

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

**March 9, 2020**

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	Judy Hutchinson	Amanda Weaver
Korey Stites	Janeece Hoppe	Valerie Nosler Beck

Absent: Rachel Hultin, Leah Dozeman (excused)

Also present: City Attorney, Gerald Dahl; Deputy City Clerk, Robin Eaton; Police Chief, Chris Murtha; Community Development Director, Ken Johnstone, other staff, guests and interested citizens.

**APPROVAL OF Council Minutes of February 24, 2020**

With proposed changes by Mayor Pro-tem Hoppe, the City Council minutes of February 24, 2020 were approved as published.

**APPROVAL OF AGENDA**

Without objection, the agenda was adopted.

**CITIZENS' RIGHT TO SPEAK**

Dorothy Archer WR, greeted the council and wanted to show up after a brief absence to request council. She spoke in favor of keeping R-1 zoning and desirous of re-addressing rules concerning height limits and bulk planes.

Vivian Vos WR, commented on and questioned the recent Boards and Commissions applications along with their processing. Speaking also on previous public comments and minutes from past sessions.

Judy Capra WR, representing the Wheat Ridge residents that voted no on 2E. She listed her concerns with references to PRD's. She cautioned their usage, the added density and wanted increased transparency for staff to work the same with the residents, as they do with the developers.

Jerry DiTullio WR, spoke about a letter that has been mailed to many JeffCo residents, mainly seniors, who do not have escrow accounts and the letter stated that they were

delinquent in their property taxes. He warned that this is a scam letter from Vesper Properties LLC, an out of state company and do not respond to them as it is a fast cash tactic, trying to buy your house. Seniors are most at risk so if you have any questions you should contact the JeffCo Treasurers number at 303-271-8330, or go to the JeffCo website at <https://www.jeffco.us/treasurer>. He finished by stating that City Council has the duty to do what is best for the city and sometimes you're the bug and sometimes the window.

## **1. CONSENT AGENDA**

Councilmember Hoppe introduced the Consent Agenda.

a. Motion to approve a contribution to the Wheat Ridge Business District in the amount of \$90,000 for a matching grant program

**Motion** by Councilmember Hoppe to approve Consent Agenda Items a.), seconded by Councilmember Urban; motion carried 6 -0.

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

2. Council Bill 04-2020 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws pertaining to the design and platting of multifamily development and attached single family homes. (Case No. ZOA-20-02)

Councilmember Urban introduced Council Bill 04-2020.

Historically, the zoning code has treated attached single family dwellings, or townhomes, as general "multifamily" development, and very few standards relate specifically to the townhome building form. Given the increasing prevalence of townhomes and the steady inquiries staff continue to receive, this code amendment updates certain provisions that specifically apply to the design and platting of attached single family dwellings.

Mayor Starker opened the public hearing.

### **Staff Presentation**

Lauren Mikulak entered into the public record the contents of the case file, the zoning ordinance, and the comprehensive plan in the presentation. All appropriate notifications have been met and that the city council does have jurisdiction to hear the code amendment case.

She reminded council of the context and purpose of this ordinance as it hasn't changed since they last heard it at study session on Jan. 6, 2020. Also that the planning commission did review the amendments with a unanimous decision to approve those changes. Lastly that there was not any public comment for that hearing or this council session item, and staff is recommending approval of this ordinance.

#### Public Comment

Dorothy Archer WR hopes these are not pocket dwellings as she has already addressed the responsibility of staff to protect the zoning the zoning that we have today.

Mayor Starker closed the public comment portion of the hearing.

#### Council Questions

Councilmember Urban wanted staff to clarify the item and to make sure that it is not a re-zoning issue. Ms. Mikulak does so, saying that it will add more strict design standards where townhomes are already allowed, so it's not changing the zoning. This specifically makes sure that we don't have the same development pattern problems like they do in Denver and other areas.

Mayor Starker closed the public hearing and asked for a motion.

**Motion** by Councilmember Urban to approve Council Bill 04-2020, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws pertaining to the design and platting of multifamily development and attached single family homes, on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Weaver, motion carried 6-0.

3. Resolution No. 15-2020 – A Resolution approving a major subdivision plat on property zoned Mixed Use – Neighborhood (MU-N) and located at 6230 W. 38th Avenue (Case No. WS 18-04 / Wang Subdivision)

Councilmember Hutchinson introduced Resolution No 15-2020.

The applicant is requesting approval of a major subdivision for property located at 6230 W. 38th Avenue that is 0.684 acres in size. The purpose of this subdivision request is to establish lot lines, tracts, easements, and right-of-way dedication for a 15-lot mixed-use development consisting of an office building and townhomes; these are permitted uses in the underlying Mixed Use – Neighborhood (MU-N) zone district.

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

#### Staff Presentation

Lauren Mikulak entered into the public record the contents of the case file, the subdivision regulation, the digital presentation jurisdiction. All appropriate notifications

and posting have been met and that the city council does have jurisdiction to hear the case.

She then described the presentation along with subdivision regulations that are found in Article four (4) in zoning code and noted the subdivision plat does not affect the current zoning or use of the land.

Public Comment No one came forward to speak.

### Council Questions

Councilmember Hutchinson asks for clarification on this mixed use neighborhood (MUN) on how MUNs are approved, how the previous ordinances differs on this subject and if this is going to be a metro district.

Ms. Mikulak describes that for the MUN, the site review is between the city and developers if use and design standards are already allowed and nothing changes it is approved without going to council. In this case, if the townhomes were closer or adjacent to the street rather than a commercial building, they would have to be orientated to the street. That is not the case in this matter for the office building is adjacent to the street and there has been no requests for a metro district on this project.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hutchinson to approve Resolution No 15-2020, a resolution approving a major subdivision plat on property zoned Mixed Use – Neighborhood (MUN) and located at 6230 W. 38th Avenue 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. Prior to issuance of building permits, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a Subdivision Improvement Agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.

3. Prior to issuance of building permits, the developer shall provide owner association covenants for review by staff.

seconded by Councilmember Stites, motion carried 6-0

**ORDINANCES ON FIRST READING**

4. Council Bill 05-2020 – An Ordinance approving an amendment to the existing Planned Mixed Use Development (PMUD) zoning to increase the allowable height for hospital uses at Clear Creek Crossing (Case No. WZ-19-10)

Councilmember Stites introduced Council Bill 05-2020.

The applicant is requesting to modify the underlying zoning to increase the allowable height for hospital uses. A hospital is already a permitted use in the existing zoning, and the existing zoning also contemplated 6-story employment uses. However, a hospital built to six stories requires an additional 12 feet of height to meet design requirements and current building codes. The applicant is also seeking a limited additional height allowance to accommodate a rooftop elevator associated with a helipad.

**Motion** by Councilmember Stites to approve Council Bill 05-2020 - an ordinance approving an amendment to the existing Planned Mixed Use Development (PMUD) zoning to increase the allowable height for hospital uses at Clear Creek Crossing, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, April 13, 2020 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Hoppe; motion carried 6-0.

5. Council Bill 06-2019 – An Ordinance approving the rezoning of property located at 9800 W. 38th Avenue from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP)

Councilmember Weaver introduced Council Bill 06-2020.

The applicant is requesting approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 9800 W. 38<sup>th</sup> Avenue (southeast corner of W. 38<sup>th</sup> Avenue and Johnson Street). The purpose of this request is to prepare the property for the development of four (4) single-family homes and three (3) duplexes, for a total of ten (10) dwelling units.

**Motion** by Councilmember Weaver to approve Council Bill 06-2020 - an ordinance approving the rezoning of property located at 9800 W. 38th Avenue from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP), on first reading for the sole purpose of ordering it published for a public hearing set for Monday, April 13, 2020 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Stites; motion carried 6-0.

6. Council Bill 07-2019 – An Ordinance vacating any interest held by the City in a portion of Youngfield Service Road, a public roadway.

Councilmember Nosler Beck introduced Council Bill 07-2019.

The City of Wheat Ridge holds rights-of-way in trust for the public. A portion of Right-of-Way (“ROW”) at the north end of the Youngfield Service Road, located on the west side of Interstate 70, has been deemed to be unnecessary by the Engineering Division and is proposed to be vacated.

**Motion** by Councilmember Nosler Beck to approve Council Bill 07-2019 - an ordinance vacating any interest held by the City in a portion of Youngfield Service Road, a public roadway on first reading, order it published, public hearing set for Monday, April 13, 2020 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Hoppe; motion carried 6-0.

### **CITY MANAGER’S MATTERS**

Interim City Manager Ken Johnstone wanted to let Council know that they have issued some administrative guidelines to city staff. These were mostly best practices on terms of personal hygiene and how that would also work interacting with the public. The city has also posted safety signs, and secured additional cleaning products that include face masks. He encourages employees not to come in if they are feeling ill and to use the new flex time allowances to possibly work from home and stay home until they get better.

### **CITY ATTORNEY’S MATTERS**

### **ELECTED OFFICIALS’ MATTERS**

Councilmember Nosler Beck wanted to announce she will not be able to attend the next study session.

Councilmember Stites sent notice that there are a lot of shopping carts being left at the corner of 38th and Ward and believes it's from the recent move by RTD that moved the stop they had by the old Walmart. He would like explore ways to address the problem, maybe with RTD or the stores that are located in the area.

Councilmember Hutchinson wanted to thanks all of the people who came out tonight and would like for them to keep washing their hands.

Councilmember Urban spoke of an item that he brought up with the city attorney concerning the council rules and procedures about how all meetings are required to be in the municipal building. He would like to see an amendment to those procedures to allow, by Roberts Rules of Order, electronic conferencing (E meetings) and or teleconferencing.

Mr. Dahl responded in short, that council could always suspend the rules but maybe to put in place a formal amendment to the council rules so as not to have to suspend them for these items. He will need to confer with staff on the abilities to also allow the public to attend those types of E meetings. This could complicate this issue as the public needs to be advised of the meeting and be allowed to attend it.

Councilmember Hoppe supports the idea to have an emergency backup plan and will look to the future calendars to get that scheduled.

Councilmember Weaver wanted to remind everyone that the census is live and online, with flyers already being sent in the mail. There are no long forms anymore, no phone calls from the census people but you can call them directly for issues or concerns with the census. It's really important that we all fill out the census. "Go Census!"

Councilmember Hoppe would like to remind the community that we have [wheatridgespeaks.org](http://wheatridgespeaks.org) for the people to participate in from home, instead of going to planning commission or city council meetings.

Mayor Starker thanked everyone who came out tonight as it's very important to have the people attend and their voices heard. He had the pleasure to ride his bicycle for the ATAT group and their Riding to Read program, where he rode to Wilmore Davis elementary school and helped to deliver around 700 books. Everyone was thrilled to participate in their program.

**ADJOURNMENT**

The meeting adjourned at 8:00 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON March 30, 2020



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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.