



City of Greenwood Village

6060 South Quebec Street
Greenwood Village, CO
80111

Minutes - Draft

City Council

HEARING IMPAIRED APPARATUS AVAILABLE

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**ALL BOARD, COMMISSION AND COUNCIL MEETINGS ARE DIGITALLY
RECORDED**

Monday, November 6, 2017

6:00 PM

Council Chambers

REGULAR MEETING - 7:00 P.M

1. Call to Order - Greenwood Village City Council and Local Liquor Licensing Authority

The City Council of the City of Greenwood Village met in a regular session in the Council Chambers at Greenwood Village City Hall, 6060 South Quebec Street, Greenwood Village, County of Arapahoe, State of Colorado, at 7:01 p.m., following a Study Session where Council heard an update from South Metro Fire Rescue and heard a presentation regarding the Greenwood Village Arts and Humanities Council Sponsorship Policy.

2. Roll Call

Present: 2 - Councilmember Jones, and Councilmember Schluter

Absent: 1 - Councilmember Bishop

3. Pledge of Allegiance

Two members from Boy Scout Troop 199 led the pledge of allegiance.

4. Approval of Minutes

A. [ID# 17-276](#) October 16, 2017 Minutes

Councilmember Miklin moved, seconded by Councilmember Jones; to approve the October 16, 2017 Regular Minutes, as submitted. The motion passed with a unanimous voice vote.

5. Public Comment

There was no public comment.

8. Ordinances and Resolutions

- A. [Ordinance No. 22-17](#) Second Reading: An Ordinance Amending Chapter 7, Article 2 of the Greenwood Village Municipal Code Regarding Refuse

Mayor Pro Tem Gordon moved, seconded by Councilmember Bullock; Ordinance No. 22-17: An Ordinance Amending Chapter 7, Article 2 of the Greenwood Village Municipal Code Regarding Refuse on second reading be adopted. The motion carried by unanimous polled vote.

- B. [Resolution No. 29-17](#) A Resolution Approving an Amendment to Intergovernmental Agreement Between the Colorado Department of Transportation and the City of Greenwood Village Relating to the Reconstruction of the Arapahoe Road/I-25 Interchange and Related Items

Councilmember Jones moved, seconded by Councilmember Schluter; to approve Resolution No. 29, Series 2017: A Resolution approving an amendment to intergovernmental agreement between the Colorado Department of Transportation and the City of Greenwood Village relating to the reconstruction of the Arapahoe Road/I-25 interchange and related items. The motion carried by a unanimous polled vote.

7. Public Hearings

- A. [Resolution No. 27-17](#) A Resolution Approving the Application for a Hotel & Restaurant Liquor License as Requested by Zeal II, LLC d/b/a Zeal - Food for Enthusiasts, 5370 Greenwood Plaza Boulevard #I-107, Greenwood Village, CO 80111(Ingebretsen) (Continued from November 6, 2017)

Councilmember Schluter moved, seconded by Councilmember Jones; Resolution No. 27-17, A Resolution Approving the Application for a Hotel & Restaurant Liquor License as Requested by Zeal II, LLC d/b/a Zeal - Food for Enthusiasts, 5370 Greenwood Plaza Boulevard #I-107, Greenwood Village, CO 80111 be continued to Dec 4, 2017 at 7:00 p.m. The motion carried by unanimous voice vote.

- B. [Case No. 17-33-SUP](#) Case No. 17-33-SUP; 6787 S. Emporia Street; Special Use Permit

City Council conducted a public hearing at 7:25 p.m. concerning Case No. 17-33-SUP to consider a Special Use Permit to allow future tenants with various land uses at 6787 South Emporia Street with seven councilmembers present.

City Attorney Tonya Haas Davidson stated a notice of the date, time and place of the hearing was published on the City's website at least 15 days preceding the hearing and offered into evidence Exhibit A the affidavit from the City Clerk's office. She also note the time, date and place of hearing was published in the official newspaper at least 15 days

preceding the hearing and offered into evidence Exhibit B, which was proof of publication from The Villager.

She stated notice of the hearing was posted on each street adjacent to the property for at least 15 continuous days prior to the hearing and offered into evidence Exhibit C, which was an affidavit of posting. She also stated notice of the date, time and place of the hearing was sent by first class mail to the property owners as outlined in the Village's Municipal Code per this type of application 15 days prior to the public hearing. She offered into evidence Exhibit D, which was an affidavit of mailing. She noted these items complied with the Greenwood Village Municipal Code and it was her opinion the Council had jurisdiction to proceed with the public hearing.

Mayor Rakowsky accepted Exhibits A, B, C, and D into evidence and made them part of the hearing record.

Planner Flannigan was sworn in and presented the matter to City Council.

Planner Flanagan provided a brief history of the site which was built in 1976 and the current uses of the building. The subject property was annexed into Greenwood Village in 1987. He noted the property was zoned Mixed Commercial and was surrounded primarily by office and service uses. He noted there are several nearby industrial and automotive uses, including a Fay Myers Motorcycle dealership directly to the west and several car dealerships in Centennial. He noted the proposal provides the tenants an opportunity to address their uses through an administrative review process, and if denied, moved forward with the Special Use Permit process with City Council. Planner Flanagan noted the following uses were being proposed for future tenants:

- Light assembly and manufacturing*
- Recreation facility*
- Vehicle repair facility*
- Wholesale business*

Planner Flanagan noted staff would request Council grant the proposal with the following conditions:

- SUP transfers to future tenants or owners*
- Outdoor storage allowed only for vehicle repair facilities, behind fenced area*
- Screening on the fence and removal of barbed wire are required*

- All future tenants must be approved by the Community Development Director
- Evaluation is based on impacts and mitigation
- Applicants may apply for a SUP if they are denied

There was further discussion regarding the mitigation of the actual uses as it applied to traffic, noise or view corridors. There was also discussion regarding potential impacts from pedestrian traffic and storage facilities on the site which staff provided an example. The example described a tenant bringing vehicles to the site for hail damage repair which would not have a significant number pedestrians or storage.

Community Development Director Vidlock clarified an inquiry from council regarding Sexual Orient Business use in the area, noting this use was only permitted in light Industrial zoning. She noted this area was mixed commercial zoning.

Applicant Stu Nichcol, 5131 South Race Street was sworn in and requested Council to consider his request since he has been approached by possible tenants to use his building for recreational use, vehicle repair, and wholesale businesses. He noted he was in agreement with the proposed conditions as submitted.

Mr. Michael Warden, 26950 South Arbor Drive, Aurora, was sworn in and supported the proposal as a potential tenant. He noted he was interested in the site to provide services to address dent and repair services for vehicles. He noted the location was ideal for this service due to the proximity to the adjacent vehicle dealerships.

Mr. Victor Azari 22573 East Union Circle, Aurora, partner to Mr Warden. was sworn in and supported the proposal and would address any questions from Council.

Councilmember Lantz moved, seconded by Councilmember Bullock; to close the public hearing. The motion carried by unanimous voice vote.

- B. [Case No. 17-33-SUP](#)** Case No. 17-33-SUP; 6787 S. Emporia Street; Special Use Permit

Councilmember Moran moved, seconded by Councilmember Lantz to approve Case No. 17-22-SUP: Special Use Permit to allow future tenants various land uses at 6787 South Emporia Street with the following conditions: 1.) The special use permit grants an allowance for future tenants, subject to the terms listed below and conformance with other applicable sections of the Greenwood Village Land Development Code and

applicable building codes, for the following uses: light assembly and manufacturing, recreation facilities, vehicle repair facilities, and wholesale businesses. 2.) No tenant on the subject property shall engage in outdoor uses other than the storage of vehicles related to the operation of vehicle repair facilities. Outdoor uses must be contained within the fenced area. Adequate screening of the fenced area shall be maintained, in good condition, such that outdoor uses are not visible from South Emporia Street. Barbed wire or similar shall be prohibited anywhere on the fence. 3.) Prior to the establishment of the allowed special uses, the property owner shall request that the Community Development Director evaluate the proposed tenant based on impacts associated with traffic, deliveries, parking, noise, odor, smoke, head, glare, air pollution, fire hazard, and noxious emissions. If the Community Development Director concludes that impacts are not adequately mitigated, then the tenant subject to the Special Use shall be denied. If a Special Use is denied pursuant to the Community Development Director's evaluation, then the property owner shall have the option to make an application for a Special Use Permit subject to the procedures established in the Greenwood Village Land Development Code. The motion carried by unanimous polled vote.

9. New Business

- A. [ID# 17-275](#) Motion to Approve the 2018 Fiddler's Business Improvement District Operating Plan and Budget (ID#17-275)

Mayor Pro Tem Gordon moved, seconded by Councilmember Miklin; to approve the 2018 Fiddler's Business Improvement District Operating Plan and Budget. The motion carried by unanimous polled vote.

- B. [ID# 17-274](#) Motion to Approve the Eighth Addendum to Real Estate Purchase Agreement between the City of Greenwood Village and Greenwood Village Hotel, LLC

Councilmember Lantz moved, seconded by Councilmember Moran; to approve the eighth addendum to real estate purchase agreement between the City of Greenwood Village and Greenwood Village Hotel, LLC. The motion carried by unanimous polled vote.

- C. [ID# 17-279](#) Motion to Authorize the Mayor to Execute an Intergovernmental Agreement (IGA) with the Southeast Public Improvement Metropolitan District (SPIMD) for Enhanced Medians Along Arapahoe Road as Part of the Arapahoe/I-25 Interchange Project

Councilmember Moran moved, seconded by Councilmember Lantz to authorize the Mayor to execute an intergovernmental agreement with the Southeast Public Improvement

Metropolitan District for enhanced medians along Arapahoe Road as part of the Arapahoe/I-25 Interchange Project. The motion carried by unanimous polled vote.

10. Reports of Officers-Boards-Committees:

A. City Council/Council Representative Reports

Councilmember Miklin reported on the Councilor Core meeting held in Lone Tree wherein she and the Mayor had the opportunity to network with council representatives [counterparts] from other countries.

B. Mayor's Report

C. Officers/Staff Reports

D. City Manager's Report/Communications

11. Communications

There were no communications.

12. Adjournment

Councilmember Schluter moved, seconded by Councilmember Moran to adjourn from the Greenwood Village City Council Regular Meeting and the Local Liquor Licensing Authority. The motion carried by unanimous voice vote.