

**CITY COUNCIL MINUTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**May 13, 2019**

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

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

**ROLL CALL OF MEMBERS**

Zachary Urban	Janeece Hoppe	George Pond	David Kueter
Kristi Davis	Larry Mathews	Leah Dozeman	Amanda Weaver

Also present: City Manager, Patrick Goff; City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; Parks & Recreation Director, Joyce Manwaring; other staff, guests and interested citizens.

**PROCLAMATIONS AND CEREMONIES**

**Mental Health Month**

Mayor Starker read a proclamation declaring May as Mental Health Month. David Goff from Jefferson Center for Mental Health was present to receive the proclamation. He spoke about Jefferson Center and provided information for the Council.

**Honoring Jeff Gomez**

Mayor Starker read a proclamation honoring the 31 years of service Mr. Jeff Gomez has spent as an educator and principal in several schools in Wheat Ridge. A plaque was presented to him. Councilmember Leah Dozeman presented a package of letters from students. She had him for a principal in her youth and he was her favorite; she thanked him. Mr. Gomez thanked everyone. He noted that he started at Stevens Elementary when Dan Wilde was mayor. He said he has always wanted to serve in Wheat Ridge.

**National Police Week**

**National Police Officers Memorial Day**

Mayor Starker read a proclamation declaring May 15 as National Police Officers Memorial Day to honor fallen officers, and the week of May 12-18 as National Police week to honor our dedicated police officers. Division Chief Jim Lorentz offered words of appreciation for the support of the Mayor, Council and especially the community. They feel it. Members of the Grange came forward to present to the Police Department a check for \$500 for the Feed the Future Program they raised at their 4<sup>th</sup> Annual Chili Cook-off.

**APPROVAL OF CITY COUNCIL MINUTES of February 11, 2019 and of March 11, 2019**

There being no objections, the City Council minutes of February 11, 2019 and March 11, 2019 were approved as published.

**APPROVAL OF THE AGENDA****CITIZENS RIGHT TO SPEAK**

**Carol Mathews** (WR) read from the City website on the duties of councilmembers in a Council/Manager form of government. Among other things, councilmembers are to represent the citizens, and they hire a City manager to carry out policy. In recent months when citizens have come in to express their opinions and concerns about how various issues will affect their neighborhood, councilmember have referred to them as the angry mobs who want to control the Council's decisions. Councilmembers who vote with the majority of the people have been treated badly and held in disregard by their fellow councilmembers. She reminded councilmembers they were elected to represent the people, not their own opinions.

**Jerry DiTullio** (WR) referenced a provision in the Charter that requires councilmembers to vote on all issues unless they have a direct financial conflict of interest. He listed examples of times past when elected officials voted on matters they had voted on earlier in a different capacity. There are also the City Code and Council Rules. In his opinion it is proper for Councilmember Weaver to vote on these matters a second time. He explained what a Point of Order is. He also announced he would be here on May 20 with Commissioner Tighe to discuss the Jefferson County budget.

**Troy Seyfer** (WR) of Seyfer Specialties on Harlan St north of 44<sup>th</sup> reported that the traffic there is getting scary and is very dangerous due to the poor design location of the WalMart access points in relation to the median. He daily witnesses countless people driving on the wrong side of the road, making illegal U-turns, and even driving on the sidewalk. He's spoken with the police about it. Seyfer recently reinvested in upgrading their property, and want to re-asphalt their lot and add landscaping, but they can't with up to 15 cars a day making U-turns on their property and tearing up the lot. It's also dangerous that there are no crosswalks. He'd like the City to look at this situation.

**Dorothy Archer** (WR) asked Council to be considerate and conscientious of citizens' requests when they come before them – which has happened a lot in the last 2 ½ years. People buy their homes trusting the surrounding zoning; Council should respect that. Changing residential zones to PRD has become a big issue. She reminded them they are elected to protect the citizens – not developers.

**Judy Capra** (WR), who spoke with donated time, would like to see a better working relationship between Council and citizens. She listed several things she has learned from reading, research and discussions.

- 1) The NRS report and Comp Plan both start with a list of five things people value about living in Wheat Ridge.

- i. Small town feel, not big city life,
- ii. Neighbors and neighborhoods,
- iii. Greenery, parks and open space,
- iv. The terrific westward view, and
- v. Things that reflect our culture and history.

She thinks if every project were run with these things in mind – especially in the Planning Department, she doesn't think there would be near as much controversy.

- 2) The NRS report states that people do not want major change, and change that does happen should be appropriate to the scale of the neighborhood
  - 3) Zoning. Rezoning should not be taken lightly – especially the PRD angle. Spot zoning leads to the domino effect and that is what we all fear.
  - 4) The NRS report states that people are interested in preservation and re-use of existing housing - stronger than an interest in building new houses
- From reading she learned that one danger cities fall into is demolition and develop mode, rather than preserve and repurpose. They destroy and rebuild, and in so doing they destroy the character, culture and history of their city. Example: The four houses on Upham Street reflect the farming history of Wheat Ridge; they could have been restored for modern urban farmers.
  - Chapter 26 of the Code states the PRD should not be used to circumvent the intent and spirit of the protections afforded by the other zoning restrictions. This is ignored.
  - Residents want to be involved in planning – from the very beginning.
  - She asked of Council, in moving forward, to
    - Include citizens from the very beginning; yes, it will take time, but staff spends time working with developers.
    - Have neighborhood agreements so folks are assured those 5 important things are being considered. Issues could be environmental impact; water issues; noise and traffic mitigation; view impact; consideration of green space/trees.
    - She learned traffic detouring through neighborhoods is a sign of poorly managed growth.
    - What happens when a street fails? That questions has yet to be answered.
    - If a project is claimed to “promote the health, safety, and welfare” of the community, it should be explained how and why it does.
    - At Planning Commission level the City should make sure 50% of the most impacted neighborhood is at the hearing so they can have meaningful input.
    - Subsequent development should be put on hold for one year after a major project has finished so the impact can be assessed.
  - The zoning code states it is the intent of the zoning code “to preserve the right of citizens to participate in the making of decision which affect their properties.”

**Becky Zachmeier** (WR) spoke about the process on Upham Street. At the neighborhood meeting the developer presented about scraping and condos. She inquired about notification and they were told only people who lived within 600 feet of the project would be notified.

Mayor Starker told Ms. Zachmeier to speak only about things not on the agenda.

She said since she has learned about zoning she felt she was misled at that time. She wanted it clear for the record that she does not favor rezoning without neighborhood input or without notifying neighbors that will be impacted.

**Molly Mayfield (WR)** spoke against how sad and angry she is about an administrative approval for a subdivision in her neighborhood. She daily witnesses another house being built on a tiny lot in her neighborhood that blocks peoples view and will affect property values. Neighbors were not informed at all; no Planning Commission review; no City Council review. There are places where infill is appropriate; this was not one of them. She urged Council to revoke administrative subdivision provisions in the Code.

**Jennifer Yates (WR)** spoke about child-friendly flavors of cigarettes and vape products. She said the peer pressure is unbelievable, and it covers all spectrums of student demographics. She would like to see a licensing program for businesses that sell these products, and raising the legal age to purchase vape products to 21.

**Ihor Figlus (WR)** spoke about affordable housing. He explained the finances of how four single family lots that would be developed into 38 townhomes would result in units that are much more expensive. (\$1,700/mo. vs \$2,300/mo.) In a recent Council study session presentation on affordable housing the number one recommendation was to preserve the affordability that already exists. Realtor.com shows that 60% of current buyers are ready to buy a home that needs renovation. He urged Council to preserve affordability and the character of our neighborhoods.

**Rachel Hultin (WR)** spoke about how the Games of Thrones film has gone wildly off script from the original book – which she read. She suggested the City's policy documents do not allow "going off script"; they're binding. Surprises may be good for Game of Thrones, but they are hard for citizens, the Council, the staff and people who bring good ideas to our City. She would like Council to consider an ordinance that automatically defers the hearing for any legal protest that triggers a supermajority until the next City Council meeting. She wants to sit through a hearing where everyone understands the playbook, what they're up against, and what's happening when they walk in the room – not in real time. The ability to protest is good, but we should all have time to understand how that impacts the civic process.

**Rollie Sorrentino (WR)** heard clearly the message at the beginning of the meeting that Citizens' Right to Speak was for items not on the agenda. Yet our honorable and respected former Mayor and councilman stood here and spoke for three minutes on an agenda item. He asked respectfully, in fairness, for that agenda item to be opened up to anyone else who wants to speak on that agenda item.

## **APPROVAL OF THE AGENDA**

### **1. CONSENT AGENDA**

- a. Motion to award a contract and approve subsequent payments to Independent Roofing Specialists, LLC Commerce City Colorado in the amount of \$478,710 for hail damage repairs to Parks, Forestry, Open Space, and Public Works Structures [*hail storm 5/8/17; CIRSA will reimburse*]
- b. Resolution 28-2019 – A Resolution approving an Intergovernmental Agreement with the City of Lakewood providing for resurfacing of 26<sup>th</sup> Ave. between Kipling Street and Oak Street [*City share \$42,252.56; from CIP funds for Preventative Maintenance Projects*]
- c. Motion to approve a contribution to the Wheat Ridge Business District for the purpose of funding the Business Improvement Grant Program in the amount of \$90,000 [*budgeted amount*]
- d. Resolution 29-2019 – A Resolution amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$8,155 for the Foothills Animal Shelter Special Assessment [*budget item; actual assessment higher than anticipated*]
- e. Resolution 27-2019 – A Resolution approving the Memorandum of Understanding between Signal Behavioral Health Network and the City of Wheat Ridge to receive and distribute Narcan® Nasal Spray Kits [*training for PD to administer Narcan; 72 kits (144 doses) will be free; funded by CO Ass. of Chiefs of Police (CACP)*]

Councilmember Weaver introduced the Consent Agenda

**Motion** by Councilmember Weaver to approve the Consent Agenda items a), b.), c), d), and e.); seconded by Councilmember Pond.

Councilmember Mathews suggested in the future items such as the appropriation for the Wheat Ridge Business District provide information on how the money will be spent.

The motion carried 8-0.

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Resolution 31-2019 – A Resolution approving an amended and restated Service Plan and Intergovernmental Agreement with the Ward TOD Metropolitan District NOS. 1-3

Councilmember Mathews introduced Resolution No. 31-2019

Mayor Starker opened the public hearing

**Staff presentation**

**Megan Murphy** of White Bear, Tanaka and Waldren, represented the developer.

- She was here for the thorough presentation at last week's study session.
- She reported having fixed the wording about the fire services.
- The City Attorney and City manager are satisfied with the changes.
- She was available for questions.

Public comment     none

Council Questions

Councilmember Urban pointed out numerous errors referencing other sections of the Service Plan.

Ms. Murphy acknowledged all the various errors and gracefully took responsibility.

Mr. Dahl recommended, when the motion is made, to add "with the section references corrected as noted on the hearing record for the Service Plan and the Intergovernmental Agreement and others as approved by the City Attorney".

Councilmember Urban had questions about the mill levy, the debt service plan and the capping of fees. Ms. Murphy noted this Service Plan is modeled after the Yarrow Gardens metro district. She explained a "roll off debt service mill levy", which allows for future refinancing of the debt service at a better rate. She explained the allowance of fees for debt, operations and maintenance.

Councilmember Urban expressed concern about having a patchwork of so many special districts as these metro districts are approved. He is concerned about consumer knowledge and future impact. This agreement places this property in one of the highest tax brackets. Ms. Murphy said they are trying very hard to be open to realtors and buyers about the metro district.

Mayor Starker closed the public hearing

**Motion** by Councilmember Mathews to approve Resolution No. 31-2019, a resolution approving an Amended and Restated Service Plan and Intergovernmental Agreement with the Ward TOD Metropolitan District Nos. 1-3, with the corrective language requested by the City Attorney; seconded by Councilmember Dozeman; motion carried 8-0.

3. Resolution 32-2019 – A resolution approving a Cooperation Agreement between the City of Wheat Ridge and the Wheat Ridge Urban Renewal Authority for the Applewood Village Redevelopment

The Urban Renewal Authority (URA) entered into a TIF agreement with Regency Centers for redevelopment of the Walmart building at 38<sup>th</sup> & Youngfield. The proposed resolution would approve the City and Urban Renewal sharing up to a maximum of \$2,000,874 in sales tax increment generated from the project for a period of 5 years.

Councilmember Pond introduced Resolution No. 32-2019

Mayor Starker opened the public hearing

Staff presentation Steve Art

- This cooperation agreement between the City and Urban Renewal would allow for transport of 1 cent of the 3 cents sales tax for 5 years for that space.
- It will allow the finance department to accept the sales tax revenues monthly from the new users and return 1 cent of it to URA to repay an obligation to the developer.
- It is for \$2,000,874 or five years – whichever comes first.
- Anticipated annual sales tax revenue is \$1M in the first years, growing to \$2+M in 2040.

**Tom Metzger** (Greenwood Village) from Regency Centers presented.

- Former Walmart space will include Hobby Lobby, Home Goods, Sierra Trading Company and Ulta Beauty.
- The building is 47 years old this year. It is being rebuilt with new water, sewer, lighting, landscaping, etc., sidewalks, and street lights.
- The space out at the corner of 38<sup>th</sup> & Youngfield will be developed in the future.
- Curb cuts are being revised. Also reorienting the Youngfield entrance across from the I-70 entrance.
- Tenants should be moving in by October.
- If approved, will start improvements on Youngfield immediately.
- He reviewed previous redevelopments at the Center; Starbucks, Hacienda Colorado, and King Soopers gas station.

Steve Art added that this cooperation agreement will affect only the new users.

Public comment none

Council Questions none [This had been discussed in detail at a study session.]

Mayor Starker closed the public hearing

**Motion** by Councilmember Pond to approve Resolution No. 32-2019, a resolution approving a Cooperation Agreement between the City of Wheat Ridge and the Wheat Ridge Urban Renewal Authority for the Applewood Village Redevelopment, seconded by Councilmember Hoppe; motion carries 8-0.

4. Council Bill 05-2019 – An Ordinance amending Section 16-132 and Subsection 16-133(H) of the Wheat Ridge Code of Laws to Exempt Needle-Stick Prevention and Syringe Exchange Program Participants from Criminal Prosecution

Provides exemptions from criminal prosecution for individuals who actively alert law enforcement or first responders to the presence of injection devices, and for participants in clean syringe exchange programs.

Councilmember Urban introduced Council Bill 05-2019

City Clerk Shaver assigned Ordinance 1666.

Mayor Starker opened the public hearing.

Staff presentation none

Public comment none

Council Questions none

Mayor Starker closed the public hearing

**Motion** by Councilmember Urban to approve Council Bill 05-2019 – an ordinance amending Section 16-132 and Subsection 16-133(H) of the Wheat Ridge Code of Laws to Exempt Needle-Stick Prevention and Syringe Exchange Program Participants from Criminal Prosecution, on second reading, and that it take effect fifteen (15) days after final publication; seconded by Councilmember Hoppe, motion carries 8-0

**Mayor Starker declared a 10 minute break at 8:32pm.  
The meeting resumed at 8:41pm.**

5. Council Bill 02-2019 – An Ordinance approving a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with and Outline Development Plan (ODP) for property located at 4000-4066 Upham Street (Case No. WZ-18-17/Ridgetop Village)
6. Resolution 19-2019 – A Resolution approving a Specific Development Plan (SDP) for property located at 4000-4066 Upham Street (Case No. WZ-18-18/Ridgetop Village)
7. Resolution 20-1019 – A Resolution approving a Major Subdivision for property located at 4000-4066 Upham Street (Case No. WS-18-02/Ridgetop Village)

Councilmember Davis introduced Items 5, 6, and 7.

Mr. Dahl offered procedural directions.

- On April 8 a public hearing was conducted for Items 5 (rezoning), 6 (SDP), and 7 (Major Subdivision). Due to a legal protest, 6 votes were required for passage of Item 5. The vote was 5-3 and therefore failed.



- On April 22 Item 5 was approved for reconsideration and will have a new vote.
- Since there is a legal protest, Item 5 requires 6 votes to approve. If Item 5 is not approved, Items 6 and 7 will not be necessary. If Item 5 is approved Items 6 and 7 only require a simple majority to pass.
- The hearing on the rezoning was already conducted.
- Reconsideration moves the Council back in time to the point the hearing was closed on April 8. Councilmember Weaver is to vote unless excused by the Council.
- Public comment has occurred on this matter since the April 8 hearing.
- A lawsuit has been filed challenging Council's action on some things.
- Council's obligation at this meeting is to act based on the hearing record of April 8.

City Clerk Shaver confirmed this remains numbered as Ordinance 1667.

For Item 5

**Motion** by Councilmember Davis to approve Council Bill 02-2019 – an ordinance approving the rezoning of property located at 4000-4066 Upham Street from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an Outline Development Plan, on second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-303 of the Code of Laws.

seconded by Councilmember Hoppe;

Discussion followed.

Councilmember Mathews spoke about ethics and integrity and upholding the principles of quasi-judicial and ex parte.

- We are only to consider testimony from the hearing, but Councilmember Weaver had ex parte contact at the Planning Commission level.
- Concerning "must vote unless excused by Council": The breach of quasi-judicial should have excused Councilmember Weaver. However, the majority didn't do that.
- Ethics fall short. Ex parte contact comes in many forms. Watching Planning Commission hearings on TV, as suggested earlier by the former mayor, should not happen.
- He doesn't think allowing the applicant to speak at the reconsideration is proper.
- He referenced times a year ago when Councilmembers Hoppe and Pond were allowed to recuse themselves. What has changed? He is very disappointed there is

no consistency. We should either follow quasi-judicial procedure or remove it all together instead of putting on a pretense.

Councilmember Hoppe said she recused herself because she was considering buying the property in question if it was rezoned. This was a direct financial interest and Mr. Dahl suggested she recuse. She is sick and tired of people saying they have no ethics and integrity. The City Charter is the people's document. If you don't like what is in the Charter, change it. She thinks it was absolutely appropriate for the developer to come in and speak; the hearing was closed and the matter had failed.

Councilmember Kueter explained what ex parte communication is. He said watching Planning Commission hearings and the whole council listening to applicants and citizens is not ex parte communications.

Councilmember Davis said disagreeing is not lack of integrity. She thinks cases should be judged on a case by case basis. She also doesn't think bullying councilmembers before meetings displays integrity.

Councilmember Weaver will not speak about not being able to recuse herself. She spoke about what Planning Commission is and does.

Councilmember Urban said he perceives the conflict to be that Upham is on a fault line between residential and commercial. He read from the Comprehensive Plan about the difference between stable neighborhood where residents can thrive and the neighborhood is preserved – and the neighborhood buffer areas that are near the edge of neighborhoods and busier commercial corridors. He thinks this particular project is a close call. He's concerned that PRD tends to circumvent the intent and spirit of Chapter 26, but more so the domino effect – that once this is approved, it will open the door for other high density development. If there really is a difference between "neighborhood" and "neighborhood buffer", in his opinion this is not in a buffer zone.

Councilmember Pond will continue to support this rezoning. The applicant used the zoning tool they had. There are some, but he believes the project fits the area and the direction the City is going.

Councilmember Mathews said part of why we're here is to represent the people. When we do things by the numbers we forfeit our responsibility to make judgement calls. We all have our own viewpoints, but he believes in voting with the people.

Councilmember Urban inquired about offsite drainage – if it is part of this site. Mr. Dahl said it's a required offsite public improvement necessary to serve the site – similar to accel/decel lanes. Councilmember Urban noted a concern that since the school is included in the plan, the neighbors to the east of the school are affected – but they have not been notified or considered. He asked that in the future, when offsite properties are included in a project that the neighbors of *that* property also fall in a 600 foot range for

notification. Mr. Dahl agreed that drainage often has regional impacts and could be a consideration in the future.

The motion carried 6-2, with Councilmembers Mathews and Urban voting no.

For Item 6

**Motion** by Councilmember Davis to approve Resolution No. 19-2019, a resolution approving a Specific Development Plan (SDP) for property located at 4000-4066 Upham Street, or 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 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;

seconded by Councilmember Hoppe; carried 6-2 with Councilmembers Mathews and Urban voting no.

For Item 7

**Motion** by Councilmember Davis to approve Resolution No. 20-2019, a resolution approving a Major Subdivision for property located at 4000-4066 Upham Street, 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 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense:

and with the following conditions:

1. Note 4 shall be updated prior to recordation to indicate the zoning as PRD.
2. The applicant shall continue to coordinate utility service with the appropriate agencies and any updated information regarding dry utility easements shall be reflected on the plat at recordation.

3. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.
4. The developer shall pay parks fees at the time of plat recording in the amount of \$84,907.86
5. The Homeowners' Association covenants and/or metropolitan district service plan shall be reviewed by Staff prior to issuance of a building permit.
6. Prior to recordation the applicant shall enter into a formal agreement with Jefferson County Public Schools as required by the City;

seconded by Councilmember Kueter; carried 6-2, with Councilmembers Mathews and Urban voting no.

8. Council Bill 06-2019 – An Ordinance approving the rezoning of property located at 3300 Ames Street from Residential-Three (R-3) to planned Residential Development (PRD) with an Outline Development Plan (ODP) (Case No. WZ-18-25/Feaster)

The rezoning is requested to prepare the property for the development of two duplexes.

9. Resolution 30-2019 – A Resolution approving a Specific Development Plan (SDP) for property located at 3300 Ames Street (Case No. WZ-18-26/Feaster)

The SDP is the second step in the City's approval process for a Planned Residential Development; it provides site plan and design details for the subject property.

Councilmember Kueter introduced Council Bill 06-2019 and Resolution 30-2019.

City Clerk Shaver assigned Ordinance 1668 for Council Bill 06-2019.

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

Staff presentation – Scott Cutler

- Mr. Cutler entered into the record the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation.
- He testified that all posting and notice requirements had been met.
- The vacant property is about 0.4 acre and is ½ block west of Sheridan.
- It is bordered by multi-family on the north, assisted living to the east and single family homes to the west and south.
- The lot is currently zoned R-3 which allows single family, duplexes or five multi-family units. The applicant is proposing 2 duplexes, for a total of four units.
- Then Planned Development Process
  - The ODP accompanies the zone change request and establishes development standards and uses.

- The SDP provides detailed review of the proposal: e.g. architecture, landscaping, site design. It may be reviewed concurrently with the ODP.
- The Planning Commission will review the Minor Subdivision at a later date.
- He showed a current picture of the site.
- Minimum lots size is set at 8,425 sf; proposed lot size is 8,450 sf.
- Minimum lot width is set at 53'; proposed lot width is 56 feet wide.
- Applicant has proposed:
  - Increased landscaping requirements from 25% to 40%.
  - Private 2-car, detached garages for each unit (total 8 on-site parking places). Additional on-street parking is available on Ames and 33<sup>rd</sup> Ave.
  - 5 foot attached sidewalks on Ames St. and 33<sup>rd</sup> Ave.
  - A 12 foot water quality tract along the north side next to the apartments.
  - Each unit to have private fenced yard and concrete path to the garage
  - All units to share a common driveway in the rear
  - Maximum building height of the ODP would allow 29', but these will be 26' tall and two stories.
  - Applicant has made self-imposed design requirements: each unit to have a front porch; additional windows on front and back; vertical board and batten siding on front, mixed vertical and horizontal on the sides; and asphalt shingles.
- Planned Development is proposed for the following reasons:
  - It removes the need for the variances necessary to build two duplexes.
  - It sets stricter standards for height, design and landscaping.
  - It limits allowed uses to duplex and/or single family.
- Neighborhood meeting held in November; two neighbors attended. Staff received one phone call in support. One person spoke in favor at the Planning Commission.
- All outside agencies can serve the property. City departments have no concerns
- This site is within the neighborhood buffer zone as suggested by the Comprehensive Plan. It will act as a transition use.
- Staff recommends approval

The applicant was present, but did not speak.

There were no questions from Council.

Mayor Starker closed the public hearing.

For Item 8: Council has approved the rezoning of property located at 3300 Ames Street from Residential-Three (R-3) to planned Residential Development (PRD) with an Outline Development Plan, on second reading, and that it takes effect 15 days after final publication, for the following reasons:

**Motion** by Councilmember Kuefer to approve Council Bill 06-2019 – an ordinance approving the rezoning of property located at 3300 Ames Street from Residential-Three (R-3) to planned Residential Development (PRD) with an Outline Development Plan, on second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.



2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendations of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-603 of the Code of Laws.

seconded by Councilmember Hoppe; carried 8-0

For Item 9

**Motion** by Councilmember Kueter to approve Resolution No. 30-2019, a resolution approving a Specific Development Plan (SDP) for property located at 3300 Ames 8

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.

seconded by Councilmember Hoppe; carried 8-0.

### **ORDINANCES ON FIRST READING**

**10. Council Bill 07-2019** – An Ordinance removing the local historic landmark status from an accessory structure on property located at 11480 W. 44<sup>th</sup> Avenue (Case No. WHL-19-01/McEntire)

The City Code allows an application for removal of historic designation to be submitted at the request of a new owner, but only to the extent public financial assistance has not been received to benefit the exterior historic elements of the property.

Councilmember Dozeman introduced Council Bill 07-2019.

**Motion** by Councilmember Dozeman to approve Council Bill No. 07-2019, an ordinance removing the local historic landmark status from an accessory structure on property located at 11480 W. 44<sup>th</sup> Avenue on first reading, order it published, public hearing set for Monday, June 10, 2019 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Davis; carried 8-0.

### **CITY MANAGER'S MATTERS**

Mr. Goff reminded everyone of

- Public open house on the Wadsworth widening on May 22 at City Hall 5-8pm.

- The Anderson Pool opening this Saturday – with new locker rooms. Official park grand opening will be Saturday, June 22.

## **CITY ATTORNEY'S MATTERS**

### **ELECTED OFFICIALS' MATTERS**

**David Kueter** reported that ATAT had a Ride for Reading event last Friday where 12 riders delivered many books to Pennington Elementary. Thanks to Scott DeJung who was the driving force behind that effort.

**Zach Urban** thanked the WR Chamber of Commerce for hosting a meeting at the Grange last week regarding the Wadsworth widening project. It was well attended and had speakers from CDOT, the City, and an attorney. Folks learned about the plan and the process. He emphasized how important it is for folks to come and provide comments on May 22.

**Leah Dozeman** had several announcements:

- She thanked ATAT for the books. The kids really enjoy it.
- She announced that registration is open for the Heroes for Hope race sponsored by Lutheran Hospital and the Lutheran Foundation on June 1.
- There will be a District 4 TLC neighborhood meeting on Wednesday, May 22 from 7-8:30pm at Clear Creek Baptist Church 10555 W. 44<sup>th</sup> Avenue.
- There will be a District 4 TLC Clean-up Day on Saturday, June 1 from 8-noon, or until the dumpster is full.

**Amanda Weaver** reported attending on Jefferson County Senior Heroes Celebration last week and said it was incredible.

**Janeece Hoppe** asked for another councilmember to join her in adding to a study session, as suggested by a citizen, the topic of an ordinance on vaping. The Mayor agreed to do that. ~ She would also like to discuss having legal protests trigger a continuance, as suggested by a citizen. Councilmember Kueter offered to join in that request. ~ She asked about the issue on Harlan Street. Mr. Goff will looking into it.

**Mayor Starker** reported attending the STEM Gala held last Saturday night by Wheat Ridge High School. It was a wonderful evening and it's a great program that not only teaches the principles of science and technology, but also teaches cooperation and leadership. ~ He reminded again about the Wadsworth discussion on May 22 in Council Chambers and thanked the WR Chamber for the meeting they sponsored. He hopes everyone will come to the meeting or send in comments.


**Leah Dozeman** added that last Saturday Stevens Elementary held the first annual FASE (Foundation for Advanced STEM Education) Race amongst eight elementary schools - including Prospect, Stevens and Peak Expeditionary at Pennington from Wheat Ridge. Each team built their own hydrogen fuel cell car at their school and then competed.




**ADJOURNMENT**

The City Council Meeting adjourned at 9:50 pm.

APPROVED BY CITY COUNCIL ON JULY 22, 2019

  
Janelle Shaver, City Clerk

  
Janeece Hoppe, 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