

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

April 25, 2011

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Joseph DeMott, Karen Berry, Joyce Jay, Davis Reinhart, Tracy Langworthy, Wanda Sang and Mike Stites. Also present: City Clerk, Michael Snow; City Treasurer, Larry Schulz; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Administrative Services Director, Heather Geyer; Community Development Director, Kenneth Johnstone; Public Works Director Tim Paranto; Deputy City Clerk, Bruce Roome; staff and interested citizens.

### APPROVAL OF MINUTES OF April 11, 2011

Motion by Mr. Stites for approval of the Minutes of April 11, 2011; seconded by Mr. DeMott and Mrs. Sang; carried 6-0-2 with Council Members Adams and Reinhart abstaining due to their absence.

### PROCLAMATIONS AND CEREMONIES

Proclamation for Arbor Day was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge, Karen Thaler. Margaret Paget, representing the Parks Department, was present to accept the proclamation.

Proclamation for Municipal Clerks Week was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge, Karen Thaler. City Clerk Michael Snow was present to accept the proclamation and speak on behalf of the role of municipal clerks in city government.

### CITIZENS' RIGHT TO SPEAK

**Natalie Fedak**, a student senator at Wheat Ridge High School spoke of her trip to Guatemala last summer as part of a human rights advocacy program. While there, she met with indigenous Mayans who were massacred by their government in the 1980's and have received little compensation. They are greatly in need of funding for education of their children as they currently only receive a fifth grade education. To raise funding for the group, Ms. Fedak is hosting a charity concert Wednesday, May 11, 2011 at Wheat Ridge High School on the Turf Field. All proceeds from the event will go towards a scholarship fund for these children. There will be two bands playing at the event and a short documentary will be shown that was filmed in Guatemala.

**1. CONSENT AGENDA**

- A. Motion to approve payment to Buyboard Cooperative in the amount of \$136,305 for a prefabricated, permanent restroom structure to be located in Discovery Park.
- B. Motion to approve payment of Murray Dahl Kuechenmeister & Renaud LLP March, 2011 invoices for Legal Services in the amount of \$31,447.40.
- C. Motion to approve payment of Deepwater Point Company's March invoices for Real Estate Consulting Services rendered in connection with the Clear Creek Crossing Development in the amount of \$19,175.94.
- D. Motion to award RFB-11-20 for Traffic Signal Equipment to various vendors at a total cost of \$30,306.00.
- E. Motion to award RFB-11-19, Police Patrol Motorcycle, to Foothills BMW of Lakewood, CO, at a total cost of \$30,767.65.
- F. Motion to approve award of ITB-11-02 (Overlay Project) to Brannan Sand and Gravel, Denver, CO, in the contract amount of \$1,267,358.75 and to approve a contingency amount of \$126,736.00.

Consent Agenda was introduced and read by Mrs. Langworthy.

Motion by Mrs. Langworthy for approval of the Consent Agenda; seconded by Mrs. Sang; carried 8-0.

**ORDINANCES ON SECOND READING**

- 2A.** Council Bill 08-2011 – approving the Annexation of Land Located in Sections 19 and 20, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado (Case No. ANX-11-01/Table Mountain Animal Center)
- 2B.** Council Bill 09-2011 – approving Planned Commercial Development (PCD) Zoning for Property located at 4105 Youngfield Service Road and approval of a PCD Concept Outline Development Plan on Property located at 4000 Cabela Drive and 4105 Youngfield Service Road (Case No. WZ-11-01/Clear Creek Crossing)
- 2C.** Council Bill 10-2011 – approving a Planned Commercial Development (PCD) Specific Outline Development Plan on Property located at 4000 Cabela Drive and 4105 Youngfield Service Road, more particularly identified as Block 1, Lots 1 and 3; Block 2, Lot 1; Block 3, Lot 1; Block 4, Lot 1; Block 5, Lots 3, 4 and 5 of Clear Creek Crossing Subdivision. (Case No. WZ-11-02/Clear Creek Crossing)



5. Council Bill 15-2011 – temporarily waiving the City's Two-Cent Sales Tax within the boundaries of the Longs Peak Metropolitan District.  
(CONTINUED TO MAY 9, 2011)

Mayor DiTullio opened the combined public hearing for Items 2A, 2B, 2C, and Item 5.

Council Bill 08-2011 was introduced on second reading by Mr. Stites. Deputy City Clerk Bruce Roome assigned Ordinance No. 1485.

Council Bill 09-2011 was introduced on second reading by Mr. Stites. Deputy City Clerk Bruce Roome assigned Ordinance No. 1486.

Council Bill 10-2011 was introduced on second reading by Mr. Stites. Deputy City Clerk Bruce Roome assigned Ordinance No. 1487.

Council Bill 15-2011 was introduced on second reading by Mr. Stites.

Staff Report was presented by Mr. Johnstone.

**Dennis Armstrong**, Corporate Architect for Cabela's presented proposed zoning modifications to Clear Creek Crossing (presentation amended to this packet.)

**Chris Fasching**, Lead Traffic Engineer from Felsburg, Holt and Ullevich presented traffic and roadway improvement plans for the area (presentation amended to this packet.)

**Noel Cupkovic**, Architect from Cupkovic Architecture, Inc., presented the proposed design standard pattern book which included signage, landscaping, site amenities, site planning, sustainability, and architecture. Mr. Cupkovic also addressed grading, lighting, and pedestrian and bicycle circulation (presentation amended to this packet.)

**Carolynne White**, Land Use Attorney from Brownstein, Hyatt and Farber indicated the applicant concurred with all of staff recommendations including all the conditions recommended by the Planning Commission. Ms. White states that the project meets and exceeds zoning requirements and that the applicant concurs with the statements Mr. Johnstone made in regards to traffic and roadway improvements, specifically. They proposed Council approve the annexation and rezone the area as presented with minor changes to original Outline Development Plan (OPD) approved in 2006.

**Gary Holbrook** has met with representatives of the Planning Commission regarding the traffic flow for 32<sup>nd</sup> Avenue and came away from the meetings disappointed. This was because some of the Commission representatives had not physically walked the site. Mr. Holbrook doesn't believe that the physical space has been taken into consideration.

**Brian DeLaet**, is excited about this project and he feels that the greenbelt has been ignored and can now be showcased via this project. This project will fix 32<sup>nd</sup> Avenue and Youngfield Street along with other traffic issues. Mr. DeLaet emphasized the benefits of new businesses coming to town along with the jobs they bring to Wheat Ridge.

**Ted Heyd**, Planning and Technical Consultant for LiveWell Wheat Ridge also expressed pleasure with the coming of Cabela's. He believes this will help realize some of the goals set forth by the Council in 2009. He noted two possible missed opportunities in the plan. These are a lack of on-street designated bike lanes on Cabela Drive, as well as any RTD stops throughout the site.

**Tara Jahn**, is excited about the project as it improves the area and makes it productive to the community and it also addresses the traffic bottleneck at 32<sup>nd</sup> and Youngfield. She expressed her concerns that the back side of the Cabela's building and the view for those using Clear Creek trail may be unsatisfactory. Ms. Jahn wondered if additional landscaping could be considered for that area. She also expressed concern that, while the plan for the potential retailers is amazing, empty units will not be good for the development. She feels it would make sense to have businesses committed to those spaces before the additional shops are built.

**Greg Seebart** is excited with the plans, yet wanted to reinforce the need for on-street bike lines on Cabela Drive and 40<sup>th</sup> Avenue. Mr. Seebart would encourage Council to use this as a method to calm traffic, which can also help with sales tax revenue. He also expressed desire for increased area for pedestrian traffic so people can walk between the stores versus driving to each store.

**Jeff Baier** had many more concerns before the meeting but those were answered. Still one concern remains regarding the intersection of Cabela's Drive and 32<sup>nd</sup> Avenue. This is close to the intersection of 32<sup>nd</sup> Avenue and Alkire Street which is the access point for both Maple Grove Elementary School and Manning School. Mr. Baier would like to see considerations to keep this intersection safe for students and parents crossing 32<sup>nd</sup> Avenue to get to the schools.

**Ken Kirkland**, representing the Applewood Property Owners Association, is concerned with the bicycle paths as well. He doesn't want to see a combined bicycle/pedestrian path as the one on 32<sup>nd</sup> Avenue on the west side was not successful. Mr. Kirkland is also concerned with the fact that there are two lanes coming in to the area from Highway 58 and only one lane going out which could create traffic problems for those leaving the center. Mr. Kirkland thanked CDOT for delaying the 27<sup>th</sup> Avenue part of this program.

**Kevin Smith** wants to know if the design of the bicycle/pedestrian path has been finalized. He is hoping for further community input for designs and changes that will promote a healthy lifestyle and shopping area. Mr. Smith would like to promote people walking to and from stores by using traffic calming methods. Mr. Smith requests an



explanation of why Cabela's designated 25% of plan for landscaping but Wal-Mart only 18%. He also would like a brief discussion of the impact of the tax holiday that Wal-Mart will receive.

**Susan Motika** is pleased with the plan and that the City of Wheat Ridge is moving in the right direction. She is also pleased about the number of residents that have been able to take part in the project. Ms. Motika believes the potential RTD stop needs to be included especially for the employees who will need the transportation. She believes it makes sense to take the step now with the question of on-street bike lanes versus later when it would be more expensive.

**Francine Mazone**, of Golden, is very negatively impacted by the project. She strongly opposes it, especially Wal-Mart, and feels that this will in fact not bring jobs to Wheat Ridge. She presented evidence showing that when they come to a community the results are a net reduction of jobs and lower wages. Ms. Mazone also wants to know what will happen to the existing property where Wal-Mart is on Youngfield Street once this project is complete.

**Flora Andrus**, with Prospect Recreation and Park District, is looking forward to cooperation with Council and the City of Wheat Ridge on the project. She is glad it has progressed to this point and hopes it comes to fruition.

**Edna Miklos**, representing the Applewood Business Association, is glad to see the project is coming together and that Cabela's is coming. She is also happy about the proposed traffic solutions and that Cabela's will keep this as the gateway to the Rockies.

**Marion Ortiz** spoke on behalf of the Applewood Valley Association, which represents approximately 2,000 single family homes immediately south of Wheat Ridge. Ms. Ortiz looks forward to the development and has invested many hours to help develop this plan. The Association is concerned, however, that large amounts of traffic will end up on 32<sup>nd</sup> Avenue and Youngfield Street.

**Shirley Schneider**, Board Director of the Applewood Valley Association, provided Council a handout detailing traffic study implications (amended to this packet). She is concerned with traffic analysis and why the majority of traffic will rely on 32<sup>nd</sup> Avenue and Youngfield Street.

**Barbara Barry**, President of the Applewood Valley Association, completed the comments for neighborhood concerns. She believes that this project must focus on the biggest problem which is too much traffic being funneled to 32<sup>nd</sup> Avenue. Ms. Barry wants to see a standard four lane arterial for the entire length of Cabela Drive. She questioned if the available width under the railroad structure is too small to fit four traffic lanes. The Association would like to see Council commit to building a four lane Cabela Drive and relieve traffic on 32<sup>nd</sup> Avenue.

**Kim Calomino**, representing Wheat Ridge 2020, commended all parties involved for their patience and persistence put forth to bring this project to fruition. Wheat Ridge 2020 states their support for the project as this will expand shopping choices in the City as well as local jobs. Ms. Calomino believes this will put Wheat Ridge on the map and indicate that Wheat Ridge is open for business and will continue to attract quality businesses.

**Dean Gokey** believes this annexation shows that Cabela's has made a commitment to the community, the county and the State to provide a quality project and would like to see the annexation passed. Regarding the ODP, Mr. Gokey feels the developer has addressed the needs for nice architecture and has worked with the public for the past seven years to make sure the needs of the community are met. The expense that the developer is incurring to develop this project is very large which again demonstrates their commitment to Wheat Ridge. Mr. Gokey states this is a quality project and the people of Wheat Ridge have waited a long time for this and he urges Council to support and pass these Council Bills with the least amount of restrictions possible.

**Gretchen Cerveny** was the Mayor when Cabela's first came to Wheat Ridge to propose their project. Ms. Cerveny is excited about the project but wants to reiterate what others said tonight that a bus stop is a good idea, and asks the Council and developers to please consider this. She is glad about the improvements that will take place at 32<sup>nd</sup> and Youngfield as a result of this.

Mayor DiTullio called for a break at 9:11 p.m.

The meeting reconvened at 9:20 p.m.

**Carolynne White**, Land Use Attorney from Brownstein, Hyatt, Farber addressed various questions from citizens. Regarding the ten foot trail versus on-street painted bike lanes, the developers took their cue from existing Clear Creek Trail and tried to match the current Clear Creek Trail. Regarding the bus stop, they have been consulting with RTD, however they are not ready to address the route. There are areas incorporated in the design that allow for a bus stop when that decision is made. Regarding landscaping, Ms. White stated that the area behind Cabela's is part of the requirement of four sided architecture so it will be landscaped. The Planning Commission added a condition that the landscape in the area is to be increased. Regarding the questions of the percentage of overall landscaping and the number of trees, the ODP sets forth the minimum of 20% for entire project for trees and landscaping while each lot must meet at least 15%.

**Chris Fasching**, Lead Traffic Engineer from Felsburg, Holt and Ullevich addressed the 32<sup>nd</sup> Avenue and Youngfield Street traffic concerns. He stated that the new development plan will address possible larger volumes. These ideas include alternative access points in and out of the area and five lanes at 32<sup>nd</sup> Avenue and Youngfield Street intersection because the westbound ramps from I-70 are being moved to Cabela Drive.



Motion by Mr. Stites to further continue the public hearing on Council Bill 15-2011 (Item 5 on the agenda, continued from April 11, 2011) until May 9, 2011 at 7 p.m. in the City Council Chambers; seconded by Mrs. Sang; carried 8-0.

Council Member Langworthy left the meeting at 9:38 p.m.

Mayor DiTullio closed the public hearing. (For Items 2A, 2B, and 2C)

Motion by Mr. Stites to approve Council Bill 08-2011 (Ordinance 1485), on second reading and that it take effect upon recordation of the annexation plot; seconded by Mrs. Adams and Mrs. Sang; carried 7-0.

Motion by Mr. Stites to approve Council Bill 09-2011 (Ordinance 1486) on second reading and that it take effect 15 days after final publication for the following reasons:

1. The TMAC parcel located at 4150 Youngfield Service Road is under consideration for annexation and zoning must be approved within 90 days.
2. Extension of the Planned Commercial District (PCD) zoning and development to the north is a logical use for the property while protecting the open space area currently located in the Clear Creek corridor.
3. The request is consistent with both the Three-Mile Plan and Envision Wheat Ridge.
4. Many of the infrastructure improvements are already constructed.
5. There will be economic and recreational benefits from the development.
6. The proposed uses are compatible with commercial uses in the vicinity.
7. All requirements for a Concept ODP have been met.
8. Planning Commission recommends approval.

With the following conditions:

1. Comments generated by the city's Parks, Open Space and Forestry Supervisor be incorporated in the Design Standard Pattern Book.
2. Streetscape amenities on or immediately adjacent to Cabela Drive, 40<sup>th</sup> Avenue and Clear Creek Drive, including landscaping and associated amenities, shall be installed prior to the first Certificate of Occupancy within the development.
3. On page 6-5 of the Design Standard Pattern Book, it be specified that the transparency requirements apply to buildings, not tenant spaces.
4. The following uses be added to the prohibited use list: truck stops and self-service car washes.
5. Additional language be added to the Design Standard Pattern Book that clarifies appropriate building locations for synthetic stucco and EIFS.
6. The following uses be added as special uses for Lot 7: *camping or campground*; and for Lots 5 and 7: *Caretakers Residence*.
7. The following use be removed from Lot 8: *Warehouse*.

8. The plant list in the Design Standard Pattern Book be modified to meet the criteria of the City of Wheat Ridge Streetscape Design Manual.
9. Eliminate the note regarding the requirement to turn off exterior signage two hours after a store is closed.

Seconded by Mrs. Adams; carried 7-0.

Motion by Mr. Stites to approve Council Bill 10-2011 (Ordinance 1487) on second reading and that it take effect 15 days after final publication for the following reasons:

1. All requirements for a PCD Specific Outline Development Plan have been met.
2. The proposed Specific ODP is consistent with the development regulations established in the Clear Creek Crossing Concept Outline Development Plan and Design Standards Pattern book.
3. Planning Commission recommended approval.

With the following conditions:

1. On the Cabela's site (Sheet 3) extensive landscaping be designed and installed along the rear of the building with a focus on screening views and activating the space between the rear of the building and the greenbelt and users of the Clear Creek Trail and Clear Creek Crossing.
2. The access drive design from Cabela Drive show lane striping and dimensions to ensure proper functionality.
3. The western entrance from Cabela Drive be properly designed to provide an attractive entrance.
4. Bike parking areas be shown on Sheets 3 and 5.
5. On Sheet 5, screening must occur on the south side of the building including installation of fencing and landscaping consistent with Pattern Book.
6. On Sheets 5 and 6, the public road be designated "Clear Creek Drive".
7. Regarding the northeast corner of Lot 2.2, the applicant commits to a buffer area greater in scope than indicated in the Specific Development Plan to be finalized in the Final Development Plan.
8. On Sheet 9, the use of painted concrete on building facades be changed to textured paint on concrete.
9. On the elevation designs on Sheets 7, 8, 9 and 10, an analysis be incorporated demonstrating compliance with requirements for building articulation, unifying elements used, transparency and breakdown of architectural materials. Any deviation from these requirements must be justified.
10. On Sheets 5 -10, the document title be revised to designate approval of Lot 1.1, not Lot 1."

Seconded by Mrs. Adams; carried 7-0.



3. Council Bill 14-2011 – An Ordinance adopting a New Code Section 1-11 Concerning Council District Boundaries, and in connection therewith, approving an amended Council District Map pursuant to Charter Section 4.2.

Mayor DiTullio opened the public hearing.

Council Bill 14-2011 was introduced on second reading by Mr. DeMott. Deputy City Clerk Bruce Roome assigned Ordinance No. 1488.

City Clerk Michael Snow provided the staff report.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Mr. DeMott to approve Council Bill 14-2011 (Ordinance 1488) on second reading and that it take effect immediately upon approval; seconded by Mrs. Sang; carried 7-0.

Council Member Reinhart left the meeting at 10:24.

4. Council Bill 11-2011 – amending the Wheat Ridge Code of Laws concerning Nonconforming Structures in the Floodway District.

Mayor DiTullio continued the public hearing from March 28, 2011.

Council Bill 11-2011 was introduced on second reading by Mrs. Jay. Ordinance No. 1482 was previously assigned on March 28, 2011.

No staff report was provided.

No citizens were present to speak. The Deputy City Clerk read into record comments submitted by Dean Gokey.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Jay to approve Council Bill 11-2011 (Ordinance 1482) on second reading and that it take effect 15 days after final publication; seconded by Mr. Stites; carried 6-0.

#### **ORDINANCES ON FIRST READING**

6. Council Bill 16-2011 – An Ordinance amending Chapter 2, Article 1, of the Wheat Ridge Code of Laws authorizing the City to Contract for Collection of Outstanding Debts due to the City.

Motion by Mrs. Jay to approve Council Bill No. 16-2011 on first reading, order it published, public hearing set for Monday, May 9, 2011 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Adams; carried 6-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

7. Resolution 12-2011 – A Resolution approving a contract with the Regional Transportation District for the Construction of the Gold Line Commuter Rail Corridor.

Resolution 12-2011 was introduced by Ms. Berry.

Motion by Ms. Berry to approve Resolution 12-2011; seconded by Mrs. Adams; carried 6-0.

8. Appointment to the Liquor Authority Board.

Motion by Mr. DeMott to appoint Diane Tipton to the Liquor Authority Board, term to expire 3/02/12; seconded by Mr. Stites; carried 6-0.

### **CITY MANAGER MATTERS**

Mr. Goff thanked Tim Paranto and Ken Johnstone and their staff for all their work on the Cabela's project.

### **ELECTED OFFICIALS' MATTERS**

Mayor DiTullio announced that the Wheat Ridge Police Department is hosting a child safety fair on April 30, 2011 from 11:00 am until 3:00 pm at the Wheat Ridge Middle School. The fair will be a four hour event with the primary focus of the event is free inspection, disposal and replacement of child passenger seats. The event will also include public education, bicycle safety, crime prevention, and Child ID kits. Free bicycle helmets will be available for those in need. Wheat Ridge Cyclery will be conducting bicycle inspections and a bike rodeo will further instruct children on the safe operation of their bicycle.

Mayor DiTullio announced that the Drug Enforcement Agency is holding a prescription take back day on April 30, 2011 from 10:00 am until 2:00 pm at Exempla Lutheran Medical Center where a drug box will be set up and monitored by Wheat Ridge Police Officers. Citizens may anonymously dispose of medication not in its original bottle and liquid medication in its original bottle.

Mayor DiTullio congratulated the Wheat Ridge Housing Authority as they completed the purchase of the Fruitdale School today.



Ms. Berry has been working with Wheat Ridge 2020 and the Planning Commission with the Jefferson Conservation District on a new temporary community garden on 38<sup>th</sup> Avenue. There are attempts at starting garden sharing groups in Wheat Ridge. Interested citizens may contact Ms. Berry for help and information.

Ms. Berry announced that there are a group of citizens in Wheat Ridge that have formed the group called Sustainable Wheat Ridge. Ms. Berry, Mrs. Jay along with Mr. Snow have been helping and participating with this group. They are currently planning their first event which is an e-waste collection in September.

Ms. Berry announced that LiveWell Colorado and the Wheat Ridge Access to fresh fruit and vegetables task force will have a meeting Tuesday April 26, 2011 from 5:30 pm until 7:00 pm at Ye Olde Firehouse at 3232 Depew Street. Also, as part of Earth Day, there is a volunteer day at Bear Creek Lake from 8:00 am until 12:00 pm where there will be trail work and trash pick up efforts. Interested citizens may register to attend at the REI website.

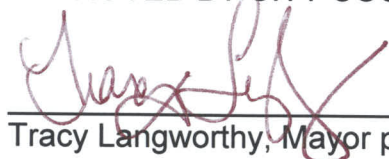
Mrs. Adams announced on April 29, 2011 there will be a series of ribbon cuttings for new Wheat Ridge businesses, starting at 1:30 pm at 5800 W. 38th Avenue and moving west to the final ribbon cutting at 7300 W. 38<sup>th</sup> Avenue.

Meeting adjourned at 10:42 p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON May 9, 2011 BY A VOTE OF 8 to 0



Tracy Langworthy, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.