

AS AMENDED

A BILL FOR AN ORDINANCE

ORDINANCE NO. 17

SERIES OF 2019

INTRODUCED BY: COUNCILMEMBER INGEBRETSEN

AN ORDINANCE AMENDING CHAPTERS 16 AND 4 OF THE GREENWOOD VILLAGE MUNICIPAL CODE TO CREATE AN ARAPAHOE ENTERTAINMENT DISTRICT AND LIMITED TAX SHARE BACK IMPROVEMENTS PROGRAM

WHEREAS, the Arapahoe Road Corridor serves as a sub-regional commerce destination; and

WHEREAS, the Greenwood Village City Council finds that encouraging the use of high quality design and development standards within the Arapahoe Road Corridor is desirable in order to maintain and enhance the City's retail and commercial tax base while protecting and promoting Greenwood Village's identity; and

WHEREAS, to encourage development that will achieve the goal of enhancing the City's tax base and protecting and enhancing the Greenwood Village identity, City Council has determined that encouraging high-quality development and redevelopment within the Arapahoe Road Corridor can be advanced by requiring higher quality design standards along the Arapahoe Road Corridor west of Interstate 25 and encouraging preferred uses by allowing alternative setback and height restriction for preferred uses; and

WHEREAS, the Greenwood Village City Council is desirous of encouraging enhanced public and private improvements in the Arapahoe Road Corridor area between Interstate 25 and South Syracuse Way through a limited sales tax share back program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. A new Article, 18.5, is hereby added to Chapter 16 of the Greenwood Village Municipal Code to read as follows:

ARTICLE 18.5
Arapahoe Entertainment District

16-18.5-10. Creation and Intent.

(a) There is hereby created the "Arapahoe Entertainment District" that shall include those properties identified in Section 16-18.5-20.

(b) The Arapahoe Entertainment District is intended to encourage high-quality commercial, retail, and entertainment-related development through the use of alternative development standards for building setbacks, height and open space for preferred entertainment-related uses, while maintaining the rights of the underlying

zoning district designation. The goal is to promote a vibrant retail area located west of Interstate 25 ("I-25") that is clearly identifiable as a Greenwood Village district.

(c) To the extent there is a conflict between the provisions of the underlying zoning district and the Arapahoe Entertainment District, the provisions of the Arapahoe Entertainment District shall control.

16-18.5-20. Overlay district boundaries.

The Arapahoe Entertainment District includes those properties located north of East Arapahoe Road, west of I-25, east of South Syracuse Way and south of East Peakview Avenue, with some exceptions. Specific properties included within the Arapahoe Entertainment District are identified on the map entitled "Arapahoe Entertainment District", along with accompanying street addresses, on file in the Community Development Department and City Clerk's office and available on the Greenwood Village website.

16-18.5-30. Superseding of previously approved plats, master development plans and site development plans.

- (a) Any approval granted pursuant to the provisions of this article shall be deemed to amend and supersede the provisions of any final plat, preliminary plat, master development plan, planned unit development, final development plan, preliminary development plan, site development plan or other land use approval relating to the affected property insofar as it relates to land use or development standards.
- (b) An applicant may choose to follow the provisions of either the underlying zoning designation or the Arapahoe Entertainment District, but cannot choose to follow provisions of both for the benefit of a development.
- (c) All applications for new development and redevelopment of 50% or more of the existing floor area must meet the requirements of Section 16-18.5-50, *Development Standards*, and Section 16-18.5-60, *Design Standards*.
- (d) Exterior façade upgrades not including any sitework must meet the requirements of Section 16-18.5-60, *Design Standards*.

16-18.5-40. Preferred uses and special uses.

(a) Applicability and intent.

(1) A property owner may elect to follow the provisions of the Arapahoe Entertainment District to develop property.

(2) Although the underlying zoning remains in place, the Arapahoe Entertainment District preferred uses encourage a defined area for people to shop, eat and pursue leisure and recreational activities and includes uses such as restaurants, retail shopping, entertainment venues and other similar uses.

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(3) All permitted and special uses in the underlying zone district are allowed. In addition, the following preferred uses are also allowed within the Arapahoe Entertainment District.

(b) Preferred uses by right. The following uses are preferred uses by right within the Arapahoe Entertainment District:

- (1) Art studios and galleries
- (2) Craft brewery, distillery, taproom, winery
- (3) Entertainment in conjunction with eating and drinking establishments
- (4) Hotels/Motels (not including Extended Stay Hotels/Motels)
- (5) Indoor amusement/entertainment facilities
- (6) Restaurants/Bars
- (7) Theaters and auditoriums

(c) Special Uses. The following uses are conditional uses within the Arapahoe Entertainment District, subject to City Council approval:

- (1) Outdoor amusement facilities
- (2) Other entertainment related uses not listed as a preferred use or use by right unless otherwise prohibited.

16-18.5-50. Development standards for preferred uses by right

Development Standards. The following development standards allow for greater flexibility with regard to building setbacks, building height, and open space. All other uses must follow the development standards for the MC zoning district, in accordance with the regulations of the Land Development Code.

(a) Building setbacks (Minimums). Buildings shall be set back a minimum of:

- (1) Zero (0) feet for all internal side and rear property lines.
- (2) Twenty-five (25) feet for all external side and rear property lines.
- (3) Forty (40) feet to the curb line of the nearest traveled roadway for all front, side and rear property lines abutting Arapahoe Road, Syracuse Way, Greenwood Plaza Boulevard, Yosemite Street, and Peakview Avenue (unless the existing right-of-way would require a further distance).
- (4) Twenty-five (25) feet to the curb line for of the nearest traveled roadway for all front, side and rear property lines abutting all other public or private streets.
- (5) Open air patios may be located within the setbacks required in subsections (3) and (4) above, provided they maintain a minimum setback of twenty (20) feet to the curb line and do not interfere with the required streetscape (landscaping and sidewalk).

(b) Open space (Minimum). A minimum of twenty percent (20%) of the gross land area shall be open space, provided that credit for interior parking lot landscaping and

adjacent streetscape landscaping shall be allowed if the landscaping is designed or oriented to serve or complement the proposed development.

(c) Height (Maximums).

(1) Fifty (50) feet for all buildings located more than two hundred (200) feet from the curb line of Arapahoe Road. Up to seventy-five (75) feet may be considered, through an exception request to City Council for entertainment-related uses, on a case-by-case basis.

(2) Thirty (30) feet for all buildings located within two hundred (200) feet of the curb line of Arapahoe Road.

16-18.5-60. Design Standards

Design Standards. The following design standards apply within the Arapahoe Entertainment District to all new development and redevelopment of 50% or more of the existing floor area:

(a) Building Design. In addition to complying with the provisions of Chapter 16, Article 21, *Site and Design Standards*, buildings shall meet the following standards:

(1) Building massing and form shall be modulated to reduce bulk and create interest.

(2) Buildings must incorporate 360-degree building design where appropriate.

(3) Buildings must incorporate three (3) substantially different building materials.

(4) A building material classification system must be followed to require a specified minimum amount of quality materials, and to restrict or prohibit lower-quality materials.

a. Class I. A minimum of fifty percent (50%) (average) of all building facades must contain Class I materials, unless facing a public street in which case a minimum of seventy-five percent (75%) of facades facing a public street must contain Class I materials, including:

Natural brick;

Natural stone;

Natural wood;

Glass (transparent)*; and/or

Other similar materials, as approved by City Council.

*A minimum of twenty percent (20%) of all building facades facing a public street must contain transparent glass.

b. Class II. A maximum of fifty percent (50%) (average) of all building facades may contain Class II materials, unless facing a public street in which case a maximum of twenty-five percent (25%) on facades facing a public street is allowed, including:

Split-face or ground-face block;

Manufactured stone, brick or tile;

Cementitious stucco;

Architectural metal; and/or

Other similar materials, as approved by City Council.

c. Class III. Materials prohibited on building facades, including:

Reflective glass;

Untextured tilt-up or poured-in-place concrete;

Vinyl siding or other plastic material;

Fiber cement board; and/or

Materials not otherwise a Class I or II, as determined by City Council.

(b) Site Design. In addition to complying with the provisions of Chapter 16, Article 21, *Site and Design Standards*, sites shall include the following high-quality design elements:

(1) Drive-thru lanes shall be screened from public view from Arapahoe Road to the extent practicable. Screening can be achieved by placing the lanes on the interior side of the building, opposite Arapahoe Road, or through the installation of year-round landscaping.

(2) Trash/dumpster enclosures shall be screened from public view from Arapahoe Road to the extent practicable. Screening can be achieved by placing the containers on the interior side of the building, opposite Arapahoe Road, or through the installation of year-round landscaping. If landscaping is used, trash/dumpster enclosure doors and gates shall be oriented away from Arapahoe Road.

(3) Gasoline canopies shall be placed beside or behind the principal building and shall not be located between the principal building(s) and Arapahoe Road. In

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addition, gasoline canopies shall be designed to match or complement the principal building(s).

(4) Vehicle access bays (serving automobile related uses) shall be screened from public view from Arapahoe Road to the extent practicable. Screening can be achieved by orienting the bays away from Arapahoe Road, by integrating physical screening into the building (that matches or complements the building), or through the installation of year-round landscaping.

(c) Ground Sign Standards. All ground signs must incorporate a monument style base utilizing materials and design elements that match or complement the principal building(s). If no principal building exists, the ground sign must be comprised of only those materials permitted in Section 16-18.5-60(a)(4) above.

Section 2. A new Article, 11, is hereby added to Chapter 4 of the Greenwood Village Municipal Code to read as follows:

ARTICLE 11

Arapahoe Entertainment District Improvement Program

Sec. 4-11-10. - Established.

There is established within the City a sales tax rebate program specific to the Arapahoe Entertainment District ("AED", 16-18.5-10), herein referred to as the Arapahoe Entertainment District Improvement Program ("AEDIP"). The AEDIP shall expire eight (8) years from the EFFECTIVE date of ORDINANCE NO. 17-19. The AEDIP is limited to those properties within the AED located west of Interstate 25 and east of South Syracuse Way.

Sec. 4-11-20. - Objectives of program.

The objective of the AEDIP is to improve aesthetics and walkability of the Arapahoe Entertainment District by encouraging enhanced improvements to both public and private property in a limited geographic area.

Sec. 4-11-30. - Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Enhanced sales tax means the amount of the sales tax collected by the City over the ESTABLISHED BASE AMOUNT.

Established base amount means the ANNUALIZED sales tax collected by the City FROM THE PROPERTY over the previous 60 MONTHS, INCLUDING IN THE CALCULATION ONLY THOSE MONTHS WHERE TAXES WERE COLLECTED.

Owner or proprietor means the record owner or operator of an individual business, or the record owner of the real property upon which more than one (1) business is operated.

Sec. 4-11-40. - Participation; rules and regulations.

Participation in the AEDIP is limited to those properties within the AED located west of Interstate 25 and east of South Syracuse Way, and shall be subject to compliance with and satisfaction of all criteria and limitations set forth in this Article and any sales and use tax rebate program rules and regulations which are promulgated by the City Manager and approved by the City Council by resolution. Authority is expressly delegated to the City Manager to promulgate such proposed rules and regulations, and thereafter to administer the same upon their adoption by the City Council.

Sec. 4-11-50. - Rebate to be used for cost of improvements.

(a) Approval by the City Council of an agreement implementing this AEDIP shall entitle the successful applicant to up to one hundred percent (100%) of the enhanced sales and use taxes derived from the property above an established base amount to reimburse for costs incurred by the applicant for specified property improvements approved in advance by City Council. The rebate of enhanced sales and/or use taxes is limited by the following maximum amounts per calendar year, for up to a maximum of five (5) years:

- (1) Year 1: One hundred percent (100%)
- (2) Year 2: Ninety percent (90%)
- (3) Year 3: Seventy-five percent (75%)
- (4) Year 4: Fifty percent (50%)
- (5) Year 5: Twenty-five percent (25%)

(b) The City will reimburse all approved costs of improvements completed within sixty (60) months from the date of execution of an agreement approved by City Council. Costs incurred in making such improvements shall be submitted to the City not more frequently than annually and will be reimbursed on an annual basis in an amount up to that percentage of the enhanced sales tax revenues received by the City during the same year identified in subsection (a) above. Reimbursement shall occur within sixty (60) calendar days of the close of the previous year, provided that complete and accurate documentation of improvements and cost has been provided.

Sec. 4-11-60. - Improvements eligible for funds.

(a) The improvements for which enhanced sales taxes may be rebated shall be strictly limited to those identified in this Section.

(b) Enhanced sales and/or use tax rebate funds may be used for the following improvements made in conjunction with the construction, reconstruction, rehabilitation and remodeling of existing private and public property:

(1) Enhanced private property improvements involving the demolition and reconstruction, or exterior remodel of an existing building that improves the aesthetic qualities of commercial properties consistent with the design guidelines for the Arapahoe Entertainment District.

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(2) Enhanced public property improvements that includes streetscape elements such as public signage, pavement treatments, street improvements, sidewalks, street lighting, street furniture and landscaping.

(c) The following costs shall not be eligible for reimbursement:

- (1) New construction or development unrelated to the demolition and reconstruction of an existing building and site;
- (2) Infrastructure to serve new development;
- (3) Consulting fees, including architectural and engineering expenses;
- (4) Legal costs and attorney fees;
- (5) Payment of interest and other financing expenses;
- (6) Loss of business expenses.

Sec. 4-11-70. - Application approval.

Approval of an application for inclusion in this AEDIP shall be by the City Council, based upon the following considerations:

- (a) The amount of enhanced sales taxes which are reasonably anticipated
- (b) The extent to which the improvements proposed promote a vibrant retail area that is clearly identifiable as a Greenwood Village district and otherwise meet the goals of this chapter;
- (c) The amount of expenditures on public improvements completed by the applicant;

Section 3. Effective Date. This ordinance shall take effect six (6) days after publication following final passage.

INTRODUCED AND APPROVED ON FIRST READING ON THE 4TH DAY OF NOVEMBER, 2019, AND ORDERED PUBLISHED IN THE VILLAGER.

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George E. Lantz, Mayor

ATTEST:

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Susan M. Ortiz, MMC
City Clerk

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INTRODUCED AND APPROVED ON SECOND READING ON THE 2ND DAY OF
DECEMBER, 2019, AND ORDERED PUBLISHED BY REFERENCE TO TITLE ONLY.

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George E. Lantz, Mayor

ATTEST:

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Susan M. Ortiz, MMC
City Clerk

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EFFECTIVE: December 11, 2019