

SHERIDAN PLANNING & ZONING COMMISSION

MEETING

OCTOBER 15, 2008

6:30 P.M.

1. Call to Order

Chairman Spishock called the Meeting to order at 6:38 p.m.

2. Roll Call

Present: Spishock, Hall, Benson, Budgell (arrived at 6:42 pm), Guerin, Hutcheson, and Pierce (arrived at 6:48 p.m.)

Absent: de Laguna

A Quorum was present

Also Present: Ted Blanchard, Zoning Administrator, Dave Williamson, City Attorney, and Heidi McKelrath, Commission Clerk

3. Review of Minutes from October 1, 2008

Motion was presented by Commissioner Hutcheson to approve Minutes; motion was seconded by Commissioner Spishock. Vote passed unanimously to approve Minutes for October 1, 2008.

4. New Business

Ted Blanchard, Zoning Administrator, presented the following information to the Commission:

- A. The City Council is reviewing a modification to the subdivision code, Section 3 (4) (b) of Article IV of Appendix A, which would allow the City Manager to amend previously approved subdivision plats under certain conditions. This would alleviate the need for the process to go through the Planning Commission and City Council. A full copy of the Ordinance is attached to these Minutes.
- B. In its September 24, 2008 meeting, City Council addressed concerns from business owners along the 2700 and 2800 block of West Hampden regarding code enforcement and the possibility of rezoning their properties.

5. Old Business

- A. The Zoning Code revisions were resumed and completed through Article XIV.
- B. City Attorney, Dave Williamson, asked the Commission for a brief history of the Boulevard Gardens and Logantown areas. He also asked the Commission how they would like to address these areas in the new zoning

code; i.e. keep the overlay or not. He also wants the Commission to consider if the Floodplain Overlay District should be a district or a zone.

6. Adjournment

Vice-Chairman Benson motioned and Commissioner Pierce seconded to adjourn the meeting at 8:16 p.m.

Heidi McKelrath, Commission Clerk

CITY OF SHERIDAN
ORDINANCE NO. 21-2008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERIDAN AMENDING SECTION 3
(4)(b) OF ARTICLE IV OF APPENDIX A OF THE SHERIDAN MUNICIPAL CODE REGARDING
ADMINISTRATIVE AMENDMENT OF SUBDIVISION PLATS AND DECLARING AN EMERGENCY**

WHEREAS, Weingarten Miller Sheridan LLC, the developer of River Point at Sheridan ("Project") is seeking to obtain additional funding for the Project through acquisition of a New Market Tax Credit Loan ("Loan"); and

WHEREAS, to provide security for the Loan, Weingarten Miller Sheridan LLC must by November 15, 2008 split certain real property (Lots 1A and 1B, Block 5, River Point at Sheridan Subdivision Filing #2) within the Project into two lots; and

WHEREAS, in accordance with the City's current subdivision requirements such split can only be done through the procedure set forth in Article III of Appendix A, of the Sheridan Municipal Code ("Code"), which requires preliminary approval by both the Planning Commission and City Council followed by final approval by both Planning Commission and City Council; and

WHEREAS, Article IV of Appendix A of the Code permits the City Manager upon certain conditions to amend previously approved subdivision plats by splitting the lot or parcel into no more than two (2) platted and subdivided lots or parcels; and

WHEREAS, although use of the administrative procedure would permit Weingarten Miller Sheridan LLC to meet its deadline, the Code provides that no lot split shall be permitted unless both lots or parcels abut a street or road on at least one entire side of such lot; and

WHEREAS, although such requirement is essential for residential property it is not essential for commercial property, as long as such property has adequate access to a public street; and

WHEREAS, an emergency exists in that Weingarten Miller Sheridan LLC is over budget regarding the Project, other sources of financing are uncertain given the current world wide economic conditions and acquisition of the Loan will help ensure timely completion of the Project, which thus provides assurance to the Project's bondholders and the Public Improvement Fee monies the City needs to meet its obligations.

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

Section 1. General and Legal Status Provisions. Article IV Section 3(4)(b) of Appendix A of the Sheridan Municipal Code is amended to provide:

- (4) The authority granted and delegated hereby is subject to the following conditions and limitations:
 - (a) No more than six (6) original parcels or lots may be consolidated in order to form a single resubdivided lot or parcel;
 - (b) No lot split shall be permitted unless both lots or parcels abut a street or road on at least one (1) entire side of such lot; or, in the case of a commercial subdivision, adequate access to public streets is demonstrated to the reasonable satisfaction of the city manager; and
 - (c) The city council shall be advised in writing by the city manager of any such resubdivision, and no such resubdivision shall be deemed to be finally approved, nor shall it be recorded, until the city council has reviewed the written report required herein as a part of a regular or special city council meeting. City council approval of any such resubdivision shall be conclusively presumed unless the city council, by majority vote of those members present and voting, approves a motion requiring the submission of such resubdivision proposal to the city council for public hearing at the next regular city council meeting. In the absence of such an adopted motion, the resubdivision shall be conclusively deemed to be approved, and may be recorded as herein provided, and any building or development permits required to construct the requested single building may be issued.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Sheridan by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the immediate preservation of the public property, health, welfare, peace and safety.

PASSED AND APPROVED by at least two-thirds of the entire Council and EFFECTIVE on first reading the 22nd day of October, 2008 and ordered published.

Mary L. Carter, Mayor

ATTEST:

Arlene Sagee, City Clerk

APPROVED AS TO FORM

William P. Hayashi, City Attorney