

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

April 8, 2013

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

Joyce Jay	Mike Stites	Davis Reinhart	Bud Starker
Joseph DeMott	George Pond	Kristi Davis	Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Tim Paranto; Senior Planner, Meredith Reckert; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF March 25, 2013

Motion by Councilmember Stites for approval of the Minutes of March 25, 2013; seconded by Councilmember Starker and Reinhart; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read proclamations for the following:

Volunteer Appreciation Week

Police Chief Daniel Brennan received the recognition and spoke about the importance of volunteers in the Police Department. Anyone interested in volunteering should contact him.

Mayor's Day of Recognition for National Service

Kaitlin Fischer from AmeriCorps VISTA was present to receive the proclamation. She helped with the recent Food and Film series, and reported that this spring some AmeriCorps volunteers will be helping with upgrades at the Happiness Gardens and at a local urban farm.

Arbor Day and Tree City USA

Devon Buckles from Urban Waters, along with **Rick Murray** and **Margaret Paget** from the WR Parks & Recreation Department, were on hand to receive the proclamation. Devon had flyers available for the Revive the Greenbelt project that will be planting trees in the Greenbelt on April 27. People are welcome to come help. ~ She commended the City's continued efforts regarding trees by outlining the requirements necessary to remain a Tree City. Illustrating the value of trees she noted a recent report

from the Forestry Service which calculates the economic benefit of the tree canopy in the Metro area. It shows Wheat Ridge alone saving \$12.5M due to trees. \$10.2M of that is in increased property values; \$1.9M is saved in reduced storm water management costs; and \$447K is saved by WR residents in reduced cooling costs. ~ She presented Mayor DiTullio with the City's 34th Tree City USA award.

CITIZENS' RIGHT TO SPEAK

Ted Heyd reported that 32 businesses and agencies have signed on to LiveWell's support of the 38th Avenue Corridor Plan. It's good for business; it's healthy; and it contributes to social vitality.

Jerry Nealon, a business owner on 38th Avenue, thanked the City for all the efforts on 38th Avenue. It's really coming along. ~ He reported the Leadership Committee is having 7 events coming up this year in the corridor. The Leadership Committee also hired a firm to create a website for the Ridge at 38 so businesses can stay linked and remain updated on what's going on.

By unanimous consent an executive session was added to the end of the Agenda, concerning the City's rights under its gas and electric franchise.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Resolution 13-2013 – Approving a Fifty-Three Lot Subdivision Plat with Right-Of-Way Dedications for property zoned Planned Residential Development (PRD) located at 11885 W. 38th Ave. (Case No. WZ-12-01/ Doud Overlook)

Mayor DiTullio opened the public hearing.

Councilmember Stites introduced agenda Item 1.

Mayor DiTullio swore in the speakers for the hearing.

Meredith Reckert, Senior Planner did the staff presentation. She entered into the record the zoning ordinance, case file and packet materials, and the contents of the digital presentation. Posting and notification requirements have been met.

Meredith began with a general review of the subdivision process and continued with specifics for this subdivision.

The 15 acre property contains a house and out buildings that were built in 1946 and will be demolished as part of the development. The property was rezoned from A-2 and R-1 to PRD in 2007. The 53 lots average about 4.5 units per acre,

with the larger lots being on the perimeter. The detention pond will be located at the northeast corner of the subdivision. Application into the Westridge Sewer District is pending. The Ute Ladies Tresses, an endangered orchid, are located just north of the development. Parks and Recreation has recommended a fee in lieu of parkland dedication. A Homeowners Association will be responsible for maintenance of common elements including buffer areas on 38th Avenue, the entrance median, the detention pond, and the gated, hard surface fire access on 38th. The Planning Commission has recommended approval with the 6 conditions listed in the motion. The Planning Commission also included a 7th condition to direct that the parkland fees be spent in the 38th Ave corridor from Youngfield to Kipling. Staff is not including that condition in its recommendation.

Kent Carlson, the applicant, talked about some very minor changes that have been done to the plat for safety reasons – primarily the secondary access on 38th Avenue for the fire department.

Steve Laeriola, a neighbor of the development, has been going to meetings for this for 5 years. He testified that all of the discussion has been about the trail. He is concerned about the endangered species and wonders why there is no trail to the greenbelt included in the plan. Another alternative is to have some pocket parks within the development. There is no place for people to walk their dogs.

Greg Miller, a neighbor to the development, has also been to years of meetings on this development. He thinks the developer should have to put a trail into the greenbelt. It won't be a welcoming neighborhood if it's totally fenced off.

Meredith fielded questions and comments from council: Sidewalks will be on the exterior lots only; no pocket park; the use of vertical curb on 38th and mountable curb within the development; the developer is responsible for burying the utilities in the development and on 38th Ave.; the City has never asked a developer to include its own "park" in a development; staff believes the deep slope and the Ladies Tresses make the addition of the trail impractical; a trail would have to be ADA compliant; the Planning Commission's recommendation #7 was not brought back to the Parks Board, but was deleted administratively; the tree lawns within the development will provide places for dogs' necessities.

Mayor DiTullio closed the public hearing.

Motion by Councilmember Stites to approve Resolution No. 13-2013, a resolution approving a fifty-three lot subdivision plat with right-of-way dedications for property zoned Planned Residential Development (PRD) located at 11885 W. 38th Avenue, for the following reasons:

1. City Council has conducted a proper public hearing, meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.

2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The Subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.

With the following conditions:

1. Property addresses be added to Sheet 3 of the plat document prior to recordation
2. The HOA covenants be provided for staff review prior to plat recordation
3. The developer continue working with Jefferson County Open Space and the City regarding protection of the Ute Ladies' Tresses orchid populations and procurement of the temporary and permanent easements in the open space area
4. Prior to plat recording, adequate assurance must be in place with Westridge Sanitation District on their ability to serve the property
5. The property be assessed for fees in lieu of parkland dedication based on the appraised value of the land after land entitlements have been approved. Said fees to be paid prior to recordation of the subdivision plat
6. The developer enter into a City standard subdivision improvement agreement with required security prior to recordation of the subdivision plat;

Seconded by Councilmember Reinhart; carried 8-0.

2. Council Bill No. 05-2013 – approving the rezoning of property located at 6700 W. 44th Avenue from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) (Case No. WZ 13-01/Camaros Plus)

Mayor DiTullio opened the public hearing.

Councilmember Jay introduced agenda Item 2.

Clerk Shaver assigned Ordinance 1536.

Mayor DiTullio swore in the speakers for the hearing.

Lauren Mikulak, City Planner, entered into the record the case file, the zoning ordinance, the Comprehensive Plan and contents of the digital presentation. All appropriate posting and notification requirements have been met.

Lauren went through the digital presentation. Surrounding zoning that faces 44th Avenue is commercial. Property to the south on Pierce and Otis is zoned R-2. The property is currently zoned RC (Restricted Commercial) which does not allow auto-related uses, but does allow outdoor storage with screening. The requested MU-N zoning allows auto-related uses (with no outdoor storage) as conditional uses only, and does not allow outdoor display. The applicant is

proposing to put his auto restoration business in the eastern portion of the buildings. A small retail component will face 44th. No other changes in use are planned. The Comprehensive Plan calls for mixed use in this area, niche businesses and protection for nearby residents. This plan satisfies all of that.

Staff and the Planning Commission recommend approval of the zone change because it will not adversely affect the public welfare and MU-N is compatible with the surrounding area

Steve Pelletier, applicant and potential owner, said he has crews scheduled to come in to clean up the trees, parking lot and fencing immediately upon taking possession (April 10) – well before the Conditional Use Permit requires. He thanked the City for its time; he looks forward to moving his business to Wheat Ridge. The City has been very helpful compared to other cities he's worked with.

Steve Art, WR Economic Development Manager, reviewed the process that was used to get this rezoning done quickly and commended staff for being so helpful.

Mr. Pelletier said he does not plan to enlarge the building footprint because this space is already almost double what he had in Arvada. He has an industrial zoned lot in Arvada he uses for outdoor storage, but it was too expensive to move his business to that location in Arvada. His cars are high end products that are sold at public auction. They will not be stored or displayed outside.

It was noted that the property is actually 2 lots, but re-platting is not required for a change in use. That would only be necessary if the building footprint changed. Additionally, the current zoning allows for more intense uses so the MU-N zone actually offers more long-term protection for the neighborhood.

Mayor DiTullio closed the public hearing.

Motion by Councilmember Jay to approve move to approve Council Bill No. 05-2013 an ordinance approving the rezoning of property located at 6700 W. 44th Avenue from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N), on second reading and that it take effect 15 days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The requested rezoning has been found to comply with the "criteria for review" in Section 26-112.E of the Code of Laws

Seconded by Councilmember Davis; carried 8-0

3. Council Bill No. 07-2013 – extending a Temporary Moratorium on the submission, acceptance, processing, and approval of applications for a permit or license for any Marijuana Establishment or Marijuana Club

Mayor DiTullio opened the public hearing.

Councilmember Stites introduced agenda Item 3.

This ordinance will provide the City staff with the time necessary to develop appropriate policies.

Clerk Shaver assigned Ordinance 1537.

Mr. Dahl noted that this ordinance does not affect medical marijuana clubs. There was no discussion.

Mayor DiTullio closed the public hearing.

Motion by Councilmember Stites to approve Council Bill No. 07-2013, an ordinance extending a temporary moratorium on the submission, acceptance, processing and approval of any application for a City permit or license to operate a marijuana establishment or marijuana club, on second reading and that it take effect 15 days after final publication; seconded by Councilmember Pond; carried 8-0

DECISIONS, RESOLUTIONS AND MOTIONS

4. Motion to ratify the District III Mayoral appointment to Renewal Wheat Ridge, term to expire November 30, 2014

Councilmember Pond introduced agenda Item 4.

Mayor DiTullio announced his choice for appointment is Loretta DiTirro.

Motion by Councilmember Pond to ratify the District III Mayoral appointment of Loretta DiTirro to Renewal Wheat Ridge, term to expire November 30, 2014; seconded by Councilmember Stites; carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff announced the City is hosting an E-waste recycling event on Saturday, April 27 at Anderson Park from 9:00 – 1:00. Folks can bring in their unwanted electronics for a small fee. ~ He also announced that a WR business, Brothers Redevelopment, is sponsoring a free Paint-a-thon for up to 100 local seniors' homes. To qualify a senior must 60 years or older, live in or own their home, expect to be there for at least one more year and have a limited income. Details are available at www.brothersredevelopment.org or on the City website. ~ Mayor DiTullio inquired

about the status of the request from Rocky Mountain Bottling to have glass recycling bins around town. Mr. Goff said they're working on it.

CITY ATTORNEY'S MATTERS

CITY CLERK'S MATTERS

ELECTED OFFICIALS' MATTERS

Tracy Langworthy invited the public to Large Marge's this Thursday evening from 5:30 – 7:00 pm for the next Liver Local event. It's on Kipling diagonal from the Rec Center. They'll be having some specials.

Mike Stites reported the opening of a new business in town. The People's Market is at 29th and Depew and features products produced in Colorado. Check them out. Mike's positive thing will start tomorrow with the snow. Get your walks cleared and help your neighbor with his.

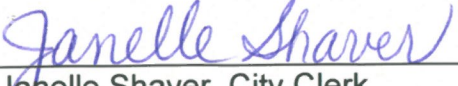
Bud Starker also welcomed the People's Market to 29th & Depew. The owner is Brook White and they opened last Friday. They have great food stuffs and fresh bread.

Kristi Davis reported lots of calls about a sign on 38th Avenue last week. It was an April Fool's joke and if you saw the sign you will know what she's talking about.

George Pond thanked Steve Aeriola and Greg Miller from District III for coming in to comment on the subdivision. Even though it didn't go the way they wanted he still appreciates their participation. He also called attention to the hard work the Parks Commission and the Planning Commission did related to this project. He hopes the Parks staff will consider the Planning Commission recommendation to keep some of those funds in District III along 38th Avenue.

Motion by Mr. Stites to go into Executive Session for a conference with the City Attorney under Charter Section 5.7(b)(1) and Section 24-6-402(4)(b), C.R.S., specifically: for legal advice concerning the City's rights under its gas and electric franchise; and to adjourn the Council meeting at the conclusion of the executive session; seconded by Mr. Reinhart; carried 8-0

The regular Council Meeting adjourned at 8:31 pm


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 22, 2013 BY A VOTE OF 7 to 0

A handwritten signature in black ink, appearing to be 'D. Reinhart', written over a horizontal line.

Davis Reinhart, 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.