:

The meeting adjourned at 8:52 p.m.

CITY OF COMMERCE CITY

ATTEST

Paul Natale, Mayor

Laura Bauer, City Clerk



Council Communication

City Council Meeting: 21 Mar 2011

Prepared: 01 Mar 2011

Number of Attachments: 1

Subject: Appointing members to various boards and commissions

Presenter: Cheryl Scott

Recommended City Council Action:

Reappoint board and commission members whose terms have expired or will be expiring by approving Resolution 2011-13.

Summary Statement:

At the City Council meeting of February 28, 2011, Council was presented with letters of intent from each board and commission member whose term has expired or will be expiring. In addition to these letters, Council was provided with documentation of each applicant's participation during their term of appointment. Based on the information provided, Council directed staff to prepare a resolution reappointing each member to their respective board or commission.

Next Steps: After Council approves Resolution 2011-13 staff will prepare a letter of reappointment to each applicant.

Expenditure Required: n/a

Source of Funds: n/a

Policy Issue: Council Policy #3 - Boards and Commissions

Alternative: n/a

Background Information:

In January 2011, the deputy city clerk sent out letters to each board and commission member whose term of service was expiring in February and May of 2011. Each member returned a letter of intent expressing their desire for reappointment. In

following Council Policy #3, Council was provided a copy of each applicant's letter of intent, original application, and documentation of participation.

**RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND
COMMISSIONS OF COMMERCE CITY
NO. 2011-13**

WHEREAS, pursuant to Council Policy #3 the City Council of Commerce City established guidelines concerning reappointment and qualifications of members of the various boards and commissions; and

WHEREAS, solicitations to express interest in reappointment were in the form of letters addressed to each member whose term of office was, or had expired; and

WHEREAS, citizens of Commerce City (the “City”) submitted letters of intent for reappointment on to their respective board or commission to the office of the city clerk who submitted the respective letters of intent to City Council for their consideration; and

WHEREAS, after review of the letters of intent, Council is desirous of reappointing all board and commission members with a term expiring in February of May 2011.

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

Notwithstanding any prior action of the City Council, the following citizens are hereby appointed to serve commencing on March 8, 2011, and continuing until expiration of their term of appointment, or until such time as the member’s successor shall be seated, whichever date shall last occur.

<u>Housing Authority</u>		<u>Term Expires</u>
Bruce Thomas	Regular	02/01/2016
<u>Liquor Licensing Authority</u>		<u>Term Expires</u>
Steve Douglas	Regular	02/01/2014
Kristine Sumner	Regular	02/01/2014
<u>Planning Commission</u>		<u>Term Expires</u>
J.E. “Mac” McFarlin	Regular	2/01/2014
<u>Zoning Board of Adjustment</u>		<u>Term Expires</u>
Gene Leffel	Regular	2/01/2014
Richard “Dick” Smith	Alternate	2/01/2014
<u>Derby Review Board</u>		<u>Term Expires</u>
Kristi Douglas	Regular	2/1/2013
<u>Cultural Council</u>		<u>Term Expires</u>
Maria Carabajal	Regular	2/01/2014

RESOLVED AND PASSED THIS 21st DAY OF MARCH, 2011

CITY OF COMMERCE CITY, COLORADO

BY: _____
Paul Natale, Mayor

ATTEST:

Laura J. Bauer, City Clerk



Council Communication

City Council Meeting: 21 Mar 2011

Prepared: 24 Feb 2011

Number of Attachments: 2

Subject: Resolution Approving Intergovernmental Agreement between Adams County and the City of Commerce City Regarding Cost Sharing for a Public Improvements Project within and Adjacent to the Dupont Neighborhood

Presenter: Glenn Ellis, Projects Manager

Recommended City Council Action:

Approve the resolution.

Summary Statement:

1. The Intergovernmental Agreement is for the construction of drainage and roadway improvements in the Dupont neighborhood, and for the authorization of the expenditure of funds for a portion of the overall construction cost.
2. These improvements will be constructed in the area bounded by the following streets:
 - a. East 72nd Place on the south;
 - b. Krameria Drive on the east;
 - c. Ivy Street on the west; and
 - d. East 74th Place on the north.
3. Although a majority of the properties are in unincorporated Adams County, the bounded areas of the project contain a number of properties that have been annexed into Commerce City.
4. The Intergovernmental Agreement grants authority to Adams County to manage, engineer, advertise, contract, construct, and inspect the project.
5. The Intergovernmental Agreement also outlines Commerce City's reimbursement responsibilities for this work, with payments to be made annually over a five year period.

Next Steps:

Expenditure Required: \$625,000 - To be funded through five annual allocations of \$125,000.

Source of Funds: Capital Improvements and Preservation Plan

Policy Issue: N/A

Alternative: The City Council may direct staff regarding changes to the agreement, or it may choose not to authorize approval of the agreement.

Background Information:

- This project is Adams County's final phase of drainage and roadway improvements in the Dupont neighborhood.
- Adams County constructed the previous phases without the City participating in the funding.
- The project area is made up of approximately 1/3 of the properties in the City, and 2/3 of the properties in unincorporated Adams County.
- The current construction cost estimate is approximately \$1,935,000. The City's share is \$625,000.
- In 2010, the initial \$125,000 was included in the re-appropriation ordinance, and the 2011 Budget includes the second of the five annual allocations.

**RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN
ADAMS COUNTY, COLORADO, AND THE CITY OF COMMERCE CITY
REGARDING COST SHARING FOR A PUBLIC IMPROVEMENTS PROJECT
WITHIN AND ADJACENT TO THE DUPONT NEIGHBORHOOD**

NO. 2011-14

WHEREAS, Adams County, Colorado (the “County”), has completed or will be completing the design and will be constructing a drainage and roadway improvements project in the Dupont Neighborhood, known as the *Dupont South 3 – Phase II Street and Storm Sewer Improvements* (the “Project”);

WHEREAS, while the Project is located largely within unincorporated areas of the County, numerous properties and rights-of-way in and adjacent to the Project are located within the jurisdiction of the City of Commerce City (the “City”);

WHEREAS, the City Council agrees that the properties and rights-of-way within the City’s jurisdiction in and adjacent to the Project will benefit from the Project;

WHEREAS, the County has requested, and the City has agreed, that the City reimburse the County on a proportionate share basis for the cost of construction of the Project;

WHEREAS, the City Council finds and determines that such cost sharing is and will be in the best interests of the residents of the City; and

WHEREAS, the City and the County have agreed to enter into the attached Intergovernmental Agreement, which establishes the terms and conditions of such cost sharing.

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

1. The attached “Intergovernmental Agreement between Adams County, Colorado, and the City of Commerce City regarding the Dupont Neighborhood Improvement Project” (the “IGA”) is hereby approved.
2. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the IGA on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS ___ DAY OF MARCH, 2011.

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY,
COLORADO, AND THE CITY OF COMMERCE CITY REGARDING
THE DUPONT NEIGHBORHOOD IMPROVEMENT PROJECT

This INTERGOVERNMENTAL AGREEMENT (the “IGA”) is made and entered into effective this ___ day of _____, 2011, by and among the COUNTY OF ADAMS, a body politic and corporate of the State of Colorado whose principal business address is 4330 South Adams County Parkway, 5th Floor – Suite C5000A, Brighton, Colorado 80601-8218 (the “County”), and the CITY OF COMMERCE CITY, a Colorado municipal corporation whose principal business address is 7887 East 60th Avenue, Commerce City, Colorado 80022-4199 (the “City”). The County and the City are referred to collectively herein as the “Parties.

WHEREAS, pursuant to Art. XIV, § 18(2)(a) of the Colorado Constitution, and § 29-1-203, C.R.S., as amended, the Parties may cooperate or contract with each other to provide any function or service lawfully authorized to each;

WHEREAS, the County will be completing the design and will be constructing a drainage and roadway improvements project in the Dupont Neighborhood, known as the *Dupont South 3 – Phase II Street and Storm Sewer Improvements* (the “Project”), the plans for which are attached hereto as **Exhibit A - Dupont South 3 – Phase II**, and incorporated herein by reference;

WHEREAS, the Project includes street and storm sewer improvements that are generally described as follows:

1. Ivy Street from approximately East 73rd Avenue to East 74th Avenue;
2. Storm sewer and drainage improvements from the intersection of Ivy Street and East 74th Avenue, westerly to the Union Pacific Railroad right-of-way;
3. East 74th Avenue from Ivy Street to Kearney Street;
4. Kearney Street from East 73rd Avenue to East 74th Place;
5. Storm sewer improvements across parcels at 7320 Kearney Street and 7295 Krameria Street;
6. Krameria Street from Krameria Drive to East 74th Place;
7. Leyden Street from Krameria Drive to East 74th Place;
8. Krameria Drive from the intersection of Krameria Drive and Krameria Street northeasterly to the approximate address of 7371 Krameria Drive;

WHEREAS, while the Project is located largely within unincorporated areas of the County, numerous properties and rights-of-way in and adjacent to the Project are located within the City’s jurisdiction;

WHEREAS, the City agrees that the properties and rights-of-way within the City’s jurisdiction in and adjacent to the Project will benefit from the Project;

WHEREAS, the County has requested, and the City is agreeable, that the City reimburse the County on a proportionate share basis in the cost of construction of the Project. An estimate of the construction costs for the project are identified in **EXHIBIT B - COST ESTIMATE - Dupont South 3, Phase II**, attached hereto and incorporated herein by this reference.

WHEREAS, the proportionate share is based on those lot frontages within each respective jurisdiction, as identified in **EXHIBIT C - PROPORTIONATE SHARE - Dupont South 3 - Phase II**, attached hereto and incorporated herein by this reference;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, and for other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

1. Agreement. Subject to the terms and conditions set forth in this IGA, the City hereby agrees to contribute to the cost of the Project.

2. Payments. The City's contribution shall be based on the City's portion of the actual expenditures for the Project. An estimate of the expenditures for the Project are approximately Six Hundred Twenty-five Thousand Dollars (\$625,000.00), which will be paid to the County over a five (5) year period as follows:

a. Beginning in 2011, the City shall, subject to appropriation as provided in Section 3 below, make five (5) annual payments to the County of One Hundred Twenty-five Thousand Dollars (\$125,000.00) each until the City's portion of the actual expended amount is repaid to the County.

b. In the event of non-appropriation of funds sufficient to make payment as contemplated herein in any year during the term of this IGA, the City agrees to extend the term of this IGA for one (1) additional year for each year of such non-appropriation in order to provide the City the opportunity to make all contemplated payments; provided, however, that in no event shall the term of this IGA be extended beyond December 31, 2020.

c. As of the date of this IGA, the City has allocated One Hundred Twenty-five Thousand Dollars (\$125,000.00) to make its first payment to the County. The City will make its first payment to the County within 60 days following the adoption of this Agreement by the Parties.

d. The City will make two payments to the County in 2011.

e. As of the date of this IGA, the City has an appropriation plan that indicates the allocation of the next four payments to the County. The appropriation plan indicates the final payment being made to the County in the year 2014. The City has developed the Appropriation Plan, see **EXHIBIT D –APPROPRIATION PLAN - Dupont South 3 - Phase II**, attached hereto and incorporated herein by this reference. The City will provide a copy of its approved appropriation plan to the County each year until all payments are received by the County.

3. Non-Appropriation – No Remedy.

a. The County acknowledges and agrees that the City has made no guarantee and is under no obligation to budget funds beyond the current fiscal year to satisfy the terms of this IGA.

b. The County understands, and the City agrees, that the City will use its best efforts to appropriate funds on a fiscal year by fiscal year basis sufficient to make the payments contemplated herein. However, in the event the City fails to appropriate sufficient funds to make such payments, the County shall have no remedy at law or in equity to enforce the terms of this IGA.

c. The Parties agree and acknowledge that based on the foregoing, this IGA does not constitute a multiple fiscal year debt or financial obligation of the City.

4. Authority to Manage, Engineer, Advertise, Contract, Construct and Inspect.

a. The City hereby authorizes the County to manage, engineer, advertise, contract, construct and inspect the Project, including those portions of the Project within the City's jurisdiction; provided, however, that any portions of the Project constructed within the City's jurisdiction shall meet or exceed the City's Engineering Construction Standards and Specifications. Prior to construction, the County's contractor shall obtain a City Right-of-Way Permit, and pay all taxes associated with the work within the City's jurisdiction. The City shall waive all inspection fees required for the construction of the project within the City's jurisdiction. Subject to the foregoing, the County shall have full control over all aspects of the management, engineering, advertisement, contracting, construction and inspection for the Project until construction has been completed. Once construction has been completed, each Party shall maintain the portions of the Project lying within their respective jurisdictions.

b. Prior to beginning construction, the County shall provide design plans and design reports to the City for its review. The City shall provide comments, if any, to the County in writing within thirty (30) days of the City's receipt of the design plans and design reports. The County shall incorporate into the Project any and all reasonable City comments and requested changes.

c. The City may inspect the Project during construction, subject to the Project's safety program. Reasonable changes identified by the City will be discussed with the County for evaluation and the possibility of incorporation into the Project. Any such changes shall be at the County's sole discretion; provided, however, that any changes mandated by the City's Engineering Construction Standards and Specifications shall be compulsory.

d. The County shall provide the City with a portable document format (PDF) file and AutoCAD file of the as-built plans within ninety (90) days following the completion of construction.

5. Sales and Use Tax. Unless specifically exempt under the City's Sales and Use Tax Code, all construction within the City is taxable, including construction performed on behalf of the City or the County. The contractor for the Project (the "Contractor") will be subject to the tax on all purchases, fabrication, manufacture or other production of tangible personal property used, stored or consumed on the Project. Prior to or on the date the Contractor locates equipment within the City, the Contractor will be required to file with the City an Equipment Declaration on forms provided by the City describing each anticipated piece of equipment the purchase price of which was two thousand five hundred dollars (\$2,500.00) or greater, stating the dates on which the Contractor anticipates the equipment to be located within and removed from the boundaries of the City and stating the actual or anticipated purchase price of each such anticipated piece of equipment along with any other information deemed necessary by the City.

6. Term. The Term of this IGA shall be from the date first written above through December 31, 2014, unless extended as provided in Section 2(b) above.

7. No Partnership or Agency. Notwithstanding any language in this IGA or any representation or warranty to the contrary, neither the City nor the County shall be deemed or constitute a partner, joint venture or agent of the other. Any actions taken by the Parties pursuant to this IGA shall be deemed actions as an independent contractor of the other.

8. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this IGA and all rights of action relating to such enforcement shall be strictly

reserved to the Parties. It is the express intention of the Parties that any person other than the Parties shall be deemed to be only an incidental beneficiary under this IGA.

9. Governing Law and Venue; Recovery of Costs. This IGA shall be governed by the laws of the State of Colorado, and venue shall be in Adams County, Colorado. In the event legal action is brought to resolve any dispute among the Parties related to this IGA, the prevailing Party/Parties in such action shall be entitled to recover reasonable court costs and attorney fees from the non-prevailing Party/Parties.

10. Governmental Immunity. No term or condition of this IGA shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*

11. Authority. The Parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this IGA on behalf of the Parties and to bind the Parties to its terms.

12. Entire Agreement. This IGA contains the entire agreement of the Parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of both Parties.

13. Counterparts. This IGA may be executed in counterparts, each of which shall constitute one and the same instrument.

14. Binding Effect. This IGA shall be binding upon, and shall inure to the benefit of, the Parties and their respective heirs, personal representatives, successors and assigns.

15. Notices. Written notices required under this Agreement and formal correspondence among the Parties shall be directed to the following and shall be deemed received as of the date of hand-delivery, or as of the date indicated on the return receipt request of a certified mailing:

If to the City:

City Manager
City of Commerce City
7887 East 60th Avenue
Commerce City, CO 80022

If to the County:

County Administrator
Adams County
4430 South Adams County Parkway, 5th Floor – Suite C5000A
Brighton, CO 80601-8218

16. Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

17. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this IGA to be executed on the day and year first above written.

[two signature pages follow]

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

Approved as to form:

Gregory D. Graham, Assistant City Attorney

Recommended for approval:

Gregg Clements, Director
Department of Public Works

**BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO**

By: _____
W.R. "Skip" Fischer, Chairman of the Board

Attest:

Approved as to Legal Form

Kristen Hood, Executive Assistant

County Attorney

**EXHIBIT B
COST ESTIMATE
Dupont South 3, Phase II**

PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	SUBTOTAL AMOUNT
201-00001	Clearing and Grubbing	LS	1	\$ 10,000.00	\$ 10,000.00
202-00035	Removal of Pipe	LF	61	\$ 16.00	\$ 976.00
202-00037	Removal of End Section	EACH	1	\$ 350.00	\$ 350.00
202-00203	Removal of Concrete (Curb, Gutter, Walks, Ramps)	SY	445	\$ 8.00	\$ 3,559.11
202-00220	Removal of Asphalt (Driveways)	SY	110	\$ 6.00	\$ 662.00
202-00220	Removal of Asphalt Pavement	SY	13684	\$ 6.00	\$ 82,101.34
203-00010	Unclassified Excavation (Complete In Place)	CY	5122	\$ 8.00	\$ 40,976.00
203-01100	Proof Rolling	HOUR	48	\$ 84.00	\$ 4,032.00
203-01500	Blading	HOUR	48	\$ 135.00	\$ 6,480.00
203-01510	Backhoe	HOUR	48	\$ 115.00	\$ 5,520.00
203-01550	Dozing	HOUR	48	\$ 155.00	\$ 7,440.00
203-01597	Potholing	HOUR	48	\$ 150.00	\$ 7,200.00
207-00205	Topsoil	CY	3109	\$ 12.00	\$ 37,311.78
208-00002	Erosion Control	LS	1	\$ 30,000.00	\$ 30,000.00
210-00001	Reset MH	EACH	1	\$ 1,500.00	\$ 1,500.00
210-00010	Reset Signs	EACH	10	\$ 160.00	\$ 1,600.00
210-00010	Reset Mailbox Structure	EACH	21	\$ 300.00	\$ 6,300.00
210-00031	Reset Water Valve	EACH	1	\$ 1,500.00	\$ 1,500.00
210-00050	Reset Fire Hydrant	EACH	3	\$ 1,500.00	\$ 4,500.00
210-00420	Reset Rail Timbers	LF	70	\$ 25.00	\$ 1,750.00
210-01000	Reset Wood Fence	LF	411	\$ 20.00	\$ 8,220.00
210-01050	Reset Chain Link Fence	LF	847	\$ 10.00	\$ 8,470.00
210-04010	Adjust Manhole	EACH	11	\$ 400.00	\$ 4,400.00
210-04060	Adjust Water Valve	EACH	12	\$ 300.00	\$ 3,600.00
210-04060	Adjust Water Meter	EACH	14	\$ 300.00	\$ 4,200.00
212-00006	Seeding (Native)	AC	1.67	\$ 350.00	\$ 585.13
212-00050	Sodding, Fertilizing, Mulching	CF	11129	\$ 2.00	\$ 22,257.00
215-00010	Transplant Tree	EACH	13	\$ 400.00	\$ 5,200.00
304-06000	Aggregate Base Course (Class 6)	CY	8615	\$ 25.00	\$215,363.89
306-01000	Reconditioning (Subgrade Preparation)	SY	25020	\$ 1.50	\$ 37,530.58
403-02000	Hot Mix Asphalt (6-in Driveway)	TON	206	\$ 60.00	\$ 12,357.40
403-33841	Hot Mix Asphalt (Grading S) (100) (PG 64-22)	TON	4388	\$ 50.00	\$219,386.75
403-34841	Hot Mix Asphalt (Grading SX) (100) (PG 64-22)	TON	1801	\$ 60.00	\$108,040.53
412-00000	Concrete Pavement (Driveway Tie-in)	SY	616	\$ 35.00	\$ 21,567.78
420-00102	Geotextile (Erosion Control) (Class 1)	SY	381	\$ 3.00	\$ 1,142.00
506-00212	Riprap (12 Inch)	CY	77	\$ 75.00	\$ 5,766.67
514-00100	Hand Rail	LF	25	\$ 100.00	\$ 2,500.00
601-03000	Concrete Class D, Headwalls and Wingwalls	CY	6	\$ 300.00	\$ 1,700.00
601-03000	Concrete Class D, Concrete Cut Off Wall	CY	9	\$ 300.00	\$ 2,666.67
601-03000	Concrete Class D, Concrete Channel	CY	31	\$ 400.00	\$ 12,424.16
601-03030	Concrete Class D, Concrete Box Culvert	CY	144	\$ 400.00	\$ 57,481.48
603-01185	18 Inch Reinforced Concrete Pipe	LF	72	\$ 50.00	\$ 3,578.00
603-01245	24 Inch Reinforced Concrete Pipe	LF	372	\$ 60.00	\$ 22,334.40
603-02305	34 x 53 Inch Reinforced Concrete Pipe Elliptical	LF	520	\$ 200.00	\$104,000.00
604-13006	Single Type 13 Combination Inlet (0.1'-5')	EACH	1	\$ 2,600.00	\$ 2,600.00
604-13016	Triple Type 13 Combination Inlet (0.1'-5')	EACH	1	\$ 5,000.00	\$ 5,000.00
604-16005	Single Type 16 Inlet (0.1'-5')	EACH	2	\$ 2,800.00	\$ 5,600.00
604-30005	Manhole 5' (0.1'-5')	EACH	3	\$ 3,500.00	\$ 10,500.00
604-30005	Manhole 6' (0.1'-5')	EACH	2	\$ 5,000.00	\$ 10,000.00
604-83108	8 Inch Plastic Pipe Sewer (Polyvinyl Chloride)	LF	60	\$ 100.00	\$ 6,000.00
606-00301	Guradrail (Type 3)	LF	50	\$ 23.00	\$ 1,150.00
608-10010	Sidewalk Drains	EACH	4	\$ 1,200.00	\$ 4,800.00
608-22021	Concrete Curb Ramp	SY	86	\$ 100.00	\$ 8,611.11
608-22021	Curb, Gutter and Sidewalk Type 2 (Section MS)	LF	6764	\$ 55.00	\$372,020.00
608-22022	Curb, Gutter and Sidewalk Type 2 (Section II-B)	LF	1540	\$ 52.00	\$ 80,080.00
609-21020	Curb and Gutter Type 2 (Section II-B)	LF	1765	\$ 12.00	\$ 21,180.00
609-24000	Gutter, Type 2	SF	529	\$ 6.00	\$ 3,174.00
609-71000	Curb Openning	EACH	10	\$ 200.00	\$ 2,000.00
625-00000	Construction Surveying	LS	1	\$ 10,000.00	\$ 10,000.00
626-00000	Mobilization	LS	1	\$ 20,000.00	\$ 20,000.00
630-10005	Construction Traffic Control	LS	1	\$ 10,000.00	\$ 10,000.00
700-70010	F/A - Minor Contract Revisions	LS	1	\$175,000.00	\$175,000.00
700-70012	F/A - Asphalt Pavement Incentive	LS	1	\$ 6,000.00	\$ 6,000.00
700-70016	F/A - Fuel Cost Adjustment	LS	1	\$ 12,000.00	\$ 12,000.00
700-70019	F/A - Asphalt Cement Cost Adjusment	LS	1	\$ 24,300.00	\$ 24,300.00
700-70074	F/A - Obtain Power	LS	1	\$ 5,000.00	\$ 5,000.00
TOTAL = \$					1,933,545.78

EXHIBIT C
PROPORTIONATE SHARE
Dupont South 3 - Phase II

KRAMERIA DRIVE			
	EAST (LF)	WEST (LF)	SUB-TOTAL (LF)
COMMERCE CITY	1150		1150
ADAMS COUNTY		1150	1150
		TOTAL (LF)	2300
PERCENTAGE (%)	50%	50%	100%
LEYDEN STREET			
	EAST (LF)	WEST (LF)	SUB-TOTAL (LF)
COMMERCE CITY	746	56	802
ADAMS COUNTY	0	786	786
		TOTAL (LF)	1588
PERCENTAGE (%)	51%	49%	100%
KRAMERIA STREET			
	EAST (LF)	WEST (LF)	SUB-TOTAL (LF)
COMMERCE CITY	665	665	1330
ADAMS COUNTY	498	498	996
		TOTAL (LF)	2326
PERCENTAGE (%)	57%	43%	100%
DRAINAGE ACROSS PARCELS 7320 KEARNEY STREET AND 7295 KRAMERIA STREET			
	NORTH (LF)	SOUTH (LF)	
COMMERCE CITY	183		183
ADAMS COUNTY		160	160
		TOTAL (LF)	343
PERCENTAGE (%)	53%	47%	100%
KEARNEY STREET			
	EAST (LF)	WEST (LF)	SUB-TOTAL (LF)
COMMERCE CITY	0	0	0
ADAMS COUNTY	930	930	1860
		TOTAL (LF)	1860
PERCENTAGE (%)	0%	100%	100%
EAST 74TH AVENUE			
	NORTH (LF)	SOUTH (LF)	SUB-TOTAL (LF)
COMMERCE CITY	0	0	0
ADAMS COUNTY	659	659	1318
		TOTAL (LF)	1318
PERCENTAGE (%)	0%	100%	100%
IVY STREET			
	EAST (LF)	WEST (LF)	SUB-TOTAL (LF)
COMMERCE CITY	0	284	284
ADAMS COUNTY	626	359	985
		TOTAL (LF)	1269
PERCENTAGE (%)	22%	78%	100%
DRAINAGE NORTH OF 7371 IVY STREET			
	NORTH (LF)	SOUTH (LF)	
COMMERCE CITY		180	180
ADAMS COUNTY	180		180
		TOTAL (LF)	360
PERCENTAGE (%)	50%	50%	100%
TOTAL PROJECT (LF)			11364
PROJECT LENGTH FOR COMMERCE CITY (LF)			3929
PROJECT LENGTH FOR ADAMS COUNTY (LF)			7435
PERCENTAGE FOR COMMERCE CITY			35%
PERCENTAGE FOR ADAMS COUNTY			65%

**CAPITAL IMPROVEMENT PROJECT
(2011-2015)**

**PROJECT TITLE:
DUPONT NEIGHBORHOOD
IMPROVEMENTS COST SHARING**

Type of Project: New Construction

Department: Public Works

2011 - Capital Cost: \$ 125,000
5-year - Capital Cost: \$ 625,000
Total Construction Cost: \$ 625,000
2011 Oper. & Maint. Cost: \$ -
2011 New City Money: \$ 125,000
Total Funding Sources: \$ -

Project Description:

This project will complete the final phase of drainage and roadway improvements (roadway reconstruction and addition or curb, gutter, and sidewalk) in the Dupont Neighborhood. Adams County is currently designing these improvements and will begin construction in 2010.

Project Justification:

While the majority of the Dupont Neighborhood is located in Unincorporated Adams County, there are numerous properties and rights-of-way that are in the City which will benefit from the completion of these improvements. In addition, the County has completed numerous phases of drainage and roadway improvements in the area that have provided benefits to the City with no funding provided by the City. The County is asking for the City to share the cost of construction of this final phase and is willing to spread the cost over a five year period.

Cost Estimates	Prior	2010	5 - Year CIPP					Total
			2011	2012	2013	2014	2015	
Construction Costs								
ROW/Land Acquisition								\$ -
Engineering/Design								\$ -
Construction		\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 625,000
Other:								\$ -
SubTotal	\$ -	\$ 125,000	\$ 625,000					
Funding Sources								
								\$ -
								\$ -
								\$ -
SubTotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
To be Funded	\$ -	\$ 125,000	\$ 625,000					

Ops. & Maint. Costs								
Staff								\$ -
Operations & Maintenance								\$ -
SubTotal	\$ -							
Funding Sources								
								\$ -
								\$ -
SubTotal	\$ -							
To be Funded	\$ -							

SubTotal Funding Sources	\$ -							
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Council Communication

City Council Meeting: 21 Mar 2011

Prepared: 10 Mar 2011

Number of Attachments: 4

Subject: Ordinance #1854: Commerce City Staff is requesting a series of minor amendments to the Land Development Code.

Presenter: Karen Stevens and Steve Timms

Recommended City Council Action:

City Council is asked to approve these minor amendments to the Land Development Code. These were previously discussed as a discussion item on February 28, 2011.

Summary Statement:

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. The Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs.

After working with the document for approximately two years, there have been periodic updates to the code (approximately every 9-12 months). For 2011, several additional items have arisen that require modification or attention. These updates fall generally into three different categories. First, some of these items are legal in nature and scope, and have been initiated from the city attorney's office. Second, a couple of the items are clarifications to the existing code, which involves uses or processes, which will make reviews and processes clearer for all involved. Third, some of the updates involve changes and clarifications of the definitions. City staff will continue to monitor issues that may be identified through the development review process and which may necessitate future amendments to the LDC at a later date.

Next Steps:

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: N/A

Alternative: City Council may accept staff's recommended changes or request modifications prior to bringing forward for approval.

Background Information:

On March 1, 2011, the Planning Commission voted (5-0) to forward the request to City Council with a favorable recommendation.

In addition, these items were discussed at an informational meeting before City Council on February 28, 2011. Comments during this meeting were positive and supportive of having a discussion presentation prior to voting on these updates.

Please see attached Planning Commission minutes for detailed background and discussion.

ORDINANCE NO: 1854

INTRODUCED BY:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code by Ordinance 1720; and

WHEREAS, the Land Development Code became effective March 1, 2009; and

WHEREAS, the ongoing application and interpretation of the Land Development Code has identified areas where additional regulation and/or clarification are needed; and

WHEREAS, the City Council of the City of Commerce City wishes to address those areas.

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

SECTION 1. The following sections of the Land Development Code of the City of Commerce City are hereby amended to read as follows:

Sec. 21-1160. Proscribed Acts

It shall be unlawful for any person to do any of the following, or cause or allow the same to be done, without first obtaining all requisite city approvals, or in violation of this land development code, any land use or zoning ordinance lawfully enacted by the city, any condition imposed in a land use approval, or the municipal code: ***

Sec. 21-5212. Above Ground Storage Tanks

- (5) Tanks for the storage of liquid materials shall be located in side or rear yards.

Sec. 21-5420. Standards

- (7) Accessory Living Space Restricted. Except as expressly allowed, no accessory structure shall be used to provide any type of living area normally associated with

a dwelling unit, including without limitation sleeping, recreation, dining, cooking, and bathroom facilities.

Sec. 21-5360. Organized Events

- (7) **Notification to Nearby Property Owners.** Any person who intends to hold an event that meets three or more of the criteria listed in this paragraph shall make a reasonable attempt to notify every person who own property within 660 feet of the proposed event. Notification shall be provided in a manner that is satisfactory to the city.
- (a) The event will occur on more than one calendar day;
 - (b) Any part of the event will occur after 8:00 p.m. or before 8:00 a.m.;
 - (c) Attendance at the event is reasonably anticipated to exceed 200 people;
 - (d) Alcoholic beverages will be served during the event;
 - (e) Live or amplified sound will occur during the event.

Sec. 21-5270. Transportation Terminals and Truck Stops

- (1) All new business and fellowship activities shall be contained within the primary structure. No detached garage, tent, trailer, vehicle, storage container, or accessory building shall be used to house any new, ongoing for-profit, non-profit, charitable, or religious business or establishment. A temporary use, the duration of which shall not exceed one calendar week, may be allowed on the property, subject to all applicable standards and permitting requirements contained in this code. In no event shall more than one temporary use occur on the same property at the same time.

Sec. 21-6130. Construction Standards

All development shall be conducted in accordance with all standards adopted by the city, including but not limited to: the design standards and plan requirements of these subdivision regulations; the city's engineering construction standards and specifications; the storm drainage criteria manual; the parks and recreation master plans; and, where applicable, the requirements and authorization of the appropriate federal, state, county, local agency or utility company.

Sec. 21-7233. Off-Street Parking Requirements

- (2) **Maximum Parking.** With the exception of single-family residential uses, parking shall not exceed 150 percent of the amount of parking prescribed by table VII-2.

Sec. 21-7238. Modifications Related to Off-Street Parking Requirements

- (3) **Increases in Parking.** The director may approve an increase in parking of up to 200 percent of the required parking if the increased number of spaces will provide a greater service to prospective users and a greater benefit to the community, while minimizing any aesthetic and visual impacts of the additional paving areas on surrounding areas.

Sec. 21-9230 Water Acquisition Fee

- (2) **Fee.** The water acquisition fee is set at \$732.79 for each dwelling unit or non residential structure for calendar year 2009 and shall escalate at a rate of 10 percent per year effective upon January 1 of each successive year. The monies collected pursuant to this section shall be used to acquire water rights for the purpose of watering city parks, recreational facilities and other city owned facilities.

Sec. 21-11200. Definitions

- (267) **Outdoor Storage** - shall mean the placement of materials, merchandise, stock, supplies, shipping containers, mobile storage containers, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, for a continuous period of 24 hours or more. Outdoor storage shall not include: ***

SECTION 2. The Land Development Code of the City of Commerce City is hereby amended by the addition of the following sections:

Sec. 21-5235 Fuel Sales

- (1) **General Standards.** All businesses where fuel sales occur shall comply with the following standards:
 - (a) No more than two may be located within 660 feet of an arterial/arterial intersection;
 - (b) Street access shall conform to the requirements imposed by the engineering division; and
 - (c) Vehicle access and circulation shall be designed so that the impacts to adjacent residential uses or properties from the movement of vehicles or the lights from vehicles are minimized.

- (2) **Pump Islands.** A maximum 2 pump islands shall be permitted on a 12,000-square foot lot. One pump island may be added for each additional 2,000-square feet of lot area, provided that the total number of pump islands shall not exceed 4 per lot.

- (3) **Building and Equipment Setbacks and Buffers.**
 - (a) The principal building and any accessory structures, except for fuel pumps, pump islands, detached canopies, and similar equipment, shall be set back a minimum of 15 feet from any street right-of-way and a minimum of 20 feet from all property lines abutting a residential zoning district.
 - (b) When the facility abuts a residential district, use, or property, a minimum 20-foot wide landscape buffer shall be provided along the shared boundary in accordance with section 21-7516 (Landscaping Buffers).
 - (c) Fuel pumps, pump islands, detached canopies, and similar equipment shall be set back a minimum of 40 feet from all street rights-of-way and from all property lines abutting a residential zoning district.
 - (d) Compressed air and vacuum connections shall be setback from public rights-of-way a minimum distance equal to the minimum landscape buffer. They shall be set back from any residential zoned property a minimum of 40 feet.

- (4) **Supplemental Development and Design Standards.** In addition to any other development or design standard set forth in article VII (Design Standards), the following standards shall apply:
 - (a) Any fuel pump canopy or accessory structures shall utilize the same architectural treatment as the primary or principal building. The material used on the underside of the canopy shall not be highly reflective.
 - (b) A maximum of 25 percent of each canopy fascia area visible from any public street may be internally illuminated, and no portion of any fascia may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate fascia area.
 - (c) Where the use abuts or is across the street from a residential zoning district, sight lighting or other lights illuminating the fuel pumps or other areas of the site shall be extinguished at the close of business.

- (5) **Accessory Car Wash Bays.** A fully-enclosed, single-bay car wash is allowed as an accessory use subject to the following development and design standards:
- (a) To the maximum extent possible, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;
 - (b) The car wash bay shall be limited in size to a single vehicle;
 - (c) The car wash bay shall be located outside of the 20 foot landscape buffer required by paragraph (3)(b) of this section;
 - (d) In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in section 21-7236 (Stacking Requirements);
 - (e) Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7 a.m. and 9 p.m.

Sec. 21-5271 Truck and Vehicle Repair

- (1) **General Standards.** All truck and vehicle repair use shall comply with the following standards:
- (a) Street access shall conform to the requirements imposed by the engineering division; and
 - (b) Vehicle access and circulation shall be designed so that the impacts to adjacent residential uses or properties from the movement of vehicles or the lights from vehicles are minimized.
- (2) **Equipment, Activity, and Materials Enclosure.**
- (a) All repair work, vehicle washing, installation of parts, hydraulic hoists, pits, and all lubrications, greasing, automobile detailing, or repairing equipment shall be entirely enclosed within a building. When any such building or portion of a building faces, abuts, or is adjacent to residentially zoned property, the closest, adjacent building wall or face shall consist of a solid wall with no window or door openings other than those required by applicable building codes.
 - (b) All vehicle parts, dismantled vehicles and similar materials, and all discarded materials such as tires, cans, and drums, shall be stored within an enclosed building or meet the criteria for outdoor storage.
- (3) **Vehicle and Truck Storage.** All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored outside in an unassembled condition, on an unapproved parking surface, or stored on or obstruct access to a public right-of-way.
- (4) **Accessory Car Wash Bays.** A fully-enclosed, single-bay car wash is allowed as an accessory use subject to the following development and design standards:
- (a) To the maximum extent possible, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;
 - (b) The car wash bay shall be limited in size to a single vehicle;

- (c) The car wash bay shall be located outside of the 20 foot landscape buffer required by paragraph (3)(b) of this section;
- (d) In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in section 21-7236 (Stacking Requirements);
- (e) Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7 a.m. and 9 p.m.

SECTION 3. Section 21-10060 of the Land Development Code of the City of Commerce City is hereby repealed and reenacted to read as follows:

Sec. 21-10060. Penalties and Other Remedies

In the event that any person violates, disobeys, or fails or neglects to comply with the requirements of this land development code or any land use or zoning ordinance adopted by the city, the city may, in addition to employing the enforcement methods enumerated in this article, impose the penalties provided in chapter 1 of the municipal code or take any action authorized by the municipal code, the charter, or state or federal law to prevent, enjoin, abate or remove such violation, failure or omission and, in addition, shall be entitled to recover any costs and charges incurred in undertaking such action.

SECTION 4. Section 21-5226 of the Land Development Code of the City of Commerce City is hereby repealed.

SECTION 5. Section 21-11200 of the Land Development Code of the City of Commerce City is hereby amended by the removal of the numbering of the individual definitions and by the addition of the following defined terms:

Guard House - shall mean a structure, located on a private road or on private property for the purpose of manually or electronically regulating and monitoring pedestrian and/or vehicular traffic into a development or neighborhood and promoting security within the development or neighborhood; provided however, a guardhouse shall include only those structures that are not designed or used for sleeping or living purposes.

Lot - shall mean a unit of subdivided land occupied or designed to be occupied by a primary use or building or a group of such buildings and accessory buildings.

Modular Non-Residential Unit (Sales/Service) - shall mean a factory-built structure not built on-site, which is not designed for residential use or human habitation.

Parcel - shall mean a plot of land of any size that may or may not be subdivided or improved.

Tire Store - shall mean a retail business where the principal use is the sale or installation of new, used, or retread tires or tubes. Any land or structures with a primary or principal use of tire collection, reduction, or transfer shall not be considered a tire store.

Tract - shall mean a unit of subdivided land not occupied or designed to be occupied by a primary building, such as open space or drainage.

Vehicle Repair, Major - shall mean extensive repair of automobiles, motorcycles, and light trucks that may include body repair, fender work, or engine repair. In no case shall major vehicle repair include repair of heavy equipment or trucks.

SECTION 6. Table V-1 of the Land Development Code is hereby amended as follows:

- (a) “Dwelling in conjunction with and supplementary to the principal use,” “convenience store with fuel sales,” and “service stations” shall be removed.
- (b) “Support activities for oil and gas operations” shall be modified to reflect that the use is permitted as a conditional use in all zone districts.
- (c) “Vehicle repairs – minor” shall be listed as a use by permit in the C2 zone district and a use by right in the C3, I1, I2, and I3 zone districts.
- (d) “Vehicle repairs – major” shall be listed as a use by right in the I1, I2, and I3 zone districts.
- (e) “Tire Shop” shall be listed as a use by right in the C3, I1, I2, and I3 zone districts.
- (f) “Fuel Sales – w/no repair” shall be listed as a use by permit in the C2 zone district and a use by right in the C3, I1, and I2 zone districts.
- (g) “Fuel Sales - w/minor vehicle repairs” shall be listed as a use by permit in the C2 district and a use by right in the C3, I1, I2, and I3 zone districts.
- (h) “Fuel Sales - w/major vehicle repairs” shall be listed as a use by right in the I1, I2, and I3 zone districts.
- (i) “Modular non-residential unit sales, rental, and service” shall be listed as a use-by-right in the I2 and I3 zone districts.

SECTION 7. Table V-5 of the Land Development Code is hereby amended as follows:

- (a) The term “Night Watchman’s Quarters” shall replace the term “Guard house/ Watchman’s/ Caretaker’s Quarters.”
- (b) “Guard house” shall be listed as a use-by-right in the I1, I2, I3 and Public zone districts.

SECTION 8. Table VII-2 of the Land Development Code shall be amended to provide that the minimum off-street parking for “warehousing” shall be 1 space per 1000 square feet.

SECTION 9. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 21ST DAY OF MARCH, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 4TH DAY OF APRIL, 2011.

CITY OF COMMERCE CITY,
COLORADO

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

CASE:	Ordinance # 1854
Location:	City-wide
Applicant:	City of Commerce City
Request:	Commerce City Staff is requesting a series of minor amendments to the Land Development Code.
Staff Recommendation:	Approval of proposed text updates.

Background:

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs. Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals.

Since that time, there have been several amendments to this document. This is the second “comprehensive update” of LDC items before Planning Commission. The first occurred in late 2009, with a few additional single-item amendments in 2010.

Request – Text Amendments and Clarifications

The Land Development Code is a “living document” that acts as a tool to guide future development of a community, protect neighborhoods, focus development, and enhance the environment. As a part of the public review process for the LDC, it was mentioned that the code would be an “on-going work in progress,” and that this document would continually evolve to reflect the needs and desires of the city. As a way to implement this ongoing evolution, changes, or amendments, will be implemented periodically. Currently, there are no limitations or preclusions related to the number of zoning code amendments that the city may adopt.

After working with the document for approximately two years, several items have arisen that require modification or attention. These updates fall into three different categories. These updates fall into three different categories. First, several items are legal in nature and scope, and have been initiated from the city attorney’s office. Second, a couple of the items are clarifications to the existing code, which will only make reviews and processes clearer for all involved. Third, several definitions are being included or reworded based on a greater understanding of City issues and real life applications. City staff will continue to monitor issues that may be raised through the development review process and which may necessitate future amendments to the LDC at a later date.

RECORD OF PROCEEDINGS

**Commerce City Planning Commission
March 1, 2011**

**Commerce City Civic Center
Page 8**

In addition, three sections of the LDC have been identified to receive more substantial updates. These sections are 1) fences, 2) signs, and 3) regulations concerning alcohol uses. Because these topics will be addressed later in the year, they are not included within this set of updates.

Analysis:

For this ordinance, staff is proposing 20 text amendments to the LDC at this time. Staff has reviewed the proposed updates and finds that these are all minor in nature. In the future, proposed amendments will be classified into three categories: Major revisions, Mid Level Revisions, and Minor Revisions. As described in detail below, the proposed minor amendments are related to the usability and clarity of the Code, consistency of the Code with other adopted City codes, legal clarifications, and the insertion of previously omitted sections. The proposed amendments are not intended to change the intent of the Land Development Code's provisions. In addition, no properties will be rezoned as a result of these actions.

The actual proposed amendments to the Land Development Code are listed in full in Attachments A and B and are summarized below by Article and Section:

Update #	Article	Section	Subject/ Heading	Description of Amendment	Reason for Amendment
1	I	1160	General Provision/Proscribed Acts	Establishing the legal basis for regulating land use	Legal clarification and interpretation
2	V	Table V-1	Land Use Table	Update of terms: "manufacturing oil and gas- support activities, dwelling in conjunction with principal use, vehicle repair- minor, vehicle repair-major, tire shop, fuel sales, convenience stores, and service stations	Additions to help distinguish and differentiate vehicle repair and fuel service uses. Legal clarification and interpretation
3	V	5212	Above Ground Storage Tanks	Change in required setback and location in side or rear yards.	Brings code consistent with fire and building codes.
4	V	5235/5271	Fuel Sales and Vehicle Repair	More clearly defines and distinguishes facilities with fuel sales and vehicle repair.	Additions to help distinguish and differentiate these users. Modernize terminology and uses.
5	V	5270	Truck Stops	More clearly defines and distinguishes temporary uses for truck stops.	To allow mobile chapel trailer and to make allowances for limited trucking

RECORD OF PROCEEDINGS

**Commerce City Planning Commission
March 1, 2011**

**Commerce City Civic Center
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Update #	Article	Section	Subject/ Heading	Description of Amendment	Reason for Amendment
					related temporary uses.
6	V	5360	Organized Events	Requires organized events that meet certain criteria to notify neighborhood of event.	Council direction to update this section.
7	V	Table V-5	Accessory Use Table	More clearly defines and distinguishes night watchmen and guard house uses.	To allow night watchmen quarters and guard houses in certain districts.
8	V	5420	Accessory Dwelling Unit Prohibition	More clearly prohibits accessory dwelling units	Legal clarification
9	VI	6130	Storm Drainage Standards	Updated terminology to include storm drainage standards	Legal clarification on terminology
10	VII	7233/7238/ Table VII-2	Parking Flexibility	Updates standards for industrial warehousing (1/1000) and lessens the maximum parking lot requirement.	Update standards to be more business friendly and allow greater flexibility to new developments in regards to parking.
11	IX	9230	Water Acquisition Fee	Updated terminology to reflect language in previous code with regards to new residential development.	Legal clarification on terminology
12	X	10060	Enforcement/Penalties	Updated section to reflect municipal code	Legal clarification on terminology
13	XI	11200	Definitions	Update in definition for outdoor storage	Legal clarification and interpretation
14	XI	11200	Definitions	Addition of definition for guard house	Legal clarification and interpretation
15	XI	11200	Definitions	Addition of definition for modular non-residential unit	Legal clarification and interpretation
16	XI	11200	Definitions	Addition of definition for tire store	Legal clarification and interpretation
17	XI	11200	Definitions	Addition of definition for vehicle repair, major	Legal clarification and interpretation
18	XI	11200	Definitions	Addition of definition for lot	Legal clarification and interpretation
19	XI	11200	Definitions	Addition of definition for parcel	Legal clarification and interpretation
20	XI	11200	Definitions	Addition of definition for tract	Legal clarification and interpretation

Alternatives:

The Planning Commission has several options when reviewing this request. One option would be to forward to City Council these amendments with a favorable recommendation, with, or without, changes. Another option would be to send the amendments back to staff for additional work. A third option would be to forward the ordinance request to City Council with an unfavorable recommendation.

Recommendation:

In conclusion, staff is recommending that the Planning Commission forward these proposed amendments to the Land Development Code to City Council with a favorable recommendation.

Opponents: None

Proponents: None

DISCUSSION:

Mr. Steve Timms explained the subject request. *Details noted in background summary above.*

The Planning Commission was satisfied with the information in the presentation and did not voice any concerns. There being no further discussion a motion was requested.

MOTION:

Mr. Jones made the following motion: I move that the Planning Commission recommend that City Council approve Ordinance #1854, an ordinance amending the Commerce City Land Development Code as outlined in Exhibit A.

Mr. Dreiling seconded the motion:

Voice Vote: All Voting Affirmed.



City Council

Ordinance # 1854

**Land Development Code (LDC) Minor
Amendment Updates**

March 21, 2011

“Quality Community for a Lifetime”



Background

- Current LDC passed by City Council at beginning of 2009.
- Effective date: March 1, 2009. One round of updates in 2010.
- Overall, it has been a marked improvement in consistency and processing of cases.



Living Document

- Monitoring of the code has taken place since day one.
- Periodic amendments will be needed to reflect needs and desires of the city.



Proposed Amendments

- (3 main categories):
 - Legal Amendments
 - Use Clarifications
 - Definitions
- *Note- No properties will be rezoned as a part of these amendments*



Proposed Amendments

- Note: The following sections will be reviewed and discussed with Planning Commission and City Council at some time in the future, but not as a part of this update (no date set yet for discussion):
 - Alcohol Uses/Separation Requirements
 - Signs
 - Fencing

Amendments

Update #	Article	Section	Subject/ Heading	Description of Amendment	Reason for Amendment
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2	V	Table V-1	Land Use Table	Update of terms: "manufacturing oil and gas- support activities, dwelling in conjunction with principal use, vehicle repair-minor, vehicle repair-major, tire shop, fuel sales, convenience stores, and service stations	Additions to help distinguish and differentiate vehicle repair and fuel service uses. Legal clarification and interpretation
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Amendments

Update #	Article	Section	Subject/ Heading	Description of Amendment	Reason for Amendment
5	V	5270	Truck Stops	More clearly defines and distinguishes temporary uses for truck stops.	To allow mobile chapel trailer and to make allowances for limited trucking related temporary uses.
6	V	5360	Organized Events	Requires organized events that meet certain criteria to notify neighborhood of event.	Council direction to update this section.
7	V	Table V-5	Accessory Use Table	More clearly defines and distinguishes night watchmen and guard house uses.	To allow night watchmen quarters and guard houses in certain districts.
8	V	5420	Accessory Dwelling Unit Prohibition	More clearly prohibits accessory dwelling units	Legal clarification



Amendments

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“Quality Community for a Lifetime”

Amendments

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19	XI	11200	Definitions	Addition of definition for parcel	Legal clarification and interpretation
20	XI	11200	Definitions	Addition of definition for tract	Legal clarification and interpretation



Recommendation

On March 1, 2011, Planning Commission voted 5-0 to forward these amendments to City Council with a favorable recommendation.



Council Communication

City Council Meeting: 21 Mar 2011

Prepared: 10 Mar 2011

Number of Attachments: 2

Subject: 2010-2011 Presentation on the Commerce City Comprehensive Plan Indicators

Presenter: Chris Cramer, Planning Manager

Recommended City Council Action:

No City Council action is required at this time. This is an informational presentation for City Council discussion.

Summary Statement:

This indicator report marks a continuing effort in data collection for key community indicators outlined in the Commerce City C3Vision Comprehensive Plan. The Community Indicators Report includes measures of many Benchmark areas and includes data on over 40 different indicators, covering a variety of topics from land use, economic development, transportation, image, and parks and recreation. This system of indicators and evaluation of data will enable decision makers and the public, the ability to assess the city's progress towards achieving the goals of this plan. This indicators approach will help ensure that the city is moving along the path that this plan recommends, and will provide needed information to adjust to changing needs and conditions within an informed framework.

Next Steps:

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: N/A

Alternative: N/A

Background Information:

The Commerce City Comprehensive Plan (C3) Plan was adopted by Council in the Summer of 2010. As a part of this plan, there is a requirement to examine performance indicators, a community score card, which can be used to monitor Commerce City trends and determine how well the community is achieving its goals. These indicators are meant to cover each of the 12 elements found in the C3 Vision Plan. Over time, the city will need to further refine and prioritize these indicators for what works best for the city. Here are two examples of indicators from the plan:

- 1) Mix of housing types showing the city has an overwhelming majority of single-family residential units (91%); and
- 2) The yearly attendance to the Rocky Mountain Arsenal National Wildlife Refuge of 27,500 visitors for the year 2010. This number is expected to grow considerably with the completion of the new visitor center.



Comprehensive Plan Indicators

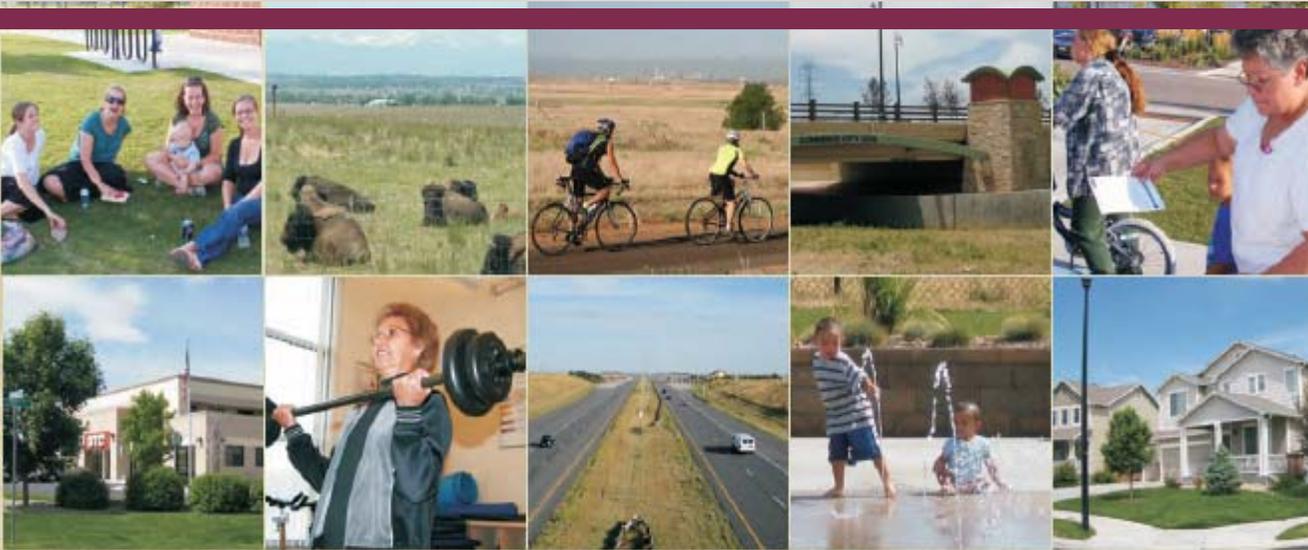


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USER'S GUIDE

This report marks a continuing effort in data collection for key community indicators outlined in the Commerce City C3Vision Comprehensive Plan. This report is designed to evaluate and monitor changes in the community, and assess whether the assumptions in the Comprehensive Plan are valid and its goals are being achieved.

The Comprehensive Plan is based upon an understanding of current conditions as well as assumptions about the future. The fact that change is inevitable underscores the importance of developing a comprehensive monitoring approach that will allow the Comprehensive Plan to remain relevant in an environment of community change.

WHAT ARE COMMUNITY INDICATORS?

Community indicators are bits of information that, when combined, generate a picture of what is happening in a local system. They provide insight into the overall direction of a community: whether it is improving, declining, or staying the same, or is some mix of all three.

A combination of indicators can therefore provide a measuring system to provide information about past trends, current realities, and insight into future directions in order to aid decision making. In this sense, community indicators can also be thought of as grades on a report card that rates community well-being and progress.

Indicators themselves do not provide a model of how a community works or how to determine planning choices; rather, they provide information that can be used by citizens, policy makers, government agencies, the media, businesses, community activists and others when faced with decisions about the community. Indicators are a tool for helping us understand ourselves as a community.

As stated in the Plan, no conclusion can be made or trends determined through the analysis of a single year's information. For some indicators, there continues to be limited information currently available to monitor progress. The Planning Division strives to provide the best data available for the indicators to track the Comprehensive Plan's policies adopted in 2010. On an annual basis, the Planning Division will revise, and if necessary, correct and adjust data when new and better sources or updates become available. It is hoped that these indicators can be supplemented with additional information and evaluation.

USING THIS REPORT

The Community Indicators report includes measures of many Benchmark areas and includes data on 40 different indicators. A Benchmark is identified along with the Indicator, and is shown in the right corner of each indicator. The Benchmark is a measurable goal or target identified in the Comprehensive Plan, or a general principle or policy for the community that is intended to be implemented over the planning period.

USER'S GUIDE

The 2010 report is divided into eleven major areas of interest: Land Use Choices; Jobs and Business; Fiscal Stability; Housing and Neighborhoods; Redevelopment and Reinvestment; Transportation; Safety and Wellness; Parks, Open Space, and Recreation; Public Facilities and Infrastructure, Appearance and Design. Each year, new subjects within these areas of interest will be evaluated for inclusion in future editions of the report.

Each indicator is formatted to provide the following standard information:

SUBHEADING INFORMATION

This section appears immediately below the indicator title and describes the Indicator's relationship with the Benchmark, as well as the reasons why it is important to monitor over a period of time.

SYNOPSIS

This section highlights the key trend or observation about the Indicator as reflected by the data.

TRENDS/OBSERVATIONS

This section highlights the key trends or observations that are identified in the data. Data collected in 2010 is emphasized, marking the beginning point for monitoring the assumptions identified in the C3 Vision Comprehensive Plan. Change is described in terms of percentages or nominal differences in data between each year or a specific time period.

DATA ANALYSIS

Staff provided a brief analysis of the data and its impacts on the community.

DATA SOURCES

This section identifies the resources from which data were obtained, and if relevant, provides a website address where further information can be found.

USER'S GUIDE

HOW WERE THE INDICATORS SELECTED?

The process of updating community indicators promotes regional cooperation and encourages public, non-profit, and private sector action through an understanding of specific trends and outcomes. Indicators are selected using the following general criteria:

- **POLICY RELEVANCE** – is the indicator directly linked to one or several key issues around which key policies are formulated? Unless linked to critical decisions and policies it is unlikely to motivate action.
- **SIMPLICITY** – can the information be presented in an easily understandable, yet appealing, way that the public can readily understand?
- **VALIDITY** – is the indicator a true reflection of conditions in the city, and is the data verifiable? Can the city affect the outcome? The data must be credible and reliable for both experts and laypeople.
- **TIME SERIES** – is time series data available reflecting a trend of the indicator over time? This is important if the indicator is to reflect trends over time.
- **AVAILABILITY AND AFFORDABILITY** – is good quality data available at a reasonable cost, or is it likely to become so in the future? Costs can include both actual dollar expenditures as well as staff time.
- **SERVE MULTIPLE OBJECTIVES** – is the indicator about a very narrow or broader issue? The list of potential indicators is endless. For this reason, indicators that reflect or aggregate information on broader topics should be preferred.

Two other issues create a further challenge in evaluating the findings of Indicators included in this report. The diversity of the type of measured data included in the report is accompanied by a similar diversity in publication times or “availability” for the information. The time lag associated with many of the Indicators presents a major obstacle in monitoring the current conditions occurring throughout the community. This report comprises data that has public release dates spanning from one month to three years. While data availability or timeliness is important, it has a slightly lower level of importance than the other data criteria, which are critical elements in selecting information. As noted earlier, trends take years to manifest in data, and conclusions garnered from year to year findings should be avoided.

Another important issue impacting the effectiveness of monitoring current conditions throughout the community is isolating the influence of local, state and national policy, conditions and/or mandates. Each Indicator may be influenced more or less from a particular level of government involvement than another. Determining a cause and effect relationship over time becomes a challenging enterprise in light of the competing policies that exist between the different levels of government. This does not lessen the importance of monitoring such Indicators, but does add caution for decision makers and readers of this report when interpreting trends depicted in the data.

USER'S GUIDE

NEXT STEPS—FROM INDICATORS TO ACTION

The value of community indicators is not as a static, one-time exercise in identifying important community trends, but rather its importance is realized over a period of time. If updated on an annual basis, community indicators can show progress, or the lack of progress, in accomplishing community priorities. With broad participation in their targeting and update, community indicators can influence location policy and decision making. A more direct benefit of the report is to provide information that counteracts bad data that do not accurately reflect community issues or trends.

The interconnections among the Indicators presented in this report are substance for a wealth of discussions on our changing community. This report will encourage the community to discover ways that these Indicators inter-relate, and how they can use the information to improve conditions throughout the community.

Another benefit of the community indicators report is raising awareness of the people who live in the community, and the quality of life experienced by all residents. A changing community does not always result in positive outcomes for all residents. It is hoped that the information presented in this report will make people think about their community, and the quality of life of their neighbors and the entire community.

The report should prompt readers to ask questions, such as, “How does this information related to my friends, family, colleagues, employees, and neighbors?” The information should tell a story about the community, like, “Where have we come from and where are we going?” In order to get where we are going, we need to measure where we want to be.

We hope you find this report useful and welcome comments and suggestions for later editions.

For more information, contact the Commerce City Planning Division, or visit the website at www.c3gov.com.

Chapter 4—Land Use Choices



Principle: Grow Commerce City in a balanced and compact pattern of neighborhoods and commerce centers, where residents have access to employment, services, and shopping. Promote infill and phase new growth to avoid inefficient and costly leap-frog development.

BUILDING PERMITS

TOTAL NUMBER OF BUILDING PERMITS ISSUED ANNUALLY.

This measure tracks the total number of all building permits issued annually.

The Building Safety Division experienced some positive signs in building permit activity in 2010, with a 31% increase in the total number of permits issued compared to 2009. Contributing to the positive trend were an increase in new home starts with 239 permits issued in 2010 compared to 130 in 2009 (54% increase). While this upturn in activity is a positive and welcomed indicator, it is important to note that many of the new housing

starts coincided with the various federal home ownership incentive programs, many of which expired mid-year. Since then, new starts have diminished, but city remains hopeful that renewed residential construction activity will continue to find its legs in 2011. Also contributing to increased activity were permits associated with the hail storm. The Building Safety Division issued 2986 reroof and window/siding permits following the May 26, 2010 storm (62.5% of all permits issued in 2010) and expects to see higher-than-average activity in the spring of 2011 as roofs continue to be replaced. The city's homeowner incentive program also was a factor, as permit activity for homeowner projects increased throughout the year when homeowners learned of the city's program and began to take a closer look at projects that were on the shelf. The city's commercial and industrial base played an important factor in permit activity as several existing businesses expanded their buildings in 2010, along with several new tenant finish projects that brought in new businesses to previously empty "shell and core" buildings. That, coupled with new buildings (North Forest Office Providers, Cummins Diesel), added up to a better-than-anticipated 2010.

Source: Commerce City Building Division

Desired Trend:



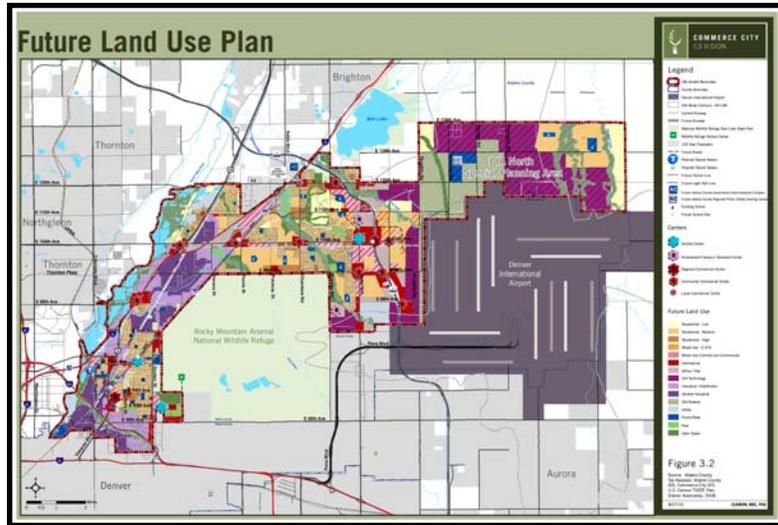
Actual Trend:



Chapter 4—Land Use Choices

**PROJECTS CONSISTENT WITH FUTURE LAND USE PLAN
NUMBER OF NEW CASES FOR DEVELOPMENTS THAT COMPLY WITH THE FUTURE LAND USE PLAN (LUP)**

An increase in the number of projects that are developed in conformance with the future land use plan show that the city is maintaining a balanced mix of land uses.



Year	Total Cases Processed	Cases for Developments in Agreement with LUP	Positive Correlation Rate
2010	27	26*	96.3%
*This number reflects only projects where the Future Land Use Plan was an influence in the decision-making process.			

The future land use plan will be a guide for both the city and developers to help shape future neighborhoods, centers, open space, civic uses, and employment areas over the long-term.

In 2010, the high positive correlation rate reflects recent implementation of the comprehensive plan, which had extensive community support. In addition, this higher rate shows a strong plan that is based on sound land use principles and goals.

Moving forward, city council and staff should build on this success, and continue to be mindful of the comprehensive plan goals when evaluating future land development cases.

Source: Commerce City Planning Division

Desired Trend:

Chapter 4—Land Use Choices

INFILL DEVELOPMENT

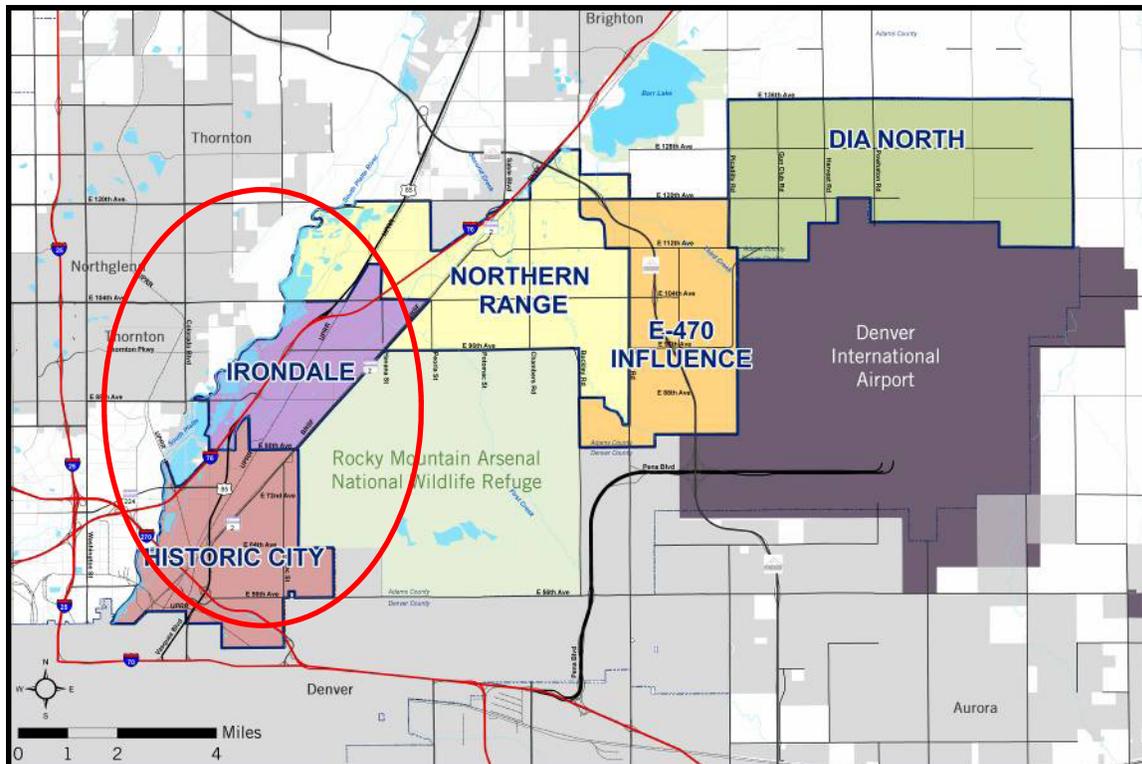
NUMBER OF NEW INFILL DEVELOPMENTS.

Indicates the number of new infill development in the Historic City and Irondale subareas. This indicator does not include projects such as additions, tenant finish, accessory structures, or small structural/site improvements. The city may provide incentives for infill development through rebates, reduced fees, expedited review times, etc. Based on 2010 development plan applications, new infill projects include:

1. Cummins Diesel—10850 East 140th Avenue
2. Barpal Investments—6795 East 49th Avenue
3. Prairie Rose Plaza Apartments—6285 Kearney Street
4. Blue Beacon Truck Wash—7082 East 53rd Place
5. Anythink Commerce City Library—7185 Monaco Street

A total of 5 new projects in infill areas is lower than in previous years , due to the extended recession. The new comprehensive plan highlights new infill development and with the economy expected to grow, these numbers should rise in coming years.

Strategic Planning Areas



Source: Commerce City Community Development Department

Desired Trend:



Chapter 4—Land Use Choices

ANNEXED LAND

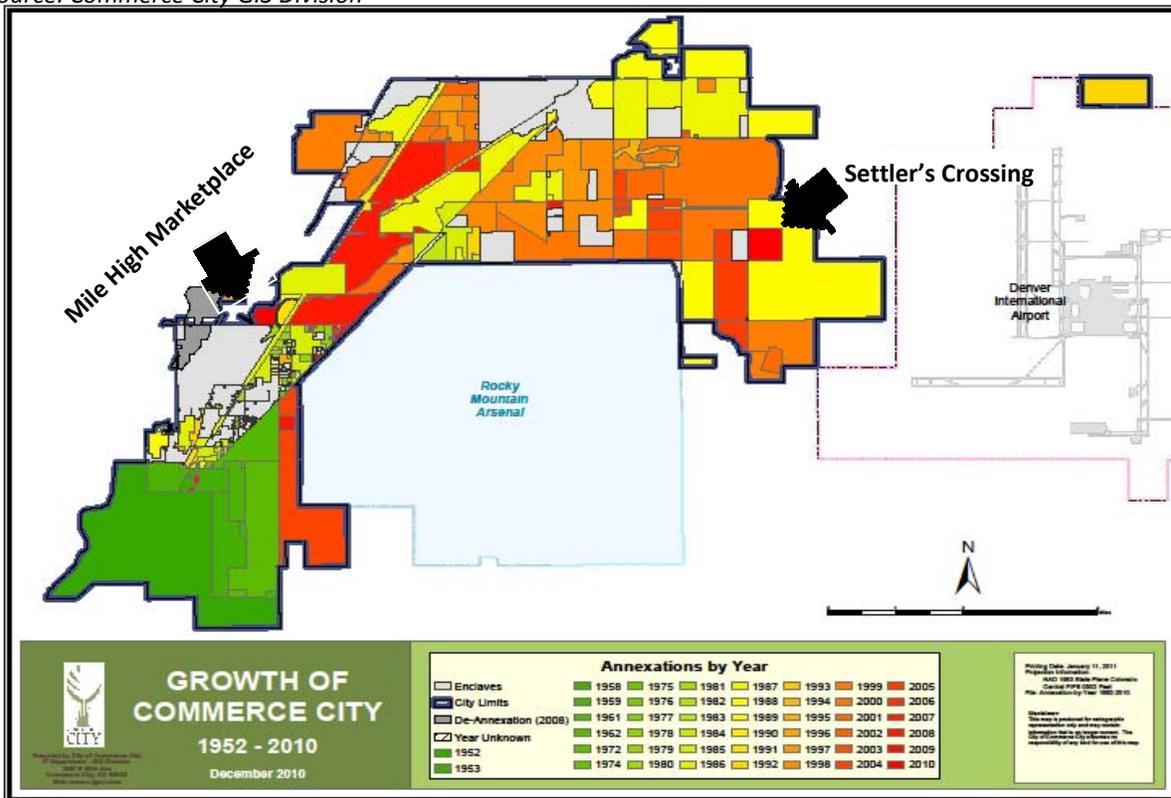
TOTAL ACRES OF LAND ANNEXED ANNUALLY.

The city has an abundant supply of land available for new growth and development. More than 68-square miles are contained within the city’s eventual growth boundary, with about 41-square miles currently within current city limits. Within the annexed areas, there are large tracts of vacant land being used for agricultural purposes. Commerce City continues to seek additional land that can be used for new economic development opportunities and increased amenities for its citizens.

Year	Total Acres Annexed
2010	247.5

In 2010, the city annexed a total of 247.5 acres of land that includes the Settler’s Crossing site and the Mile Hi Marketplace, the locations of which are shown on the map.

Source: Commerce City GIS Division



The 247.5 acres annexed in 2010 will serve as a good benchmark for comparing the city’s growth in future years. While 247.5 acres is less land than the city annexed in the years of rapid growth between 2000 and 2006, it is still a significant amount of property considering that many metro-area municipalities are land-locked, with no additional land to annex. The city’s current rate of annexation also is more sustainable for the long-term.

Desired Trend:

Chapter 4—Land Use Choices

COMMERCIAL NON-INDUSTRIAL PROJECTS

SQUARE FEET OF COMMERCIAL PROJECTS.

This indicator shows the total square feet of commercial projects for which building permits were issued in 2010. The city’s commercial base played an important factor in activity, as several existing businesses expanded their buildings in 2010. Several new tenant finish projects brought in new businesses to previously empty “shell and core” buildings. New buildings that were constructed include North Forest Office Providers (10,416-square foot building) and Canopy Airport Parking (Propark America) structures (167,834- and 308,000-square feet).

The following table includes permits issued for commercial, retail, and office additions, tenant finish, and new structures.

Year	# of Permits	Square Feet	Valuation
2010	17	531,528	\$16,351,065

Source: Commerce City Building Division

Because of the continued downturn in the economy, the number of 2010 projects was somewhat lower than previous years, however, it is anticipated that as the economy improves, these numbers will increase accordingly. Moving forward, the city council and staff will strive to attract more new businesses, because this is a top priority for the city.

Canopy Airport Parking project at 8100 Tower Road



Desired Trend:

Chapter 4—Land Use Choices

POPULATION

TOTAL POPULATION.

This measure tracks the total population in Commerce City. As indicated below, population has grown moderately over the past two years, from 42,458 in 2008 to an estimated 45,500 in 2010. While the 2010 US Census figures had not been released as of the writing of this report, the city uses the decennial census to obtain an official count of

population every ten years. More specific figures for the city’s 2010 population will be available in March 2011. Given the city’s growth history over the last decades plus and general growth patterns in the Denver-metro area, it is anticipated that the city populations will continue to increase at a consistent pace. As the residential real estate market continues to rebound, staff expects the city’s population rates to increase at a greater rate than in the last two years. Moving forward, the city should build on recent efforts to streamline development review times and incentives for residential development to ensure steady population increases.

<i>Desired Trend:</i>		<i>Actual Trend:</i>	
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POPULATION GROWTH

HOUSEHOLD POPULATION GROWTH RATE.

The annual population growth rate measures the rate at which the population in Commerce City is changing. The Denver Regional Council of Governments estimates that the Denver-metro region will grow to a population of nearly 3.9 million by 2035, with most of the growth occurring in the northeast corridor of the Denver-metro area. Because of this, Commerce City is expected to grow faster than the region, from approximately 42,473 (2008 US Census Bureau estimate) to an estimated 73,738 by 2035.

With the current difficult economic environment, the city still anticipates the growth rate to increase steadily in the near future.

Year	Population	Growth Rate
2008	42,473*	N/A
2009	43,301*	1.95%
2010	45,500**	5.1%

As mentioned above, the city should continue to build on recent efforts to ensure a positive population growth.

* US Census Bureau

**Commerce City Community Development Department

<i>Desired Trend:</i>		<i>Actual Trend:</i>	
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Chapter 5—Jobs and Business



Principle: Maintain a strong employment base; help create a jobs/housing balance; define appropriate locations for a range of industry and businesses, and be a home for major corporations.

NEW BUSINESS

NUMBER OF NEW BUSINESSES STARTS CREATED ANNUALLY

Entrepreneurship and a steady growth in new business can point to a healthy and vigorous business environment.

One way to measure business growth in the city is by counting the number of new business starts created annually. One of the city's goals is to emphasize a well-balanced, diversified, and stable economic base for Commerce City. Approximately 707 business licenses were issued in 2010; 207 of which were for new business starts. New business starts represented 29% of all Commerce City business licenses issued in 2010.

Year	# of New Business Starts	Total # of Business License Issued	Percent New Business Starts
2010	207	707	29%

Considering that 2010 was a year of economic downturn, it is significant that 29% of all licenses issued was for new business starts. This statistic shows that entrepreneurs find Commerce City to be a desirable place to start a new business, even in tougher economic times. It will be interesting to see how this number compares to future years, and whether or not new business starts increase or decrease in a more stable economy.

Source: Commerce City Business Licensing Division

Desired Trend:



UNEMPLOYMENT

UNEMPLOYMENT RATE

This tracks the annual unemployment rate. According to the U.S. Bureau of Labor Statistics, as of December 10, 2010, the city's annual unemployment rate is estimated at **9.2%**.

The national unemployment rate, as of December 2010, is 9.4% . The state rate for the same time period is 8.8%, according to the U.S. Bureau of Labor Statistics.

These statistics show that while Commerce City's unemployment rate is lower than the national rate, it is still almost half a percent higher than the state of Colorado's. As the economy picks up, and given the number of the city's new business starts in 2010, this rate should decrease.

This indicator will be especially valuable as we obtain the unemployment rate for multiple years, in order to establish a trend.

Source: U.S. Bureau of Labor Statistics

Desired Trend:



Chapter 5—Jobs and Business

NONRESIDENTIAL STRUCTURES

NONRESIDENTIAL BUILDINGS CONSTRUCTED

The number, size, and valuation of newly constructed nonresidential buildings signifies the progress of commercial, industrial, and office development. One of the city's great strengths and unique attributes is its strong industrial and manufacturing base, particularly in the Historic City and Irondale subareas. This base is supported by two of the city's biggest economic competitive advantages: locational assets and availability of industrial land. The city also has opportunities for future commercial and employment development in the Northern Range and E-470 influence subareas, to ensure future economic balance and provide accessible goods, services, and jobs within the community.

A big challenge for the city currently includes the need for grocery stores and sit-down restaurants. This challenge represents a huge opportunity for specific retailers to locate within Commerce City to provide these necessary goods and services for its residents and businesses.

Year	# of Bldgs	Square Feet	Valuation
2010	19	734,049	\$28,393,416

The 2010 data represents a robust number, considering the economic climate of the state during the year. With land available for additional nonresidential buildings within the city, there are opportunities for increases within this category.

Source: Commerce City Building Division

Desired Trend:



Chapter 6—Fiscal Stability



Principle: Continue as a fiscally stable city by fortifying revenues, and efficiently maintaining and providing services and infrastructure.

SALES AND USE TAXES

ANNUAL INCREASE IN SALES AND USE TAXES.

Annual increases in sales and use taxes indicate how well the city is diversifying revenues from retail and other sources.

The following table reflects 2009 and 2010 total sales and use tax revenue (on a cash basis).

	2009 TOTAL	2010 TOTAL	% Change
Sales Tax	16,077,573.00	17,686,388.21	10.00%
Sales Tax Audits	224,064.09	2,800,813.38	1150.00%
<i>Sales Tax Subtotal</i>	16,301,637.09	20,487,201.59	25.70%
Use Tax	5,620,316.73	6,255,984.07	11.30%
Use Tax Audits	4,285,430.12	16,033,035.50	274.10%
Auto Use Tax	2,267,071.73	2,568,901.88	13.30%
Building Permit Use Tax	905,018.61	2,190,585.55	142.00%
Public Improvement Use Tax	29,261.79	196,525.97	571.60%
Agreements	-	(280,629.90)	N/A
<i>Use Tax Subtotal</i>	13,107,098.98	26,964,403.07	105.70%
Penalty Paid	288,428.46	73,541.79	-74.50%
Interest Paid	976,458.75	4,046,514.25	314.40%
<i>Principal & Interest Subtotal</i>	1,264,887.21	4,120,056.04	225.70%
Grand Total	30,673,623.28	51,571,660.70	68.10%

Source: Commerce City Finance Department

In 2010, the city benefitted from increases across the board for sales and use tax revenues. From modest increases under fifteen percent for some categories, to dramatic increases of over a hundred percent and even over a thousand percent in other categories, the city experienced steady gains overall. Public improvement use tax revenues, for example, increased by 571 percent from 2009. Analysis of this data reveals that the majority of this increase is due to a few key audits that were finalized in 2010, therefore, this considerable gain is not something that will occur on consistent basis. As development increases, the city should continue to see a positive change over the next several years.

Desired Trend:

Actual Trend:

Chapter 6—Fiscal Stability

GRANTS

STATE AND FEDERAL GRANTS RECEIVED.

This indicators shows how well the city is leveraging its resources to utilize state and federal funding sources and grants.

In 2010, 37 grant applications were submitted, with a funding success rate of 76%. With the economic challenges, grantors have decreased the amount of funds that normally would have been awarded, and have funded reduced amounts instead of denying the entire request. Twenty-four applications were submitted in 2009, with a funding success rate of 66%.

Moving forward, grants will remain a high priority for the city, and staff will continue to seek additional grant funding sources.

Year	\$ Requested	\$ Granted	Funding Success Rate
2009	2,721,189.84	1,867,228.00	66%
2010	4,141,110.49	1,033,715.00	76%
TOTAL	\$6,862,300.33	\$2,900,943.00	

Source: Commerce City City Manager's Office

Desired Trend:



Actual Trend:



Chapter 6—Fiscal Stability

GENERAL IMPROVEMENT DISTRICT (GID)

NUMBER OF PERMITS, BY TYPE, ISSUED IN THE GID.

The GID was formed to allow the construction of infrastructure to support growth and development in the city's northern area. Initially, the GID funded the installation of sanitary sewer and potable waterlines to support the future development of residential and business lots.

The city will continue to require that new mater planned developments provide fiscal impact analysis as part of their development application.

The city will create a financial mechanism to fund the E-470 corridor and explore whether the city should continue to finance large-scale improvements through a GID, or restrict their use for E-470 or Tower Road improvements.



In 2010, a total of 107 permits were issued in the GID, as follows:

RESIDENTIAL UNITS IN GID: 104

NONRESIDENTIAL UNITS IN GID: 3

In 2010, 45% of all of the new residential units and 16% of all new non-residential units constructed in the city were within the GID. These numbers will serve as a guide for how much future growth there is within the GID and give an idea of the district's fiscal stability.

Source: Commerce City Building Division

Desired Trend:



Chapter 7—Housing and Neighborhoods

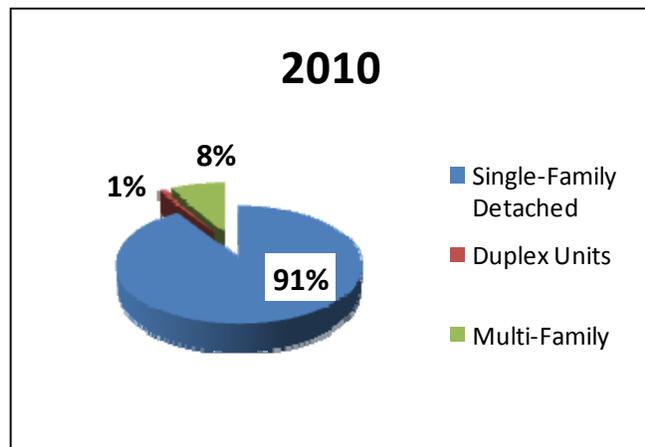


Principle: Provide multiple types of housing that serves a range of people and incomes in vibrant neighborhoods where people want to live.

MIX OF HOUSING TYPES

ANNUAL PERCENT MIX OF HOUSING TYPES.

A creative mix of housing types indicates that the city is increasing its housing diversity and focusing on expanding housing price ranges, so that people of all incomes are able to live in the community.



A healthy city provides a variety of housing options for residents in all stages of life. Over 90 percent of new housing units constructed in 2010 were single-family detached, so it is likely that there is a shortage of duplex and multi-family housing needed to serve empty-nesters, seniors, and young professionals. The city will want to encourage more variety of housing types in the years to come, in order to ensure adequate housing supply for all stages of citizens' lives.

Source: Commerce City Building Division

Desired Trend:

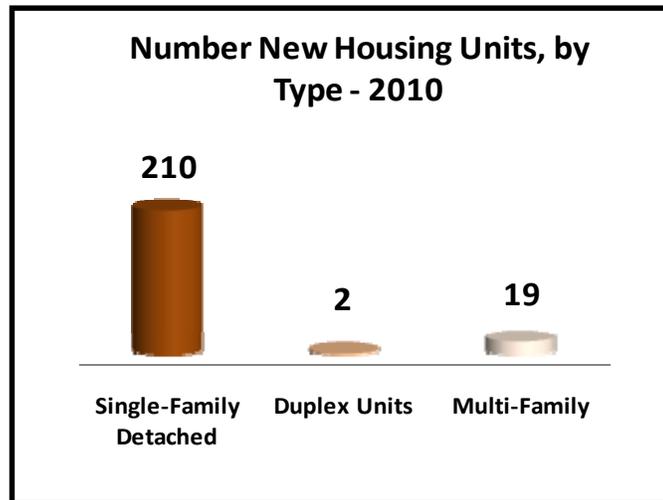


Chapter 7—Housing and Neighborhoods

NEW HOUSING UNITS, BY TYPE

NUMBER OF NEW HOUSING UNITS, BY TYPE.

This measure tracks the total number of all new residential units permitted annually.



Housing type variety is important so that the city can provide viable living options for all citizens as growth continues. Duplex and multi-family units were especially low during 2010. It is important that these types of housing units grow in the next couple of years, in order to avoid a housing market that is totally dominated by only singlefamily detached units. If the city's housing market is limited to one type of housing, the city's growth will similarly be limited. Housing variety ultimately relates back to the jobs that can be created, the population that will move in, and the overall health of the city.



Source: Commerce City Building Division

Desired Trend:

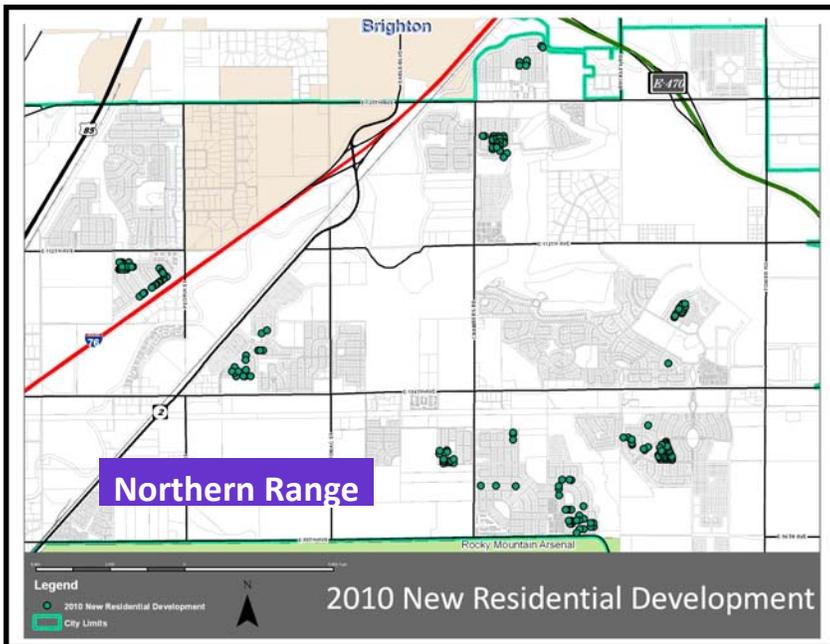


Chapter 7—Housing and Neighborhoods

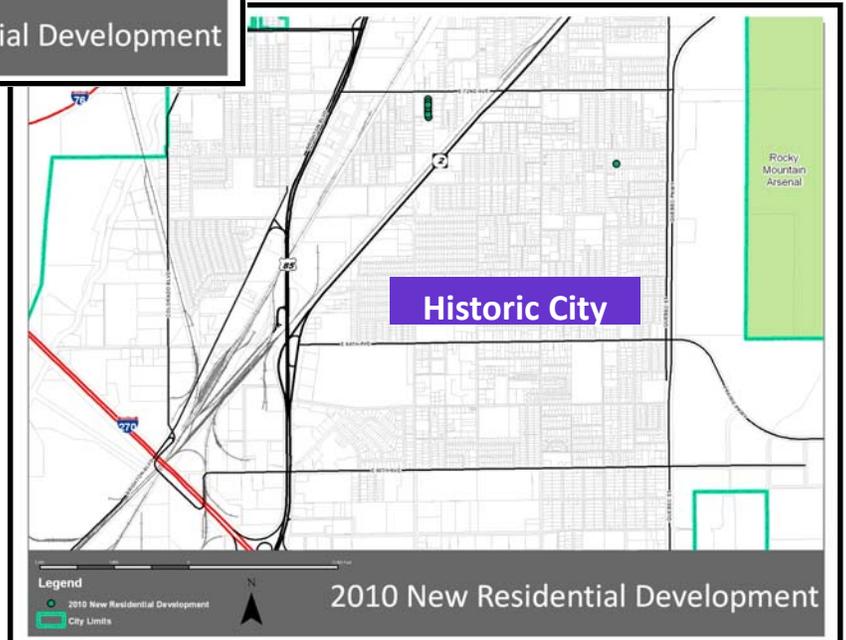
NEW SINGLE- AND MULTI-FAMILY UNITS

LOCATION OF NEW SINGLE- AND MULTI-FAMILY UNITS.

This goal monitors the location of newly constructed single- and multi-family dwellings to ensure that new neighborhoods contain a mix of housing types, styles, and development densities, with higher-density housing located near collector and arterial streets, transit, and services.



While the Northern range shows a good distribution of new residential units throughout, a greater emphasis should be placed on new infill units in the Historic City, to help this area remain competitive in the marketplace.



Source: Commerce City GIS Division

Desired Trend:

Chapter 7—Housing and Neighborhoods

HOUSING PRICES

PERCENT OF NEW HOUSING IN HIGHER PRICE RANGES (\$500,000+).

To aid in attracting additional executive housing and opportunities for residents to move up to higher-end housing, this indicator shows that the city is providing incentives, and is requiring developers to provide incentives, that offer neighborhood amenities such as additional open space, recreational facilities, and commercial services.

Year	Number of New Housing Units Priced at \$500,000 or Greater
2010	0

In 2010, *no permits were issued for new housing units priced at or above \$500,000*, perhaps due in part to a downturn in the national economy. In future years, it will be important to provide opportunities and incentives for builders to construct these types of homes, with the goal of establishing a more complete community.



Source: Commerce City Building Division

Desired Trend:



Chapter 8—Redevelopment and Reinvestment



Principle: Promote new centers while maintaining the integrity of existing districts by continually renewing and reinvesting in them.

INFILL PERMITS

NUMBER OF BUILDING PERMITS ISSUED IN HISTORIC CITY AND IRONDALE SUBAREAS.

Infill is described as developing new housing, retail, or businesses on vacant parcels that are scattered throughout and completely surrounded by developed areas of the city. The permits referenced above include new structures, additions to structures, garages, or other large-scale building activity. They do not include small building permit types such as sheds, interior renovation, reroofs, etc.

In 2010, the city issued a total of 89 permits for infill project within the Historic City and Irondale subareas.

Year	Total Permits
2010	89

The Comprehensive Plan identifies an increased focus on infill development. The city recognizes the benefits of infill to balance and retain the character of stable neighborhoods, with increasing economic development opportunities. In future years, the city should examine policies that provide incentives for beneficial city projects, because they are typically more expensive than greenfield projects. As with some of the other indicators, this measure will be especially valuable as the city acquires additional data in future years.



Source: Commerce City Building Division

Desired Trend:



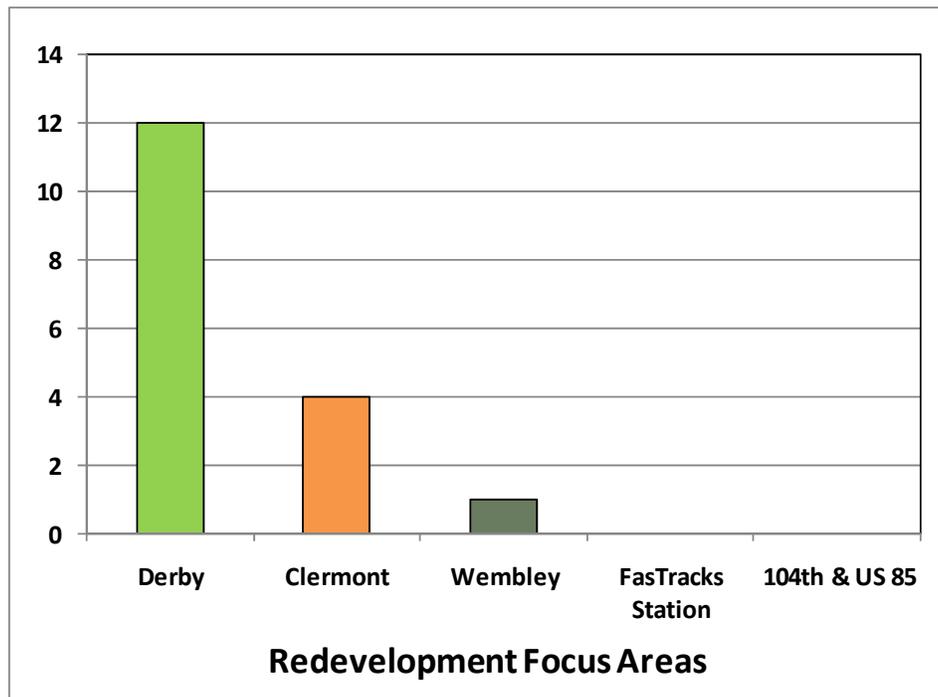
Chapter 8—Redevelopment and Reinvestment

NEW BUSINESSES

NUMBER OF NEW BUSINESSES IN REDEVELOPMENT FOCUS AREAS.

The city's newly identified redevelopment areas contain new businesses. The city will need to encourage and foster creative ways in which to entice businesses to these areas.

In 2010, a total of 17 new businesses were located in redevelopment focus areas, as shown in the following chart.



There has been an ongoing economic and redevelopment emphasis in the Derby redevelopment that has resulted in new businesses locating in this area. The other four redevelopment areas have not had a strategic plan in place to help foster new businesses. The city may wish to explore creative funding applications for redevelopment in these areas, including the possible expansion of urban renewal areas.

Source: Commerce City Business Licensing Division

Desired Trend:

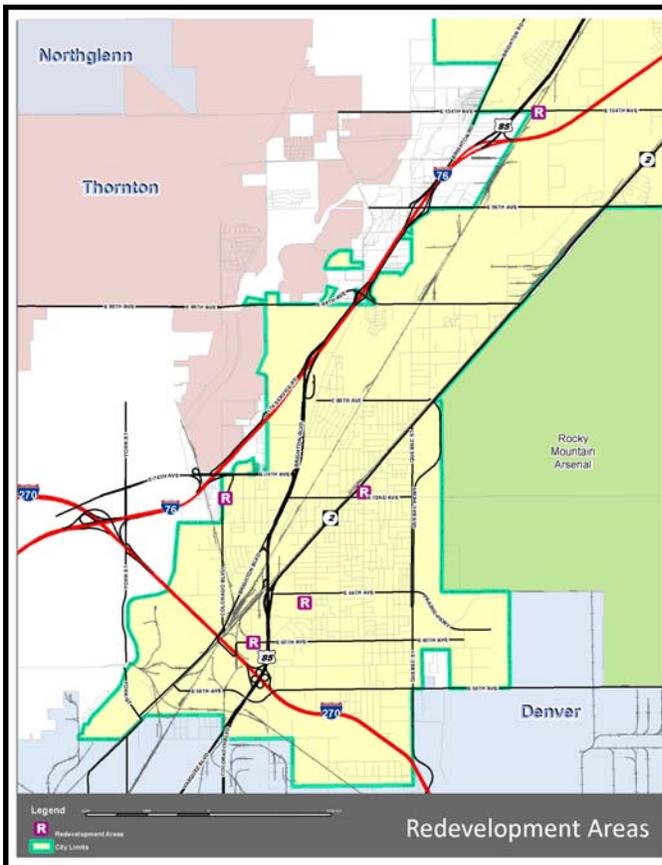


Chapter 8—Redevelopment and Reinvestment

BUILDING PERMITS IN REDEVELOPMENT FOCUS AREAS

NUMBER OF NEW BUILDING PERMITS IN REDEVELOPMENT SITES.

Infill is described as the development of new housing, retail, or businesses on vacant parcels that are scattered throughout, and completely surrounded, by developed areas of the city. One of the city’s goals is to achieve a more compact land use pattern in the future to maximize efficiency of services and infrastructure. Redeveloping and renewing certain areas of the city, and promoting infill, are key to achieving economic strength and continual renewal of the city’s residential, commercial, and industrial areas.



REDEVELOPMENT FOCUS AREAS

Listed from south to north (not in order of importance):

1. **Clermont** (between I-270 and US 85 near 60th Avenue)
2. **Wembley** (along 64th Avenue near Highway 2)
3. **FasTracks Station Site** (near 68th or 72nd Avenues at Colorado Boulevard)
4. **Derby** (near Highway 2 and 72nd Avenue)
5. **104th Avenue** (between Brighton Road and I-76)

As evidenced in the number of building permits issued and project valuations of infill redevelopment projects, the city’s commitment to, and investment in, the Derby area is spurring its redevelopment. As a priority of the city, Derby significantly leads other identified redevelopment areas at this time with close to \$300,000 worth of improvements in 2010.

Redevelopment Infill Area	# Permits	Valuation	Square Feet
Derby	14	\$284,729	5,966*
Clermont	9	\$37,790	*
Wembley	0	\$0	0
Fastracks Station	1	\$6,500	*
104th & US 85	3	\$40,850	*

*Square footage information was not available for all permits .

Source: Commerce City Building Division

Desired Trend:

Chapter 8—Redevelopment and Reinvestment

PUBLIC INFRASTRUCTURE IMPROVEMENTS

FUNDS SPENT ON PUBLIC INFRASTRUCTURE IMPROVEMENTS.

Public infrastructure funds totaling \$6,395,000 were spent in 2010 on the following four projects:

- East 104th Avenue
- East 96th Avenue at Highway 2
- Colorado Boulevard – Brighton Boulevard to East 74th Avenue
- Derby Intersection – East 72nd Place at Monaco Street

Year	Funds Spent
2010	\$6,395,000

Minimal funding has been appropriated over the last several years, so it is anticipated that this category will trend downward until additional funding is provided.

Source: Commerce City Engineering Division

Desired Trend:



Chapter 9—Transportation



Principle: Ensure a quality community by providing efficient and effective modes of transportation that integrate and connect neighborhoods, the community, and the region.

ROAD NETWORK IMPROVEMENTS

FUNDS SPENT ON TRANSIT, BIKE, AND PEDESTRIAN IMPROVEMENTS RELATIVE TO THE ROAD NETWORK.

The city will implement improvements to the road network, signals, and intersections based on a five-year capital improvement plan. Priorities are determined by the Transportation Plan, with the goal of shifting modes away from single-occupancy vehicles to other modes.

Year	Funds Spent
2010	\$315,000*

In 2010, funds were spent to improve the Intersection in Derby at East 72nd Place at Monaco Street. The city will strive to base future priorities on safety, congestion relief, connectivity, multi-modal, and implementation. Construction needs will be met by determining new sources of funding for transportation improvements, such as road impact fees and safety fees.

Source: Commerce City Engineering Division

Desired Trend:



ROAD MILES

NUMBER OF ROAD MILES OPERATING AT OR OVER CAPACITY.

The city has identified a total of **two miles** of roadway that currently is operating at or above capacity. The two-mile stretch along Tower Road, from East 80th to East 96th Avenues is operating at capacity.

Year	# Road Miles Operating at or Above Capacity
2010	2

Source: Commerce City Engineering Division

Desired Trend:



Chapter 9—Transportation

MULTI-USE PATHS/TRAILS

TOTAL MILES OF MULTI-USE PATHS/TRAILS BUILT OR REPAIRED.

The city will continue to expand a greenway system to further enhance and connect the Sand Creek Regional Greenway and South Platte River corridors. In addition, the open space system should connect with the Rocky Mountain Arsenal National Wildlife Refuge and Barr Lake.

Paths/Trail Mileage- Citywide	
Fernald Trail	0.60
Sand Creek Trail	3.75
RMANWR Perimeter Trail	10.75
Prairie Gateway OS Trail	2.75
Ragweed Draw	0.85
First Creek	0.50
Dunes	0.75
Second Creek Trail	4.50
Total	24.45

In 2010, the 4.5 miles of the Second Creek Trail was constructed and completed. This trail is generally located along the Second Creek Floodplain between East 96th and East 106th Avenues, and will benefit residents in the Northern Range subarea.



Prairie Trail in the Rocky Mountain Arsenal National Wildlife Refuge

Portion of Sand Creek Regional Greenway in Commerce City



Desired Trend:



Source: Commerce City Parks Planning Division

Chapter 9—Transportation

TRANSIT RIDERSHIP

ANNUAL TRANSIT RIDERSHIP.



The city currently is served by the Regional Transportation District (RTD) transit services. RTD operates four local routes (40, 48, 72, and 88), two regional routes (DD, R/RX), one express bus route (145X), and one skyRide (AA). These routes connect Commerce City to downtown Denver, Boulder, Brighton, DIA, Stapleton, and the existing light rail station at Colorado Boulevard and I-25. Additionally, RTD offers two park-n-Ride lots: one on the southwest corner of US 85 and East 72nd Avenue, and the second at the intersection of East 104th Avenue and Revere Street in the Northern Range. The Historic City currently is well-served by RTD local routes.

This following table indicates the number of riders in 2010 who boarded an RTD bus within Commerce City.

2010 Average Daily Boardings by Route for Bus Stops Within Commerce City	
Route	Boardings
40: Colorado Boulevard Crosstown	334.5
48: East 48th Avenue/Commerce City	647
72: 72nd Avenue Crosstown	154.4
88: Thornton/Commerce City/Stapleton	768.5
145X: Brighton/DIA	0
AA: Wagon Road-DIA	69.5
DD: Boulder/Colorado Blvd	0
R: Brighton/Denver	20.7
Total	1994.6

These numbers show that bus routes most frequently used in the city are the 88, which connects Thornton, Commerce City, and Stapleton; and the 40, which connects Commerce City and South Denver via Colorado Boulevard. These numbers will serve as benchmarks to judge future transit ridership in the city. As with other indicators in this report, this measure will more meaningful as the city obtains additional information in coming years.

Source: Regional Transportation District

Desired Trend:	
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Chapter 10—Safety and Wellness



Principle: Increase the health and well-being of residents through healthy living, access to medical facilities, public safety, and hazard planning.

CRIMES

NUMBER OF CRIMES BY PERSON, PROPERTY, AND SOCIAL.

The city’s police department strives to ensure that residents have a safe environment in which to live and work. This indicator monitors the city’s rank for all reported crime, and it monitors citizen-initiated calls for service, officer-initiated calls, and the number of traffic accidents and on-site action.

Commerce City Police Department is reporting a **decrease of 8.3% in all reported crime for 2010**. Nationally, in the first 6 months of 2010, there was a 6.2% decrease in violent crime, and property crimes decreased 2.8% (reported in the Preliminary National Incident Based reporting System summary, published by the FBI). Final 2010 national data will not be available until August 2011.

Accidents

In 2010, the city saw an increase in traffic accident reports by 6.2%, and a total of 1,202 accidents were reported in 2010, compared to 1,132 in 2009.

2009 - 2010 Top Ten Calls for Service					
	# of Calls 2009	# of Calls 2010	% Change	2009 Rank	2010 Rank
Accidents	1,938	1,942	0.2	7	7
Alarms	2,649	2,455	-7.3	5	5
Ambulance	2,865	3,092	-3.3	4	3
Animal Complaint	3,955	3,700	-6.4	1	2
Attempt to Contact	1,196	1,336	11.7	9	9
Check Well Being	3,759	4,033	7.3	2	1
Noise Complaint	1,060	1,189	12.2	NA	10
Phone Message	1,379	1,366	-0.9	8	8
Suspicious Intent	3,198	2,687	-16	3	4
Theft	1,104	1,159	4.9	10	NA
Traffic Complaint	2,109	2,144	1.7	6	6

Calls for Service

The Commerce City Police

Department saw a reduction in calls for service from 83,654 in 2009 to 74,246 in 2010, or a decrease of 11.2% . In 2010, theft was dropped from the “the top ten” calls for service and was replaced by noise complaints, which increased 12.2% in 2010. *Source: Commerce City Police Department*

Calls for Service 2009			Calls for Service 2010		
<i>Officer Initiated</i>					
Call Type	Number		Call Type	Number	% Change
Traffic Contacts	22,437		Traffic Contacts	19,561	-12.8
On-Site Action	12,349		On-Site Action	9,864	-20.1

Desired Trend:

Actual Trend:

Chapter 10—Safety and Wellness

WALKABILITY

WALKABILITY INDEX, BY AREA.

Walkable neighborhoods offer surprising benefits to the environment, our health, our finances, and our communities.

Environment: Cars are a leading cause of climate change. Your feet are zero-pollution transportation machines.

Health: The average resident of a walkable neighborhood weighs 7 pounds less than someone who lives in a sprawling neighborhood.

Finances: One point of Walk Score is worth up to \$3,000 of value for your property.

Communities: Studies show that for every 10 minutes a person spends in a daily car commute, time spent in community activities falls by 10%.

Walk Score: Walk Score is a number between 0 and 100 that measures the walkability of any address.

To obtain a measure of how easy it is to live a lifestyle that is less car-dependent in specifically identified areas within Commerce City, individual scores, using the *Walk Score* website, are shown on the following page. These scores are based on walking distances from an address to a diverse set of nearby amenities. Certain categories are weighted more heavily than others to reflect destinations associated with more walking trips. In addition, road connectivity metrics, such as intersection density and average block length, are factored into the score. *Walk Score* uses a variety of data sources (e.g., local business listings and public data sources such as parks and schools) to determine a score.



Source: Walkscore.com

Chapter 10—Safety and Wellness

WALK SCORE	DESCRIPTION
90—100	Walker’s Paradise —Daily errands do not require a car.
70—89	Very Walkable —Most errands can be accomplished on foot.
50—69	Somewhat Walkable —Some amenities within walking distance.
24—49	Car-Dependent —A few amenities within walking distance.
0—24	Car-Dependent —Almost all errands require a car.

LOCATION	WALK SCORE
Historic City:	
72nd Avenue and Monaco Street	69
62nd Avenue and Kearney Street	38
70th Avenue and Colorado Boulevard	29
Irondale:	
80th Avenue and Quebec Street	26
88th Avenue and Willow Street	17
Northern Range:	
Belle Creek Boulevard and Longs Peak Drive	20
Unity Parkway and Parkside Drive North	20
100th Avenue and Chambers Road	20
E-470 Influence:	
96th Avenue and Tower Road	3
DIA North:	
120th Avenue and Powhaton Road	0

It is the city’s goal to strive to make its neighborhoods walkable by attempting to achieve the following.

- **A center:** Walkable neighborhoods have a center, whether it's a main street or a public space.
- **People:** Enough people for businesses to flourish and for public transit to run frequently.
- **Mixed income, mixed use:** Affordable housing located near businesses.
- **Parks and public space:** Plenty of public places to gather and play.
- **Pedestrian design:** Buildings are close to the street, parking lots are relegated to the back.
- **Schools and workplaces:** Close enough that most residents can walk from their homes.
- **Complete streets:** Streets designed for bicyclists, pedestrians, and transit.

Source: Walkscore.com

Desired Trend: Score of 70 or higher



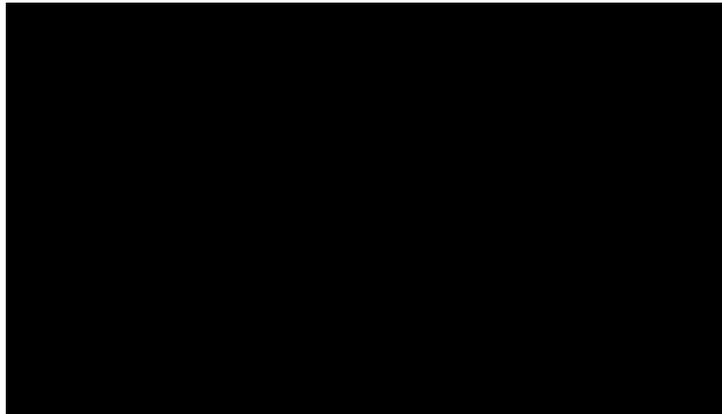
Chapter 10—Safety and Wellness

HEALTH FACILITIES

NUMBER OF COMMUNITY HEALTH FACILITIES.

One of the city’s goals is to provide its residents with access to health-care facilities and programs. Currently, the majority exist within the Historic City. The desired trend is to increase the number of facilities located within the city overall, while attempting to bolster the number existing in the Northern Range.

Salud Family Health Clinic



Existing facilities in the core city include the new Salud Family Health Clinic at 6255 Quebec Parkway; Tri-County Health Department at 4201 East 72nd Avenue; and numerous medical and dental providers in Derby. The northern range offers facilities in Turnberry; Reunion Square; an urgent care facility in Reunion; and medical and professional office space at the northwest corner of East 104th Avenue and Potomac Street. At buildout, this development will offer 54,000+ square feet of office/professional space. Approximately 10,000+ square feet has been completed to date.

Overall, the city has made significant strides in its efforts to provide health care facilities. Compared to the number available in 2000, residents have far more health care options than before.

Until recently, all of the city’s health-care facilities have been located in the historic areas of the city. However, with the residential boom having occurred across the northern range in the early 2000s, a number of new facilities have begun opening. Various medical, dental, and related services can now be found along East 104th Avenue.



Source: Commerce City Community Development Department

Desired Trend: 

Chapter 11—Parks, Open Space, and Recreation



Principle: Provide ample and well-distributed parks and recreation facilities and a connected system of trails and open space to provide for outdoor recreation, relaxation, rejuvenation, and to protect views.

PARK LAND

ACRES OF PARK LAND.

The city will maintain current parks, which are a major community asset, and use the current plans to identify and prioritize future park locations to serve the city's active recreation needs as growth occurs. Open space should generally protect views and provide passive recreation and learning opportunities.

The city's goals will address providing: (1) parks to enhance neighborhoods and meet city-wide recreation needs; (2) year-round, active recreational opportunities; (3) connected open space; (4) natural resources, and (5) trail network.

	ACRES
Total Developed Parks - City Owned	113.37
Total Developed Parks - HOA	98.01
Total	211.38
Total Open Space - City Owned	602.78
Total Open Space - HOA	36.56
Total	639.34

Source: Commerce City Parks Planning Division

Desired Trend:



PARKS AND RECREATIONAL FACILITIES

LOCATION OF PARKS AND FACILITIES BY CITY SUB-AREA.

Parks and recreational facilities will be located within neighborhoods so that they are easily accessible for pedestrians and bicycles. As well, the city will strive to assure that these amenities are located adjacent to schools, in order to promote sharing of space and facilities.

As new development occurs, the city will strive to ensure that developers dedicate adequate park and recreational land and fees to meet established level-of-service goals and provide adequate neighborhood and community parks in accordance with the master plan.

Sub-Areas	# of Public Parks/ Facilities (Not	Acreage
Historic City	17	89.07
Irondale	1	2
Northern Range	2	24.3
E-470 Influence	0	0
DIA North	0	0

Source: Commerce City Parks Planning Division

Desired Trend:

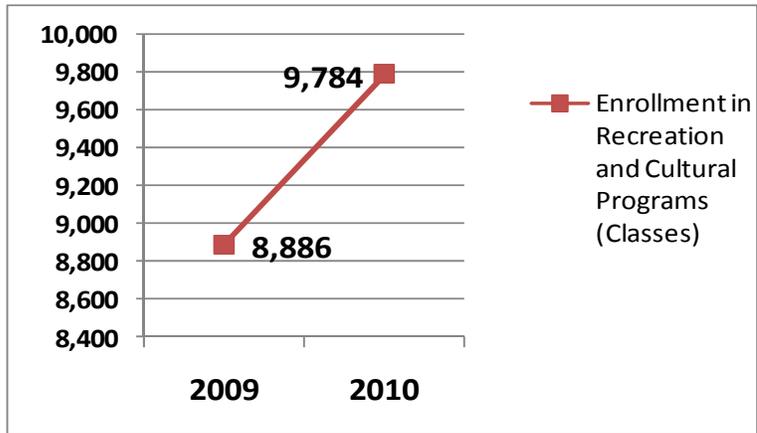


Chapter 11—Parks, Open Space, and Recreation

RECREATIONAL AND CULTURAL PROGRAMS

ENROLLMENT IN RECREATIONAL AND CULTURAL PROGRAMS AND CLASSES.

The city will strive to maintain and increase opportunities for year-round activity by offering valuable and diverse classes for citizens of all age groups. Based on level-of-service for community recreation centers, the city will identify when and where it will be appropriate to build a public recreation center in the northern range.



In 2010, there was a 9.95% increase in class enrollment from 2009.

It is difficult to determine whether more classes have been scheduled for 2011 than in 2010, since classes are created by each brochure period, and offerings are changed from year to year in keeping with new trends that arise. As well, classes may be offered and canceled for insufficient enrollment. However, as each sports season passes, the city determines if there is sufficient enrollments to create additional, or fewer, teams than the prior year. In 2011, more youth/teen programs will be offered, due the city having received substantial grant money.



Source: Commerce City Parks Planning Division

Desired Trend: 

Actual Trend: 

Chapter 12—Public Facilities and Infrastructure



Principle: Ensure adequate and efficient public facilities and infrastructure for current and future residents and businesses.

LIBRARIES AND PUBLIC FACILITIES

NUMBER OF LIBRARIES AND PUBLIC FACILITIES.

This indicator also shows the existing number of schools, fire stations, and libraries within the city. The city will work to expand library, electrical, telecommunication, and US Postal services in order to meet the educational, informational, and cultural needs of all community residents.

Anythink Commerce City Library



Unlike most cities in the Denver-metro area, fire protection and emergency services are provided to the city by several independent fire protections districts (South Adams County Fire, Sable-Altura, and Brighton), rather than by municipal department. Two school districts (Adams County School District #14 and Brighton #27J). The city will continue to pursue higher education options, such as a community college camps, to expand local continuing education options. Anythink Commerce City, located at 7185 Monaco Street, is a recently renovated library that includes a 2,300-square-foot addition with children's pavilion, computer lab, and teen area. A reading nook with fireplace looking out onto a small enclosed garden offers a place of quiet reflection for visitors to enjoy. The newly landscaped site also will include a community garden, maintained by local citizens in partnership with Denver Urban Gardens.

FACILITY TYPE	# IN CITY
Library	1
Fire Stations	8
Post Offices	2
Schools	22
<i>Adams County SD #14</i>	14
<i>Brighton #27J</i>	8

Even though Commerce City is not the provider of some services, the city influences land use and growth, which in turn affects how infrastructure and service systems are built. The city will continue to forge partnerships to ensure that growth does not outpace existing systems, or stretch resources too thin.

Reunion Fire Station



Source: Commerce City Community Development Department

Desired Trend:



Chapter 12—Public Facilities and Infrastructure

SCHOOL ENROLLMENT

SCHOOL ENROLLMENT RATIO TO CAPACITY.

The city will monitor and plan with Adams County School District #14 and School District 27J to locate new schools or expand existing facilities. As well, the city will coordinate the timing of expansion and construction of facilities within future neighborhoods, so that residential development does not outpace school capacities.

Adams County School District #14			
Site	October Count 2010-11	Capacity 2010-11	Over (Under) Capacity
Adams City High School	1621.0	1523.0	98.0
Lester Arnold High School	162.0	180.0	-18.0
Adams City Middle School	717.0	595.0	122.0
Kearney Middle School	537.0	545.0	-8.0
Hanson Preschool through-8	459.0	449.0	10.0
Alsup Elementary	568.5	459.0	109.5
Central Elementary	559.0	460.0	99.0
Dupont Elementary	516.0	397.0	119.0
Kemp Elementary	412.5	306.0	106.5
Monaco Elementary	417.0	355.0	62.0
Rose Hill Elementary	383.5	415.0	-31.5
Sanville Preschool	41.5	50.0	-8.5
STARS ELC	42.5	60.0	-17.5
Community Leadership Academy	468.0	500.0	-32.0
GRAND TOTAL	6904.5	6294.0	610.5

Enrollment at all school levels is expected to exceed facility capacity over the next few years. However, interim capacity enhancement measures, such as continued use of modular classrooms, is a cost-effective strategy for the near term. The district is preparing for future enrollment expectations by developing strategies for accommodating enrollment that includes both interim and long-term solutions that are acceptable to the community. This includes renovation and/or replacement of current facilities.

Source: Adams County School District #14

Chapter 12—Public Facilities and Infrastructure

SCHOOL DISTRICT #27J COMMERCE CITY SCHOOL UTILIZATION REPORT				
School	2010 K-12 Enrollment	2010 PK-12 Enrollment	Percent of Building Utilization	Percent of Site Utilization (w/ Portables)
Belle Creek Charter	668	668	98.24%	98.24%
Landmark Charter	670	670	99.26%	99.26%
Otho E. Stuart Middle	546	546	64.24%	64.24%
Prairie View High	1541	1541	85.61%	85.61%
Prairie View Middle	771	771	90.71%	90.71%
Second Creek Elementary	576	576	88.62%	69.82%
Thimmig Elementary	618	618	95.08%	74.91%
Turnberry Elementary	636	695	94.56%	88.54%
GRAND TOTAL	6026	6085	89.54%	83.91%

Source: Brighton School District #27J

Elementary school are designed based on 26 students per classroom. with a range of school size of 550-800 students. Middle schools are designed based on 28 students per classroom, with a range of school size of 600-1000 students. High school are designed based on 28 students per classroom, 25 per career/technical classroom and 79% utilization factor with a range of school size of 1500-1800 students.

Site Utilization (with portables) is calculated as the core capacity plus capacity provided by modular classroom space. Capacity provided by the use of modular classroom units should be limited to 125% of core building capacity, except in circumstances when no other alternatives are available. An optimum efficiency ratio of 85% has been selected at both the elementary and secondary levels.

Second Creek Elementary, Thimmig Elementary, and Otho E. Stuart Middle School are all within optimum efficiency ratios of 85% when you look at site capacity. Turnberry Elementary is moving slightly above the optimum efficiency ratio of 85%. School District 27J does not regulate the efficiency ratio used at the charter schools. *(Source: Brighton School District #27J)*



Turnberry Elementary School

Desired Trend:



Chapter 12—Public Facilities and Infrastructure

CULTURAL FACILITIES

NUMBER OF PUBLIC AND PRIVATE CULTURAL FACILITIES.

The city will define and establish a positive image of Commerce City that builds on city and regional assets, its cultural traditions, and history. Additionally, the city will plan for and support cultural facilities such as museums, performing arts, and community facilities that desire to locate throughout the city. Commerce City will continue to perform ongoing education and marketing of the city's positive and strong qualities including:

- Gateway to the Rocky Mountain Arsenal National Wildlife Refuge
- Buffalo Run Golf Course
- Dick's Sporting Goods Park
- Derby Resource Center
- Commerce City Historical Society
- Mile High Event Center
- Proximity to Denver International Airport
- Proximity to downtown Denver



Dick's Sporting Goods Park

As a result of the construction of the new Adams City High School in 2009, the city is able to offer one performing arts center, which includes the following:

- a 500 seat theater with orchestra pit and digital projection system;
- a 100 seat black box theater for in the round performances;
- a sprung floor dance studio;
- a vocal music studio with individual practice rooms;
- an instrumental music studio with individual practice rooms.

In the future, the city will continue to plan and provide for a broad range of art and cultural facilities and events, and preserve remaining elements and characteristics of the original community. As well, it will strive to display local arts in public places to add energy, imagination, interest, and variety to places.

As well, in 2011 the Commerce City cultural council will be working on a public art master plan, which in the future should help the city showcase temporary and permanent high-quality public art throughout the community.

Source: Commerce City Community Development Department

Desired Trend:



Chapter 12—Public Facilities and Infrastructure

BOARDS AND COMMISSIONS

CITIZEN PARTICIPATION ON CITY BOARDS, COMMISSIONS, AND COMMITTEES.

The city will strive to promote ongoing participation and community involvement in local government and access to leadership. Currently, the city has established a total of 8 boards and commissions, with a combined total of 75 members. These include:

BOARD/COMMISSION	# OF MEMBERS
City Council	9
Commerce City Cultural Council	13
Commerce City Housing Authority	8
Derby Review Board	8
Liquor License Authority	9
Planning Commission	8
Quality Community Foundation	12
Board of Adjustment	8

Citizens also may participate in the community by serving on a committee. Responsibilities, powers, membership size, qualifications, and meeting schedules vary for each committee. The following is a list of Commerce City committees:

COMMITTEE	# OF MEMBERS
Board of Victim Services	6
Rental Property Taskforce	16
Senior Center Advisory Committee	Now Forming
Youth Activity Taskforce	Now Forming

As the city continues to grow, it is anticipated that the number of boards and commissions will be added to accommodate increased access to local government. This will be achieved by:

- Promoting ongoing public participation/community engagement meetings to continue the visions/ideas/principles of the comprehensive plan and future sub-area plans.
- Exploring the creation of task forces and advisory committees to help further the aims of local government and the comprehensive plan.
- Supporting and cooperating with volunteer organizations and groups that provide recreational activities for young people.

Source: Commerce City City Clerk's Office

Desired Trend:	
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Chapter 13—Appearance and Design



Principle: Enhance the positive image of the city at gateways, along corridors, and in neighborhoods and commercial districts.

CODE VIOLATIONS

TOP FIVE VIOLATIONS

To improve the appearance of established neighborhoods and districts, the city monitors the specific types of violations cited. In this instance, the top five violations for 2009 and 2010 have been identified.

RANK	VIOLATION	# CASES 2009
1.	Weeds and Failure to Remove Weeds/Brush	2199
2.	Maintenance of Sidewalk and Hazards/Obstructions on Sidewalk (Snow)	1284
3.	Deposit of Junk	922
4.	Inoperable Motor Vehicle and Junk Motor Vehicle	891
5.	Trash Container Storage	450

RANK	VIOLATION	# CASES 2010
1.	Weeds and Failure to Remove Weeds/Brush	1660
2.	Inoperable Motor Vehicle and Junk Motor Vehicle	1067
3.	Maintenance of Sidewalk Hazards/Obstructions on Sidewalk (Snow)	889
4.	Deposit of Junk	787
5.	Trash Container Storage	639

Violation	Year		% Change
	2009	2010	
Weeds and Failure to Remove Weeds/Brush	2199	1660	-32%
Maintenance of Sidewalk and Hazards/Obstructions on Sidewalk (Snow)	1284	889	-44%
Deposit of Junk	922	787	-17%
Inoperable Motor Vehicle and Junk Motor Vehicle	891	1067	19%
Trash Container Storage	450	639	42%
Overall Average Percent Change			-6%

The top five code violation types has remained consistent over the past two years; however, their rank order has changed slightly. Most notable is the fact that the number of violations cited in three of the five categories has decreased, while citations for junk motor vehicles and trash container storage has increased. Overall, the total number of top five violations in 2010 has been reduced by an average of 6% from 2009. *Source: Commerce City Neighborhood Services Division*

Desired Trend:



Actual Trend:



Chapter 14—Cultural Facilities and Tourism



Principle: Become a destination for tourism and visitors, drawing people and businesses to city arts, history, culture, sports, commerce, and other attractions.

PUBLIC ART INSTALLATIONS

NUMBER OF PUBLIC ART INSTALLATIONS.

Commerce City is continually working to increase its arts and culture by building on its historic past and current assets, such as historic smaller communities that began in the mid- to late-1800s. An increase in these institutions will allow the city to become a destination for visitors and businesses.

Four examples of the city’s public art installation include the bison at Buffalo Run Golf Course; artwork in the lobby of the Civic Center; the horse statue, Cucklebur, at the corner of East 60th Avenue and Monaco Street (Pioneer Park); and the bronze statue, “Game Point,” located at the Commerce City Recreation Center. In 2011, the Commerce City cultural council will be working on a public art master plan, which in the future should help the city showcase temporary and permanent high-quality public art throughout the community.

Year	# of Existing Public Art Installations	# New Installations
2010	4	0



Bison at Buffalo Run Golf Course



“Game Point” Statue at Recreation Center

A component of this goal includes preserving remaining elements and characteristics of the original community to protect a unique identify. The city will promote display of local arts in public places to add energy, imagination, interest, and variety to places.

Source: Commerce City Community Development Department

Desired Trend:



Chapter 14—Cultural Facilities and Tourism

ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE

ANNUAL NUMBER OF VISITORS TO THE WILDLIFE REFUGE.

After its transition to a national wildlife refuge in the 1980s, this amenity now affords excellent prospects for the city as the gateway to people visiting its wildlife and open space. The site is now the largest contiguous open space for wildlife in the Denver-metro region, which makes it a major destination for visitors.

The Rocky Mountain Arsenal National Wildlife Refuge also contains several hundred cultural resources in the form of historic buildings, archaeological sites, and isolated finds.

A new visitors' center, which is expected to dramatically increase the number of visitors to the refuge, is currently under construction near the Prairie Gateway/Victory Crossing. Anticipated completion is for some time in 2011.

Commerce City surrounds the Rocky Mountain Arsenal National Wildlife Refuge on three sides. The refuge is the largest urban wildlife refuge in the country, and as a result, the city will continue to promote gateway tourism uses near the entrance and visitor center of the Rocky Mountain Arsenal National Wildlife Refuge, in order to entice visitors and economic activity. As with other indicators, these figures will be more meaningful in future years, as the city acquires additional data.

Year	# of Visitors
2010	27,500



Source: U.S. Fish and Wildlife Service

Desired Trend:



Chapter 15—Environmental Conservation and Stewardship



Principle: Increase recycling, conservation, and the use of renewable energy sources, while reducing energy and resource use overall.

RENEWABLE ENERGY PROJECTS

BUILDING PERMITS ISSUED FOR REDUCTION OF ENERGY USE.

Commerce City will support renewable energy production, efficiency, and energy conservation in city programs and private developments. Measures should be cost-effective and meet other community goals.



In 2010, the city issued three commercial permits for renewal energy projects located at:

- **8100 Tower Road**
- **5901 East 88th Avenue**
- **9455 Boston Court**

In the future, the city will promote additional renewable projects by:

- Leading by example in city buildings, programs, and operations to reduce waste and energy use, improve indoor air quality and environmental quality.
- Supporting land use patterns and buildings in Commerce city and its neighborhoods that conserve resources and minimize waste and avoid sprawl.
- Supporting “green” buildings (LEED buildings), LEED-ND (Neighborhood Design), and Star Community Initiatives to promote energy efficiency throughout Commerce City.
- Supporting local and community use of renewable energy sources in residential, commercial, and industrial operations (e.g., solar, wind, geothermal, bio-based, and other emerging technologies).

Source: Commerce City Building Division

Desired Trend:



Comprehensive Plan Indicators Report

March 21, 2011

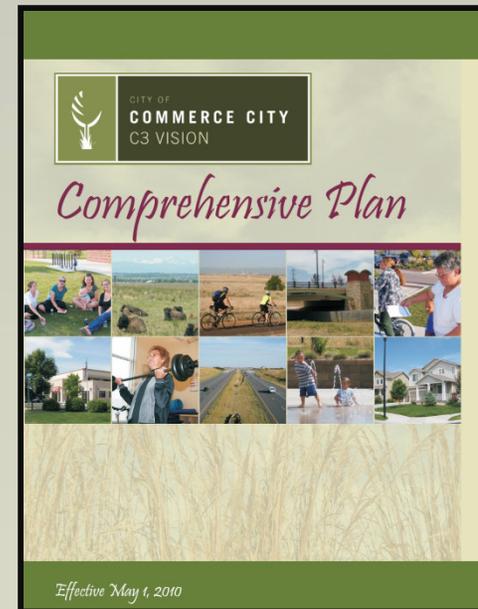


Agenda

- I. Background
- II. Indicators Report Overview
- III. User's Guide
- IV. Types of Indicators
- V. Examples of Indicators in Report
- VI. Questions

Background

- Comprehensive Plan passed summer 2010
- Included new annual report to monitor trends and measure progress

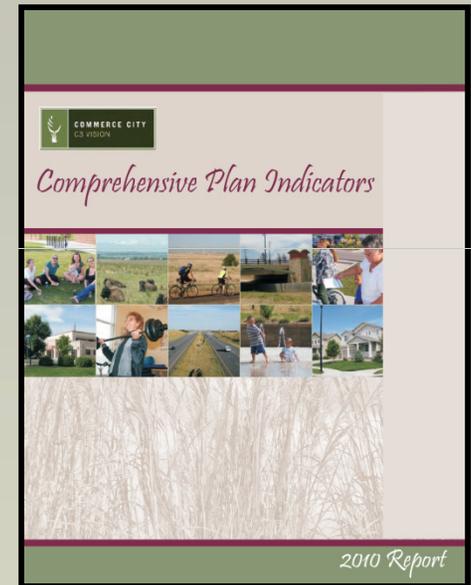


What is an Indicator?

- Snapshot of the status of a local system or goal
- Multiple indicators can provide a measuring system for trends
- Result – can aid in decision making

Indicators Report Overview

- 2010 is the 1st year for the Indicators Report – establishes baselines
- The Indicators correspond to the chapters in the Comprehensive Plan
- Each chapter has anywhere from 1 to 7 indicators
- It is expected the number of indicators per chapter will increase over time



Indicators Report Users Guide

- Each indicator has four basic elements:
 1. Indicator Description
 2. The data
 3. Analysis
 4. How this data compares to the desired trend
 5. Data Sources (footnotes)

POPULATION GROWTH
HOUSEHOLD POPULATION GROWTH RATE.

The annual population growth rate measures the rate at which the population in Commerce City is changing. The Denver Regional Council of Governments estimates that the Denver-metro region will grow to a population of nearly 3.9 million by 2035, with most of the growth occurring in the northeast corridor of the Denver-metro area. Because of this, Commerce City is expected to grow faster than the region, from approximately 42,473 (2008 US Census Bureau estimate) to an estimated 73,738 by 2035.

With the current difficult economic environment, the city still anticipates the growth rate to increase slightly in the near future.

Year	Population	Growth Rate
2008	42,473*	N/A
2009	43,301*	1.95%
2010	45,500**	5.1%

As mentioned above, the city should continue to build on recent efforts to ensure a positive population growth.

** US Census Bureau*
*** Commerce City Community Development Department*

Desired Trend: Actual Trend:



Types of Indicators

Two Major Categories of Indicators:

– Direct Influence

- Example – Trail-Miles Constructed over the Past Year

– Indirect Influence

- Example – Total Number of New Residential Units Constructed over the Past Year

Examples of Indicators

Chapter 4 – Land Use

- Projects Consistent with the Future Land Use Plan

Year	Total Cases Processed	Cases for Developments in Agreement with LUP	Positive Correlation Rate
2010	27	26*	96.3%

**This number reflects only projects where the Future Land Use Plan was an influence in the decision-making process.*

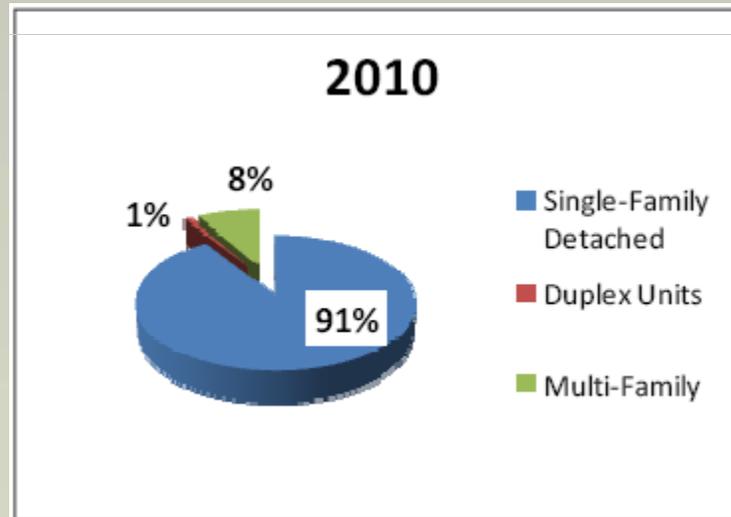
Desired Trend:



Examples of Indicators

Chapter 7 – Housing and Neighborhoods

- Mix of Housing Types



Desired Trend:



Examples of Indicators

Chapter 9 – Transportation

- Annual Transit Ridership

2010 Average Daily Boardings by Route for Bus Stops Within Commerce City	
Route	Boardings
40: Colorado Boulevard Crosstown	334.5
48: East 48th Avenue/Commerce City	647
72: 72nd Avenue Crosstown	154.4
88: Thornton/Commerce City/Stapleton	768.5
145X: Brighton/DIA	0
AA: Wagon Road-DIA	69.5
DD: Boulder/Colorado Blvd	0
R: Brighton/Denver	20.7
Total	1994.6

Desired Trend:



Examples of Indicators

Chapter 14 – Cultural Facilities and Tourism

- Annual visitors to the Rocky Mountain Arsenal National Wildlife Refuge

Year	# of Visitors
2010	27,500

Desired Trend: 

Questions?

Indicators Report Overview

How were the Indicators Selected?

- Policy Relevance
- Simplicity
- Validity
- Time Series
- Availability and Affordability
- Serve Multiple Objectives



Council Communication

City Council Meeting: 21 Mar 2011

Prepared: 11 Mar 2011

Number of Attachments: 1

Subject: Residential Garage Regulations

Presenter: Brian McBroom, Patrick Buckley

Recommended City Council Action:

This is an informational presentation and discussion to City Council. No formal action is requested at this time.

Summary Statement:

City Council requested a review of Building Safety's investigation of a suspected garage conversion on 66th Way as well as a review of the overall regulations pertaining to garage conversions in residential neighborhoods.

Building Safety staff did investigate a garage located on 66th Way but found that no illegal construction had occurred. The garage is being used for typical garage purposes, including lawn equipment, tools and vehicles. The garage also contains a television and a chair, and the overhead door was replaced by a man door. No other improvements have been made.

Garages may be converted to living space, such as adding heat, electricity and insulation. However, garages may not be converted to a dwelling unit. A dwelling unit contains separate eating, sleeping and cooking facilities from the main dwelling. More details are provided below.

Next Steps: Review and discussion only

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: Does City Council desire to make any changes to the city's garage regulations?

Alternative:

Background Information:

City Council may have heard complaints recently about persons living in a detached garage converted to a dwelling on East 66th Way

Both Neighborhood Services and the Building Safety Divisions have visited the property on more than one occasion, made contact with the owner and inspected the garage for violations

Inspection revealed:

- The structure is being used for legal accessory uses
- It does not contain provisions for living, sleeping, cooking, eating or sanitation
- It is not being used by the owner or others (rental) for living purposes
- The garage does not contain a bathroom, kitchen, bedroom or other facilities that would designate it as a dwelling or dwelling unit
- Additionally, there were no signs of un-permitted work or other occupancy violations under the City's zoning regulations and residential building code
- As a result, no further contact was made with the owner and the case was closed
- In order for Community Development to issue a permit to construct an accessory dwelling, the property zoning must first allow for its use
- Previous City Councils were interested in excluding accessory dwellings sometimes known as guest houses and mother in law apartments in residential zoned districts
- It has been long-standing city code (since at least 1987) in earlier zoning ordinances and carried over to the new LDC to prohibit accessory dwellings in the R-1, R-2, R-3 and R-4 Residential Districts

What is a dwelling?

- The LDC and residential building code include similar definitions of "dwelling" and "dwelling unit"
- The LDC defines dwelling unit as a "complete housekeeping unit"
- The residential building code defines dwelling unit to include "...permanent provisions for living, sleeping, eating, cooking and sanitation."
- Housekeeping unit and dwelling unit are essentially the same under the LDC and residential building code

What does this mean?

- If it has a kitchen sink, an oven or stove, a bedroom and a bathroom (permanent provisions for living, eating, sleeping, cooking and sanitation) it is a dwelling...
- ...and a permit cannot be issued

What are the allowed uses for an accessory building in a residential district?

Uses by the family that owns and/or occupies the primary dwelling

- workshop
- private office
- storage shed
- green house
- private garage
- sunroom
- child's playhouse
- rec. room
- other residential accessory uses

The Building Safety Division investigates approximately 3 to 4 complaints involving secondary/accessory dwellings per year

- Of those investigated, all have been determined to be in violation of either the LDC or residential building code or both and therefore were ordered to be removed...

Summary:

- If the property zoning does not allow accessory dwellings at the time they were constructed/created and there is no record of a building permit issued for their construction/creation...

Accessory Dwellings and Dwelling units in Residential Zoned Districts

Community Development Department



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- It is not being used by the owner or others (rental) for living purposes
- The garage does not contain a bathroom, kitchen, bedroom or other facilities that would designate it as a dwelling or dwelling unit

Additionally, there were no signs of unpermitted work or other occupancy violations under the City's zoning regulations and residential building code

As a result, no further contact was made with the owner and the case was closed

- In order for Community Development to issue a permit to construct an accessory dwelling, the property zoning must first allow for its use

Zoning District	Accessory Dwellings	
	Allowed	Not Allowed
R-1 Single-Family Detached Residential District		X
R-2 Single-Family Attached Residential District		X
R-3 Multi-Family Residential District		X
R-4 Townhouse Residential District		X

- Previous City Councils were interested in excluding accessory dwellings sometimes known as guest houses and mother in law apartments in residential zoned districts

- It has been long-standing city code (since at least 1987) in earlier zoning ordinances and carried over to the new LDC to prohibit accessory dwellings in the R-1, R-2, R-3 and R-4 Residential Districts

What is a dwelling?

- The LDC and residential building code include similar definitions of “dwelling” and “dwelling unit”

- The LDC defines dwelling unit as a “complete housekeeping unit”
- The residential building code defines dwelling unit to include “...permanent provisions for living, sleeping, eating, cooking and sanitation.”

- Housekeeping unit and dwelling unit are essentially the same under the LDC and residential building code

What does this mean?

- If it has a kitchen sink, an oven or stove, a bedroom and a bathroom (permanent provisions for living, eating, sleeping, cooking and sanitation) it is a dwelling...

...and a permit cannot be issued

What are the allowed uses for an accessory building in a residential district?

Uses by the family that owns and/or occupies the primary dwelling

- workshop
- private office
- storage shed
- green house
- private garage
- sunroom
- child's playhouse
- rec. room
- other residential accessory uses

- The Building Safety Division investigates approximately 3 to 4 complaints involving secondary/accessory dwellings per year
- Of those investigated, all have been determined to be in violation of either the LDC or residential building code or both and therefore were ordered to be removed...

Summary:

If the property zoning does not allow accessory dwellings at the time they were constructed/created and there is no record of a building permit issued for their construction/creation...

Questions?

