

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

March 26, 2018

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

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Zachary Urban	Janeece Hoppe	Monica Duran	Tim Fitzgerald
Larry Mathews	Leah Dozeman	Kristi Davis	George Pond

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of March 12, 2018 and Study Session Notes of March 5, 2018.

There being no objections, the Council Minutes of March 12, 2018, and the Study Session Notes of March 5, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

Presentation from the Fruitdale School Loft Apartments

Mr. Goff played a 9-minute video highlighting the story of the conversion of the historic Fruitdale School into apartments. **Jim Hartman**, of Hartman Ely and Associates, expressed what a pleasure this project has been. He introduced members of his team: **Susan Ely**, **Ron Abo**, architect, and **Grant Bennet**, financial consultant. He also thanked Palace Construction, Commerce Bank, Pinnacle Real Estate Management, and numerous other community investors. He offered additional thanks to **Lauren Milulak**, **Ken Johnstone**, other City staff members, as well as the **Wheat Ridge Housing Authority** and **Jesse Johnson**. Ms. Ely presented the City with a check for \$1.5M [the initial repayment for the City's loan for the project].

Presentation from FEMA

Matthew Buddie of FEMA spoke about the damage floods bring to home owners. Wheat Ridge has over 1,400 buildings in the high to moderate risk for flooding. He explained how Wheat Ridge has shown dedication to relieving its flood risk, and due to continued efforts by the Public Works department and the citizens, Wheat Ridge has raised its classification by two classes and graduated to the Class 5 category. Of over 22,000 communities nationwide that participate in the National Flood Insurance

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Program, 1,444 participate in the Community Rating System and less than 140 are Class 5 or better. Of the 46 Colorado communities in the Rating System, only 7 cities are Class 5 or better. Wheat Ridge is among the best of the best for flood plain management and risk reduction. As a result, flood insurance policy holders in high risk areas will receive a 25% decrease on flood insurance premiums - which averages to \$464 a year per property; and more properties will be protected in the future. He presented City engineer **Mark Westberg** with a plaque for Class 5 designation. Mr. Westberg announced there will be a Flood Plain Open House this Wednesday at City Hall from 5:00 -7:00, with presentations at 5:15 and 6:15. .

CITIZENS RIGHT TO SPEAK

Jack Chavez (WR) explained that he was evicted from his Jeffco Housing apartment on Dec 3 on the charge of committing a sexual offense. The charges were dismissed, but he can't get back into housing because places won't honor his voucher because he gets a bad report from Jeffco Housing. He doesn't know why, so he thought this would be a good place to start.

Dorothy Archer (WR) pointed to page 31 of the Neighborhood & Housing booklet that says the City will work with Lutheran Hospital as a major employer. She is pleased the City will be working with Lutheran; she feels we owe it to them to partner with them. ~ She asked how it was decided who would get a survey and what the deadline was. She is concerned because her next door neighbors (same address, same last name) both got one; it says the oldest person should fill it out, so they trashed the second one. She wonders how many houses got two surveys.

Mr. Goff said when the first survey isn't received back a second one is sent – to encourage participation. Mrs. Archer said two different people at one household got a survey at the same time. Mr. Goff will talk to her after the meeting.

Beverly Aggy (WR) would like to see a medical facility such as UCHealth here because they will perform procedures a faith based hospital will not (assisted suicide, abortions, etc.). She dismissed the people who spoke at the last meeting because they were hospital employees who do not pay property taxes here or vote here. She wants Council to listen to its residents and address the zoning issues of mixed use. By delaying we have lost UCHealth. She supports mixed use, and she elaborated on why we need revenue and need to be more proactive.

Barbara St. John (WR) shared her concern about marijuana in the city and state. We used to be a state that prided itself on being healthy. Wheat Ridge residents were not given the opportunity to opt out of having marijuana sold in their community. While Denver is pushing businesses that allow group consumption of marijuana – she fears this will creep into Wheat Ridge. Marijuana involved traffic deaths are up. Now we have a private fitness business in a home in Wheat Ridge that gives marijuana away. The job of government is to protect its citizens. She highlighted some points about how marijuana usage harms our youth.

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Mary Ellen Butler (WR) doesn't like the atmosphere with marijuana in the City. Evidence of harm from marijuana grows. She noted that following amendment 64, 2/3 of Colorado's municipalities voted against having recreational marijuana in their communities; Wheat Ridge voters weren't given that opportunity. She listed numerous research efforts that show consistent, strong evidence that marijuana is very harmful; it deprives oxygen to the frontal lobe of the brain that serves decision making, initiative and judgement. She suggested that if the money is followed there are numerous new costs that are consuming out tax dollars. This could be changed.

John Butler (WR) asked Council to assess the results of having marijuana in the community; enough time has passed to have some relevant data.

- Colorado is now 1st in the nation in marijuana use by youth 12 and over.
 - Colorado educators identify pot as the #1 challenge they face.
 - Youth perception of the risk of marijuana is declining, which leads to increased use.
 - Brain development is not complete until the age of 25.
 - Marijuana may cause anxiety, depression and psychotic symptoms.
 - The pot grown in CO today is 17% THC – a far cry from the 3% THC of years ago.
 - THC is being concentrated into forms up to 62% - known as "crack weed".
 - The industry is pushing for new venues – tasting rooms, yoga studios, public places
 - Pressure is on to normalize marijuana use
 - Medical marijuana (such as CDB oil) does not have THC, as smoked.
 - The revenue from marijuana appears in the budget, but the cost to citizens is delineated over many areas – emergency rooms, police departments, schools, health care costs, car insurance, law enforcement.
 - Legalization was supposed to prevent distribution to minors, stop the black market, keep legal marijuana in the state (no exporting), stop pot sales used as a cover for other crimes, and prevent drunk driving. None of these promises have come to pass.
- He urged Council to rid our City of this plague.

Jennifer Yates (WR) said we need to do more to protect children and youth from marijuana. Licensed facilities are not allowed to have signs advertising marijuana (to protect youth), but other businesses have bongs on their signs. Now we have a yoga studio with a big pot leaf on their sign between WRHS and Everitt, where student traffic is heavy; this is not appropriate. The industry is also pushing for public consumption – which is not allowed by Amendment 64. Edibles take hours to take effect – which leads to more intoxicated drivers. She also told of a local parent who gave eight 14 years olds a joint to smoke in her house. The road to heroine does not always start with prescription drugs. Our children need protection from these dangers.

Rachel Hultin (WR) announced the Wheaties Academy is doing an art project this year for their activity. The call for entries is open for a mural for a wall at Anderson Pool. They are working with the Cultural Commission and the Parks and Rec staff. **Sonny Garcia** from the Wheaties Academy invited people to get involved. Ms. Hultin added that Pints & Policy is tomorrow night at 7:00 at iPie. The topic will be "civics and civility".

John Clark (WR), PTA president at Everitt and member of the PTSA and Accountability Committee at WRHS, spoke about the scourge of marijuana. He pointed to the pot gym on 38th Ave near Independence that has been on all the local TV news channels. It's in a single family home in an R-1 neighborhood, with 2 illegal signs. This is 300 feet from Everitt, and ½ mi from WRHS. How does a licensed in-home yoga studio turn into a pot gym? He proposed there's a greater need to tighten up the zoning regulations and signage rules about this than there is to rezone agricultural lands to mixed-use. This kind of activity does not help Principals Gomez and Cooley from these schools.

APPROVAL OF AGENDA

PUBLIC HEARING AND ORDINANCES ON SECOND READING 7:50

1. Council Bill 01-2018– An Ordinance approving the rezoning of property located on the West of Interstate-70, between approximately 34th Avenue and Clear Creek from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) (Case No. WZ-16-07/Clear Creek Crossing)

This Public Hearing was continued from February 12, 2018

Evergreen Devco Inc. acquired the subject undeveloped 109 acres in December 2016.

- The property is zoned PCD, which focuses on retail development.
- Evergreen is requesting a zone change to PMUD with the intent of creating a development with a broader mix of residential, employment, retail, hotel, restaurant and entertainment uses.
- The applicant is also requesting approval of an Outline Development Plan (ODP), supported by a Vision Book and a Design Pattern Book.

Councilmember Fitzgerald introduced Council Bill 01-2018.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1638.

Mr. Dahl made some procedural announcements.

- On February 12 Council took a good amount of public testimony. Mr. Dahl announced for the record that at that time the applicant agreed that those comments could be part of the record tonight. It is appropriate to do that now.

There being no objection, Mayor Starker declared that the body of related public testimony from February 12 will be part of the record for this public hearing.

- Mr. Dahl announced that since February 12 SCL has negotiated to purchase a portion of the Clear Creek Crossing property. He advised that this does not change the elements of the rezoning application, and while some members of

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Council may have a relationship with SCL – they have no financial interest in the rezoning and it is therefore appropriate for them to vote on this matter.

- Mr. Dahl received acknowledgement from Councilmember Zachary Urban that he remains on the Lutheran Foundation Board, and from Councilmembers Davis and Dozeman that they remain employed by SCL. All three affirmed again that they can make a fair and impartial ruling.

Mayor Starker swore in the speakers for the hearing.

Staff Presentation

Ken Johnstone presented. 7:56

- He certified that public notice has been properly served for the February 12 meeting. While that hearing was continued to a date certain (tonight) and no further notice was required, staff felt additional public notice was appropriate, so the property was reposted, property owners within 300 feet were again notified and the notice was republished in the Transcript.
- He entered into the record the contents of the Council packet, the zoning code, the Comprehensive Plan and the City Council presentation.
- He also entered into the record correspondence already forwarded to the Council:
 - A letter dated March 23, from the law firm Brownstein, Hyatt, Farber and Schreck on behalf of the applicant.
 - An email from Eve Simpson dated March 22.

Mr. Johnstone presented the case

- The request includes approval of 1) the zone change from PCD to PMUD, 2) the Outline Development Plan (ODP), and 3) the Design Book and Vision Book.
- The aerial outline of the property indicated I-70 to the east, Coors ponds to the west, Hy58 and Clear Creek to the north, and Applewood Golf Course to the south west.
- Neighboring zoning includes
 - PCD to the north and west (property that was part of the Cabella's project, but is not part of this project)
 - Applewood Shopping Center and other developments east of I-70 are planned commercial properties.
 - Adjacent single family homes to the south (Unincorporated Jefferson County)
 - Neighborhoods further to the east are Wheat Ridge single family residential.
- Current zoning is Planned Commercial, which allows high-way oriented retail, commercial, office and warehouse development.
- Since Cabela's and Wal-Mart are out of the picture, the request is for Planned Mixed Use – which allows high-way oriented retail, commercial, employment, residential and entertainment uses. The emphasis on place-making is stronger.
- The proposed zoning allows multi-family residential

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- This application for PMUD includes an Outline Development Plan (ODP) (establishing planning areas and permitted uses), a Design Book (substantive development regulations), and a Vision Book (establishing intended design and architectural themes and a materials palette).
 - The ODP establishes land use concepts, circulation, road configurations, planning areas, and access points. It is regulatory and serves as the zoning document. Cross connectivity will be important and there will be several signalized intersections within the area.
 - The Design Pattern Book sets specific development standards for each Planning Area (PA) to include setbacks, building orientation, maximum building heights for various uses, standards for architecture, lighting and signage, public space, landscaping, parking, bike parking, and more. It is a regulatory document.
 - The Vision Book contains an agrarian materials pallet. It is suggestive, not regulatory.
- A map of the eight planning areas (PA's) and connectivity, with general explanation
 - PA-1 Commercial/retail (no auto-oriented uses), residential, public, hospital, office, hospitality and entertainment; building height 62-90 ft; 80% lot coverage; setbacks increased relative to adjacent residential use; 25 acres; building orientation toward Clear Creek Drive; plaza area and public art requirement
 - PA-2 More limited commercial/retail uses, multi-family residential, public, office, hospitality and entertainment; building height 56-90 ft; 80% lot coverage; building orientation toward Clear Creek Drive or toward Clear Creek (for residential); plaza area and public art requirement
 - Clear Creek Drive will not extend across Clear Creek, as was planned earlier.
 - PA-3 The focus of the entire development; lots of activity; fewer water uses allowed; pedestrian oriented; commercial/retail (no auto-oriented uses), office, hospitality and entertainment; building height 56-90 ft; 80% lot coverage; increasing setbacks relative to I-70; plaza area and public art requirement
 - Maximum building height for PA's 1-3 is 90 feet
 - PA-4 Most auto-oriented area; bisected by the I-70 hook ramps; commercial and retail (including auto-oriented uses), office, hospitality and entertainment; building height 50 ft; 80% lot coverage; setbacks from 10-15 ft
 - PA-5 Next to existing residential neighborhood; setbacks: 5' per story and 20 ft minimum landscaped setback adjacent to existing single family neighbors; building height 65 feet; commercial/retail (including auto-oriented), residential, office, hospitality, entertainment; 80% lot coverage
 - PA-6 Larger area (where WalMart was proposed); commercial/retail (including auto-oriented), residential, office, hospitality, warehouse, wholesale, entertainment; building height 65 feet; 80% lot coverage; 20 ft landscaped setback next to existing single family neighbors.

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- PA-7 smaller area fronting on Clear Creek Drive; commercial and retail (no auto-oriented uses), office, hospitality and entertainment; building height 65 ft; 80% lot coverage; 5 foot setback per story
- Lot coverage for PA's 1-7 is 80%, with 20% landscaping.
- PA-8 Will be a privately owned open space; potential water storage; one of the primary monument signs located here; building height limited to 35 ft; total maximum lot coverage of 20% for any structures (gazebos, sheds, etc); much of this area is in the 100 year flood plain and not developable. Allowed uses: parks, open space, public uses, water storage and minor utility uses;
- The neighborhood meeting process included meetings on Dec 6, 2016, Jan 3, 2018 and March 22, 2018
- Other meetings held for the EA process, with leasing focus groups, about I-70 and the hook ramps
- Planning Commission hearing was January 18, 2018
- If approved by City Council:
 - Subdivision Plat – hearing before Planning Commission and City Council
 - Subdivision Improvements Agreement – iron out improvement requirements
 - Architectural Control Committee - established by developer; members selected by the City and the developer; will include one City staff member. Purpose: review of SDP projects prior to submission.
 - Specific Development Plan (SDP) review – by Planning Commission only
- The proposed plan is generally consistent with the Comprehensive Plan – which designates it as a Regional Commercial Center.
 - The Comprehensive Plan suggests the zoning be Mixed-Use Commercial.
 - Staff believes this zoning (MUC) is not viable due to the challenges of Denver Water and the challenging grades of the property.
 - The residential use is an added component.
- Mr. Johnstone read the Outline Development Plan Criteria.
- The Planning Commission recommends approval with conditions.
- A revised motion has been presented to Council based on a recommendation from the Planning Commission – that at least 50% of the aggregate land area of Planning Areas 1-7 be non-residential.

Applicant

Tyler Carlson (Denver) presented a 3-minute video outlining the vision for the development. He noted this is a zoning application; the buildings shown are only visionary, not proposed.

Mr. Carlson stated the goal is to create a place where the west side of Wheat Ridge and Applewood can gather together as a community. They have spent two years on this proposal and have made an effort to be transparent. They have met with citizens, community groups, economic groups, and adjacent neighbors.

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Their Goals

- 1) **Reinvent the previous development**, which was planned to be a retail monster to rival Denver West. Economic times are different. They want to create a “place” to live, work, play – a place to “hang out”.
- 2) **Create a place that is connected** – with trails, streets and the highway.
 - Opportunities: visibility from I-70 and Hy58; view to the west (good for residential); Clear Creek (for residential orientation and connection to Denver trails system)
 - Challenges: Soften and leverage the topographic challenges; the Denver Water line; and the flood plain (Cabela's mitigated most of it, but some remains in the 500 yr flood plain)
 - Provide the missing link between the Applewood Golf Course to Clear Creek
 - There will be bike lanes on each side of Clear Creek Drive, with two trailheads)
 - They are grateful for the \$10M contribution by the City for the transportation construction. Bids will go out next month. The next steps will be:
 - Phase 1 New I-70 westbound off-ramp with Clear Creek Drive extension to 32nd
 - Phase 2 Existing 32nd Ave off ramp to be decommissioned (removed)
 - Phase 3 New I-70 westbound on-ramp, with fly-over bridge over 32nd Av to connect to I-70 on the west side
 - Cars east of I-70 will access westbound I-70 by going to Zinnia, turning right into the project and ultimately turning right again onto a fly-over ramp that enters I-70
 - Phase 4 Existing westbound on-ramp remains (for traffic from eastbound 32nd Ave only) and 32nd Avenue median improvements/extensions.
 - The signal at the current I-70 exit/entrance will be removed.

Overview of the Districts: Vineyard (cool stuff; entertainment and dining); Harvest (tax revenue); Homestead (residential); Wagon (open space); Mill (PA1 employment oriented, towards the creek).

- There is not enough density west of I-70. Adding density benefits the project.
- No impact to schools because the people who live in these kinds of apartments do not usually have children.
- PA4 will be highway oriented retail.
- Harvest District will be opportunity for larger format retail.
- Wagon District will connect to the Clear Creek trails; retention ponds; open space; will be owned long term by Long's Peak Metropolitan District as private open space
- Architecture will be mining and farming based.
- We are in a new era where we can do a development with better standards.
- The traffic will be different -- more diffuse than with the Cabela's plan.

Public Comment

Eve Simpson (Lakewood) spoke on behalf of birds. She informed Council the area along Clear Creek has been rated as a Maximum Wildlife Quality Area that has over

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100 species of birds. Bald eagles have nested there. She provided a handout with a long list of "park" uses; she would like to know if they will be permitted in PA-8 or not.

- Mr. Carlson has said native species will be protected; she would like that in writing with a legally binding statement for the Wagon District to protect wildlife, wetlands, and vegetation.
- She believes this development will harm wildlife because PA8 can be developed as a park, which can include landscaped areas, plazas and hardscape surfaces.
- She would like to see it as permanent open space because the habitat is so critical. She had provided Council a map of this wildlife area and noted how essential it is.
- She hopes for community input for the Specific Development Plan so these issues can be addressed. This area could easily be ruined as wildlife habitat with the current allowances.
- There should be firm commitment in the zoning regs to preserve open space – a clearly written, legally binding statement in the OPD to preserve the wetlands.
- If the County is letting this go – how about a conservation easement?

Zoriana Morozewych (WR) lives near this development. She escaped to Wheat Ridge because it is the last place you can still see the mountains. She is concerned about sacrificing our view for this development. What if every building is 90 ft tall? Is there a diagram of how this will impact the views of the Front Range? Does the developer live in Wheat Ridge? Will he be impacted by these 90 ft buildings? She went to the meeting last Thursday because this is the first she'd heard of it. She asked about the light, noise, traffic, lights and revenue impacts. Have these impact studies been done? Mayor Starker said a lot of information has been done on this project. She asked what the proposed revenue is. At the meeting they were told that is yet to be decided. She asked if her taxes would increase to provide for this development. The Cabela's fiasco does not instill confidence. A lot of money was spent on Cabela's and there was no safety net. She thinks there are too many unanswered questions and she would like to see it put to a vote of the people.

Ron Abo (WR) noted he has been on several advisory boards and task forces for developments. He thinks Evergreen has a quality project. He believes the the Mixed Use is wise and urged passage.

Rachel Hultin (WR) has 18 years of experience in infill real estate development in the Denver Area. She believes this development is high quality and will be an amenity for the people who live here by bringing in new employment and new services, and bringing in new citizens. She is pleased to see the retention of the wetlands. Her one concern is there is no provision for affordable housing.

Rhonda Teitelbaum (Golden) thinks this is a vast improvement from the big box Cabela's development. Since her time on the Applewood Property Owners Association board, she has followed the attempts to develop this property and been to numerous meetings. 1) She noted that only in the last two months has the idea of a health care

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use been introduced. While there may be no objections to that use, she suggested neighbors have not had time to consider the implications or contemplate the impact of a helipad. She would like to see that use restricted until the noise implications can be considered. 2) There is concern about increased dirt and grading, and that the height restrictions will start from a much higher point than exists now. That should be taken into consideration. 3) She hopes as the project moves forward, any changes in revenue projections, changes in costs for construction and infrastructure, and any other changes that will likely happen will be subject to an open, transparent public process and that the community and unincorporated Jefferson County be taken into account.

Alfred Charest (Golden) has lived here 52 years. He believes Wheat Ridge has enough eyesores that need addressing without creating another one. The City is filling its coffers at the expense of Applewood's property taxes and the safety of our streets. The traffic will barely affect Wheat Ridge, but the revenue will fill the coffers of Wheat Ridge and Mr. Carlson. Applewood has not had a voice in this process. Jefferson County has sold them out several times – when they allowed the huge Stevinson housing complex at the top of Eldridge – after he promised Applewood he would not build across from the firehouse. We also barely found out just before they tried to take over the golf course. ~ He thinks it's sad that the selling points of this development are a windmill and a tractor slide. There has been no talk of wind turbines, solar panels, or green, efficient buildings. He urged Council to stick to the original zoning. He stands in opposition to this development, and agrees with the support for the preservation of wildlife habitat.

Ihor Figlus (WR) said he is happy to see this proposed as mixed use. The deficiencies he sees are: 1) He asked the City Attorney to inform Council if any of the information or images presented tonight are legally binding? 2) What will be the impact of the increased use of the Clear Creek Trail? With more access points and more users, a project this size will negatively impact the trail. 3) The layout of the entire project should include more space for humans and canines (i.e. added trails and exercise areas for dogs); 4) He also supports the earlier remarks about the negative impact on the wildlife. With the added high density housing, the number of cats and feral cats will increase and threaten wildlife – especially birds. He asked Council to postpone this until those matters are resolved.

Odarka Figlus (WR) is not opposed to multi-use and thinks it's unfortunate that the hospital controversy overshadowed some other important concerns that will have a huge impact on our community.

- The presentation was nice, but it didn't show 80% lot coverage or 90 ft tall buildings.
- Then developer talked about the good views that the new residents will have, but what about the rest of us that will have our views impeded. No neighboring cities are doing anything like this. Even Denver has height restrictions and density restrictions when you get outside the immediate downtown area.

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- The only thing that really governs is the zoning document. The Design Book and Vision Book can be changed easily.
- The Architectural Control Committee will have 5 of 6 members approved by the developer and one city staff member. That's not much of a safeguard for citizens.
- Concerned about a 28 ft rise, plus 90 ft buildings on top -- with no setback.
- Open Space? It's been a struggle to preserve open space. The bike path that comes down from the Clear Creek Canyon will come right through here.
- Rental units? For decades we've been struggling because we have too many rental units. We should be encouraging home ownership and trying to get away from having the most rental units in the metro area. How many housing units can be built there? Do we know? You need to know.
- Stewardship? What will be the cost of providing services? How many police? Who will pay for that? Residential does not produce income. Are they really going to build the residential units first?
- The easiest thing for Council to do is to vote yes, but it will be hard to fix things later. With Cabela's we thought everything would work out. But it didn't.
- The only thing you can provide is the zoning document, and it doesn't have enough answers. The questions that should be asked haven't been asked yet.
- She understands the developer's desire to maximize potential, but it's not incumbent on the City to provide that at the expense of our own quality of life.
- If Council would deny this application it would be a great opportunity, with Council's leadership, to bring the community together to decide what we want/need.
- The entire annexation area should be looked at comprehensively. Council needs to take a better look.

Mary Cavarra (WR) spoke to the finances of the project. She spent 8 years on City Council, 2 years on Urban Renewal, and 4 years as City Treasurer (during the Cabela's dealings). She believes this project could be an asset, but of the Longs Peak Development Plan she reminded Council that "the devil is in the details". She maintains the change from Commercial to MU is not good for the City. 1) The City's 2018 budget depends on 58% of the revenue from sales tax. The Cabela's plan had 100% for commercial; this plan has 33% for commercial, with a major planning area that is non-profit. 2) A lot of talk about jobs, but where will people buy big ticket items? 3) Now that Lutheran has bought one of the parcels, could all the parcels be sold off to other owners? 4) No tenants have been identified. 5) If the rezoning is approved, please carefully consider everything that is in this plan; it may take a study session or one-on-one meetings. ~ This development will have great impact on every department; who will bear the costs? The City has already paid \$250K for consultants, legal fees and environmental assessments. More of that will come. She thinks it is so important that this project pays its way. A majority voted for the bonds; it's up to Council to make sure it's a good investment. There needs to be a way to put contingencies in; there are too many unknowns. She encouraged them to please take a very careful look.

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Rollie Sorrentino (WR) remembers the blackbirds that used to be here. On behalf of people who spoke last week, he recommended limiting building height to 56ft. He also wonders who will pay for this. Will they be returning to ask for Tax Incentive Financing? He said citizens have put a lot of money in this already for infrastructure. He favors limiting heights, and suggested that it appears that Mixed-Use now means Just About Anything – including high density residential.

Council Questions

Councilmember Mathews expressed surprise at the request for 90 ft building height. He asked what the Interstate Zoning District is; he's never heard of it. He thought the limit was 55 ft.

- Mr. Johnstone explained the reference to Mixed Use Commercial and Mixed Use Commercial Interstate were parallel examples of potential zonings that could have been applied for. He has explained why staff thinks that doesn't make sense for this property.
- This area is one of those removed from the height and density requirements of the Charter to align with urban renewal boundaries and to encourage and incentivize higher density. These requested heights are similar to what our code allows for MU-Commercial and MU-Interstate (6 stories; 70-80 ft high) and MU-TOD (height up in the 90 ft ranges). These heights were approved by voters when they removed these area from the Charter restrictions.

Councilmember Duran asked about preservation of the wetlands, the architectural committee, and solar/alternative energy.

- Mr. Carlson noted the wetlands are all in the Wagon District, which will be passive and natural; it will connect to the trail network. They have to improve the detention ponds, but everything will be protected.
- The architectural committee is not yet determined. Ideally it will be architects or landscape architects that live in Wheat Ridge. It will need to be volunteers.
- Solar? No. It's premature, but they will encourage environmental sustainability.

Councilmember Mathews inquired about anticipated traffic counts on Clear Creek Drive, as it services entry to and exit from I-70 and goes through a residential area.

- Traffic engineer, Lyle DeVries (Centennial), was sworn in and explained the traffic flow on Clear Creek Drive as it serves as the on-ramp and off-ramp. There will be several hundred cars per hour during peak hours.
- Clear Creek drive will be 5 lanes -- two lanes each way with a center turn lane.
- The brick wall near 32nd Ave will stay in place.
- CDOT has approved the light and traffic impacts on Zinnia. It has to be that way. The traffic on Zinnia will increase substantially during peak hours.
- Yes, traffic will include tractor trailers; this will be the only access to and from I-70. This isn't a new element of the traffic plan. It was part of 2E and approved a decades ago.

Councilmember Mathews asked what level of retail is anticipated.

- Mr. Carlson testified that leasing focus groups indicate there are a lot of chains in WR already. They want to attract high-end local chefs – not chains. They have

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recruited chefs from downtown to translate the downtown concept to a suburban concept. They want to elevate the experience; the demographics are there.

Councilmember Mathews noted that Stapleton is seeing people get tired of eating at the same places, so they are going elsewhere. What is the final buildout population?

- Mr. Carlson said he can't testify to the finickiness of the American consumer.
- CDOT and City engineers have stress-tested the addition of added density from potential development of the Coors parcels.
- Per Mr. Carlson the density allows 300 units; it will be 1 & 2 bedrooms units only.

Councilmember Dozeman asked for clarification about the Planning Commission recommendation -- of no more than 50% of ground floor square footage be residential.

- Mr. Carlson noted that the Homestead area (residential) is 13 acres of 109 total. There will be 72 acres of commercial.

Councilmember Dozeman asked about the medical facility piece.

- Mr. Carlson said it is too early for Lutheran to decide what they will do, but they have committed to a public process.

Councilmember Dozeman asked about the timeline.

- Mr. Carlson shared that Denver Water is to be finished in May and bids for the hook ramps should also be mobilizing by May. They hope to have commitments from enough commercials to start grading and infrastructure this fall, with foundations starting in 2019. Probably businesses will be opening in 2020, but it's possible something could open in 2019.

Councilmember Hoppe inquired how the timing for construction would be controlled.

- Mr. Carlson affirmed all contracts with major elements will have construction timing requirements. Property can't be land banked.

Councilmember Davis asked if this ramp design is the best option.

- Mr. Brink said CDOT and the Federal Highway Commission agree it is.

Councilmember Davis conversed with Mr. Carlson about the need to generate sales tax.

- Mr. Carlson explained how the uses of planning areas could potentially shift. He explained why he would resist a sales tax producing use requirement.

Councilmember Davis asked if a hospital is an allowed use in a Mixed Use zone.

- Mr. Johnstone testified the City Attorney has advised that it is, and elaborated.

Councilmember Urban expressed concern that regulations for a Planned Hospital District are not being followed. If we aren't going to follow them, why have it?

- Mr. Carlson said they wanted flexibility; have been trying to attract ANY employer.

Councilmember Urban asked about dealing with the 500 year flood plain.

- Mr. Carlson said that Lutheran will add fill to bring it out of the flood plain.

Councilmember Urban asked how the police would cover the area, and about the possibility of a substation.

- Mr. Goff advised the Police Chief has talked about adding a west substation somewhere. He will likely add another beat.

Councilmember Pond asked Mr. Johnstone to outline the ODP.

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- Mr. Johnstone said it sets up the development -- circulation, internal streets, pedestrian; details will be worked out in the subdivision plat. There will be detached sidewalks. Details will be hashed out in the SDP.

Councilmember Duran encouraged Mr. Carlson and the staff to make every effort to loop in the Applewood neighborhood.

- Mr. Carlson testified he will continue to talk to them. He noted that Brian Hanson of the Applewood Homeowners Association has been very good to deal with.

Mayor Starker closed the hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 01-2018, an ordinance approving the rezoning of property located on the West of Interstate-70, between approximately 34th Avenue and Clear Creek from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan, Design Pattern Book, and Vision Book on second reading, and that it take effect 15 days after final publication, for the following reasons:

1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
2. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan, which calls for a Regional Commercial Center on the site.
3. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of adoption of the City's Comprehensive Plan, namely a more diverse mix of uses, which responds to market demands, mitigates transportation impacts, and yields a more robust development.
4. The proposed zoning includes a circulation network that supports the City's goals related to bicycle and pedestrian connectivity.
5. The proposed zoning establishes enhanced design controls related to site design, building design, materials, and landscaping that will result in a high-quality development.
6. The criteria used to evaluate a zone change support the request.

With the following conditions:

1. There be an addition of maximum residential building height of 65 feet in PA 1;
2. At least 50% of the aggregate land area of Planning Areas 1-7 within the Clear Creek Crossing Outline Development Plan shall contain non-residential uses at the time of full buildout of Clear Creek Crossing.

seconded by Councilmember Duran.

Councilmember Pond indicated he would support this and recognized the important hard work of the applicant and staff. He understands the concerns that have not been resolved (traffic, hospital bed space, etc.), but they can't be resolved here in a rezoning hearing. He read all the letters. He knows there's a lot to answer, but he is angry at the accusatory tone towards the Council and the City -- that there was secrecy or a lack of

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integrity. He defended the integrity of the City for following the code and providing rights to private property/business owners to come here and do business. If people want changes in the code they should make that known in public comment before a meeting. Council has been trying to follow a framework that is consistent and reliable and sends the message that we are open for business.

Councilmember Mathews was told the SDP will only go to Planning Commission and has a 300 ft notification requirement; Council will see the subdivision plat. Mr. Goff added that financial agreements will also come to Council for approval.

Councilmember Fitzgerald will vote for this because he thinks it is a quality project.

Councilmember Dozeman said she would support this, but still has concerns about the need for sales tax revenue – which is what voters wanted when they approved 2E.

The motion carried 8-0.

A recess was taken at 10:34 pm. The meeting resumed at 10:45 pm.

2. Council Bill 05-2018 – An Ordinance approving the rezoning of property located at 4433 Tabor Street from Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-01/Kennedy)

The applicant is requesting the zone change to expand the list of permitted uses and to simplify the review and approval process for future redevelopment on the property.

Councilmember Dozeman introduced Council Bill 05-2018.

Councilmember Mathews read the following statement:

Councilor Pond has raised the issue through the City Attorney that I misspoke during the first reading for the Tabor Street rezoning. The attorney has suggested I clarify my thoughts for the record. It is always my intent to listen to all parties and information at the public hearings on second reading for all rezoning applications. I sometimes change my opinion and potential vote several times during a hearing as more information is provided from different parties and I am swayed one way or another. For the record I have not yet decided on a course of action on this agenda item.

Clerk Shaver assigned Ordinance 1639.

Mayor Starker opened the public hearing and swore in the speakers.

Staff Presentation

Meredith Reckert presented. She entered into the record the case file and packet material, the zoning ordinance, the Comprehensive Plan, and the contents of the digital presentation. She testified that all posting and notification requirements had been met.

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- The site is surrounded by various uses including Heine's market, PCD, low density residential, commercial, office and agricultural zoning.
- The parcel is less than one acre; it contains a single family house; it has no topographical irregularities.
- The current zoning allows single family and agricultural uses.
- MU-N zoning allows commercial, residential, and low intensity commercial.
- The applicant wants to build live/work spaces.
- If approved, actual development of the site would be approved administratively.
- She elaborated on the differences between the standards for MU-N and A-1 zones.
- In MU-N, buildings with a residential component have a height limit of 35 ft.
- This is the last remaining parcel zoned A-1 on the west side of Tabor, but this request is less intense than other surrounding uses, so it's a compromise.

Criteria

- The Comprehensive Plan designates this side of Tabor Street as Mixed Use. The east side of tabor is residential. Tabor is a collector street.
- A neighborhood meeting was held in May; three people attended.
- All outside agencies have indicated they can serve the property at the owner's expense.
- The Planning Commission recommended approval of the area.

Staff concludes the zone change meets criteria and recommends approval.

Motion by Councilmember Mathews to suspend the rules and go past 11:00pm and to finish the agenda; seconded by Councilmember Davis; carried 8-0.

Applicant

Tom Kennedy (WR), the owner, said he is attracted to this property for mixed use. He sees this proposal as the highest and best use of the land. He plans small, 1,000sf warehouses with an apartment above each unit. He feels it will be popular for small business owners because housing prices are so high in the metro area. He feels the need for this kind of space is there.

Public Comment

John Clark (WR) lives nearby. He is a small business owner in WR and is not anti-growth or anti-development, but as a WR Grange member and 4H parent he is opposed to taking away agricultural properties. He testified that the owner has been unwilling to work with the neighbors since the neighborhood meeting. He wondered if the property would be built as stated, or sold with the Mixed Use zoning. He believes property rights should also include the rights of the surrounding property owners who choose to keep their zoning. He pointed out that MUN allows 32 different uses – including group

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homes, retail sales, hotels, motels, extended stay lodging, and auto rental, sales and repair. He suggested that not all the allowed uses conform to the Comp Plan or the Fruitdale Sub-area Plan, or are consistent with the character of Tabor Street. He quoted a Joni Mitchel song about paving paradise and putting up a parking lot and urged Council to preserve this agricultural land.

Council Questions

Councilmember Hoppe referred to the aerial map of the area. Ms. Reckert provided details about some of the surrounding zonings and uses.

Mayor Starker closed the hearing.

Motion by Councilmember Dozeman to approve Council Bill 01-2018, an ordinance approving the rezoning of property located at 4433 Tabor Street from Agricultural-One (A-1) 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 of approval.
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 Mathews.

Councilmember Hoppe defended the live/work use for artists, cabinet and furniture makers, and mechanics. She knows of craftsmen who live in their shops because they can't afford a place to live.

Councilmember Pond doesn't think this rezoning will have a negative effect on the area.

Councilmember Urban asked if there are limits about what types of uses can qualify for "live/work" and inquired about the ability to grow marijuana.

- Ms. Reckert said the uses would likely include spaces for artists, craftsmen, woodworkers, sales showroom, and the like.
- Mr. Johnstone testified that state law allows up to 25% of the floor area of the space for residential marijuana growth.
- Mayor Starker declined to allow the applicant to comment regarding marijuana.

Councilmember Dozeman asked if the work space could be used as a storage unit. Mr. Goff said someone could live upstairs and store personal things downstairs, but not lease the space out for storage. Councilmember Dozeman expressed concern about the alternate uses that MU-N allows and noted this area is designated as the Orchard District to highlight agricultural uses. She encouraged the owner to stick to his plan.

Councilmember Mathews was curious how a "neighborhood" can fit on one acre. He also expressed concern about so many allowed uses, and no way to predict what will

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happen down the road. He likes this concept. As much as he'd like to see the lot remain green, he doesn't think that's realistic.

Councilmember Dozeman's question triggered further comments from staff about the ability to grow marijuana.

The motion carried 8-0.

ORDINANCES ON FIRST READING

3. Council Bill 09-2018 – An Ordinance approving a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (OD) for property located at 5372 and 5392 Quail Street (Case No. WZ-17-11/Clark)

The applicant is requesting the zone change for the purpose of developing single-family homes and townhomes. The property includes two parcels totaling about 5.25 acres.

Councilmember Mathews introduced Council Bill 09-2018

Motion by Councilmember Mathews to approve Council Bill 09-2018 an ordinance approving the rezoning of property located at 5372 and 5392 Quail Street from Agricultural-One (A-1) to Planned Residential Development (PRD) on first reading, order it published, public hearing set for Monday, April 23, 2018, at 7 p.m. in City Council Chambers and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTION

4. Resolution 16-2018 – A Resolution amending the Fiscal year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$20,000 to fund a Landscape Inspection and Enforcement Program

This appropriation continues the pilot program of 2017 which focused on 45 recently developed commercial, multi-family and multi-lot single-family projects. The program was generally well received and numerous properties were brought into compliance with their approved landscape plans.

Councilmember Davis introduced Item 4.

There was no staff presentation. Council had no questions or discussion.

Motion by Councilmember Davis to approve Resolution No. 16-2018, a resolution amending the fiscal year 2018 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 to fund a landscape inspection and enforcement program; seconded by Councilmember Urban; carried 8-0.

5. Resolution 17-2018 – A Resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District for construction of the I-70 and 32nd Avenue Interchange

The construction of the I-70 hook ramps will be coordinated and managed by Evergreen on behalf of the Longs Peak Metropolitan District. Mortenson Construction (Evergreen's Construction Manager) will be conducting the overall construction management, bidding, contract awards, overall contract management, payments to contractors, inspection, and other necessary construction management logistics. The IGA provides the necessary provisions, requirements and safeguards needed to assure that the project will be completed in accordance with both City and CDOT requirements. Oversight of construction by the City will be provided with the assistance of the City's technical consultant (AECOM) under the direction of City staff.

Under the provisions of the IGA between the City and the District, construction of the public improvements (hook-ramps) will be performed by Evergreen Development, through their construction manager, Mortenson Construction.

Councilmember Pond introduced Item 5.

Staff presentation

Mr. Goff noted that Agenda Items 5, 6, and 7 are all related. They deal with the Long's Peak Metropolitan District and relate to the development at Clear Creek Crossing. The City will be using the Longs Peak Metropolitan District for construction of the I-70 hook ramps.

- Resolution 17 is a resolution between the City and the Longs Peak Metropolitan District. The City will use the Metropolitan District to help us construct the hook ramps. They have the capacity and capabilities to do that. They will be responsible for the bidding. City staff will still have input and oversight of the project.
- Resolution 18 is an IGA between CDOT and the City to build the hook ramps in CDOT right of way. CDOT will own and maintain the hook ramps once they are completed. The City will pay CDOT \$20K for their oversight of the project.
- Resolution 19 is an IGA between the City and the Longs Peak Metropolitan District. It is a reimbursement agreement for the City's \$10M from the 2E bonds. Recent estimates indicate it may cost a little more than \$10M. If it does, the City will be responsible for the overage. However the Longs Peak Metropolitan District will be issuing bonds for the Clear Creek Crossing project and will reimburse the City for anything over \$10M.

There were no questions from Council or discussion.

Motion by Councilmember Pond to approve Resolution No. 17-2018 - a resolution authorizing approval of an IGA between the City of Wheat Ridge and the Longs Peak Metropolitan District for construction of the I-70 and 32nd Avenue interchange; seconded by Councilmember Hoppe; carried 8-0.

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6. Resolution 18-2018 – A Resolution authorizing approval of an Intergovernmental Agreement between the City of Wheat Ridge and the Colorado Department of Transportation (CDOT) to approve a contract with CDOT for construction oversight and maintenance responsibilities associated with the Interstate 70 and 32nd Avenue Interchange Improvements

Councilmember Hoppe introduced Item 6.

There were no questions from Council or discussion.

Motion by Councilmember Hoppe to approve Resolution No. 18-2018 - a resolution authorizing approval of an IGA between the City of Wheat Ridge and CDOT to approve a contract with CDOT for construction oversight and maintenance responsibilities associated with the Interstate 70 and 32nd Avenue interchange improvements; seconded by Councilmember Duran; carried 8-0.

7. Resolution 19-2018 - A Resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District for Hook Ramp Cost Reimbursement

Councilmember Urban introduced Item 7.

There were no questions from Council or discussion.

Motion by Councilmember Urban to approve Resolution No. 19-2018 - a resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District for Hook Ramp Cost Reimbursement; seconded by Councilmember Duran; carried 8-0.

8. Motion to approve the use of the City's 1% Utility Undergrounding Fund for the Overhead Utilities on 38th Avenue between Kipling Street and Lee Street

As part of redevelopment activities at the Circle K at 38th Avenue & Kipling Street, the undergrounding of utility lines will be done for safety and aesthetic reasons.

Councilmember Duran introduced Item 8.

There was no staff presentation. Council had no questions or discussion.

Motion by Councilmember Duran to approve a motion authorizing the City Manager to sign an agreement with Xcel Energy, authorizing the use of City 1% Funds for the undergrounding of overhead utilities on 38th Avenue between Kipling Street and Lee Street; seconded by Councilmember Fitzgerald; carried 8-0.

9. Motion to approve appointments to Boards and Commissions

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The City's Board and Commission seats are due for appointment. The positions were advertised in the Wheat Ridge Transcript and on Channel 8, Facebook and the City's Website. Current members were contacted by mail and asked if they wanted to serve another term. All applications were received and compiled by the City Clerk's Office and forwarded to the City Council.

Councilmember Fitzgerald introduced Item 9.

District I Appointments

Motion by Councilmember Hoppe to appoint

Dan Bradford to the Board of Adjustment, term ending 3/2/21,

Jessica Schwartz to the Cultural Commission, term ending 3/2/21,

Carolyn Peterson to the Liquor Authority Board, term ending 3/2/21,

Sandra Banghart to the Parks and Recreation Commission, term ending 3/2/21,

Richard Peterson to the Planning Commission, term ending 3/2/21;

seconded by Councilmember Duran; carried 8-0.

District II Appointments

Motion by Councilmember Urban to appoint

Jill Shannon to the Cultural Commission, term ending 3/2/21,

Charles Spielman to the Parks & Recreation Commission, term ending 3/2/21,

Elizabeth Nazarene to the Liquor Authority Board, term ending 3/2/21;

seconded by Councilmember Davis; carried 8-0.

District III Appointments

Motion by Councilmember Pond to appoint

Janet Bell to the Board of Adjustment, term ending 3/2/21,

Ron Abo to the Building Code Advisory Board, term ending 3/2/21,

David Opp to the Cultural Commission, term ending 3/2/21,

Paul Shaver to the Liquor Authority Board, term ending 3/2/21,

Guy Nahmiach to the Parks & Recreation Commission, term ending 3/2/21,

Amanda Weaver to the Planning Commission, term ending 3/2/21;

seconded by Councilmember Fitzgerald; carried 8-0.

District IV Appointments

Motion by Councilmember Mathews to appoint

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Sally Banghart to the Board of Adjustment, term ending 3/2/21,
John Kellow to the Building Code Advisory Board, term ending 3/2/21,
Val Nosler to the to the Cultural Commission, term ending 3/2/21,
Bruce McIntyre to the Liquor Authority Board, term ending 3/2/21,
Janet Leo to the Planning Commission, term ending 3/2/21,
Daniel Larson to the Planning Commission (to fill a vacancy) term ending 3/2/20;
seconded by Councilmember Dozeman; carried 8-0.

At Large Appointments

Motion by Councilmember Fitzgerald to appoint

Gay Porter DeNileon to the Cultural Commission, term ending 3/2/21,
Kimberly Ibbison to (as) the JeffCo Library Board Liaison, term ending 3/2/21,
Robert DeVries to the Board of Adjustment (to fill a vacancy), term ending 3/2/20;
seconded by Councilmember Urban; carried 8-0

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Kristi Davis reminded the Council they have been invited to the Mountain Phoenix Community School's annual auction at the Children's Museum of Denver on April 14 from 6-10pm.

Janece Hoppe announced the Sunshine Home Share program will have a fundraiser at Right Coast Pizza on May 21 from 5-7pm. \$20 buys two beers and a slice. This programs endeavors to match seniors who have extra living space in their houses with folks who need affordable places to live.

She also asked that in the near future there be discussion about adding a criteria to the SUP (Special Use Permit) application – that if there is a sub area plan or vision document for the area in question, is that vision being followed? Councilmember Duran joined in the request for that discussion.

Zachary Urban wanted everyone to know that the first man who spoke this evening, Jack Chavez, was formerly confined to a wheel chair. It took a great deal of effort for him to walk from that front row seat to the podium. He congratulated Mr. Chavez on his

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dedication and hard work by working out at the Rec Center -- which have enabled him to make that amazing physical progress.

Mayor Starker noted that he and Ms. Dozeman were table mates at the recent STEM/STEAM Gala at the Forney Railroad Museum.


ADJOURNMENT

The City Council Meeting adjourned at 11:48 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 23, 2018



Tim Fitzgerald, 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.