

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

April 13, 2009

Mayor DiTullio called the Regular City Council Meeting to order at 7:04 p.m. Councilmembers present: Karen Adams, Karen Berry, Tracy Langworthy, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Planner, Jeff Hirt; staff; and interested citizens.

Council Member Dean Gokey was absent.

### APPROVAL OF MINUTES OF March 23, 2009

Motion by Mrs. Sang for approval of the Minutes of March 23, 2009; seconded by Mr. Stites; carried 6-0 with Mrs. Rotola abstaining due to her absence.

### PROCLAMATIONS AND CEREMONIES

- Broadridge – 6<sup>th</sup> Grade Essay Contest Presentation

Mayor DiTullio introduced David Holland from Broadridge Financial Solutions, a local Wheat Ridge Business, who presented awards to the winners of this year's Essay Contest contest. Mrs. Pfeifer from US Congressman Ed Perlmutter's Office and State Representative Sue Schafer were present to honor and congratulate the winners.

- WR2020 Planning Academy Graduation

Denise Balkas of Wheat Ridge 2020 and Mayor DiTullio presented awards to the following graduates of this year's Wheat Ridge 2020 Planning Academy:

Reef Abbott  
Yvonne Boyle  
Amy Tindle  
Susan Dyck  
Chad Harr  
Carole Hughes  
Ralph Hughes  
Joyce Jay  
Thomas Meiers  
Betty Jo Page

Janette Ray  
Francisco Reina  
Carol Rolland  
Dave Schroeder  
Floyd Sekiya  
Bobby Verenna  
Jennifer Walter  
James Williams  
Lynn Wodell  
Julie Pezze

**CITIZENS' RIGHT TO SPEAK**

**Lisa Foust**, representing Enterprise Wheat Ridge, announced the First Annual Wheat Ridge Spring Green Business Expo taking place on Tuesday, April 28<sup>th</sup> from 7:00am-10:30am at the Wheat Ridge Recreation Center. The event will highlight numerous Wheat Ridge Businesses and their services, including green products, home weatherization services, pet care, food services and many others. Door prizes will be given. For more information, visit the Enterprise Wheat Ridge website at [www.ewheatridge.com](http://www.ewheatridge.com), the [City of Wheat Ridge](http://www.cityofwheatridge.com) website, or watch [WRTV8](http://www.wrtv8.com) government access cable channel 8.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Council Bill 10-2009 – An Ordinance providing for the approval of a change of zoning from Commercial One (C-1) and Residential Two (R-2) to Planned Commercial Development (PCD) and for approval of an Outline Development Plan for property located at 10403 West 44<sup>th</sup> Avenue.  
(Case No. WZ-08-07/Irpinia)

Mayor DiTullio opened the public hearing and gave oath to all those testifying.

Council Bill 10-2009 was introduced on second reading by Council Member Rotola. City Clerk Michael Snow assigned Ordinance No. 1439.

Jeff Hirt presented the staff report.

No citizens were present to speak on this item. The applicant declined to make any comments.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Rotola to approve Council Bill 10-2009 (Ordinance 1439) on second reading for the following reasons:

1. The proposed zone change is consistent with the goals and objectives of the Comprehensive Plan and the Fruitdale Subarea Plan.
2. The proposed zone change is compatible with the surrounding area as a low impact non-residential use.
3. The proposed zone change will not adversely impact the public health, safety, or welfare.

With the following conditions:

1. The applicant must receive certificate of occupancy for a commercial use to operate the business, which may include application for an additional building permit and interior modifications.
2. The applicant must receive a business license to operate the business.

Seconded by Mrs. Sang; carried 7-0.



2. Council Bill 11-2009 – An Ordinance amending the Wheat Ridge Code of Laws, Article III of Chapter 26 Density in Planned Development Districts. (Case No. ZOA-09-10)

Mayor DiTullio opened the public hearing.

Council Bill 11-2009 was introduced on second reading by Council Member Adams. City Clerk Michael Snow assigned Ordinance No. 1440.

Jeff Hirt presented the staff report.

**Thomas Slattery** of Wheat Ridge spoke in opposition to staff's recommendation for zoning code amendments that remove consideration of commercial building space in calculating the residential density on Planned Mixed Use Development zone districts.

Mr. Dahl stated that the Charter language on residential density does not in any way mention commercial development therefore it would not be against Charter regulations to remove the commercial factor in PMUD residential calculations.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Adams to adopt Council Bill 11-2009 (Ordinance 1440) for the following reasons:

1. The amendment aligns the zoning code with the City's Charter relative to residential density in planned development districts.
2. The amendment implements recommendations from the Neighborhood Revitalization Strategy, which has been adopted as an amendment to the City's Comprehensive Plan.
3. The amendment may assist in making desirable projects more economically viable in the City;

With the following condition:

1. Residential density shall be calculated based on overall lot area in the Planned Mixed Use District just as it is calculated in other planned development districts, thus eliminating the last three sentences of Section 26-306.5.E. in accordance with Attachment 4 of this staff report for Council Bill 11-2009.

Seconded by Mrs. Sang; carried 6-1 with Mr. Womble voting No.

### **DECISIONS, RESOLUTIONS, AND MOTIONS**

3. Resolution 22-2009 – A Resolution declaring that Tract A of the Resubdivision of a portion of Fruitdale Valley Subdivision shall be used for street purposes.

Resolution 22-2009 was introduced by Mrs. Langworthy who read the Executive Summary.

Motion by Mrs. Langworthy to approve Resolution 22-2009; seconded by Mrs. Rotola; carried 7-0.

4. Resolution 23-2009 – A Resolution in support of the Regional Transportation District (RTD) Board of Directors proceeding with the Eagle P3 (Public Private Partnership) Project.

Resolution 23-2009 was introduced by Mrs. Adams who read the Executive Summary.

Motion by Mrs. Adams to approve Resolution 23-2009; seconded by Mrs. Sang; carried 7-0.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Michael Snow invited comments and input from citizens, staff and Council Members in preparation for his attendance at the National League of Cities Green Cities Conference taking place April 18-22 in Portland, Oregon.

Motion by Mrs. Sang to direct that the Police Department submit grant application documents to Community Oriented Policing Services requesting competitive grant funding for two sworn officers, a School Resource Officer and a Vice Intelligence Officer; seconded by Mr. Womble; carried 7-0.

Mrs. Sang announced her resignation from the Wheat Ridge Business District, effective immediately, due to a scheduling conflict with District's voting calendar.

Mayor DiTullio announced the deployment of live and on-demand video web-streaming of Council and other City meetings on the City's website, [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us).

The Mayor encouraged all Wheat Ridge citizens interested in serving as an At-Large appointee on the Wheat Ridge Business District to contact the City Clerk's Office.

Meeting adjourned at 7:57p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON APRIL 27, 2009 BY A VOTE OF 5 to 0



Wanda Sang, 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.