



City of Broomfield

City Council Study Session

Tuesday, April 16, 2024, 6:00
PM

Council Chambers
One Descombes Dr
Broomfield, CO 80020

1: Concept Review

1A. Concept Review - Lokal Homes Broomfield

Concept Review for single-family residential at the northwest corner of W 136th Ave and Huron St

1B. Concept Review - Vista Pointe Homes PUD Amendment

The following study session idea 2.a Modification of Partner's Strategy for meeting Housing need to be review before concept Item 1.b Concept review for a proposed amendment to the Vista Pointe Planned Unit Development (PUD) Plan to add multi-family residential as an allowed use

2: Study Session

2A. Broomfield Housing Alliance Update

2B. Charter Review: Discussion of CRC Recommendations and Possible Ballot Questions

This discussion will be to review Charter Review Committee recommendations and determine what ballot questions, if any, Council would like potential for a vote in 2024 and/or in future years.

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During the meeting, individuals can click the "CC" button on Live Council meeting video feeds to view closed captioning. Auxiliary hearing aid equipment can be requested on the night of the meeting with our AV team located at the back of the Council Chambers.



Date Posted: April 10, 2024



City of Broomfield

City Council Study Session Memorandum

Concept Review - Lokal Homes Broomfield

Concept Review for single-family residential at the northwest corner of W 136th Ave and Huron St

Meeting	Agenda Group	
Tuesday, April 16, 2024, 6:00 PM	Concept Review	Item: 1A
Presented By		
Anna Bertanzetti		
Community Goals		

Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

Lokal Homes has submitted a concept review application for a proposed new residential subdivision located generally on the northwest corner of the Huron Street and W 136th Avenue intersection. The project area includes lots 1, 2, 3, and 5 of Lambertson Farms Filing No. 4, Replat B, totaling approximately 8.65 acres.

Attachments

Lokal Homes Broomfield Concept Review Memo.pdf

Summary

[View Correspondence](#) and visit BroomfieldVoice.com

Lokal Homes has submitted a concept review application for a proposed new residential subdivision located generally on the northwest corner of the Huron Street and W 136th Avenue intersection.

The project area includes lots 1, 2, 3, and 5 of Lambertson Farms Filing No. 4, Replat B, totaling approximately 8.65 acres.

The conceptual proposal is for a total of 89 single family for-sale residential units, 33 of which will be single family detached units. The remaining 56 units are proposed to be duplexes/paired homes.

The property is zoned Planned Unit Development (PUD) and is governed by the Lambertson Farms PUD Plan. The project area is within an area of the Lambertson Farms development identified as Tract H.

The PUD Plan establishes a mixture of commercial, retail and office uses for Tract H; and as such, the proposed residential development is not consistent with the PUD Plan and will require a PUD Plan Amendment should it move forward.

New residential developments are required to include income aligned housing either in the form of on-site units or cash-in-lieu payments as established in Chapter 17-76 of the Broomfield Municipal Code. The applicant is proposing to satisfy their income aligned housing obligation with the construction of on-site, deed restricted units.

Based on the currently proposed 89 single family detached and duplex for-sale units, the developer's income aligned housing obligation would be 12% of their units provided at 100% AMI. This equates to 11 income aligned, deed restricted units.

Financial Considerations

The proposed use is not consistent with the existing approved land use, and the assumptions for the sustaining financial modeling of the property. The existing approved site development plan for this property called for 107,565 square feet of mixed commercial (estimated to include up to 20-25% mixed retail activity). If developed in that manner, the tenants of the property were projected to contribute an estimated \$300,000-350,000 net positive annual tax and fee revenue to CCOB.

The proposed residential development would negatively change the net financial impact resulting from the project, due to reduced revenues and increased program and service costs. The estimate would be a net negative financial impact of \$435,000 annually to CCOB.

Prior Council or Other Entity Actions

[August 12, 2003](#) - City Council approved an amendment to the Comprehensive Plan Land Use Map for the Lambertson Farms property by adopting Resolution No. 2003-88, and approved the Lambertson Farms Planned Unit Development (PUD) Plan and Preliminary Plat by adopting Resolution No. 2003-104.

[September 11, 2007](#) - City Council approved Lambertson Farms Filing No. 4 Cobblestone Crossing Final Plat, PUD Plan Text Amendment, SDP, and SIA (Resolution No. 2007-164 on September 11, 2007).

Board and Commissions Prior Actions and Recommendations

N/A

Proposed Actions / Recommendations

Hold concept review discussion. There are no formal actions required.

Alternatives

No official action taken at concept review.

Discuss any concerns regarding the proposed use of this property such as the proposed siting, architecture, landscaping, signage, impacts on adjacent properties, pedestrian access, and/or vehicular access.

Project Website

www.broomfieldvoice.com/lokal-homes-broomfield

Public Comment

[Correspondence Folder](#)

Sustainability

The proposed project plans to comply with the City's EV charging requirements. Additionally, all proposed attached garage parking spaces will be EV Capable. The developer is proposing their homes to be built to Energy Star Standards and to be certified by a third-party tester, with certifications provided to homebuyers. The developer is also proposing to have their homes be all electric. Within each home there will be conduits from the electric panel to the roof, along with roof trusses designed to accommodate solar panels in compliance with solar ready requirements. Should a homebuyer choose to install solar panels, that installation could be completed during construction or by the homeowner at a later date.

Income-Aligned Housing

Chapter 17-76 of the Broomfield Municipal Code requires all new residential construction within the city a requirement to provide for on-site affordable units or to propose an alternative through the payment of a cash-in-lieu payment. The applicant is proposing to satisfy their income aligned housing through the provision of on site deed restricted units. The development proposal totals 89 for sale single family detached and duplex units. Broomfield requires 12% of the units to be provided as income aligned units at 100% of the Area Median Income. The developer's proposal is consistent with this requirement and identifies that 11 units will be income aligned if this project moves forward.

Public Land Dedication (PLD)

The Open Space, Parks, Recreation and Trails (OSPRT) Plan requires residential projects that total less than 10 acres in size, and that have a percentage of income aligned housing units consistent with the Inclusionary Housing Ordinance to provide a minimum of 15% of the residential site area as PLD on site and the remaining balance of their PLD obligation to be met by cash-in-lieu based on the percentage of AMI level and the percentage of income aligned housing. This formula will be developed with OSTAC / PRSSAC input when the public land dedication ordinance is presented to the City Council for consideration. As this formula is in the development process, the cash-in-lieu payment is proposed to be at a rate of \$89,000 per acre as long as the 15% PLD is met onsite. The PLD obligation for the proposed 89 unit residential development is 6.26 acres; as such, a minimum of 1.30 acres of onsite PLD is required and the remaining 4.96 acres would be met by a \$441,440 cash-in-lieu payment. The \$89,000 per acre price is based on the Assessor's average value per acre for vacant land.

The applicant is not meeting their required onsite dedication as shown in the conceptual plan, the development proposal includes a total of 0.79 acres of park space proposed as PLD. Staff from the Parks, Recreation and Senior Services Department, Open Space and Trails Department, Community Development Department and Library and Cultural Affairs Department have reviewed the applicant's proposed PLD, and do not support the small pocket parks (totaling 0.79 acres) being considered public land dedications. The analysis is that these spaces are too small to be usable public spaces. As such, the applicant is being requested to revisit their site design and provide a single park space that provides the entire 1.30 acres of required onsite public land dedication.

The OSPRT Plan states that projects not meeting their onsite dedication requirement are required to pay a cash-in-lieu payment of the difference of actual and required on site dedication at market value for that area. If the developer does not meet the 1.30 acre park site on site, then any remaining balance of the onsite requirement would need to be paid at market rate for the value of the land and the 4.96 acres would be valued at \$89,000 per acre.

The applicant is also requesting a reduction in their PLD obligation as part of the income aligned housing proposal. The request is to reduce the cash-in-lieu rate for their gap in on-site dedication to the flat rate of \$89,000 per acre. As part of the concept review meeting, Council can provide the developer with direction on whether this reduction is supported or not. If council supports this reduction, Staff will work with the developer on finding a balance between onsite dedication and appropriate cash-in-lieu as this project moves forward.

Schools

The proposed development is located within the Adams 12 school district. The conceptual proposal was referred to the school district for their review, the school district has provided comments including a no objection statement regarding the development proposal. The school district estimates that this project will result in a yield of 11 elementary students, 5 middle school students and 7 high school students. The project currently falls within the attendance area boundary for Meridian Elementary, Rocky Top Middle and Legacy High and all of the schools have capacity to account for these new students.

Key Issues Identified By Staff

Staff has identified the following key issues with the subject proposal:

- **Public Land Dedication** - Staff has reviewed the applicant's proposed public land dedication of the small pocket parks (totaling 0.79 acres). The analysis is that these spaces are too small to be usable public spaces and do not qualify for public land dedication. As such, the applicant is being requested to revisit their site design and provide a single park space that provides the entire 1.30 acres of required onsite public land dedication. Further, the applicant is requesting consideration that any acres not met in regard to the on-site requirement be paid at a cash in lieu value of \$86,000 rather than the market rate of the property. \$86,000 per acre is the rate typically utilized for the public land dedication requirement that is above the on-site dedication requirement.

Links to Application Materials

- [Project Description](#)
- [Conceptual Site Plan](#)

Supplemental Documents

- None

How to Submit Public Comments on this Proposal

Email directly to Planning@broomfield.org

Property Owner and Applicant

The property owner is Bluegreen investments LLC. The applicant is Lokal Homes.

Broomfield Process

The concept review is the first step in Broomfield's development process, and allows the applicant to receive comments and direction from City Council, the Land Use Review Commission (LURC), other advisory boards and commissions, and the public. The applicant should use the feedback received during concept review to make changes to the concept plan, if necessary.

If the project proceeds to a formal development application, it will need a Comprehensive Plan Amendment, Planned Unit Development Plan Amendment, Final Plat, Site Development Plan, and Subdivision Improvement Agreement. Because this site is more than seven (7) acres in size, all the application(s) will need public hearings with both the Land Use Review Commission and City Council.

Zoning, Previously Approved Development Plans, and Status of Development

Zoning

The zoning for this parcel is PUD. It is located in the Lambertson Farms Planned Unit Development (PUD) Plan Area. The PUD called for 'Tract H' in Lambertson Farms to develop as a business district in a manner that would "create plazas, walkways, and other gathering places while preserving key views" and, that "pedestrian ways from the street to the building entry shall be provided using construction materials and landscaping to reinforce architectural themes."

The proposed residential development is not consistent with the Lambertson Farms PUD Plan, and as such will require an amendment to the PUD Plan to establish residential uses as permitted uses for Tract H, and to establish associated development standards including setbacks, heights, and lot coverage requirements appropriate for residential development.

Previously Approved Development Plans

The project area is within the existing Lambertson Farms subdivision, and is part of the previously approved Cobblestone Crossing project. The Lambertson Farms Planned Unit Development Plan was approved by the City Council on September 23, 2003. The PUD Plan identified this area as part of 'Tract H' and designated the tract for commercial uses. The Lambertson Farms PUD Plan allows for a maximum development floor area ratio of 0.24 for 'Tract H', which allows for a maximum development intensity of 219,760 square feet.

The Cobblestone Crossing (Lambertson Farms Filing No. 4) Site Development Plan was approved by the City Council on September 11, 2007. The site development plan was for the entirety of 'Tract H' as depicted on the Lambertson Farms PUD Plan. The approved site development plan was for a nine lot commercial subdivision consisting of 107,565 square feet of commercial development, or approximately 49% of the total commercial intensity permitted under the PUD plan.

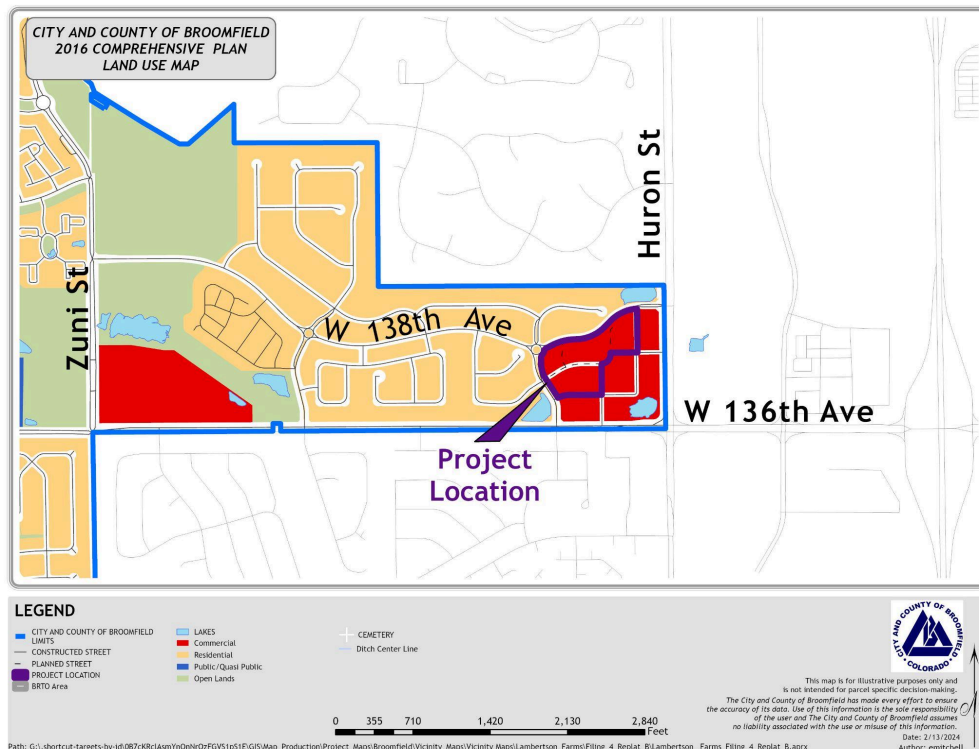
Status of the Development

The subject property is currently vacant.

Applicable City and County of Broomfield Plans

Broomfield Comprehensive Plan

The 2016 Broomfield Comprehensive Plan land use designation for this property is “Commercial.” The following map shows the project location within a portion of the land use map for the surrounding area.



A Portion of the 2016 Comprehensive Plan Land Use Map

The Comprehensive Plan describes Commercial areas as an appropriate designation for areas with retail, employment, commerce/service, research and development, and office uses. The proposed development is not consistent with the Commercial land use designation and as such a Comprehensive Plan amendment will be required.

The most appropriate new land use designation for this proposed development would be Residential. The Comprehensive Plan notes that Residential land encompasses neighborhoods covering a mix of housing types to meet both current and future residents' changing needs and conditions. This includes single-family homes, multifamily units, mobile homes, and senior communities within neighborhoods that vary in character and density from rural or suburban to urban. The land use designation is intended to protect existing residential areas while providing flexibility in the development of future residential areas.

Goals and Policies

Elements of the proposed project could help meet the following Comprehensive Plan goals:

Goal LU-A: Mix of Land Uses - “Plan for an appropriate mix of land uses that ensures connectivity, livability, flexibility, environmental sustainability, and economic vitality.”

Goal LU-C: Residential Neighborhoods - “Continue to encourage and support community of neighborhoods containing a variety of housing types while maintaining existing single-family residential areas of Broomfield.”

Policy LU-C.2: “Enhance residential neighborhoods by providing an interconnected network of tree-lined local streets that provide direct access to parks, community focal points, local destinations, and trails.”

Policy LU-C.3: “Encourage and support development of a well-planned mix of housing types to accommodate a range of affordability levels within a neighborhood.”

Economic Vitality and Financial Impacts

The proposed use is not consistent with the existing approved land use, and the assumptions for the sustaining financial modeling of the property. The modeling anticipates this land developing for commercial uses consistent with the allowed uses established in the Lambertson Farms Planned Unit Development. The existing approved site development plan for this property called for 107,565 square feet of mixed commercial (estimated to include up to 20-25% mixed retail activity). If developed in that manner, the tenants of the property were projected to contribute an estimated \$300-350,000 net positive annual tax and fee revenue to CCOB.

The proposed development would change the use from fully commercial to fully residential. Staff has raised the question for mixed-use development on the site. The development team is a residential developer, and has indicated that to ensure the project is development and financially viable, the scale and density of development is necessary - and therefore, a mixed-use development is not viable.

The proposed residential development would impact the financial modeling outcome, resulting in an estimated \$400-435,000 in net negative impact annually to CCOB.

The proposed development, as noted elsewhere, will include 11 income-align, for-sale housing units. These units will match the mix of housing on the site (per the IHO requirements).

Area Context and Property Location

The project area for this proposal is generally located at the northwest corner of W 136th Avenue and Huron Street (Lots 1, 2, 3 and 5 of Lambertson Farms Filing No. 4, Replat B). The property totals approximately 8.65 acres of currently vacant land. To the south and east of the site are additional pad sites within the Lambertson Farms Cobblestone Crossing development. A number of the pad sites are developed, on the southern side there is a Circle K gas station and a medical clinic. To the east there is a credit union, auto parts store, and a private school. To the north and west are existing single family residential homes within the Lambertson Farms development. There is an existing sewer lift station located within the project boundaries. The lift station is located generally on the southwest corner of the project boundaries.



Project Location Map

Current Application - Detailed Description and Staff Review

Description

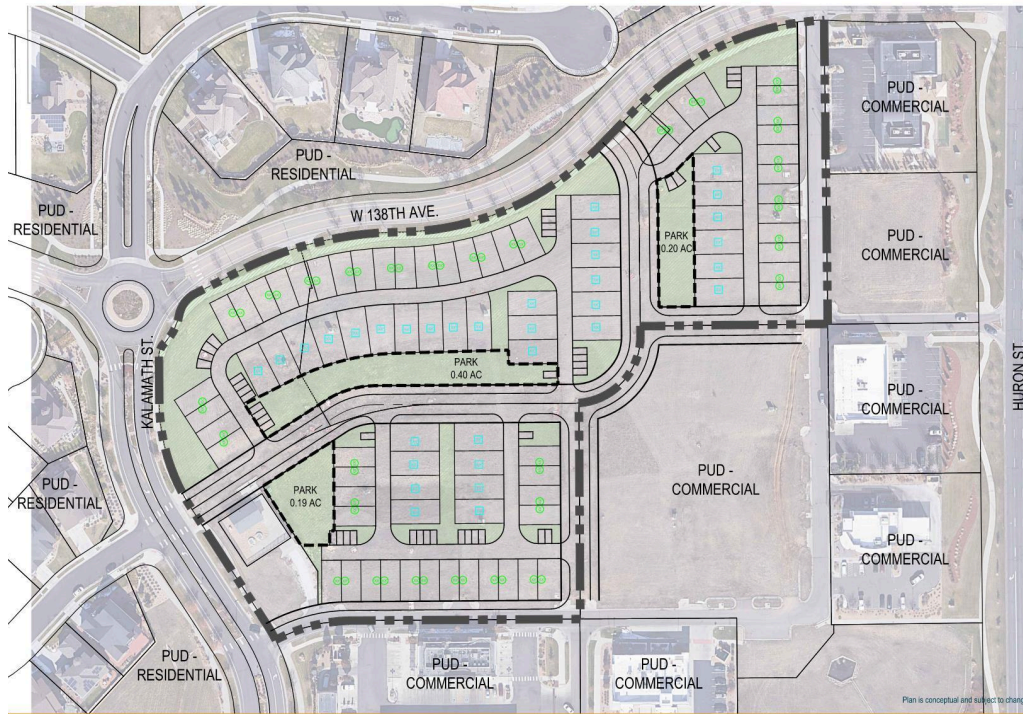
Lokal Homes is proposing to develop this 8.65 acre project area into a new residential neighborhood within the Lambertson Farms subdivision. The proposal is for an 89 unit development consisting of a mixture of single family detached and duplex units. The development also includes three small internal parks for the residents.

Background/Base Data

Property Owner	Bluegreen Investments LLC
Applicant	Lokal Homes
Property Location	Generally on the northwest corner of Huron Street and W 136th Avenue
Property Size	Approximately 8.65 acres
Current Zoning	PUD
Proposed Zoning	PUD
Current Land Use	Vacant Commercial
Proposed Land Use	Residential
Comprehensive Plan Designation	Commercial

Site Layout

The developer’s conceptual proposal is depicted below. The site layout generally places the 56 duplex lots along the perimeter of the site and the 33 single family detached lots located more centrally. The site has a single principal private roadway which bisects the site and provides access to Kalamath Street and W 138th Avenue. There are three small parks located generally internal to the site.



Conceptual Site Plan

Vehicular Access, Parking, and Circulation

There are two vehicular access points to the site, one located on the western side of the site and the other on the northern side of the property. The western access point provides direct access to Kalamath Street and the northern to W 138th Avenue. These accesses are part of a central private roadway which bisects the property. None of the lots appear to draw direct access off of this central road. Instead, the homes are proposed to be accessed by private alleyways.

Broomfield's new parking code, which became effective on January 1st, 2024, requires a minimum of two parking spaces for every single family detached and duplex unit. The applicant is proposing to provide these parking spaces with private garages. In addition, the site design incorporates 43 additional surface parking spaces located throughout the development. This surface parking is intended to provide additional guest/overflow parking. No on street parking is currently depicted in the conceptual plans for either the alleyways or the central main roadway.

Broomfield's new parking code establishes a parking maximum of 125% of the established parking minimums. For this development the parking minimums for the 89 residential units would be 178 spaces, and a parking maximum of 223 spaces. The development currently proposes 221 total parking spaces (178 garage spaces for the residential units and 43 surface parking spaces) which is less than the maximum parking permitted for the development.

Transit Access and Walkability

There is no current RTD bus service within the project area. The project is located within the service area for the Broomfield Flexride service. There are pedestrian sidewalks along both sides of Kalamath Street and W 138th Avenue. These sidewalks provide connectivity to pedestrian sidewalks along both Huron Street and W 136th Avenue as well as connectivity into the greater Lambertson Farms development.

Landscaping and Amenities

Conceptual plans are not required to provide specific landscaping materials or quantities, and the conceptual plans do not identify specific landscape locations at this time. The applicant has identified anticipated parks and open areas on their plan. Should this project move forward with a formal development application it will be required to comply with Broomfield's new landscape code which went into effect January 1, 2024.

The applicant has not specified what amenities will be available within the proposed parks at this time, but will be required to provide those details as the development moves forward.

Public Land Dedication

The Open Space, Parks, Recreation and Trails (OSPRT) Plan requires residential projects that total less than 10 acres in size, and that have a percentage of income aligned housing units consistent with the Inclusionary Housing Ordinance to provide a minimum of 15% of the residential site area as PLD on site and the remaining balance of their PLD obligation to be met by cash-in-lieu based on the percentage of AMI level and the percentage of income aligned housing. This formula will be developed with OSTAC / PRSSAC input when the public land dedication ordinance is presented to the City Council for consideration. As this formula is in the

development process, the cash-in-lieu payment is proposed to be at a rate of \$89,000 per acre as long as the 15% PLD is met onsite. The PLD obligation for the proposed 89 unit residential development is 6.26 acres; as such, a minimum of 1.30 acres of onsite PLD is required and the remaining 4.96 acres would be met by a \$441,440.00 cash-in-lieu payment. The \$89,000 per acre price is based on the Assessor's average value per acre for vacant land.

The applicant is not meeting their required onsite dedication as shown in the conceptual plan, the development proposal includes a total of 0.79 acres of park space proposed as PLD. Staff from the Parks, Recreation and Senior Services Department, Open Space and Trails Department, Community Development Department and Library and Cultural Affairs Department have reviewed the applicant's proposed PLD, and do not support the small pocket parks (totaling 0.79 acres) being considered public land dedications. The analysis is that these spaces are too small to be usable public spaces. As such, the applicant is being requested to revisit their site design and provide a single park space that provides the entire 1.30 acres of required onsite public land dedication.

The OSPRT Plan states that projects not meeting their onsite dedication requirement are required to pay a cash-in-lieu payment of the difference of actual and required on site dedication at market value for that area. In this case, the balance of .51 acres for the onsite PLD would be valued at the market price per acre and the 4.96 acres would be valued at \$89,000 per acre.

The applicant is also requesting a reduction in their PLD obligation as part of the income aligned housing proposal. The request is to reduce the cash-in-lieu rate for their gap in on-site dedication to the flat rate of \$89,000 per acre. As part of the concept review meeting, Council can provide the developer with direction on whether this reduction is supported or not. If council supports this reduction, Staff will work with the developer on finding a balance between onsite dedication and appropriate cash-in-lieu as this project moves forward.

Income Aligned Housing

Chapter 17-76 of the Broomfield Municipal Code requires all new residential construction within the city a requirement to provide for on-site affordable units or to propose an alternative through the payment of a cash-in-lieu payment. The applicant is proposing to satisfy their income aligned housing through the provision of on site deed restricted units. The development proposal totals 89 for sale single family detached and duplex units. Broomfield requires 12% of the units to be provided as income aligned units at 100% of the Area Median Income. The developer's proposal is consistent with this requirement and identifies that 11 units will be income aligned if this project moves forward.

Schools

The proposed development is located within the Adams 12 school district. The conceptual proposal was referred to the school district for their review and the district has provided comments including a no objection statement regarding the development proposal. The school district estimates that this project will result in a yield of 11 elementary students, 5 middle school students and 7 high school students. The project currently falls within the attendance area boundary for Meridian Elementary, Rocky Top Middle and Legacy High and all of the schools have capacity to account for these new students.

Architecture

The developer has not yet finalized their architectural designs for the residential units, but have included character images as inspiration for their development. It is anticipated that as the development moves forward that specific architectural elevations and designs will be incorporated into the site development plan.



Inspirational Architectural Character Images

Stakeholder And Public Outreach

The City and County of Broomfield standard public notice requirements have been met for this case. These requirements include:

Concept Review Meeting:

- Sign(s) were posted on the property a minimum of ten days in advance of this meeting
- Mail notice to property owners located within 1,000 feet of the parcel boundaries (or such additional distance deemed necessary by the city and county manager based on the proposed size, density, and intensity of the proposed development), mailed a minimum of ten days in advance of the meeting
- The concept review has a project website on the [Broomfield Voice](#).

Staff Review Of Key Issues

Staff has identified the following key issue for this concept plan.

- **Public Land Dedication** - Staff has reviewed the applicant's proposed public land dedication of the small pocket parks (totaling 0.79 acres). The analysis is that these spaces are too small to be usable public spaces and do not qualify for public land dedication. As such, the applicant is being requested

to revisit their site design and provide a single park space that provides the entire 1.30 acres of required onsite public land dedication. Further, the applicant is requesting consideration that any acres not met in regard to the on-site requirement be paid at a cash in lieu value of \$86,000 rather than the market rate of the property. \$86,000 per acre is the rate typically utilized for the public land dedication requirement that is above the on-site dedication requirement.

Next Steps

If the applicant decides to move forward with this development proposal, then a neighborhood meeting will need to be held prior to the submittal of any formal development application. The formal development application will include a Comprehensive Plan Amendment, a Planned Unit Development Plan Amendment, a Final Plat, a Site Development Plan, and a Subdivision Improvement Agreement and would require public hearings with both the Land Use Review Commission and City Council.



City of Broomfield

City Council Study Session Memorandum

Concept Review - Vista Pointe Homes PUD Amendment

The following study session idea 2.a Modification of Partner's Strategy for meeting Housing need to be review before concept Item 1.b Concept review for a proposed amendment to the Vista Pointe Planned Unit Development (PUD) Plan to add multi-family residential as an allowed use

Meeting	Agenda Group	
Tuesday, April 16, 2024, 6:00 PM	Concept Review	Item: 1B
Presented By		
Anna Bertanzetti		
Community Goals		
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community		

Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

Broomfield Housing Alliance (BHA) has submitted a concept review application for a proposed amendment to the Vista Pointe Planned Unit Development (PUD) Plan to add multi-family residential as an allowed use. The property is zoned Planned Unit Development (PUD) and is governed by the Vista Pointe PUD Plan. The PUD Plan currently allows the project to be developed for commercial uses. The project area includes lots 5 and 6 of Vista Pointe Filing No. 1, totaling approximately 1.9 acres.

The conceptual proposal is for an amendment to the PUD Plan to add a maximum of 65 multi-family residential units to the allowed uses for these two lots.

Attachments

Vista Pointe Homes Concept Review Memo.pdf

Summary

[View Correspondence](#) and visit BroomfieldVoice.com

Broomfield Housing Alliance (BHA) has submitted a concept review application for a proposed amendment to the Vista Pointe Planned Unit Development (PUD) Plan to add multi-family residential as an allowed use.

The property is zoned Planned Unit Development (PUD) and is governed by the Vista Pointe PUD Plan. The PUD Plan currently allows the project to be developed for general business and industrial uses.

The project area includes lots 5 and 6 of Vista Pointe Filing No. 1, totaling approximately 1.9 acres.

The conceptual proposal is for an amendment to the PUD Plan to add a maximum of 65 multi-family residential units to the allowed uses for these two lots.

The underlying Comprehensive Plan Land Use Map designates the property as Industrial. Multi-family residential is not consistent with this designation. As such, an amendment to the comprehensive plan will also be required.

New residential developments are required to include income aligned housing either in the form of on-site units or cash-in-lieu payments as established in Chapter 17-76 of the Broomfield Municipal Code. The applicant is proposing to develop a future 100% income aligned project in compliance with the code requirements.

As part of the amendment to the PUD Plan can be the requirement for the residential to be income aligned housing only. This would place limitations on the future development opportunities of the lots.

Financial Considerations

The proposed use is not consistent with the existing approved land use, and the assumptions for the sustaining financial modeling of the property. The existing planned development use for this property called for commercial use activity (likely all flex/innovation space). If developed in that manner, the tenants of the property were projected to contribute an estimated \$50,000 net positive annual tax and fee revenue to CCOB.

The proposed residential development would negatively change the net financial impact resulting from the project, due to reduced revenues and increased program and service costs. The estimate would be a net negative financial impact of \$130-160,000 annually.

Prior Council or Other Entity Actions

[August 12, 2008](#) - City Council approved Ordinance No.1887 rezoning the Vista Pointe development to PUD, and Resolution No. 2008-134 approving a PUD Plan, Preliminary Plat, Final Plat and Subdivision Improvement Agreement for the Vista Pointe development.

[June 14, 2016](#) - City Council approved Resolution No. 2016-90 and 2016-91-UR amending the Vista Pointe PUD Plan and a Site Development Plan/Urban Renewal Site Plan for a office/flex warehouse building.

Board and Commissions Prior Actions and Recommendations

N/A.

Proposed Actions / Recommendations

Hold concept review discussion. There are no formal actions required.

Alternatives

No official action taken at concept review.

Discuss any concerns regarding the proposed use of this property such as the proposed siting, architecture, landscaping, signage, impacts on adjacent properties, pedestrian access, and/or vehicular access.

Project Website

<https://www.broomfieldvoice.com/vista-pointe-homes-pud-amendment>

Public Comment

[Correspondence Folder](#)

Sustainability

The applicant's concept proposal is for a PUD Amendment and Comprehensive Plan Amendment. As there is no formal site design or development proposal at this time, there are no specific sustainability elements to address at this time. The applicant has noted that sustainability is a very important project goal and extends beyond the future buildings to the site and landscape. The applicant is currently proposing that their future development would include low water use, native and xeric plantings, minimal turf grass areas, perennial & pollinator flower beds, and edible landscapes that will be interwoven throughout the property. The buildings are anticipated to be designed with sustainable high energy performance criteria and are planned to target net zero energy. The applicant is anticipating that the future development may include solar PV arrays as well as the required EV charging stations. As there is no site development plan included with this concept review, specific sustainability elements for the project will be solidified during the future site development plan stage of development.

Income-Aligned Housing

Chapter 17-76 of the Broomfield Municipal Code requires all new residential construction within the city a requirement to provide for on-site affordable units or to propose an alternative through the payment of a cash-in-lieu payment. The applicant is proposing to amend the PUD Plan to allow for a maximum of 65 residential units to the project area. The applicant has also noted that they plan to develop the site as a 100% income aligned project. This can be a voluntary restriction placed upon the project area in the PUD Plan amendment to ensure compliance.

Public Land Dedication (PLD)

Broomfield's Open Space, Parks, Recreation and Trails (OSPRT) Plan outlines the PLD requirements for new residential projects. The proposed development is less than 10 acres in size and as such, a minimum of 15% of the site area is required to be onsite PLD. The required remaining PLD requirement can be met through a cash-in-lieu payment based upon the percentage of income aligned housing and the percentage of AMI level met by that on-site income aligned housing. Specific PLD will be determined for this project during a future site development plan.

Schools

The proposed development is located within the JeffCo Co. R-1 district. The conceptual proposal was referred to the school district for their review, and the school district has provided comments. The school district has noted that as this development is still in a conceptual stage that the effect on JEFFCO Schools is unknown at this time. As the development progresses and more facts are known, the district will be able to anticipate the effect on classroom and school facilities that would be generated from this proposal. The project currently falls within the attendance area boundary for Semper Elementary, Mandalay Middle, & Standley Lake High.

Key Issues Identified By Staff

Staff has identified the following key issue with the subject proposal:

- **Change in Land Use** - The parcels included within the applicant's project area have been anticipated for industrial development based upon the current PUD Plan and underlying Comprehensive Plan Land Use Map. The proposed conversion from industrial to residential is anticipated to have a negative impact on the long range financial plan.

Although the Comprehensive Plan includes a goal/policy to protect industrial land from potential change in land use, the proposal is to change the land use to allow 100% income aligned housing which is also highly desirable to address critical shortage in attainable housing options. Allowing residential uses in close proximity to industrial and employment land uses can create an opportunity for potential incompatible land uses in close proximity. This needs to be balanced with the fact that this property will be within 0.4 miles of the new Broomfield Town Square development, will have access to transit services available within approximately 650 feet (walking distance) of the property, and is located near the edge of the industrial area where other light industrial and service uses are located. The applicant is seeking feedback from the Council regarding whether there is interest in considering the change in land use for this project.

Links to Application Materials

- [Narrative / Project Description](#)

Supplemental Documents

- Not Applicable

How to Submit Public Comments on this Proposal

Email directly to Planning@broomfield.org

Property Owner and Applicant

The property owner is A Precious Child. The applicant is Broomfield Housing Alliance (BHA).

Broomfield Process

The concept review is the first step in Broomfield's development process, and allows the applicant to receive comments and direction from City Council, the Land Use Review Commission (LURC), and other advisory boards and commissions, and the public. The applicant should use the feedback received during concept review to make changes to the concept plan, if necessary.

If the project proceeds to a formal development application, it will need a Comprehensive Plan Amendment, Planned Unit Development Plan Amendment, Final Plat, Site Development Plan, and Subdivision Improvement Agreement. The application(s) will need public hearings with both the Land Use Review Commission and City Council.

Zoning, Previously Approved Development Plans, and Status of Development

Zoning

The property is zoned Planned Unit Development (PUD). There is an existing Vista Pointe PUD Plan for the property which governs the site. The property is currently permitted for general business and industrial uses; and as such, the proposed residential development is not consistent with the PUD Plan. An amendment to the PUD Plan would be required should the development proposal move forward to add residential to the allowed uses for these parcels. The PUD Amendment would also include any development standards required to accommodate these new units including but not limited to lot sizes, setbacks, and building heights.

Previously Approved Development Plans

The project area is within the existing Vista Pointe subdivision. The Vista Pointe PUD Plan was approved by City Council on August 12, 2008 and was subsequently amended in 2016. The two lots included in this application are platted, but are vacant and have no pending development approvals.

Status of the Development

The subject property is currently vacant, but there are a number of lots within the Vista Pointe subdivision which have been developed. These developed parcels include the A Precious Child office/flex warehouse site, the Public Storage self storage facility, a credit union, and the FRIENDS of Broomfield facility.

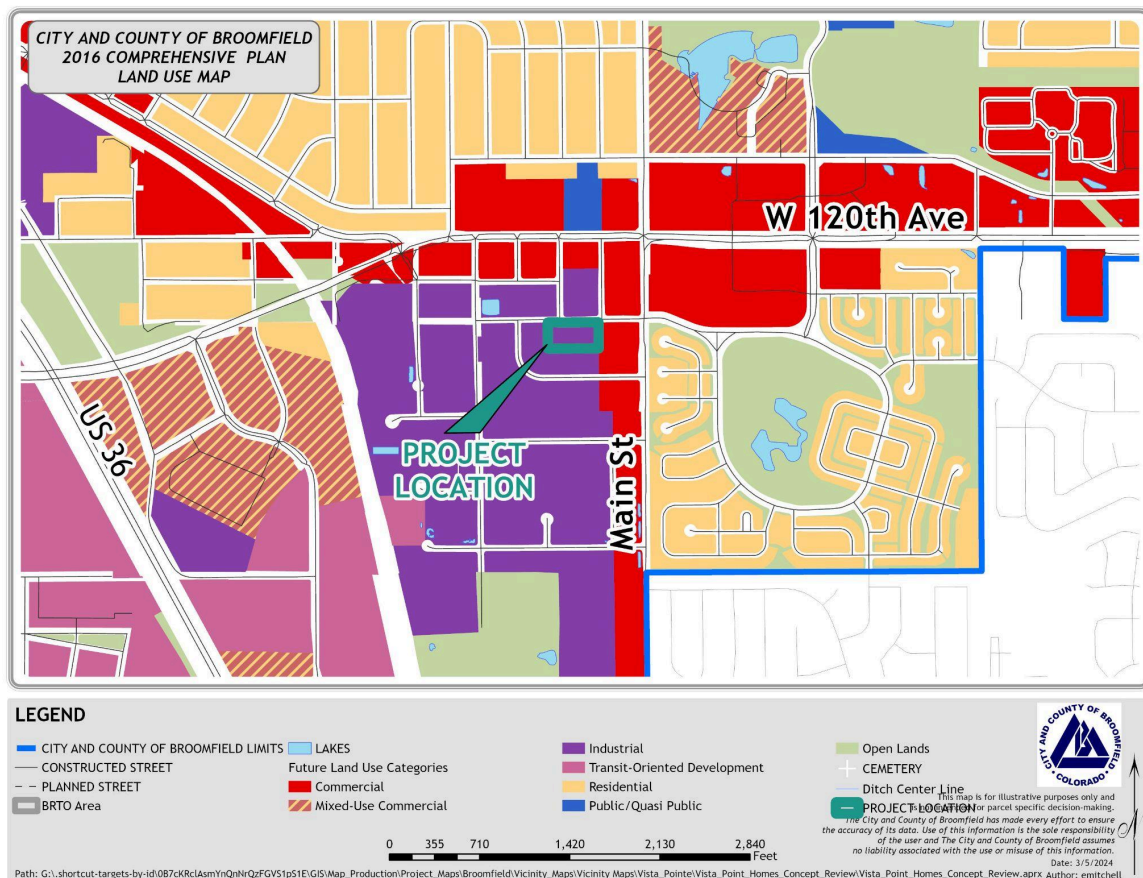
Applicable City and County of Broomfield Plans

Broomfield Comprehensive Plan

The 2016 Broomfield Comprehensive Plan land use designation for this property is “Industrial.” The following map shows the project location within a portion of the land use map for the surrounding area.

The Comprehensive Plan describes Industrial areas as those characterized by light and heavy industrial, office, manufacturing, research and development, warehousing, outside storage, and some commercial uses. The proposed amendment to add residential uses is not consistent with the Industrial land use designation and as such a Comprehensive Plan amendment will be required.

The most appropriate new land use designation for this proposed development would be Residential. The Comprehensive Plan notes that Residential land encompasses neighborhoods covering a mix of housing types to meet both current and future residents’ changing needs and conditions. This includes single-family homes, multifamily units, mobile homes, and senior communities within neighborhoods that vary in character and density from rural or suburban to urban. The land use designation is intended to protect existing residential areas while providing flexibility in the development of future residential areas.



A Portion of the 2016 Comprehensive Plan Land Use Map

Goals and Policies

Elements of the proposed project could help meet the following Comprehensive Plan goals and policies:

Goal LU-A: Mix of Land Uses - “Plan for an appropriate mix of land uses that ensures connectivity, livability, flexibility, environmental sustainability, and economic vitality.”

Policy LU-C.3: “Encourage and support development of a well-planned mix of housing types to accommodate a range of affordability levels within a neighborhood.”

Goal LU-I: Development Standards - “Use development standards and guidelines to help realize the community’s overall vision and goals.”

The proposed development is not consistent with the underlying comprehensive plan, and would subsequently not contribute to meeting the following Comprehensive Plan goals:

Goal LU-E: Commercial Areas - “Encourage and support commercial development that contributes to a diverse community image and to a vibrant character that provides increased choices and services.”

Goal LU-F: Industrial Areas - “Encourage and support a variety of industrial land use types and intensities in designated areas that are both supported by and compatible with surrounding land uses.”

Economic Vitality and Financial Impacts

The proposed use is not consistent with the existing approved land use, and the assumptions for the sustaining financial modeling of the property. The anticipated development planned for these parcels in the Vista Pointe Planned Unit Development (PUD) is for general business and industrial uses, and very likely flex/innovation space. These uses are similar to activities within the general area. If developed in that manner, the tenants of the property were projected to contribute an estimated \$50,000 net positive annual tax and fee revenue to CCOB.

The proposed residential development would negatively change the net financial impact resulting from the project, due to reduced revenues and increased program and service costs. The estimate would be a net negative financial impact of \$130-160,000 annually.

The proposed development is intended to be residential, higher density (nearing 40 dwelling units per acre). The applicant, Broomfield Housing Alliance, would develop the property as income-restricted housing (consistent with their mission and goals). Near to this development side are other market-provided and deed-restricted income-aligned housing. These (up to 65) units would help to meet housing gaps as identified in the Broomfield Housing Study Update (2023), and provide additional housing choices for resident and workforce employed in retail, hospitality, production and other businesses in the immediate area.

Area Context and Property Location

The project area for this proposal is generally located on the southern side of W 119th Avenue and totals approximately 1.89 acres of vacant land in the Vista Pointe subdivision. To the south of the project area is A Precious Child's facility and the Public Storage facility. To the north is a religious facility and a nonresidential business, and to the east is a credit union. The lot immediately to the west is vacant. FRIENDS of Broomfield have a facility on the parcel immediately west of the vacant lot.



Project Location Map

Current Application - Detailed Description and Staff Review

Description

Broomfield Housing Alliance is proposing to amend the Vista Pointe PUD Plan and the Broomfield Comprehensive Plan Land Use Map to allow for residential uses on two vacant lots within the Vista Pointe development. The conceptual proposal is limited to the PUD Amendment and the Comprehensive Plan Amendment only; a future concept review will be required for the site development plan for the ultimate development of the sites and to get feedback on the overall site layout.

Background/Base Data

Property Owner	A Precious Child
Applicant	Broomfield Housing Alliance (BHA)
Property Location	6900 and 7000 W 119th Avenue
Property Size	Approximately 1.89 acres
Current Zoning	PUD
Proposed Zoning	PUD
Current Land Use	Vacant Nonresidential
Proposed Land Use	Residential
Comprehensive Plan Designation	Industrial

Planned Unit Development Plan Amendment

The developer's conceptual proposal is limited to the amendment of the Broomfield Comprehensive Plan Land Use Map and the amendment of the Vista Pointe PUD Plan. The proposed PUD Plan Amendment seeks to add multi-family residential to the list of allowable uses in the PUD Plan. The intent is to limit the residential use to the two lots identified in the conceptual proposal.

The applicant is currently proposing a residential density of approximately 55-65 dwelling units, for the purpose of this concept review the maximum proposed density is being set at 65 dwelling units. The applicant's project description notes that this project is also anticipated to be developed as an income aligned / attainable housing project. The requirement for the development to be an income aligned housing project can be included as part of the PUD Amendment to ensure the development of the lot is consistent with this proposal.

Specific development standards have not been completely fleshed out as part of this concept review, but it is anticipated that these elements will be included in the PUD Amendment. Development standards include setbacks, building materials, and heights. The concept review materials do include a proposed building height of 3 stories (35-40 feet). The Vista Pointe PUD Plan allows a maximum building height of 40 feet, and as such, the applicant's proposed height is consistent with the currently allowable height.

Vehicular Access, Parking, and Circulation

The proposed project is anticipated to be accessed off W 119th Avenue. Broomfield's Municipal Code establishes a parking minimum for multi-family residential developments based on the number of bedrooms in a unit. One bedroom and studio units are required to have one parking space per unit, two bedroom units are required to have a minimum of 1.5 parking space per unit, and three bedroom units are required to have a minimum of two parking spaces per unit. The proposed PUD Amendment is only adding residential as an allowed use with a proposed maximum density. As the project moves forward with a future site development plan and specific unit counts and sizes are determined parking counts will be determined.

Transit Access and Walkability

The project area is within the RTD service area and is within walking distance to 120E/120W. The closest bus stop for this route is located just south of the Main Street and W 119th Avenue intersection. There are pedestrian sidewalks along the southern side of W 119th Avenue and provide connectivity to Main Street. There are also pedestrian walkways on both sides of Main Street.

Public Land Dedication

Broomfield's Open Space, Parks, Recreation and Trails (OSPRT) Plan outlines the PLD requirements for new residential projects. The proposed development is less than 10 acres in size and as such, a minimum of 15% of the site area is required to be onsite PLD. The required remaining PLD requirement can be met through a cash-in-lieu payment based upon the percentage of income aligned housing and the percentage of AMI level met by that on-site income aligned housing.

Income Aligned Housing

Broomfield Municipal Code requires new residential developments to provide income aligned housing as part of their projects. The code encourages the construction of on-site deed restricted units, but provides an option for satisfying this requirement through a cash-in-lieu payment. The Broomfield Housing Alliance (BHA) serves as Broomfield's Housing Authority and specializes in providing attainable and secure housing opportunities. The applicant has stated that the intent is for this project to be a 100% income aligned housing project.

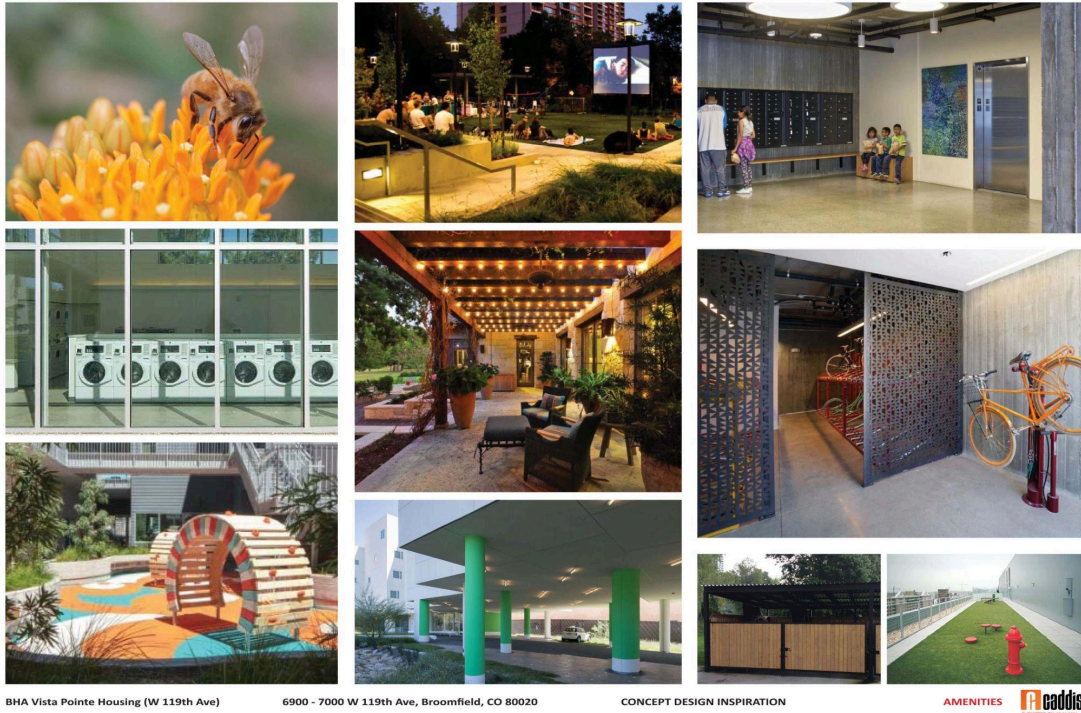
As the PUD Amendment moves forward following concept review, the residential use could be required to be 100% income aligned.

Schools

The proposed development is located within the JeffCo Co. R-1 district. The conceptual proposal was referred to the school district for their review, and the school district has provided comments. The school district has noted that as this development is still in a conceptual stage that the effect on JEFFCO Schools is unknown at this time. As the development progresses and more facts are known, the district will be able to anticipate the effect on classroom and school facilities that would be generated from this proposal. The project currently falls within the attendance area boundary for Semper Elementary, Mandalay Middle, & Standley Lake High.

Architecture

The developer has not yet finalized their architectural designs for the residential units, but have included character images as inspiration for their development. It is anticipated that as the development moves forward that specific architectural elevations and designs will be incorporated into the site development plan.



Inspirational Elements and Architectural Character Images

Stakeholder And Public Outreach

The City and County of Broomfield standard public notice requirements have been met for this case. These requirements include:

Concept Review Meeting:

- Sign(s) were posted on the property a minimum of ten days in advance of this meeting.
- Mail notice to property owners located within 1,000 feet of the parcel boundaries (or such additional distance deemed necessary by the city and county manager based on the proposed size, density, and intensity of the proposed development), mailed a minimum of ten days in advance of the meeting
- The concept review has a project website on the Broomfield Voice.

The applicant has also scheduled a neighborhood meeting for the proposed PUD Plan Amendment. The neighborhood meeting is scheduled to take place on April 4, 2024, and will be held in person at the Broomfield Community Center.

Staff Review Of Key Issues

Staff has identified the following key issue for this concept plan.

- **Change in Land Use** - The parcels included within the applicant's project area have been anticipated for industrial development based upon the current PUD Plan and underlying Comprehensive Plan Land Use Map. The proposed conversion from industrial to residential is anticipated to have a negative impact on the long range financial plan.

Although the Comprehensive Plan includes a goal/policy to protect industrial land from potential change in land use, the proposal is to change the land use to allow 100% income aligned housing which is also highly desirable to address critical shortage in attainable housing options. Allowing residential uses in close proximity to industrial and employment land uses can create an opportunity for potential incompatible land uses in close proximity. This needs to be balanced with the fact that this property will be within 0.4 miles of the new Broomfield Town Square development, will have access to transit services available within approximately 650 feet (walking distance) of the property, and is located near the edge of the industrial area where other light industrial and service uses are located. The applicant is seeking feedback from the Council regarding whether there is interest in considering the change in land use for this project.

The applicant is seeking feedback from the Council regarding whether there is interest in considering the change in land use for this project.

Next Steps

The formal development application will include a Comprehensive Plan Amendment and a Planned Unit Development Plan Amendment. This application will require public hearings with both the Land Use Review Commission and City Council.

Following the PUD Amendment and Comprehensive Plan Amendment, a separate future concept review will be required for the Site Development Plan for the development of the project. This future application will require its own neighborhood meeting and would include a Final Plat, a Site Development Plan, and a

Subdivision Improvement Agreement and would require public hearings with the Land Use Review Commission and would be subject to the City Council call up provisions per Broomfield Municipal Code.



City of Broomfield

City Council Study Session Memorandum

Charter Review: Discussion of CRC Recommendations and Possible Ballot Questions

This discussion will be to review Charter Review Committee recommendations and determine what ballot questions, if any, Council would like potential for a vote in 2024 and/or in future years.

Meeting	Agenda Group	
Tuesday, April 16, 2024, 6:00 PM	Study Session	Item: 2B
Presented By		
Nancy Rodgers, City and County Attorney		
Community Goals		

Overview

[View Correspondence](#)

On September 27, 2022, City Council approved Resolution No. 2022-106, which established the Charter Review Committee (CRC) to review the Broomfield Charter and make recommendations to Council regarding any changes. On March 7, 2023, Council appointed seven members to the CRC. The CRC held 13 meetings between April 3 and November 6, 2023, and presented its recommendations and final report to Council on November 14, 2023. This discussion will be to review those recommendations and determine what ballot questions, if any, Council would like potential for a vote in 2024 and/or in future years.

Attachments

Final Memo for Council's Discussion on Next Step - Charter Changes and Potential Ballot Questions.pdf

Summary

[View Correspondence](#)

Broomfield became a City and County in November 2001, but the [Home Rule Charter](#) has been in effect since 1974. Home rule charters detail the structure and powers of a local government. The Charter has been [amended ten \(10\) times](#) in its history. Each time, the Charter amendment was specific to a certain issue or topic. However, Broomfield had not undertaken a full review of the Charter since it went into effect in 1974.

On September 27, 2022, City Council established the Charter Review Committee (CRC) to review the Broomfield Charter and make recommendations to Council regarding any needed changes. On March 7, 2023, Council appointed seven members to the CRC. The CRC held 13 meetings between April 3 and November 6, 2023, and presented its recommendations and final report to Council on November 14, 2023.

The purpose of this Study Session is for City Council to review those recommendations and determine what ballot questions, if any, Council would like staff to prepare to send to the voters in 2024 and/or in future years. This discussion will include having City Council determine the priority for the possible ballot questions. This study session is for discussion and direction only. Formal decisions on proposed ballot questions to change the Charter will take place in public meetings during the summer.

Process for Approving a Ballot Question

Charter amendments are permitted by Section 18.6 of the Charter, which references the home rule statute, C.R.S. § 31-2-210. This permits the City Council to adopt ordinances with the proposed amendments and ballot titles to be submitted to the voters. All ordinances must be confined to a single subject. See Charter, Section 6.2. “Single subject” means the subject matter has to be “necessarily and properly connected rather than disconnected or incongruous” and not create a situation where there are two distinct purposes. *Hayes v. Spalding*, 2016 CO 24, 1 (Colo. 2016). There can be more than one ballot question put on the ballot.

The process is as follows:

- Staff prepares ballot question(s) based on Council direction during this study session.
- Proposed ballot question(s) are presented to Council in ordinance(s) form, and are subject to a first and second reading, and a public hearing.
 - Approval of a proposed ballot question in an ordinance requires a majority vote of Council.
 - The meetings with these ballot questions would be scheduled in June, July and August.
 - Ballot questions for the 2024 election must be approved by mid-August
- After the ballot question is approved, government funds and resources may not be used in either supporting or opposing the ballot question. Elected officials may use personal time and funds to take positions on ballot issues.
- The voters of Broomfield have the ultimate say as to whether or not the Charter change as stated in the ballot question(s) is approved.
- If a Charter change is approved by ballot, it would go into effect upon passage or pursuant to any timing included in the ballot question.

CRC Recommendations

The CRC's recommended changes can be seen in this ["red line" version](#) of the Charter as well as [a summary list in the Nov. 14, 2023 memo](#). A full copy of that list is at the end of this memorandum.

Some of the key recommendations include:

- Maintain 5 wards, 10 councilmembers, at large mayor, and a Council-manager form of government
- A four-year term for mayor
- Limit terms for elected officials to three consecutive terms (Broomfield's Charter is currently silent on term limits so we adhere to state law, which provides for 2 four-year terms or 3 two-year terms)
- Make needed changes throughout the Charter to reflect Broomfield as a "city and county"
- Permit vacancies to be filled by appointment but only until the next available coordinated election (mayoral vacancy would remain filled by a special election unless 6 months before the coordinated election, the by appointment)
- No specific recommendation about elected officials' compensation; CRC generally agrees that the compensation provided for in [Chapter 2.02 of the Municipal Code](#) for the hours worked is too low
- Require City Council adopt job descriptions, job duties, and general assignments for the mayor, mayor pro tem, and council
- No changes on the 2017 Issue 301 language in Section 2.1 re oil and gas regulatory authority and the requirement that Broomfield condition oil and gas development permits on health, safety, and welfare
- Delete obsolete sections that are either expired by their own language (Chapter XX re oil and gas) or irrelevant
- Require a third reading if there are substantive amendments to an ordinance on second reading
- Permit emergency ordinances to go into effect immediately, not eight days from passage
- Add requirement for the adoption of a code of ethics (currently in Code)
- No changes on the open space provisions

As mentioned above, a full list of the CRC's recommendations is at the end of this memorandum.

Additional Suggestions for Charter Changes

Councilmembers' additional suggestions or ideas for changes to the Charter are listed below.

- [Chapter III](#) - Add a section that would set the voting age for Broomfield elections to 16 years old (CCOB follows state law right now; CCOB cannot change age for state/federal elections) - Councilmember Ward
- [Chapter III](#) - Revise recall procedures to add requirements on timing of recall petitions, grounds for recall, requiring the elected official submit a response statement for the petition, vacancies caused by a recall filled by existing vacancy procedures in Charter - Councilmember Ward, Councilmember Marsh-Holschen
- [Chapter IV](#) - Change in number of wards to 3; each with 2 councilmembers (reduces the size of Council to 6) - Councilmember Marsh-Holschen
- [Chapter IV](#) - Council permitted to hire a Chief of Staff to serve at the pleasure of Council (direct liaison between Council and City and County Manager; allow for research etc, independent of City and County Manager and staff) - Councilmember Marsh-Holschen
- [Chapter XVIII](#) - Add a provision to require Council establish a Charter Review Committee at least every 10 years - Councilmember Ward
- Throughout - Change "City Council" to "Council" - Councilmember Marsh-Holschen

Financial Considerations

Each possible Charter change may have its own financial considerations, which will be addressed if/when that specific change is presented to Council as an ordinance approving the ballot question.

Prior Council or Other Entity Actions

On September 27, 2022, City Council approved [Resolution No. 2022-106](#) establishing the Charter Review Committee.

On [March 7, 2023](#), Council appointed the CRC members.

On [November 14, 2023](#), Council heard the final report and recommendation of the CRC.

Boards and Commissions Prior Actions and Recommendations

The Charter Review Committee presented its final recommendations to City Council on Tuesday, November 14, 2023. Click here for the [Final Report](#) and here for the [PowerPoint](#). A red line of the CRC's recommended changes to the Charter can be found [HERE](#).

Proposed Actions / Recommendations

If Council desires to proceed with presenting a Charter change to the voters, Council should direct staff to prepare an ordinance(s) with the ballot question(s) for Council's formal consideration at a meeting(s) between June and August 2024.

Alternatives

Do not direct staff to prepare any proposed ballot questions and do not proceed with any changes to the Charter at this time.

Full List of Broomfield Charter Review Committee Recommended Changes

Overall changes

Remove outdated language or transitional language from 1974

Change "City" to "City and County" throughout; municipal to "City and County" when appropriate

Prefatory Synopsis

Clean up; substantive changes to match other changes to Charter provisions, if applicable

Added a paragraph about Charter being the definitive governing document, but other key documents such as the strategic plan and comprehensive plan are critical to operational success and should be reviewed and updated (similar provision in 4.9(c))

Preamble - Clean up

Chapter I - Name Boundaries - no changes

Chapter II - City and County Powers (formally “Municipal Powers”)

No substantive changes that alter current operations

Form of Government remains Council-manager

No changes on the Issue 301 language in Section 2.1 re oil and gas regulatory authority and required focus on health, safety, and welfare

Chapter III - Elections

Made clear that Broomfield’s elections follow Title I, so there isn’t confusion between application of Title 31 and Title I of the Colorado Revised Statutes

Change “municipal” election to “coordinated” election throughout

Chapter IV: Mayor and Council

4.1 - City Council and Mayor

No change to the number of councilmembers

No change to mayor being elected “at large”

4.2 - Wards

No change in the number of wards

Changes to the ward boundary map only occur following the census or when there is a significant disparity (5%) in population between the most populous and least populous ward

Manager prepares the ward map and City Council is limited to approval or rejection; they cannot modify the staff’s recommended map

4.3 - Terms of Office

Four year term for mayor

No change to the four year term for councilmembers

Added term limits for elected officials - 3 consecutive terms (Note: term limits are not currently in Charter; Broomfield follows state law: 2 terms for 4-year elected terms and 3 terms for 2-year elected terms)

4.4 - Mayor Power and Duties

Added that the mayor, with the assistance of the manager, sets the agenda

4.6 - Qualifications [of Elected Officials]

Added a provision that changes in ward boundaries won’t operate to exclude a sitting councilmember

Added that an elected official's absence from 50% or more Council meetings will be deemed to be a "vacant" seat

Added a specific prohibition that an elected official cannot hold another public elected office

4.7 - Vacancies

Clarified that a councilmember vacancy will be filled by appointment, but only until the next available coordinated election when a person will be elected to serve the remainder of the original term (if any)

Clarified that a mayoral vacancy is filled via special election unless within 180 days from the coordinated election, then filled by appointment until that election

4.8 - Compensation

Generally, there is agreement among the Charter Review Committee that the compensation for the hours worked is too low. However, there are multiple ideas of how to address that, particularly the mechanisms and the amount. The recommendation from the Committee, particularly the 5 resident members, that compensation should be tied to a relevant, independent index

4.9 - Powers and Duties of Council

Added that Council shall adopt job descriptions, job duties, and general assignments for the mayor and councilmembers

Added that Charter is the definitive governing document, but other key documents such as the strategic plan and comprehensive plan were critical to operational success and City Council should review and update these documents as needed (similar provision in prefatory synopsis)

4.11 - Ethics Code

Added that Council must adopt an ethics code (there is a current ethics code in the Broomfield Municipal Code but no requirement to do so in Charter)

Chapter V - Council procedures

Permits a study session to be one of the required two meetings a month

Removed requirement to take a roll call vote but retained requirement that a yes or no vote be entered into the records unless the vote was unanimous. (New AgendaLink system displays each councilmember's vote on a screen)

Chapter VI - Legislation

Added that land use rezones for a specific property (not a multiple property development) to be approved by resolution, not ordinance

Added a required “third reading” to ordinances that have substantive amendments on second reading

Veto by mayor remains

Changed the effective date for emergency ordinances - they will go into effect immediately (not eight days from passage)

Modified the publication requirement of ordinances so that ordinances are required to be published on the City and County website rather than a newspaper; ordinances can be published in a newspaper upon Council’s direction

Chapter VII - Initiative and Referendum

Modified the deadlines on initiative and referendum to match state statute

Chapter VIII - City and County (formally “Municipal”) Administration

Retained Council-manager form of government

Updated language and removed repetitive language in Sections 8.3 and 8.8

Removed language that allowed City Council to consolidate or merge departments, and language that required the manager to seek Council approval before dividing departments. This change is consistent with the manager’s authority over the various departments

Removed Section 8.8 on Administrative Departments because the tasks and responsibilities are covered in the managers’ duties in Section 8.3

Added a new requirement that the manager, with Council approval, shall appoint and could remove an Internal Auditor (the Internal Audit department is in Code, but not Charter)

Chapter IX - Personnel

A Personnel Merit System (PMS) remains required by the Charter

Clarified who is included/excluded in the PMS: includes all Broomfield employees except department heads, (new) the deputy/assistant city and county managers, elected officers, Council appointees, (new) temporary employees, boards and commission members, and special inquiry contractors

The inclusion of the police chief in the PMS was removed. The Chief is excluded from the PMS, consistent with other department heads. The Chief would like Council to consider including the Deputy Chiefs of Policies in the group that are excluded from the PMS

Clarified that language to require the Personnel Merit System provide non-probationary employees a right to administratively appeal any disciplinary action

The Personnel Merit Commission was removed from Charter (note: The Commission still remains in Code and is an active Commission. City Council could, if it desired, change the ordinance to modify the structure and obligations of the PMC)

Chapter X - Legal and Judiciary

City and County Attorney

Broadened the language to recognize that the City and County Attorney employs staff in addition to attorneys

Specified that special counsel works under the direction of the City and County Attorney, who serves at the pleasure of Council

Municipal Court

The Presiding Judge shall be the “department head” for the Court and will hire and supervise associate judges and such staff as needed by the Court

Modified the requirements for removal of a judge to reference the Colorado Code of Judicial Conduct

Chapter XI - Boards and Commissions

Removed language that a board member could be removed “for just cause” and retained language that the member could be removed at the pleasure of Council

Current council members and employees cannot serve on any temporary boards or commissions, in addition to the existing prohibition for permanent boards or commissions

Council may permit an individual to serve on more than one board or commission

Chapter XII - Finance and Budget

Added a requirement that the manager collaborate with Council on the recommendation budget for the next fiscal year

Added a requirement that the proposed operational capital expenditures in the budget be both detailed and summarized for each Broomfield office

Removed requirements that publicly available documents be located at the “municipal building”; documents will be available publicly at the City and County main building, on the website, and per a public records request

Chapter XIII - Taxation - Language updates; No substantive changes

Chapter XIV - Municipal and County Funding - Language updates; No substantive changes

Chapter XV - Improvement Districts - Language updates; No substantive changes

Chapter XVI - Intergovernmental Relations

Allows intergovernmental contracts to be approved by a majority, not 2/3rd vote

Permits Council to delegate authority to enter into certain intergovernmental contracts

Require intergovernmental contracts be published on the City and County website

Chapter XVII - Utilities and Franchise - Language updates; No substantive changes

Chapter XVII - General Provisions (Eminent Domain, Open Space, Charter Amendments, etc.) - Language updates; No substantive changes

Chapter XIX - Transitional Provisions

Deletion of this entire provision, which contain sections needed for the transition from statutory town to home rule municipality

Chapter XX - Prohibition on Hydraulic Fracturing

The Committee recommends, by a vote of 5-2, deletion of this Chapter only because, by the terms of the policy statement in Chapter XX, the provision has expired. It was passed in 2013 and expired in five years from implementation

Further Suggestions

The Committee recommends City Council consider adding a policy statement in the Charter supporting affordable housing and a policy statement supporting diversity, equity and inclusion