

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

June 26, 2017

Mayor Jay 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

Monica Duran, Janeece Hoppe, Zachary Urban, Tim Fitzgerald, Larry Mathews, Genevieve Wooden

Members Absent: George Pond (excused), Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Manager Patrick Goff, City Attorney, Jerry Dahl; City Treasurer, Jerry DiTullio, Police Department, Jim Lorentz; Community Development Director, Ken Johnstone; Deputy City Clerk Robin Eaton; Planning Division, Meredith Reckert; Engineering Division, Mark Westberg; guests and interested citizens.

APPROVAL OF Minutes of the Council Study Session Notes of June 5, 2017

Mayor Jay requested postponing approval of the minutes of the Study Session Notes of June 5, 2017 until research can be done regarding one of the items from that session.

PROCLAMATIONS AND CEREMONIES

CITIZENS RIGHT TO SPEAK

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Resolution <u>24-2017</u> approving an Agreement between the City of Wheat Ridge and the Wheat Ridge Historical Society
- b) Resolution <u>23-2017</u> approving the 2017 Police Recruit Training Agreement and issuing a \$36,000 payment to the Lakewood Police Department to provide Law Enforcement Academy Training for six Wheat Ridge Police Recruits at the Combined Regional Academy

Councilmember Wooden introduced the Consent Agenda.

<u>Motion</u> by Councilmember Wooden to approve the Consent Agenda items a) and b); seconded by Councilmember Hoppe; carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

 Resolution <u>22--2017</u> – a resolution approving a Seven-Lot Subdivision Plat for property zoned Residential-One (R-1) at 11435 W. 32nd Ave. (Case No. WS-16-02/Merkwood Estates)

This application would reconfigure two lots into seven lots, allowing for seven single family home sites. A new section of 33rd Ave is proposed to transverse the property, connect the Quail Hollow subdivision on the east to the Brookside subdivision on the west, and allow for the free flow of traffic. The seven new lots would not have direct access to 32nd Ave.

Councilmember Fitzgerald introduced Resolution 22-2017.

The purpose of the subdivision is to create seven new single family sites. The Planning Commission recommended denial for the following reasons: The proposed street system and drainage design do not provide a logical development pattern for the new parcels.

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

Staff Presentation

Meredith Reckert distributed to Council a corrected email and an additional letter from interested citizens. She also presented for the record a packet of hard copies of letters that had already been received and distributed to Council. She entered into the record the case file, packet material, the subdivision regulations and the contents of the digital presentation. She testified that all notifications and posting requirements had been met.

With aerial overlays and photos Ms. Reckert explained the existing conditions and the proposed application.

- The subject property, 11435 W. 32nd Ave, contains two parcels totaling 4.9 acres.
- The southern parcel (1+acre) fronts W. 32nd Ave and contains a single family home built in 1932.
- The larger, vacant, northern parcel (3.77 acres) has a strip of land that allows access to 32nd Ave. It was most recently used for agrarian purposes. About 1/3 of the northern portion of this parcel is encumbered in the Lena Gulch 100 year flood plain.
- The property is zoned R-1.
- Adjacent land use to the west is single family residential platted in 1983 and 2011.
- Adjacent land use to the east includes the Applewood Baptist Church parking lot and the Quail Hollow subdivision (platted in 2014).
- There is a drainage way directly adjacent to the east side of the subject property, which is on the church parcel and is 10 feet lower than the parking lot.
- The subdivision application would accommodate 7 new single family homes, all of which meet or exceed the requirements for the R-1 zone.

- A proposed new street connection for W 33rd Ave crosses the middle of the new subdivision and connects Quail Hollow to Applewood Brookside.
- A new street called Robb St would extend south from 33rd Ave to access the new lots.
- There is no vehicular access from Robb St to 32nd Ave -- only pedestrian access.
- Both 33rd Ave and Robb St will be full width dedicated streets with public improvements installed.
- Lots 1-6 are south of 33rd Ave on the new Robb St; Lot 7 is north of 33rd Ave. Areas of Lot 7 are in the flood plain and cannot be built on.
- The plat shows, among other things, easements, the pedestrian access to 32nd, an emergency access turn-around between Lots 1 and 2, and a storm water pond.
- The Brookside plat contains a piece of Right-of-Way at the end of the Routt cul de sac that was dedicated, but never built. The intent was that at some point there would be an opportunity to create better connection and connect with the property to the east.
- Ms. Reckert elaborated on staff's long-planned intentions for the Brookside and Quail Hollow streets, the 33rd Ave link, and why Robb should not connect to 32nd Ave.
 - Staff believes this link is critical for connectivity and emergency vehicles.
 - o It would eliminate two cul-de-sacs that are over 600 feet long and improve north-south and east-west options.
 - Connecting Robb to 32nd is problematic because it creates another offset intersection, it could leave houses on Routt St with frontage on both streets, and it is exacerbated by the drainage channel next to the parking lot.
 - The south end of Robb St is about 7 feet below 32nd Ave and would require substantial fill to bring it up to that level -- possibly requiring wells to be built.

Ms. Reckert paraphrased the regulations regarding subdivision design:

- Required to accommodate all modes of movement through the development and to/from adjacent properties and land uses.
- Provision for the continuation of existing planned or platted streets unless the City determines it is undesirable for specific reasons of topography or design.
- Proposed streets shall be extended to the boundary of the subdivision to provide for future connection.

Process:

- A neighborhood meeting is not required for plat as the zoning is not changing.
- The standard 15-day referral resulted in no concerns from City departments or outside agencies. Utilities will need to be constructed. The Fire District can serve the subdivision as proposed with the turnaround feature between Lots 1 and 2.

Reviewed by Planning Commission on June 1, 2017

- PC recommended denial for the plat showing 33rd Avenue extensions between Routt Street (to the west) and Quail Hollow (to the east)
- Subsequent to the PC hearing the developer submitted a modified plat which removes the connection of 33rd Ave through to Routt St, allowing only for access by pedestrians and emergency vehicles. Staff does not support this; the Fire Dept has concerns about emergency gates.
- If Council wishes to approve the modified plat, a variance would be needed to the maximum cul de sac length of 750 feet. This cul de sac would be 1,400 feet long.

Numerous letters were received before and after the PC hearing. Most concerns
are primarily related to traffic and safety, with some concern for drainage

Staff recommends approval of the plat showing full connection of 33rd Ave between Quail Hollow and Brookside, for the following reasons:

- The proposed lots meet or exceed the R-1 standards
- · All requirements of the Subdivision regulations have been met.
- Proposed system and drainage design provide a logical development pattern for the subdivision
- All agencies can serve the property with improvements installed by the developer.

Council questions

Councilmember Fitzgerald noted the three objections to making Robb Street go through to 32nd: the disparity in height or grade, offset of the streets and the cul de sac length. What makes this different from all the other offset streets that face 32nd Ave?

- Ms. Reckert responded that regulations discourage offset streets, especially onto higher volume arteries, which presents a greater potential for traffic conflicts.
- Mr. Westberg added that offsets, in general, are a bad idea; offset cars both turning left can cause accidents; these were done in the past by bad design practices. It is good not to offset the streets when they are that close together. Concerning height: The south end of Routt St had to be filled in. The problem for Robb St is the drainage channel and pipe system along the shared property line with the church. He elaborated on the safety for the houses and the ability of the streets to carry storm water for 100-year events. Underground drainage for these seven lots would be very cost prohibitive. If Robb St is moved to the west side, the new homes would have their entire back yard be a drainage channel.

Councilmember Fitzgerald asks if Routt is considered an illegal cul-de-sac and now Robb Street would be one as well.

 Mr. Westberg responds that it would not be a dead end cul-de-sac if the connection is made to 33rd street and it does not exceed the 750 ft. rule.

Councilmember Urban asked about the maximum length of cul-de-sacs allowed by the Institute of Transportation Engineers (ITE) and what guides our decision making policy?

Ms. Reckert responded that our subdivision regulations set a maximum length of 750 ft. Mr. Westberg advised the City does not regulate by the ITE manual.
 Councilmember Urban wondered what other ITE policies might be considered. Mr. Westberg said he didn't know where 750 feet came from, but noted our current code encourages urbanism and connectivity, to give people options.

Mayor Jay asked if a thought had been given to connecting 33rd Avenue just to Quail Ct.

Mr Westberg responded that by extending 33rd Avenue across the subdivision and creating Robb St. (to go straight south), the cul-de-sac starts back at Quail, down to the end of Robb St. By making the connection across the parcel, there are two streets to provide access to the neighborhood. It would help a fire truck by not making it go around the neighborhood to gain access to the subdivision.

Applicant

Steve Merker shared background of trying to work with neighbors and the City. He lives, works and builds in Wheat Ridge and has worked diligently with City staff on the issues. He was initially opposed to the connection between 33rd and Routt St., as the original vision was that it is a long, complex parcel with many grade changes. Unless he bought the house, it would have been impossible to build the development.

The connectivity issue came up numerous times and multiple scenarios were looked at over the course of a year and a half, to be able to get to this meeting. It is difficult to take considerations from all of the neighbors and the City staff also; he feels stuck between two forces, trying to please everybody. Alternatives to the road include emergency gates for first responders. He asked for clarity to help the project move forward, and wants to do a good job for the project and everyone that is involved.

Councilmember Hoppe noted staff's recommendation does not connect to 32nd Avenue. Mr. Merker said he's very opposed to connecting to 32nd Avenue from Robb St for many reasons – including that up to 7-10 ft. of fill material would be required to be brought in, and also the risk of creating a watershed problem.

Public comment [Most speakers WR residents from Routt St or Quail Hollow]

Dr Gil Schmidtke believes there is not a need to hurt the neighborhoods by creating a thoroughfare, as it's more practical to combine our homes with the new ones, to make our own neighborhood. People have been living in this area for years without connecting to Routt St. He welcomes connection to get in and out from 33rd St, as a very practical and acceptable alternative.

Ross Casados chose to live in a cul de sac because it is quiet. He's raised his own children and grandchildren, including a challenged grandchildren, who loves to play on the street. This new street would endanger the children, making it a very busy street with an uphill battle in the wintertime to get out of it; it would be worse when school is in session. He has no problems with the housing or helping fire engines or police to get in and out, but why do they need to connect 33rd St. all the way to Routt. He's loved living in a cul de sac for 27 years and hopes that Council will not disturb that for them.

Peggy Nielsen clarified that this information does not even address traffic from Prospect Valley School and is very frustrated as to why a new neighborhood is being created at the expense of those who live on Routt St.

Jeff Nielsen reiterated what his wife Peggy said about traffic from the school, especially that it is under open enrollment.

Doug Fisher said he is totally against making 33rd go through to Routt. Neighborhood culture should stand. Merkwood is proposing seven home sites on 4.9 acres. On the surface it sounds reasonable, but six homes are crammed on the south end between 33rd and 32nd. The huge two-story homes would back up to the five ranch homes on his street

that are primarily single level ranch homes. This would change the culture and rob current residents of any back yard privacy; it's not a good idea. The only folks who are for it are the developer -- who would make money at the neighbors' expense. He asked Council to vote against this proposal as designed.

David Hay bought his home on a quiet cul de sac five years ago and opposes putting 33rd through with or without a gate. His understanding, when they bought their property, was that the right of way was just for access for property behind them. Tonight is the first time he's seen the diagram suggesting 33rd Avenue go through. It seems like the residents, and even Mr. Merkl, did not want it, so why do it now? The Comprehensive Plan talks about how the City will work with neighborhoods to maintain character and property values, but the City has not worked with them. The neighbors have not been consulted in over a year and a half and asks the Council to reject this application.

Rebecca Hay expressed concerns over elevation, with her home being one of the lowest homes in cul de sac, and how the new homes would likely want to have walkouts, being built on elevation. With these new homes looming over them, she questioned how the drainage would be handled and does not want to see it in her basement. The proposed plan of emergency gate and pedestrian walkway is unacceptable and there is no guarantee that the City won't remove that gate at a later time. This is a weak attempt at mildly appearing the neighborhood objections for the benefit of developer.

Duane Chelsey noted living in Wheat Ridge for 55 years. He believes this issue demands attention as his emails explain — that the connection between Quail and Routt makes no sense and that it degrades the neighborhood. He worries that the gate would not always be locked and is very much opposed to a through street.

Danielle Marcello said her parents built their dream home in a quiet cul de sac; her mother is a life-long Wheat Ridge resident. She testified that it is proven that crime rates are higher on through streets, children do not play outside and property values are estimated to be 20-29 percent lower. They should prevent the alternative to build 33rd as a through street and even if 33rd is not built as a through street now, there is no guarantee it will not go through eventually. Neighborhoods and parents have been traumatized by this, and the neighborhoods have also been harassed.

Anthony Marcello expressed concern about the hammerhead turnaround and inquired what type of design vehicle it was that made the test pass. Mr. Westberg replied he did not know what type of vehicle was used as it was West Metro Fire that did the test. He also stated that the City would not be setting a precedent in making 33rd to Robb St. and not going to Routt. Mr. Marcello gave Council a handout with a view from Google Earth showing clearly that connectivity does not apply with Lena Gulch bisecting the entire area.

David Moss concurs with all neighbors and stated that if this is allowed to become a through street, there will be many property devaluations. Other alternatives can be found for emergency vehicle access. Kids play in the street, riding down the middle of the

street, safe or not; safe passage is allowed for kids to play there. School pickup times would be detrimental to the neighborhood and there is no upside to building 33rd to Routt St. Already it is a hard time to get out of the neighborhood - let alone in wintertime, but adding school parents would increase that hardship.

Mat Glover lives right next to the development. He is not unsympathetic to them and realizes no one gets everything in deals, but there should be something in it for them. He strongly feels access should be off 32nd, which would leave the two cul de sac communities intact. No one wants a through street. There are concerns with safety, cars driving too fast and damaging the new roads in the subdivision – all of which will happen if 33rd Avenue goes through. With a very difficult decision to make, it may help to mitigate the problem and have a road come down from 32nd Avenue.

Carlos Fawcett expressed opposition to giving a brand new subdivision the benefits of a 25-plus year cul de sac community. When he lived in Denver County at 37th and Tejon, new development was great but brought too much traffic. This new road will destroy this community; it will not improve anyone's safety or property values but will have the opposite effect.

Lori Marcello reported talking to Debbie Perry, the original landowner of the plat, and had information provided by Merkwood Construction, who wanted to have net zero, environment friendly landscape. Apparently, Merkwood was told by the City planning department that they needed to put 33rd in as a through street. Ms. Perry said that from the 1980's there was no plan to put 33rd in as a through street, so why do they arbitrarily put roads through undeveloped fields. They were asked to leave land open for access only, so the home would not be landlocked. There was never a plan to have a through street for 33rd. It is unnecessary to put a road though, and the easement was never meant to put a road through.

Stephen Archer noted many of the items he had prepared have been addressed. With the plat maps and people's submissions tonight, it clearly shows that 33rd Avenue was never meant to be a connector. He is opposed to 33rd going through.

Michele Hilliam is concerned mostly with the traffic pattern if the street goes through -- especially traffic from Prospect Valley School where 80% are choice enrolled students that do not live in the area but are brought in by their parents. This could equal up to 250-300 cars per day, much of that would come through the new Routt Street design. This would no longer keep it a safe traffic pattern through the neighborhoods.

Mark Hilliam noted the housing density difference being mentioned along with the number of cars rising on a daily basis. There are other options for emergency vehicle access and turnarounds based on the small size of the access to Robb Street. He suggested a single lane, restricted for emergency vehicle access or pop-up gates for emergency vehicles to name a few.

Lori Strand- agreed with much of what had been said. She thinks through-traffic areas are always dangerous for children, not only in the morning and afternoon hours from the school. She said she's excited about the development as there will be more kids to play with and better sidewalks, but requested denial of the plat. She urged Council to send this back to the developer and staff, for alternatives, especially for emergency access.

Kate Dean shared that she is in full agreement with what Lori Strand had to say.

Nickolas Marcello noted that as a youth growing up he really appreciated knowing that if a ball was kicked into the street, it was still safe to get, since he lived in a cul-de-sac. He asked for a show of hands from the audience of those *against* connecting Quail to Routt Street via 33rd Avenue; 31 people raised their hand.

With public comment concluded, Mayor Jay asked for a response from the applicant.

Steve Merker thanked everyone for their input and stated if the City Council is inclined to vote against this he would like to ask for a continuance to present more good options and alternatives. He finds himself in a very difficult situation and can't in good conscious build a home where everybody is opposed to it. If there is a chance this will be denied, or a variance is put together by vote, he believes it is very unfair to him as he has followed every rule, only to be told by the neighbors that he can't do it. He added that he has submitted two great options — the fire restriction and left hand turn option, but will take into consideration everything the neighbors have put forth and asks for time to submit new proposals.

Mr. Dahl provided several options. Included were approval or denial, closing this hearing but not acting; continuing it for action to public notice for hearing as a subdivision application; close the hearing, set a variance hearing, and continue it for action on the subdivision until the same night of the variance hearing; or continue the subdivision hearing entirely by request of the applicant, with new revised plats. This could be done in two weeks to a month with no new notice required, and then at that time, move to approve or deny. The neighborhood will need to see the proposed variance as they have already spoken on the subdivision request.

Ms. Reckert requests one month, not two weeks, if a subdivision variance is included. Variances have publication requirements.

Councilmember Mathews inquired if there is any plan for Lot 7 north of 33rd Avenue that runs to the flood plain.

 Mr. Merker said he plans to keep it and build his dream home there but does not know what will be done there.

Councilmember Mathews would like to suggest the house on Lot 1 built in Lot 7 to help open up the area off from 32nd avenue for better access to the property.

 Mr Merker responds that if done, it makes a grade differential that is almost impossible to reconcile and describes the need for an extended retaining wall to name just one.

Councilmember Urban asked why the staff report did not include the Prospect Valley School discussion brought up in the presentation, including the traffic influence in the neighborhood.

Mr. Westbrook said it was because the traffic is short-lived in the morning and
afternoon for the vast majority of time. The proposal is not a bad thing as it distributes
the traffic even though some parents may use it as an alternative route and it may be
a bad thing for Routt. Connectors are a good thing to distribute traffic and gives
everyone the option to get out in case of an accident or other problem.

Discussion followed.

Councilmember Mathews recommended allowing the existing neighborhoods to keep their character and give maximum flexibility to the developer to work out different scenarios. This to be able to give the maximum number of options to find a variance, and not be stuck with arbitrary numbers.

Based on discussion, Mr. Dahl advised to continue the hearing for one month until July 24th with an option to re-design the subdivision or re-design with a variance and or work with the staff to get notice out for a variance hearing.

Mr. Merker requests a continuance of this hearing to try to speak with the neighbors and staff with the possible variance options to bring back in front of council.

Motion by Councilmember Fitzgerald to continue Resolution No. <u>27-2017</u>, a resolution approving a Seven-Lot Subdivision Plat for property zoned Residential-One (R-1) at 11435 W. 32nd Ave. until July 24, 2017 at 7:00 pm in the City Council Chambers, so alternatives can be brought forward, including a variance if the applicant so requests; seconded by Councilmember Mathews; carried 6-0.

Mayor Jay thanks all in attendance for their patience and understanding and that it was a very nice crowd to work. With that a recess was declared at 9:12 PM

The meeting resumed at 9:18 PM

ORDINANCES ON FIRST READING

3. Council Bill 12-2017 – An Ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement

Councilmember Hoppe introduced Council Bill 12-2017.

<u>Motion</u> by Councilmember Hoppe to approve Council Bill 12-2017, an ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement on first reading, order it published, public hearing set for Monday, July 10, at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption at second reading; seconded by Councilmember Duran; carried 5-1, with Councilmember Fitzgerald abstaining for not being present at the study session.

The City Attorney advised that Councilmember Fitzgerald should vote as the materials in the packet are sufficient to have an opinion and to exercise his vote. The Council revoted and the motion carried 6-0.

4. Council Bill 13-2017 – an ordinance approving a Lease with Verizon Wireless for placement of a Cellular Antenna Facility on the Wheat Ridge Recreation Center

Councilmember Urban introduced Council Bill 13-2017.

<u>Motion</u> by Councilmember Urban to approve Council Bill 13-2017, an ordinance approving a lease with Verizon Wireless for placement of a cellular antenna facility on the Wheat Ridge Recreation Center on first reading, order it published, public hearing set for Monday, July 10, at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption at second reading; seconded by Councilmember Duran; carried 6-0

5. Council Bill <u>14-2017</u> – an ordinance amending Sections 16-81 and 16-84 of the Wheat Ridge Code of Laws to legalize gravity knives and switchblades, consistent with State Law

Councilmember Mathews introduced Council Bill 14-2017.

<u>Motion</u> by Councilmember Mathews to approve Council Bill 14-2017, an ordinance amending Sections 16-81 and 16-84 of the Wheat Ridge Code of Laws to legalize gravity knives and switchblades, consistent with State Law, on first reading, order it published, public hearing set for Monday, July 10, at 7 p.m. in the City Council Chambers, and that it takes effect 15 days after final publication; seconded by Councilmember Wooden; carried 6-0.

CITY MANAGER'S MATTERS

Mr. Goff reported that the bi-weekly roofing reports are going to start tracking additional costs in the next report. Roofing permit applications continue to be submitted in very significant numbers and also are being processed in record numbers. They continue to staff up the building permit technicians and building inspectors as well. Charles Abbott being under contract, continue to supply additional resources as they can but have a limit on how many staff that they can provide. He has reached out to other local municipalities, DOLA and Colorado Chapter of International Code Council for additional resources and temporary staffing, but they are short on staff as well and are unable to do so at this time.

Treasurer DiTullio added that information will include the total number of applicants, how many permits were processed, and to date the City has processed 2,017 permits for all building; with roof permits being issued at 1,465 with an unanticipated total revenue amount of \$620,657.26. With the freezing of some city projects, we are able to pay the Fruitdale redevelopment \$310,000 bill and also to maintain our reserve at 17.7%

CITY ATTORNEY'S MATTERS

none

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio said the roofing reports will be generated every two weeks and be posted on the City website. Please use the financial reports as back-up to help not have miscommunications, especially to those using many social media sites. It helps to show how permits are being applied for and issued.

Monica Duran has partnered with West 29th Market Place to have a book drive and that it includes Wheat Ridge Poultry, Twisted Smoothy and the Style nail salon, between July 1-31st where patrons will receive 10% off purchase for that day at those locations.

Zachary Urban recognized Brian Blaser, the facility coordinator at the Wheat Ridge Recreation Center, who heroically helped a patron at the Recreation Center handle a medical need in what could have been a tragic situation; he handled it with great leadership and would like to see the Council commend him or show some recognition to him. He thanked Breckenridge Brewery and Sts. Peter and Paul community for their efforts for the diapers they provided to the Jefferson County Human Services.

Mayor Jay would like send her thanks to staff for their help with the updates for roofing permits and it is appreciated by all of the citizens as well. In attendance at the Wheat Ridge Senior Resource gala, it was a wonderful fundraiser and also a retirement party for John Zabawa after over 30 years of service.

ADJOURNMENT

The City Council Meeting adjourned at 9:57pm.

Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON July 24, 2017

Joyce Jay, Mayor

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.