

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

July 9, 2012

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

ROLL CALL OF MEMBERS

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

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; City Manager, Patrick Goff; Commander Jim Lorentz; Community Development Director, Ken Johnstone; interested parties and interested citizens.

APPROVAL OF MINUTES OF JUNE 25, 2012

Motion by Mr. Stites for approval of the Minutes of June 25, 2012; seconded by Mr. Starker; carried 6-0 with Mrs. Langworthy abstaining.

PROCLAMATIONS AND CEREMONIES none

CITIZENS' RIGHT TO SPEAK

Mrs. Girson of unincorporated Jefferson County spoke of having parents and a husband that smoked. She now has COPD and a propensity for asthma.

Nathan Russo of Arvada, a student at Everitt Middle School, spoke against smoking.

Kimberly Russo of Arvada told how being exposed to smoke at bus stops causes her to cough later. She told of the Breathe Well effort to pick up cigarette butts. She would like Wheat Ridge have a no smoking ordinance like Arvada, Lakewood and Golden.

Grant Wicklund, president of Lutheran Medical Center, thanked the City for sponsoring the Leaves of Hope run. He said Exempla is committed to a tobacco free community and encouraged Council to pass strong no smoking ordinances.

Carol Salzman of Lutheran Medical Center thanked Mayor DiTullio and Patrick Goff for sponsoring their Leaves of Hope run. She also thanked the City communications department, Planning and Police for their help. She also supports no smoking. Lutheran works with the Jefferson County Health Department and the Breathe Easy Wheat Ridge collaborative. She challenged the City to be a leader along with Lutheran to make sure our kids have safe places to play.

Tara Jahn announced upcoming events on 38th Avenue.

- Family Yoga at the WR Middle School campus is this Thursday from 6:30 – 7:30 in conjunction with Live Local Dines from 5-8 at Right Coast Pizza.
- Thurs. July 19 is the next Cruiser Crawl, starting at Panorama Park at 6:30.
- The next Live Local Dines will be at Pietra's.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- A. Motion to approve payment to Gordon Sign, Denver, Colorado, in the amount of \$61,305 for construction and installation of park signs.
- B. Resolution No. 37-2012 – amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$6,908.00 from the 2009 Justice Assistant Grant (JAG)
- C. Motion to approve payment to Portable Computer Systems, Inc. in the amount of \$37,559.50 for the scheduled annual replacement of ten Panasonic Mobile Data Computers

Mr. Reinhart introduced the Consent Agenda.

Motion by Mr. Reinhart to approve the consent agenda items A. B. and C.; seconded by Mr. Starker; carried 7-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- #### **2. Council Bill No. 11-2012- amending the Wheat Ridge Code of Laws, Chapter 22, Sections 22-67 and 22-68 (a) to clarify those entities which are exempt from Use Tax on Building Materials and Supplies**

Mayor DiTullio opened the public hearing.

Mr. DeMott introduced Council Bill No. 11-2012 and read the executive summary.

Clerk Shaver assigned Ordinance No. 1512.

This ordinance will clean-up inconsistencies that have occurred over the years on how we apply our use tax code with City projects. The wording in our code is written in such a way as to not allow exemption from use tax on construction materials and supplies/equipment for city, quasi-city and public school projects. We have been allowing this exemption for many years, but it is against current code and very confusing for diligent tax managers. Passage of the ordinance will change the code to reflect what is already current and common practice.

Mayor DiTullio closed the public hearing.

Motion by Mr. DeMott to approve Council Bill No. 11-2012, an ordinance amending the Wheat Ridge Code of Laws, Chapter 22, Sections 22-67 and 22-68 (a) to clarify those entities which are exempt from use tax on building materials and supplies on second reading, and that it take effect 15 days after final publication; seconded by Mrs. Langworthy; carried 7-0

3. Council Bill No. 07-2012 – approving the rezoning of property located at 5060 Ward Road from Planned Industrial Development (PID) and Light Industrial (I) to Mixed Use – Commercial Transit Oriented Development (MU-C TOD) Zone District (Case No. WZ-12-02/IBC Holdings)

Mayor DiTullio opened the public hearing.

Mrs. Langworthy introduced Council Bill No. 07-2012.

The applicant requests approval of a zone change from Planned Industrial Development and Light Industrial to Mixed Use – Commercial TOD for property located at 5060 Ward Road.

Clerk Shaver assigned Ordinance No. 1513.

Mayor DiTullio swore in persons who would testify in this matter.

Meredith Reckert entered into the record the case file and packet materials. She showed photographs and diagrams explaining the subject property and surrounding area. This parcel includes the former Jolly Rancher property and land to the north and east of that. She gave the history of the property since Jolly Rancher closed in 2002. This rezoning will allow a mix of commercial, residential and retail uses that will support the transit area of the Gold Line which is scheduled to be completed in 2016. A neighborhood meeting was held where discussion centered on traffic flow. The Planning Commission approved this rezoning with no conditions.

Brian Mott, the applicant, expressed pleasure for the vision of the City in the use of this property.

Mrs. Reckert explained that the construction/improvement of roadway infrastructure and implementation of drainage plans will be done at no cost to the City.

Mr. Mott said he's not sure what kind of development will occur on this property, but that multi-family residential is the highest demand use right now. It may also have office and some retail.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Langworthy to approve Council Bill No. 07-2012; an ordinance approving the rezoning of property located at 5060 Ward Road from Planned Industrial Development (PID) and Light Industrial (I) to Mixed Use-Commercial Transit Oriented Development (MU-C TOD) zone district, on second reading, and that it take effect 15 days after final publication, for the following reasons:

1. The property is currently underutilized.
2. Construction of the Gold Line commuter rail station will dramatically change the development potential of this property.
3. The rezoning request is consistent with the Northwest Subarea Plan, the I-70/Kipling Urban Renewal Plan and *Envision Wheat Ridge*.
4. The evaluation criteria support approval of this request.

The motion was seconded by Mr. DeMott.

Mr. Dahl reported a typo in the severability clause that will be corrected. Motion carried 7-0.

4. Council Bill No. 08-2012 – approving the Rezoning of property located at 4695 Wadsworth Blvd. from Residential-Two (R-2) to Mixed Use – Neighborhood (MU-N) Zone District (Case No. WZ-12-03/Patrick Nichols & Associates)

Mayor DiTullio opened the public hearing.

Mrs. Jay introduced Council Bill No. 08-2012. Approving this rezoning is the first step in the redevelopment of the property to mixed use.

Clerk Shaver assigned Ordinance No. 1514

Mayor DiTullio swore in those who would be participating in the hearing.

Meredith Reckert entered into record the case file and packet materials. She had diagrams and photos of the property. This single family house is in disrepair and has a history of noncompliance. The owners of modmood plan to refurbish the house as an example of 1970's architecture and use it to expand the design services for their retro

retail business. The rezoning will also allow neighborhood retail, services and residential. If this zone change is approved, the site plan for development will be submitted for approval. This use satisfies the comprehensive plan which calls for this area to be a buffer or transitional to the residential neighborhood to the west. A neighborhood meeting was held where discussion included traffic, parking, the nature of the business and proposed improvements.

The Planning Commission approved with no conditions. Staff recommends approval as this will redevelop an eyesore and make it a productive piece of property

Jeannie Nichols of Allison Circle in Wheat Ridge is one of the owners of modmood. She loves Wheat Ridge and has enjoyed having the business and bringing retail traffic to the City. She said they fear the house could be torn down so they want to preserve it and make it a design studio. They are sensitive to the neighborhood, and want to preserve the heritage of Wheat Ridge while helping their city become stronger.

Patrick Gooch, of the same Allison Circle address and one of the owners, added that although the property is in a terrible state of disrepair it is one of the finest architectural properties built in that era. It is an architecturally significant home and this project will give people a nice first impression of Wheat Ridge.

Mr. Dahl confirmed that prior litigation on the property does not affect or constrain the owners right to apply for rezoning. Mrs. Reckert confirmed that the site plan process will not require a neighborhood meeting. Mr. Johnstone stated that any future plans to widen Wadsworth can technically be accommodated by this property.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Jay to approve Council Bill No. 08-2012, an ordinance approving the rezoning of property located at 4695 Wadsworth Blvd. from Residential-Two (R-2) to Mixed Use – Neighborhood (MU-N) zone district, on second reading, and that it take effect 15 days after the final publication, for the following reasons:

1. The property is not desirable for low density residential use due to adjacency of Wadsworth Blvd.
2. The proposed zone change and reuse of the existing structure will provide a land use transition between Wadsworth and the neighborhood to the west.
3. The evaluation criteria support approval of this request.
4. The property is currently underutilized."

The motion was seconded by Mr. Stites. Mayor DiTullio mentioned that the widening of Wadsworth would be extremely expensive and depend on state funding. Given that the state has no money for it, it could be 30-40 years before that happens. The motion carried 7-0.

5. Council Bill No. 10-2012 – amending Chapter 26 concerning the Planned Development District Regulations and Private Zone changes and making certain amendments to Chapter 2 in association herewith (Case No. ZOA-12-01)

Mayor DiTullio opened the public hearing.

Mr. Stites introduced Council Bill No. 10-2012 and read the executive summary.

Clerk Shaver assigned Ordinance No. 1515.

Ken Johnstone presented the proposal for amending PD's – Planned Development districts. It's an alternative to straight districts, tailored to unique uses and design issues. Historically the City has used them heavily, but less so since Mixed Use districts have been adopted. Staff still thinks this is an important tool and should be improved. This new process will eliminate neighborhood meetings (on the specific design), legal protests, and the recording of permits. A shorter review process will result in less staff time, cost less in fees for the developer and provide a stronger land use right at the initial rezoning. Streamlining the process by moving straight from approval to administrative review will shorten the process by some 15 months and will encourage economic development.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill No.10-2012, an ordinance amending Chapter 26 concerning the planned development district regulations and private zone changes and making certain amendments to Chapter 2 in association herewith, on second reading, and that it take effect 15 days after final publication; seconded by Mr. Reinhart; carried 7-0.

ORDINANCES OF FIRST READING

6. Council Bill No. 12-2012 – disconnecting land located in Section 15, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, from the City of Wheat Ridge Municipal Boundary (Case No. ANX-12-01/Tomlinson Park)

Mr. DeMott introduced Council Bill No. 12-2012.

In 2004 the City Council approved an agreement with Arvada regarding the sharing of costs for certain infrastructure improvements, the construction of improvements in the Columbine drainage basin, and accommodating drainage – all associated with the development of the Arvada Ridge project at 50th & Kipling. One of the final actions requires disconnection of the drainage channel adjacent to Tomlinson Park by the City of Wheat Ridge for subsequent annexation by Arvada. Arvada currently owns and

maintains the park. The property in question is a long strip of land running approximately from 50th & Independence to 51st & Garrison.

Motion by Mr. DeMott to approve Council Bill No. 12-2012 an ordinance disconnecting land located in Section 15, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado from the City of Wheat Ridge Municipal Boundary on first reading, order it published, public hearing set for Monday, August 13, 2012 at 7:00 p.m. in the City Council Chambers and take effect upon recordation of the disconnection plat; seconded by Mrs. Langworthy; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

7. Resolution No. 36-2012 – beginning a City-Initiated Rezoning of property located at 7750 Three Acre Lane to Mixed Use-Commercial (MU-C)

Mrs. Jay introduced Agenda Item No. 7.

Ken Johnstone explained that when the Council approved a legislative rezoning of the Wadsworth corridor this property was inadvertently omitted from the zone change process. The property owner wishes to be rezoned from Residential-3 to MU-C (Mixed Use Commercial).

Motion by Mrs. Jay to approve Resolution No. 36-2012; seconded by Mr. Stites : carried 7-0.

8. Resolution No. 35-2012 – beginning a City-Initiated Comprehensive Rezoning of Properties located on W. 38th Ave. approximately between Sheridan and Wadsworth to Mixed Use – Neighborhood

Mr. Starker introduced resolution No. 35-2012 and read the executive summary.

Motion by Mr. Starker to approve Resolution No. 35-2012; seconded by Mr. Stites.

Planner Sarah Showalter presented a map of the 38th Avenue corridor with explanation of the criteria for rezoning. Most of the properties have 38th Avenue frontage or are adjacent to one that does. Split-zoning will be eliminated. Included are commercially-zoned residential properties that are adjacent to the rezoning area and would become conforming under MU-N. Four properties have requested not to be included and one owner is still undecided. There will be a neighborhood meeting August 8. There will be public hearings by the Planning Commission and the City Council. After passage all property owners will have 30 days to request removal.

Motion carried 7-0.

9. Resolution No. 38-2012 – approving an Intergovernmental Agreement between the City of Wheat Ridge and the City of Lakewood concerning Academy Training for Police Officer Recruits

Mr. Pond introduced Resolution No. 38-2012.

Wheat Ridge does not have its own police training academy. This resolution approves an agreement with Lakewood and Jefferson County so our police recruits can attend a regional training academy operated by the City of Lakewood and the Jefferson County Sheriff's office.

Motion by Mr. Pond to approve Resolution 38 -2012; seconded by Mr. Stites :
carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff announced that the Community Development Department has a new over-the-counter plan review program. Any Thursday or Friday from 8-11:30 the building division will be accepting and processing walk-in building permit applications for several types of projects – including residential decks and sheds, and carports and garages that require plan review. If you have a weekend project coming up you can come in and get your permit. More information is available on the City's website.

CITY ATTORNEY'S MATTERS none

CITY CLERK MATTERS

Mrs. Shaver informed Council that she is commuting to Boulder every day this week for clerk classes.

ELECTED OFFICIALS' MATTERS

Mr. Stites reminded folks that with all the heat and rain the weeds are coming on strong. It can make our city look junky. Please take care of your weeds and help an elderly neighbor if they need assistance on that.

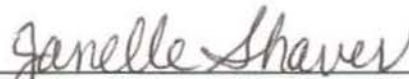
Mrs. Langworthy reminded everyone that on Friday, July 13 there will be a produce and health fair at Healing Waters Family Center from 9 – 11. There are no income or residential requirements. Please bring your own bag for produce if you can.

Mrs. Jay repeated the announcement that this Thursday at Right Coast Pizza there will be Live Local and family yoga across the street. The following Thursday is the Cruiser Crawl.


Mr. DeMott reminded everyone that circus tickets are for sale at City Hall, the Rec Center and online.

Mayor DiTullio thanked staff for their past and ongoing work on the rezoning process.

Meeting adjourned at 8:45 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 23, 2012 BY A VOTE OF 7 to 0 - 1


Mike Stites, 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.