

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

June 11, 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 | Monica Duran | Tim Fitzgerald | Janeece Hoppe |
| Larry Mathews | Leah Dozeman | | |

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

Also present: Deputy City Clerk, Robin Eaton; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF City Council Minutes of May 14, 2018 and Study Session Notes of May 21, 2018

There being no objections, the City Council Minutes of May 14, 2018 and Study Session Notes of May 21, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

National Safety Month

Mayor Starker read a proclamation declaring June as Wheat Ridge Safety Month and urged all citizens to establish and maintain safe practices in their homes, workplaces, and communities. Millie Lewis and Laura McAvoy from the city staff accepted the award.

Men's Health Month

Mayor Starker read a proclamation declaring June as Men's Health Month in Wheat Ridge, and encouraged all of the citizens to pursue preventative health practices and early detection efforts. City Treasurer Jerry DiTullio accepted the award.

Affordable Housing Awareness Week

Mayor Starker read a proclamation declaring June 11-18, 2018, as Affordable Housing Awareness Week and encouraged residents and City leaders to develop creative

strategies to address affordable housing in our City. The Powerhouse Wheaties Team accepted the award and looked forward to working with the city to help address the housing crisis in Wheat Ridge.

CITIZEN'S RIGHT TO SPEAK

Dorothy Archer addressed a thank you to the Wheaties ladies for her issue also fall in their lap as well. Homes that are reasonably priced are most vulnerable in east Wheat Ridge, where they are being scraped and put into their place are homes at thirty five feet with flat roofs. These homes, sometimes with duplexes now cost almost six hundred thousand dollars. Two surveys have been done on this issue with 26% of those people that responded, 54% were in favor of a bulk plane. How many numbers are needed, how many surveys are required and how many responses will it take to enact a bulk plane.

Ryan Sherenburg lives in metro Denver and was able to secure safe, affordable housing there. She is now able to finish school and provide for her kids that are in preschool. There are many people who might not be homeless right now but are at risk of becoming homeless that can benefit from affordable housing.

Linda Foreman would like council to consider housing for low income people so that they can obtain equity in these homes. If they have equity in them, they can take better care of them and in their neighborhood as well.

Stacy Teegardin speaks about the affordable housing and works for a state-wide mental health group with many people that are struggling to find affordable housing. There are few voucher programs available to help find homes for those who can't afford them and hopes that the City of Wheat Ridge becomes a model for the State.

Mary Starker thanked the City Council and Mayor to be able to speak about affordable housing. Most people will be going home after this meeting and how good it is to do so. To put a human side to the problem, there are few people that are able to afford their mortgage if one member is unable to work. Facing reality, they can lose not only their home their dignity, self-respect and possibly even their sense of worth. Losing a home could erode their family life, which can affect their health or their children's health. This could sometime lead to contacts with human services, through no fault of their own. We are just people, humans, who are all different and all in need of preserving human dignity and a place to call home.

Mat Hagerman thanked the City Council, the Cultural Commission, Parks and Recreation and the citizens of Wheat Ridge for the support to be able to commission a temporary art piece by Jenuine & Blu and wished to invite everyone to attend its unveiling tomorrow at Anderson pool.

Rachel Hultin praised Localworks, their staff and volunteers for the incredible Ridge at 38th Criterium bike race and brew fest. It was one of the many events held this month in conjunction with Healthy Wheat Ridge Active Living month. Those events help promote accessible, fun and free opportunities to be able to enjoy an active lifestyle here in Wheat Ridge. Also reminding everyone that the annual bike to work day is on June 27 and is excited to be hosting the sixth annual breakfast station, located at the corner of 38th and Pierce Street. This will be followed in the afternoon by Pedal to Patio at Right Coast Pizza from 4-7 pm where persons on bicycles will receive a coupon for a free beer and a slice of pizza.

Kimber DeJong practices civic engagement by joining the Wheaties academy and it's an invaluable experience. She loves the vibrant community, learning tools and methods as well as working with neighbors. Rather than complaining she is learning meaningful dialogue to help understand the issues, to connect and to work toward common goals. She would like share what the group has learned at the upcoming Pints & Policy at Colorado Plus on June 21st starting at 7pm.

Kimberly Ibbison here also for the Wheaties academy and wishes everyone to attend the graduation at Colorado plus. She was always looking for a way to plug into the community and Wheaties Academy gave her that vehicle to be engaged. She has been working on open and inclusive government with work recently being done on a video blog to show the differences and similarities of work being done by both the City Council and staff.

Margaret Robinson commended Chief Brennan and the WR police department who's Officers were very calm and professional when apprehending a suspect recently. Speaking in support of the housing proclamation and the City support of it. Also to encourage the city to develop a plan to include working with landlords to accept section eight housing vouchers, plans to incentivize affordable housing to developers and others.

Julie Stern shared data on the median rental costs in Wheat Ridge for people to be able to afford housing, including seniors, young families and teachers. Buying a home in Wheat Ridge can be out of reach for many people who want to live in this city. Wanting to thank Mayor Starker and Council for proclaiming it affordable housing week and would like to see strategy to increase the supply of affordable houses here.

Rolly Sorrentino thanks Council for allowing citizens the right to speak as being a very important part of the process. While attending last week's study session, a topic on value engineering moved him to speak tonight. He was struck on how reducing medians or eliminating sidewalks, even though it might reduce the cost, can it actually keep the quality of the project, especially for the citizens of Wheat Ridge in years to come. Lastly

he asked the council to give thought to pedestrian tunnels for the Wadsworth reconstruction that other cities have used with great success.

Andy Rasmussen as well thanked the Council for the citizen's right to speak portion of the meeting. Local governments have taken different courses after the passing of Amendment 64, with Wheat Ridge limiting the number of retail facilities to 5. This is done with varying opinions. With research showing that there are no marijuana deaths from overdoses and asks for some consideration of the relative dangers for the drugs used legally in the United States.

Britta Fisher of Arvada thanks Mayor Starker and the City for recognizing affordable housing week as its good critical infrastructure for all of our neighborhoods. Thanking also Wheat Academy for putting the effort forward to have the city recognize it. From past experience being engaged with citizens, food was a concern but where their family would live that was safe, decent and affordable. Having these are critical elements for a stable family life. She offers herself as a resource to help continue exploring affordable housing in the City of Wheat Ridge.

Jerry DiTullio speaking as City Treasurer and as the past chair of the Wheat Ridge Housing Authority would like to remind everyone that years ago, city council meetings were also held, discussing high rental rates and affordable housing problems. In 1998-1999 Wheat Ridge Housing authority was created with a grant from Colorado Division of Housing. In partnership with Jefferson County Housing and Cornerstone Reality along with others, they purchased and rehabbed over 60 units for first time homebuyers. Suggesting that even though the group has been stagnant, there is a plan in place and to revisit it. To look at funding with grants, to look at possible properties, and to maybe help in subsidizing down payment assistance.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to approve payment to Kaiser Permanente for June 2018 Membership Billing in the amount of \$178,401.34
- b. Resolution No. 32-2018 – A resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplement Budget Appropriation in the amount of \$48,000 for Law Enforcement Academy Training for Eight Wheat Ridge Recruits
- c. Resolution No. 33-2018 – A resolution amending the Fiscal year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$9,000 for Police Promotional Examinations

- d. Resolution No. 34-2018 – A resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplement Budget Appropriation in the amount of \$16,555.38 for Licensing and Maintenance Fees to Logistic Systems, Inc.
- e. Motion to award a contract to Murphy Construction of Denver, Co., in the amount of \$154,646 for Johnson Park Trail Improvements Project and to approve a Contingency amount of \$15,000 for a total of \$169,646

Councilmember Dozeman introduced the Consent Agenda.

Motion by Councilmember Dozeman to approve the Consent Agenda Items a.), b), c), d) and e); seconded by Councilmember Hoppe; motion carried 6-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

- 2. Council Bill 14-2018 – An Ordinance approving the Rezoning of property at 7955 West 42nd Avenue from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) (Case No. WZ-17-08/Yarrow Gardens)

The applicant is requesting approval of a zone change from Residential-Two (R-2) to Planned Residential Development (PRD) for property located at 7955 W. 42nd Avenue. An Outline Development Plan (ODP) accompanies the zone change to serve as the zoning document and includes development standards and the general location of building footprints, parking areas and perimeter landscape buffers. The purpose of the zone change and ODP approval is for the development of sixteen townhome units on this 1.3-acre parcel. The ultimate development will be combined with the property to the north at 4255 Yarrow Street for an 89-unit townhouse project.

Councilmember Urban introduced Council Bill 14-2018.

Deputy Clerk Eaton assigned Ordinance 1645.

Upon request from Mr. Dahl as all items from two to five are all for the same address and project and that there will be a single staff report, it would be appropriate that all parties being requested to testify, be sworn in as a group so the items and testimony can be combined.

Mayor Starker agrees it has been the practice in the past to introduce multiple items that are related and asks Councilmember Urban to introduce item #3.

Councilmember Urban introduced Resolution No. 29-2018 - A Resolution approving a Specific Development Plan for Property Zoned Planned Residential Development at 7955 W. 42nd Avenue

Mayor Starker asks Councilmember Duran to introduce item #4.

Councilmember Duran introduced Resolution No. 30-2018 - A Resolution approving a Seventy-Three Lot Subdivision Plat for property zoned Mixed Use Neighborhood (MU-N) and Planned Residential Development at 4255 Yarrow and 7955 W. 42nd Avenue

Mayor Starker asks Councilmember Dozeman to introduce item #5.

Councilmember Dozeman introduced Resolution No. 31-2018 - A Resolution approving a Seventeen-Lot Subdivision Plat for property zoned Planned Residential Development at 7955 W. 42nd Ave.

Mayor Starker opened the public hearing and swore in the speakers

Staff Presentation

Senior Planner Meredith Reckert presented agenda items two through five which involves two pieces of property located at 4255 Yarrow and 7955 W. 42nd Avenue.

- Entered into the record the case file and packet material, the zoning Ordinance, Subdivision Regulation, Comprehensive Plan and the contents of the digital presentation.
- Testifying that all posting and notification requirements had been met.
- Describing the Plan Development process as being two-step; one being for the zoning change and the other is the Specific Development plan.

As all of the cases are intertwined, the ultimate design of the entire property was discussed, instead of each as a separate item.

Ms. Reckert described the ultimate plan for the entire property with the new construction of multiple home units along with one existing home to remain on the property. There will be a variety of attributes to this property to include curb and gutter along with new sidewalks where there are none currently.

Along with these attributes there will be multiple pedestrian connections to include access to the city-owned Happiness Gardens and the property will be consistent with the mixed used standards.

Staff recommends approval of the zone change as it does meet the approval of the criteria in city code.

At the conclusion of Ms. Reckerts presentation, both the applicant EFG Yarrow LLC and developer were available for questions from Council. Cameron Bertron wanted to say

thank you to Wheat Ridge and the City of Wheat Ridge staff. After one year since the rezoning of the contaminated greenhouse parcel, they're happy to say they've done all that was presented by them to do. By working with Thrive homebuilders, high quality builders, they have done remediation work in Wheat Ridge prior to get contaminated land back to be replotted and reused.

Jay Garcia from Thrive Homebuilders that used to be Newtown builders, did a similar type of construction on 38th and Depew. Their brand is local sustainability and to helping to create healthy environments. Partnered with the City of Wheat Ridge that truly shares in those values along with the home buyers that would love to live in Wheat Ridge.

Public comment

No one from the public asked to speak.

Council Questions

Councilmember Urban asked if the administrative site plan review has happened yet and if an additional traffic signal is warranted.

Ms. Reckert responded that public works did look at the plan and said that the existing street system can hand the traffic flow.

Jordan Jeffries from public works stated that the applicant did submit a detailed traffic impact analyses plan. The traffic at 44th and Yarrow is significant to warrant a traffic signal but we are hesitant to install one. One because Yarrow St. is offset at 44th and it would cause an extra cycle, which might cause delays on 44th. The second being the new Wadsworth Blvd. would be a continuous flow intersection and that would improve the flow on 44th Ave. If need be, they will revisit the traffic plan at a later date.

Councilmember Dozeman asked where if any, the access point is going to be for 42nd Ave. to Wadsworth Blvd.

Mr. Jeffries replied that there is no current right of way for access as the City does not own it. If at a later time they redevelop the land, the owners would need to dedicate that access to the City.

Councilmember Mathews wanted to know how the City could induce a private party to turn that access over to the City of Wheat Ridge.

Mr. Johnstone responded that if the site were to be redeveloped in the future, effectively they are not dedicated as public roads. It would be a public access easement, made to serve the development as well as having a partial light on 42nd for access.

Councilmember Hoppe received affirmation that if the area were not to be redeveloped then the City would not be able to run a road through on 42nd avenue and that access

can also be gained through Yarrow Street and then over to 41st avenue, with a new light there to access Wadsworth.

Mayor Starker asked if there are any water features in the full spectrum detention pond and how the water is released.

Mr. Jeffries answers that it is a state of the art detention basin that lowers the release rate from major storm events. It's the best practice that urban drainage recommends and the water is released through a sidewalk chase not through storm sewers.

Councilmember Dozeman would like to know if there are going to be any new sidewalks or infrastructure along Yarrow St.

Ms. Reckert responded that there have been new sidewalks along 44th avenue and will be new walks to connect into the Yarrow St. subdivision.

Discussion followed concerning; playgrounds, pocket parks, and parking resources for homeowners along with their guests.

Mayor Starker closed the public hearing

Motion by Councilmember Urban to approve Council Bill 14-2018, an ordinance approving the Rezoning of property at 7955 West 42nd Avenue from Residential-Two (R-2) to Planned Residential Development and for approval of an Outline Development Plan on second reading, and that it take effect fifteen days after final publication for the following reasons:

1. City Council has conducted a proper public hearing that meets 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 Hoppe; motion carried 6-0

3. Resolution 29-2018 – A Resolution approving a Specific Development Plan for Property Zoned Planned Residential Development at 7955 W. 42nd Avenue (Case No. WZ-17-09/Yarrow Gardens)

The property is located on West 42nd Avenue where it dead-ends west of Yarrow Street. The property is zoned Residential-Two (R-2), which allows single and two-family residential development. There is an existing home on the western portion of the property, which will remain, and the rest is vacant.

Motion by Councilmember Urban to approve Resolution No. 29-2018, a resolution approving a Specific Development Plan for Property Zoned Planned Residential Development at 7955 W. 42nd Avenue, City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The proposed Specific Development Plan has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. All requirements of a Specific Development Plan have been met.

With the following condition:

1. The final location, alignment and material of the proposed path to the west across the single-family lot be subject to Staff approval

seconded by Councilmember Duran; motion carried 6-0.

4. Resolution 30-2018 – A Resolution approving a Seventy-Three Lot Subdivision Plat for property zoned Mixed Use Neighborhood (MU-N) and Planned Residential Development at 4255 Yarrow and 7955 W. 42nd Avenue (Case No. WS-17-05/Yarrow Gardens)

The subject of this subdivision request are two parcels of land addressed as 4255 Yarrow and 7955 W. 42nd Avenue.

Motion by Councilmember Duran to approve Resolution No. 30-2018, a resolution approving a Seventy-Three Lot Subdivision Plat for property zoned Mixed Use Neighborhood (MU-N) and Planned Residential Development at 4255 Yarrow and 7955 W. 42nd Avenue;

1. City Council has conducted a proper public hearing that meets 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.
4. The proposed plat will facilitate redevelopment of the site.
5. Utility districts can serve the property with improvements installed at the developer's expense.
6. The criteria used to evaluate a right-of-way vacation supports the request.

With the following conditions:

1. A Development Covenant be executed at the time of recordation of the plat.
2. The developer shall pay parks fees at the time of SIA recording in the amount of \$182,302.
3. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.
4. A note be added consistent with the language in Section 26-420 regarding Construction Defects

seconded by Councilmember Mathews; carried 6-0.

5. Resolution 31-2018 – A Resolution approving a Seventeen-Lot Subdivision Plat for property zoned Planned Residential Development at 7955 W. 42nd Ave. (Case No. WS-17-06/Yarrow Gardens)

The property is located on W. 42nd Avenue where it dead-ends west of Yarrow Street. The property is zoned Residential-Two (R-2), which allows single and two-family residential development. There is an existing home on the western portion of the property, which will remain, and the rest is vacant. Right-of-way for West 42nd Avenue extends the width of the property but dead-ends into a cul-de-sac at the southeast corner of the property

Mayor Starker closed the public hearing

Motion by Councilmember Dozeman to approve Resolution No. 31-2018, a resolution approving a Seventeen-Lot Subdivision Plat for property zoned Planned Residential Development at 7955 W. 42nd Ave;

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation for approval.
3. All requirements of the subdivision regulations have been met.
4. The proposed plat will facilitate redevelopment of the site.
5. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. A Development Covenant be executed at the time of recordation of the plat.
2. The developer shall pay parks fees at the time of SIA recording in the amount of \$39,956.
3. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.

4. A note be added consistent with the language in Section 26-420 regarding Construction Defects

seconded by Councilmember Urban; motion carried 6-0.

Mayor Starker called a brief recess at 9:07 PM

6. Council Bill 13-2018 – An Ordinance approving the Rezoning of property located at 12600 West 42nd Avenue from Agriculture-One (A-1) to Planned Commercial Development (PCD) and for approval of an Outline Development Plan (ODP) (Case No. WZ-18-08/Ball)

The property is located on West 42nd Avenue at its intersection with Xenon Street. The property is zoned Agricultural-One (A-1), which allows large-lot, single-family residential and associated light agricultural uses. The site is the only vacant lot on the south side of 42nd extending from Xenon to Youngfield. The parcel is 47,748 square feet, or 1.1 acres. There are no public improvements on West 42nd along the property frontage.

The purpose of the rezoning is to approve a list of limited commercial uses for future development of the property. Proposed uses include a mix of office, office/warehouse and some light industrial uses. The Outline Development Plan (ODP) also depicts the general location of building footprints, parking areas and perimeter landscape buffers. If approved and prior to construction commencing, a Specific Development Plan would be required to be reviewed and approved by the Planning Commission.

Councilmember Fitzgerald introduced Council Bill 13-2018.

Deputy Clerk Eaton assigned Ordinance 1646.

Mayor Starker opened the public hearing and swore in the speakers

Staff Presentation – Meredith Reckert

- Entered into the record was the case file and packet material, the zoning Ordinance, the Comprehensive Plan and the contents of the digital presentation.
- Testifying that all posting and notification requirements had been met.

Rezoning to a planned development in the City of Wheat Ridge involves a two-step process. The first step is the Outline Development Plan, which, if approved, changes the zoning designation on the land, establishes allowed uses and development standards for the property, and establishes access configurations for vehicles, pedestrians, and bicycles. The second step in the process is the Specific Development Plan (SDP), which focuses on specific details of a development such as final drainage, architecture, lot layouts, and specific building location and orientation. The SDP must be found to be compliant with the ODP in order to be approved.

The applicant is requesting a two-step approval, which is permitted so we are focusing mainly tonight on the Outline development plan. The property is located on W. 42nd Avenue at its intersection with Xenon Street. The property is zoned Agricultural-One (A-1), which allows large-lot, single-family residential and associated light agricultural uses. The site is the only vacant lot on the south side of 42nd extending from Xenon to Youngfield. The parcel is 47,748 square feet, or 1.1 acres. There are no public improvements on W. 42nd Avenue along the property frontage.

Ms. Reckert described the Outline Development Plan which included the vision by the developer, permitted uses and the standards which would govern future development, along with the sketch plan.

Typically, single-family residential and commercial zoning may not be considered compatible. However, because this is a planned development process, the applicant has the ability to create the list of uses allowed on the property to ensure compatibility. A list of uses has been proposed which are both commercial and semi-industrial but are lower in impact than other uses allowed in the City's commercial zone districts. Taken from the commercial use chart are uses, which include general offices, medical offices, vet clinics and fine art studios. Uses taken from the industrial use chart include research laboratories, light manufacturing and wholesale businesses. Due to the proximity of the residential property to the west, many of the higher impact uses were not supported by staff and have been removed from the use list through the staff review process.

The applicant has requested the ability to allow outdoor storage as a special use. Staff does not believe that this is an appropriate site for outdoor storage and recommends it be stricken from the list. Staff also recommends that there be a minimum amount of office use with associated warehouses and/or workshop operations. In the commercial zone districts, the minimum amount of office space required is 25%.

Staff concludes that the proposed zone change will not have a detrimental effect on the area and could act as a catalyst for other investment in the area. Staff further concludes that utility infrastructure is adjacent to and can serve the property at the developer's expense. Finally, Staff concludes that the zone change is consistent with the goals and objectives of the Comprehensive Plan and the Kipling/I-70 Corridor Urban Renewal Plan.

The applicant was available for questions from Council and gave a presentation.

Chris Ball from Paradise Farms LLC spoke about the entity that is under contract to purchase the land and wishes to thank the City Council and staff for their ease to work with. They are a second generation family development company and have resided in Jefferson County for over 16 years. They wish to develop here as it's a great site, has

good configuration with level topography to build on and wants to be involved with the growth pattern in the City of Wheat Ridge.

After giving a brief presentation he spoke of their one major concern with this zone change and that is with the minimum required 25% of office space. It is an arbitrary number and lots of businesses don't have traditional office spaces any longer. There is a real concern what is or could be defined as office space and respectively asks to remove that condition to help try and bring companies into the building.

Public comment

Cindy Beckfeld has lived most of her life in the neighborhood and it's a neighborhood, not a construction site or a business park. Many of the homes have been in the area a long time and a few of the small business like the dog groomers and head stone people have been there. The new storage building, built directly behind her house has been hell. That monstrosity took away the whole mountain scenery that she had been enjoying for years. It is very trying to keep a house in this neighborhood with the building, the noise, the semis, the trucks and workers parking all over the neighborhood. Hasn't our neighborhood gone through enough and doesn't it deserve a chance to be a neighborhood.

Greg Boom posed how incredible it is that the city council has destroyed the neighborhood. By allowing commercial properties here that doesn't meet the criteria of a neighborhood. These commercial properties don't belong between two A-1 lots or a residential property. There is heavy traffic here already with the congestion of the roads and it will be worse with more commercial properties. Buildings in the area are already vacant with no renters to occupy them. The ditch also runs through the property and previous projects have been turned down before by council and this new project just doesn't fit the neighborhood.

Tammy Griffis is a fairly new resident to the area and the nearby greenbelt is amazing. She thinks that by putting commercial unit in that area is a huge mistake. The City Council owes the neighborhood a chance to build homes here and grow together as a family. The zoning shouldn't be changed from what it is and can't understand why it is being done at this location.

Jarrod Boom lives closest to the property and represents his mother as well. There are huge traffic issues currently along the street, mainly coming from the diesel emissions place and kennel where people are parking on lawns. These streets weren't built for commercial buildings and it's very hard for even cars that meet on the road to get by, let alone trucks.

Katelyn Hauger read a letter from Janice Thompson who was unable to attend the meeting, to stop this plan and opposes the rezoning of the neighborhood. It does not follow the comprehensive plan or character of the neighborhood. The city has to follow a plan to protect the residential character and stop any additional commercial

development. Why would we change the zoning when we can just build residential there or include it for a resident's greenspace for the people and school to utilize.

Jeri Storms is a fourth generation that lives in a home that loves the neighborhood and the people that live in the neighborhood. It's where people still speak with each other. She doesn't like the semis that already clog the roads and they were told that they were never supposed to be allowed in this area. The narrow streets were never designed for this purpose and it's a safety risk to all of the residents.

Council Questions

Councilmember Dozeman asks staff if there were any other proposed zonings in the recent past.

Ms. Reckert responded that around 8 years ago, the owner at that time had applied for mixed use neighborhood with the intent maybe for a few commercial spaces on the bottom floors, with light residential upstairs. That application was denied by City Council

Councilmember Duran asks Ms. Reckert if there is any current traffic count or a projected traffic count.

There is no traffic information at this time as those are done later during a specific development plan.

Councilmember Hoppe asks if the applicants currently own the property or are they under contract and are there weight restrictions for the streets that access the property.

Ms. Reckert answers that they are under contract with certain weight restrictions but it is unknown for semi-trucks or not at this location.

Lastly she asks why there was a twenty-five percent office space being required.

Ms. Reckert responded that it is the standard for other C-2 zoning to try and avoid one space being occupied entirely for warehouse use.

Discussion followed on topics: Protests, access to greenbelt easements, current vacancies, traffic studies and parking

Councilmember Duran's biggest concern is that there is no traffic study and questions if this vote can be delayed until there is one.

City Attorney Dahl stated that council is allowed to continue the public hearing for action, to allow for additional testimony in the form of a traffic study as evidence, submitted in the next hearing.

Councilmember Urban asks if it were to be continued with action or continue with additional testimony, how the absent members would be able to participate in the next hearing.

Mr. Dahl said that missing members would have to educate themselves in the hearing tonight by reading the packet, listening to the audio or watch the video. After that, they would need to answer his questions, on the record at the continued hearing.

Councilmember Dozeman would support that and would also like to continue until the traffic study is done.

Councilmember Mathew's stated that it sounds like construction traffic is in fact an issue although such traffic has always been allowed. Long term solutions are an issue and might include posting weight and size limit signs to help move those vehicles back to the correct type of streets to travel on.

Discussion on continuing the hearing was discussed by Mr. Dahl and the council.

The applicant Chris Ball appreciates the concern for traffic study but that stage is at a different level other than the ODP. He also made council aware that the contract would be terminated if the hearing tonight is continued or if the motion is denied.

Motion by Councilmember Duran to continue the hearing to get a traffic study and also ways to mitigate the traffic that's existing in that area until July 9th, seconded by Councilmember Dozeman.

Discussion on the motion.

Councilmember Fitzgerald to vote against the motion, as much of the testimony really had nothing to do with the applicant or the development. The construction traffic will go away eventually and he would hate to see this deal die for lack of a traffic study.

Councilmember Mathews sees a lot of the same folks were here at prior hearings and would like to see the hearing proceed tonight as we have chances later to refine what will happen here. The other being that it is already a de-facto commercial neighborhood all the way to Youngfield and not sure how it preserves the residential atmosphere going north on Xenon.

Motion carries 4-2 and the hearing is continued until July 9, 2018

ORDINANCES ON FIRST READING

7. Council Bill 15-2018 – An Ordinance amending the Wheat Ridge Code of Laws to include a new criterion for reviewing Special Use Permits (Case No. ZOA-18-02)

At a City Council study session earlier this year, Councilpersons Hoppe and Duran requested consideration of an ordinance potentially amending the City's special use permit regulations. More specifically, the request was to consider adding an additional review criterion to require consideration of an application's consistency with the City's adopted comprehensive planning documents.

For all zoning districts, Chapter 26 of the Code of Laws lists various uses which are permitted and not permitted. The Code also lists uses which may be allowed, subject to review and approval of a special use permit application. Currently, there are eight (8) criteria against which special use permit applications are reviewed. If this ordinance were to be approved, a ninth review criterion would be added to that list.

Councilmember Hoppe introduced Council Bill 15-2018

Motion by Councilmember Hoppe to approve Council Bill 15-2018 an ordinance amending the Wheat Ridge Code of Laws to include a new criterion for reviewing Special Use Permits on first reading, order it published, public hearing set for Monday, June 25, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; carried 6-0.

8. Council Bill 16-2018 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning electrified fences (Case No. ZOA-18-03)

Municipal Code is currently silent on the topic of electrified fencing. Historically, the City has determined such fences to be prohibited in the City based on a finding that they represent a hazard to the health or safety of any person, and as such were by definition a prohibited fence type.

Councilmember Mathews introduced Council Bill 16-2018

Motion by Councilmember Mathews to approve Council Bill 16-2018 an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning electrified fences on first reading, order it published, public hearing set for Monday, June 25, 2018, at 7

p.m. in City Council Chambers, and that it take effect immediately upon adoption, as permitted by Section 5.11 of the Charter; seconded by Councilmember Fitzgerald; motion carried 5-1

CITY MANAGER'S MATTERS

None

CITY ATTORNEY'S MATTERS

Mr. Dahl states that ordinances on first reading that are for re-zoning should pass, and the motion should apply to setting a public hearing to give the applicants due process. The language in future motions for first readings on rezoning items, will be changed to reflect the recommended motions for hearings.

ELECTED OFFICIALS' MATTERS

Leah Dozeman reminds everyone that Meet the Artists is tomorrow at Anderson Park.

Mayor Starker attended the Criterium bike race and Ridgefest and would like to thank the citizens who came out and supported it. He would also like to thank Localworks and the city staff as well for putting it together. Lastly to thank the Wheaties team who attended the meeting tonight to talk about affordable housing.

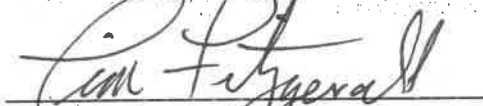
ADJOURNMENT

The meeting adjourned at 10:50 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON JULY 9, 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.