AGENDA

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

January 8, 2018
7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF Council Minutes of November 13, 2017, November 27, 2017 and December 11, 2017: Study Notes of November 20, 2017 and December 4, 2017

PROCLAMATIONS AND CEREMONIES

Wheat Ridge High School Poms 4A State Champions

CITIZENS' RIGHT TO SPEAK

a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the Public Comment Roster.

b. Citizens who wish to speak on Agenda Items, please sign the GENERAL AGENDA ROSTER or appropriate PUBLIC HEARING ROSTER before the item is called to be heard.

c. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

1. **CONSENT AGENDA**
   a) Motion to approve payment to Faris Machinery Company of Commerce City, CO, for one 2018 Elgin Pelican Mechanical Street Sweeper with options in a total amount not to exceed $199,705
   b) Resolution 07-2018 – granting approval to the Longs Peak Metropolitan District to include additional parcels within its boundaries and to provide service to those parcels

CONCENT AGENDA cont

c) Resolution 05-2018 – a Resolution of the Wheat ridge City Council expressing support for the Dream Act of 2017
d) Resolution 04-2018 – approving an Intergovernmental Agreement between the City of Wheat Ridge and the City of Lakewood concerning Forensic Crime Lab and Analyst Services in the amount of $71,200
e) Resolution 06-2018 – approving the 2018 Police Recruit Training Agreement to provide Law Enforcement Academy Training for six Wheat Ridge Police Recruits at the Combined Regional Academy

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution 01-2018– approving a sixty-three lot Subdivision Plat for property zoned Mixed Use Neighborhood (MU-N) at 11818 W. 52nd Avenue (Case No. WS-17-01/Hance Ranch)

3. Resolution 02-2018 – approving a six-lot Subdivision Plat for property zoned Residential-Two (R-2) at 2850 and 2880 Teller Street (Case No. WS-17-02/Teller Street)

4. Council Bill 20-2017: (Ordinance 1632) – approving a Radio Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc.

5. Resolution 03-2018 – approving a Special Use Permit to allow a major automotive repair facility on property zoned Commercial-One (C-1) located at 11072 W. 44th Ave. and 4380 Pierson Street (Case No. Sup-17-04/Subapros)

ORDINANCES ON FIRST READING

6. Council Bill 01-2018 – approving the rezoning of property located on the west side of interstate-70, between approximately 34th Avenue and Clear Creek from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) (Case No. WZ-16-07/Clear Creek Crossing)

7. Council Bill 02-1018 – extending the Temporary Moratorium of the submission, acceptance, processing, and approval of applications and requests for a permit, license land use approval or other approval for a Freestanding Emergency Room Facility

8. Council Bill 03-2018 – amending Chapter 7 of the Wheat Ridge Code of Laws regarding Elections to ensure consistency and compatibility with the Colorado Municipal Election Laws

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURN to Special Study Session

CITY COUNCIL MINUTES

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

November 13, 2017

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

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

ROLL CALL OF MEMBERS

Monica Duran	Zachary Urban	Janeece Hoppe	George Pond
Kristi Davis	Tim Fitzgerald	Larry Mathews	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Public Works Director, Scott Brink; other staff, guests and interested citizens.

APPROVAL OF Minutes of the Council Meeting of October 9, 2017

There being no objections, the minutes of the Council Meeting of October 9, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

Small Business Award

In recognition of small businesses Mayor Jay read a proclamation declaring the Saturday after Thanksgiving, November 25, 2017, as Small Business Saturday.

Newly Elected Officials Swearing-in Ceremony

Judge Christopher Randall swore in Leah Dozeman as Councilmember District VI, Tim Fitzgerald as Councilmember District III, Zachary Urban as Councilmember District II, Janeece Hoppe as Councilmember District I, and Bud Starker as Mayor. The new officials took their places on the dais.

Farewell to outgoing elected officials

A farewell video highlighting outgoing mayor, Joyce Jay and outgoing councilmember, Genevieve Wooden was shown. City Manager Patrick Goff presented them with flowers and framed photographs of a scene in the Wheat Ridge greenbelt. Both ladies shared words of thanks.

Mayor Starker thanked the outgoing mayor and councilmember for their service. He recognized the voters of Wheat Ridge for their participation in our democracy. He recognized all the candidates – noting it is not an easy thing to do. He congratulated the candidates who were returned to office; he looks forward to serving with them. He

recognized his opponent who ran an honest and hard fought campaign; he hopes he will continue his leadership and service to the city. He pledged to foster an atmosphere of open dialog and collaboration, to seek to be a good moderator, to promote pragmatic and constructive discourse, and to try to make Council proceedings fair and friendly to people who come into the Chamber. He is honored and humbled by the trust placed in him and he asks for everyone's understanding and help to make this Council successful in making good decisions for the City.

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) reminded citizens of the study session next Monday, November 20. The issue of 35 foot, flat roofed houses will be studied. She urged people to come and let Council know how they feel about this issue. She noted that every residential zone except R1-C and R-3 allows houses to go up 35 feet with a flat roof and be built five feet from property lines; this could happen to anyone. Although R-1C and R-3 have added a 15 foot bulk plain, she explained how east Wheat Ridge remains extremely vulnerable and compared it to what has happened in north Denver. The study session begins at 6:30pm; citizens are welcome to come early and sign up to speak.

John Clark (WR) reported attending the WR High School showcase night for 8th graders and their parents. Attendance was very good; he is hopeful WRHS will grow again. He also noted the election brought no changes to the Jefferson County School Board and they are already suggesting things that will hurt WR schools. Plans to put an arts school at the old Sobesky school near 20th and Kipling will most certainly pull talented art/music students away from WRHS and Everitt Middle School. ~ He informed Council that the traffic calming devices we use -- slalom courses and speed bumps -- do not work. He suggested the city engineers ask someone who lives in front of one.

Rachel Hultin (WR) congratulated those who won their races and her opponent. She feel this is an exciting time. She thanked Mayor Jay and Genevieve Wooden. Under Mayor Jay she learned how to love this city; Mayor Jay taught her how to show up and be feisty and keep talking to more people. She hopes we can all learn something from her leadership. She looks forward to the new leadership. ~ She agrees the City should examine its traffic calming program and look at all the new methods that are out there.

Jesse Hill (WR) looks forward to working with the new Council and Mayor, but has concerns about the next study session as it is unclear what will be discussed. He is irked that a survey created by two councilmember for a neighborhood meeting has now been put on the website in a biased format targeted to a specific group. He would prefer to see it on the bi-annual citizen survey which is scientific and done by outsiders who know how to formulate questions. ~ He also feels punched in the gut by the bulk plain decisions that were made last year. He spent $10K on plans for his house and now isn't sure he can use them. He doesn't like the fear mongering going on about developers; he is not a developer. Unfortunately his neighbors need to move and they don't have a place to move to. He urged Council to consider the facts that are out there and the time and process to do this. He also would like the see resolution of the ADU issue that is still unresolved.

Kim Calomino (WR) congratulated and welcomed Mayor Starker and Councilmember Dozeman. She encouraged all councilmembers to collaborate, work together and engage with citizens. She looks forward to engaging with them. She appreciated Mayor Jay and Ms. Wooden's leadership. She asked everyone to work together and listen to each other. ~ She acknowledged the departure of Britta Fisher from the leadership of Localworks. She's done a terrific job as a citizen leader.

APPROVAL OF AGENDA

ORDINANCES ON FIRST READING

1. Council Bill 18-2017 – An Ordinance amending Chapter 5 and Section 16-115 of the Wheat Ridge Code of Laws to authorize temporary waivers from the limitation on hours of construction activity.

- Current regulations limit the hours for construction activity from 7:00 am to 7:00 p.m.
- Exemptions are allowed for emergency situations that might affect the public health, safety or welfare.
- Recent projects have raised the question whether it might be prudent to allow non-emergency waivers or exceptions to these limits.
- Legitimate reasons for a request for waiver might be the need to conduct continuous pours of concrete or the practicality of doing road construction during off-peak hours.
- The waivers would be granted by the Community Development Director.

Councilmember Hoppe introduced Council Bill 18-2017.

Motion by Councilmember Hoppe to approve Council Bill 18-2017 an ordinance amending Chapter 5 and Section 16-115 of the Wheat Ridge Code of Laws to authorize temporary waivers from the limitation on hours of construction activity on first reading, order it published, public hearing set for Monday, November 27, 2017, at 7 p.m. in City Council Chambers and that it take effect 15 days after final publication, seconded by Councilmember Duran; carried 8-0.

2. Council Bill 19-2017 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding Small Cell Commercial Mobile Radio Service (CMRS) Facilities

Recent state legislation pertaining to small cell wireless service infrastructure does two significant things:

1. Makes such facilities a use-by-right in all zoning districts; and
2. Allows them to locate in public rights-of-way (ROW), on utility and traffic signal poles, and in public utility easements, with some limitations and subject to City review and approval.

In June the City Council adopted regulations for the design parameters and approval process for these facilities. The definition of "small cell facility" needs to be amended to eliminate the potential for any large cellular facility to be considered a "small cell" facility.

Councilmember Dozeman introduced Council Bill 19-2017.

Motion by Councilmember Dozeman to approve Council Bill 19-2017, an ordinance amending Ordinance No. 1621 regarding small cell commercial mobile radio service (CMRS) facilities on first reading, order it published, public hearing set for Monday, December 11, 2017, at 7:00 p.m. in City Council Chambers and that it take effect 15 days after final publication, seconded by Councilmember Urban; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Motion to amend the contract for Environmental and Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional Historical Evaluation and Redesign in the amount of $269,922

- The Planning and Environmental Linkage Study (PEL) for the Wadsworth widening project identified traffic congestion, safety issues, locations for bike paths, environmental issues and mitigation measures that needed further assessment.
- In March 2016 Council hired HDR to complete the survey, conceptual (30%) design and plans, and prepare the Environmental Assessment (EA).
- This past spring several properties in the Wadsworth Corridor were identified by the State Historic Preservation Officer for reevaluation of historic status. The City Council approved $179,984.46 for this work.
- A considerable amount of additional investigation and design has been required to determine eligibility and to mitigate the impact of the project on historic properties.
- An additional scope and fee of $269,922.12 is needed for the historical reevaluation to be completed.

Councilmember Urban introduced Item 3.

Staff presentation~ Mark Westberg
Mr. Westberg provided an update on historic designation, funding and the schedule.

Historical designation
An identification process was conducted from June through October. An agreement was reached with the state on what properties are eligible for historic designation. The historical designation will impact design elements behind the curbs north of 44th Ave. Traffic lanes will not be affected – only sidewalks and bike paths.

Mr. Westberg showed photographs and computer generated images to explain what the treatment would be for each property or building.

- The space in front of Holy Cross Lutheran Church will have a short retaining wall, a 10-foot sidewalk with hand rail, and some colored, patterned concrete.
- The 1947 mid-century modern house at 47th Ave will be preserved and only have a 5-6 foot sidewalk, directly adjacent to Wadsworth and very close to the house. If this is determined to have "No Adverse Impact", we can proceed. If it is considered an Adverse Impact, the sidewalk and even the third lane of traffic will be in question.

- The 1918 bungalow at 47th Ave will have only an 8-foot sidewalk with a 2-foot amenity zone (red concrete). North of that the 10-foot sidewalk will resume.
- The former Arapahoe House will have its sign moved back a little, with an 8 foot sidewalk and 2 feet of colored, patterned concrete.
- The Enramex building was determined not eligible for historic designation.
- Near Three Acre Lane, the 1924 Dacko & Sons Building (a Denver Foursquare house) and 1937 Wardle Feed are eligible; the Pearmen building is not eligible. The 10-foot detached sidewalk will come up to the front door of the Dacko and Pearman buildings. The City wanted to acquire the Pearman building and raze it, but that probably won't happen so as to preserve the context of the Wardle building.

The first historical amendment that cost $180K was not enough. A second historical amendment for about $270K is needed to complete EA.

The original estimate for the EA was $1.5M. Due to the extra historical work and a small increase in the design contract, the cost of the EA is $1.81M. This is the amount of the total contract with HDR.

Funding
$31.6M TIP ($25.28M federal funding + $6.32M City match
$ 2.6M HSIP ($2.34M federal funding with a $$0.26M CDOT match)
$4.1M CDOT maintenance reimbursement for surface treatment and new signals

Total funding secured -- $39.23M
Sources: $27.62M Federal + $4.36M from CDOT + $7.25MCity (includes 2E funds)
It is anticipated this will be a $50M project, so staff applied for a $10M federal TIGER Grant. TIGER grants are extremely competitive. Will know in March or April.

Schedule
If the historical piece is complete by January, the EA can be finished and submitted to CDOT and the federal government for review in February. After a four month review process a public hearing on the EA could be held in July. Staff expects the federally approved FONSI (finding of no significant impact) to be issued in October 2018.

- The contract for construction plans would be awarded in February 2018.
- ROW acquisition would happen from July 2018 through July 2019.
- Construction would take place from October 2019 thru September 2021

Council questions
Councilmember Duran asked if CFI's (continuous flow intersections) are still planned. They are.

Councilmember Hoppe asked if the sidewalks could be separated from the traffic with wrought iron fences (or similar). That wasn't considered because it changes the view of the historical property. Also, anything built near the street has to be at least two feet from the curb, so that would just use more space and make for a narrower sidewalk.

Councilmember Mathews reported having talked to someone at CDOT who said they are not in favor of the CFI's. He'd like a straight answer. Mr. Westberg reported the

CDOT team that our staff is working with has approved the CFI's. They see the benefits, but snow removal is an issue. Mr. Westberg will check into the discrepancy.

Councilmember Davis asked if CFI's are preferred, why didn't they do that in Lakewood? Why just in WR? Mr. Westberg said CFI's are fairly new. He named several existing and proposed CFI locations in Colorado. Ms. Davis asked if those locations are on streets similar to Wadsworth. He explained how the one in Loveland is different, and that we only have a simple CFI. Staff does not believe it will be a huge issue.

Councilmember Mathew repeated his concern about getting two different messages from CDOT. There followed lengthy discussion about the CFI's – who suggested them and why, who supports them, who doesn't support them, why we have to have them, and why staff is not preparing a cost differential for CFI's vs. double left turns.

Mr. Goff suggested we are far along in the process; he thought there was an understanding that CFI's were part of the design. Councilmember Mathews will discuss this with him privately.

Councilmember Urban received confirmation that if the designs pass CDOT's historical tests, the process is mostly finished and ready to go. Regarding why double left turns were approved for the PEL, he was told CDOT's traffic engineers rejected them late in the process and the PEL was approved conditionally pending resolution of the issues for the two intersections.

Councilmember Urban asked that Council be provided some documentation from CDOT that they are the ones requiring the CFI's.

Motion by Councilmember Urban to amend the contract for Environmental and Engineering Consulting Services for Phase I of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional Historical Evaluation and Redesign in the amount of $269,922, seconded by Councilmember Hoppe; carried 6-2, with Councilmembers Mathews and Dozeman voting no.

4. Motion to award ITB-17-20, Applewood Traffic Signal, to WL Contractors, Arvada, CO in the amount of $294,921 and a contingency in the amount of $29,492 for a total project cost of $324,413

Traffic volumes on 32nd Avenue warrant the installation of a traffic signal at Xenon Street. Because this intersection serves the Applewood Shopping Center, the property owners, US Retail Partners LLC, have agreed to share the costs for design and installation. The City will design, construct, operate and maintain the traffic signal.

Councilmember Fitzgerald introduced Item 4.

Regarding funding, Mr. Goff clarified that $110,500 will come from Urban Renewal (using TIF money from the Kipling Ridge project at 38th & Kipling). US Retail Partners

will pay $84.3K ($58,500 in credit they received from the City for right-of-way they provided when 32nd was widened a few years ago, plus cash to total $84.3K).

The City share of the project is $129.6K.

There were no questions from Council.

Motion by Councilmember Fitzgerald to award ITB-17-20, Applewood Traffic Signal, to WL Contractors, Arvada, CO, in the amount of $294,921. I further move that a contingency amount of $29,492 be established and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of $324,413, second by Councilmember Davis, carried 8-0.

5. Motion to approve installation of traffic calming devices on Chase Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program (NTMP)

Speed humps will be installed.

Councilmember Duran introduced Item 5.

Mr. Brink explained the multi-step, neighborhood-driven process for traffic calming devices. He understands that opinions about traffic calming are mixed nationally, but the City has found that while they do not deter rogue speeders, they do slow the overall speeds generally.

There were comments and questions from Council unrelated to this installation.

Motion by Councilmember Duran to approve the installation of traffic calming devices on Chase Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program (NTMP), seconded by Councilmember Urban; carried 8-0 .

6. Motion to approve the installation of traffic calming devices on West 35th Avenue between Ward Road and Union Street in accordance with the Neighborhood Traffic Management Program (NTMP)

Speed humps will be installed.

Councilmember Pond introduced Item 6.

There were no questions from Council.

Motion by Councilmember Pond to approve the installation of traffic calming devices on 35th Avenue between Ward Road and Union Street in accordance with the Neighborhood Traffic Management Program, seconded by Councilmember Urban, carried 8-0.

7. Resolution 42-2017 – amending the Fiscal Year 2017 2E Bond Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $3,772,534 for the payment of Bond Closing Fees and Principal and Interest for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A.

The expenses for the 2E bonds that are due on December 1, 2017 include:

Principal	-	$2,800,000
Interest	-	$ 690,455
Closing costs	-	$ 282,079

Councilmember Davis introduced Item 7.

Treasurer DiTullio referenced the September 2E financial report he had distributed. He informed Council that all 2E monies are being stored in CSAFE – a local government investing pool. When the bond is paid the funds will be reflected on this report. Per the ballot question the highest a payment can be is $3.7M; the December report will reflect this payment – which includes principal, interest and closing costs. He noted the interest earned YTD is $150K and the good thing about CSAFE is the interest rate is higher – almost 2%.

Councilmember Urban asked how expenses are determined to be eligible expenses within the bond. Mr. DiTullio explained the process which includes budgeting, staff approval and Council approval.

Motion by Councilmember Davis to approve Resolution No. 42-2017, a resolution amending the fiscal year 2017 2E Bond Fund budget to reflect the approval of a supplemental budget appropriation in the amount of $3,772,534 for the payment of bond closing fees and principal and interest for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A; seconded by Councilmember Urban; carried 8-0.

8. Elect of the Mayor Pro Tem

Councilmember Mathews introduced Item 8 and read the election process as outlined in the Council Rules and Procedures.

Mayor Starker declared the floor open for nominations for the position of Mayor Pro Tem. Councilmember Pond nominated Tim Fitzgerald to be Mayor Pro tem

Councilmember Duran nominated Zachary Urban to be Mayor Pro tem.

Mayor Starker closed the nominations.

Councilmember Urban listed his experience the last four years – being present and active during meetings. Being well versed in parliamentary procedure, he could ensure that meetings are run smoothly and properly.

Councilmember Fitzgerald agreed that being parliamentarian is important, but he would apply it judiciously. In setting the agenda he pledged fairness in allowing people from all viewpoints to be able to put things on the agenda.

Eight councilmembers voted and passed their ballots to the City Clerk. Clerk Shaver counted the ballots and delivered the results to Mayor Starker. Mayor Starker announced that Mr. Urban received 4 votes and Mr. Fitzgerald received 5 votes. He congratulated Mr. Fitzgerald on his election.

Mr. Dahl advised that a motion was necessary to actually elect the highest vote getter.

Motion by Councilmember Mathews to elect Tim Fitzgerald as Mayor Pro Tem, effective immediately, term to expire upon election of his successor; seconded by Councilmember Davis; carried 7-1, with Councilmember Duran voting no.

CITY MANAGER'S MATTERS

Mr. Goff noted a recent Denver Post article announcing the Colorado Public Utilities Commission will hold a public hearing to reconsider their decision on the waivers that RTD asked for on the G Line. When a date is set the Council will be notified. ~ He also reminded everyone of the Police Community Forum on Homelessness this Wednesday at 5:30pm in Council Chambers.

CITY ATTORNEY'S MATTERS

Mr. Dahl congratulated the incoming councilmembers. He expressed his honor to serve for all the Council and he looks forward to working with everyone in the next term.

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio referenced the financial report he distributed. The first page is the 2E information for September, followed by the regular financial report for September. All reports are on the website. Due to turnaround in the accounting department the October report has been delayed, but should be coming out soon. ~ There is some residual interest from the Fruitdale project ($6-10K) that will come back to the City. Mr. Goff said it would go into the General Fund. ~ Mr. Mathews asked if there were any projections for potential shortfall for sales tax revenue for 2017. Mr. Goff will get those numbers to Council. He could say that sales tax revenue for September was up 2.8% over last year – which included the closure of Walmart in July. He added that a majority of the top 30 revenue generators (from sales, lodging and/or use taxes) are up compared to last year. Things are looking good, even with the closure of WalMart.

Monica Duran congratulated the new and re-elected members of Council.

Janeece Hoppe congratulated the Wheat Ridge High School students who were receiving academic excellence awards.

Zachary Urban thanked those who ran for office this time and those who voted. He appreciates everyone's participation and congratulated those who were elected.

George Pond welcomed those who were elected. He believes fundamentally we have common ground because we want to help the city. He thanked everyone for being active.

Leah Dozeman thanked everyone for the warm welcome, especially the staff. She thanked the voters for the opportunity to represent them and her opponents who ran great campaigns. She look forward to working with everyone.

Larry Mathews noted that his city computer had crashed – causing his inability to read some things constituents had expected him to. He hasn't forgotten them; he will read that another time. ~ He and Ms. Dozeman will be having a District 4 meeting – date time and place to be announced.

Tim Fitzgerald welcomed Ms. Dozeman and Mr. Starker. He thanked those who ran and lost, noting that for democracy to work it requires people to take part in the process.

Kristi Davis congratulated the newly elected and re-elected. She also announced she will be having her neighborhood meetings in 2018.

Bud Starker thanked all the voters and candidates, and congratulated those who were elected. He is humbled and nervous, but looks forward to working together.

ADJOURNMENT

Motion by Councilmember Urban to adjourn the meeting; seconded by Councilmember Duran. No one voted.

The City Council Meeting adjourned at 9:07 pm.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 8, 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.

CITY COUNCIL MINUTES

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

November 27, 2017

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

Monica Duran	Zachary Urban	Kristi Davis
Tim Fitzgerald	George Pond	Leah Dozeman

Absent: Larry Mathews (excused), Janeece Hoppe (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Parks Director, Joyce Manwaring; Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF the Study Session Notes of October 16, 2017

There being no objection, the Study Session Notes of October 16, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

HEAL Level 3 Presentation

Leslie Levine presented to Mayor Starker an award for the City of Wheat Ridge as an Elite City for the HEAL Cities and Towns Initiative. **Matt Anderson** from the Parks Department thanked Ms. Levine and her colleagues for their assistance, the elected officials for developing and approving HEAL policies, and the HEAL advisory committee - some of whom were present for pictures.

Presentation of 2017 Carnation Festival Plate

Joe DeMott, chair of the Carnation Festival, thanked all the City folks (Mayor, Council, Police Dept, Parks Dept and Public Works Dept) who work so very hard on the Carnation Festival every year. He presented to the City a 2017 Festival Plate. This year's plate design, called Rockin' Carnations, was contributed by contest winner Shirley Nakamoto. **Lisa Dozeman**, chair of the Parade, expressed gratitude for all the help with the Parade and the Festival.

CITIZENS' RIGHT TO SPEAK

Rolly Sorrentino (WR) addressed Councilmember Pond's concern at the last meeting that his girls could not play on the Anderson Park baseball field. Mr. Sorrentino noted that all three of his daughters played soccer, as did his wife. Any suggestion that his desire to save the baseball field is about soccer vs baseball, is wrong. He just wants to save our one and only, regulation, full-size, lighted baseball field. If there was only one regulation soccer field left in Wheat Ridge, and Mr. Pond was trying to save it, he would help him. He asked Mr. Pond to step up and offer a motion to reconsider the decision from the last meeting, and with this new council take another look at the plans and reconsider the opportunity to leave the baseball field in tack for awhile until the field could be upgraded, possibly upgrade the lights, and get some outside financial support to help maintain this one and only regulation field.

Rachel Hultin (WR) reported the Wheaties Academy is accepting applications for 2018. For anyone interested there will be a mixer at the Discovery Taphouse on Tuesday, December 5 from 6-8 pm. Applications will be taken online at www.wheaties.org through December 18. They will accept 16 - 18 people.

Cal Sravo (Arvada) said she came about 4505 Yarrow, and indicated she was present regarding a summons related to some previous councilmembers. Her goal was to encourage transparency; she asked councilmembers to identify themselves to her. The Mayor asked her to leave anything she had for councilmembers with the City Clerk.

APPROVAL OF AGENDA

1. **CONSENT AGENDA**

   a) Resolution 43-2017 – Supporting reauthorization by the General Assembly of the Colorado Lottery Division in 2018 *[important funding for parks, trails, etc.]*

   b) Motion to adopt the 2018 City Council Meeting Calendar

   c) Resolution 44-2017 – amending the Fiscal Year 2017 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $350,000 for hailstorm repairs to City facilities and vehicles *[increases 2017 revenue by $1,770,000 (insurance proceeds) and 2017 expenditures by $350,000 (repairs)]*

Councilmember Fitzgerald introduced the Consent Agenda.

Motion by Councilmember Fitzgerald to approve the Consent Agenda items a), b) and c); seconded by Councilmember Pond.

Mr. Goff assured Councilmember Urban that Item c) monies are for insured claims only.

The motion carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 18-2017 – An Ordinance amending Chapter 5 and Section 16-115 of the Wheat Ridge Code of Laws to authorize temporary waivers from the limitation on hours of construction activity

- Current regulations limit the hours for construction activity from 7:00 am to 7:00 p.m.
- Exemptions are allowed for emergency situations for public health, safety or welfare.
- It may be prudent to allow non-emergency waivers or exceptions to these limits.
- Legitimate reasons for a waiver might be the need to conduct continuous pours of concrete or the practicality of doing road construction during off-peak hours.
- The waivers would be granted by the Community Development Director.

Councilmember Pond introduced Council Bill 18-2017.

Clerk Shaver assigned Ordinance 1630.

Mayor Starker opened the public hearing.

Staff presentation
Ken Johnstone said the ordinance provides broad language that creates a process for the Community Development Director to grant exceptions for reasonable purposes. He gave examples. At Council's request the ordinance also requires that when any waivers are granted prompt written notice to property owners within 300 feet is required.

There was no public comment.

There were no questions from the Council.

Mayor Starker closed the public hearing.

Motion by Councilmember Pond to approve Council Bill 18-2017, an ordinance amending Chapter 5 and Section 16-115 of the Wheat Ridge Code of Laws to authorize temporary waivers from the limitation on hours of construction activity, order it published, and that it take effect 15 days after publication; seconded by Councilmember Duran; carried 6-0.

ORDINANCES ON FIRST READING

3. Council Bill 20-2017 – An Ordinance approving a Radio Tower Space License Agreement between the City and DMR Networks, Inc.

DMR Networks owns the radio tower site on North Table Mountain that is used by the cities of Wheat Ridge and Lakewood and Jefferson County. They have agreed to lease space at the tower site for the purposes of locating and operating Wheat Ridge Police Department radio communication equipment.

Councilmember Pond introduced Council Bill 20-2017.

Motion by Councilmember Pond to approve Council Bill 20-2017 - an ordinance approving a Radio Tower Space License Agreement between the City and DMR Networks, Inc. on first reading, order it published, public hearing set for Monday, December 11, 2017 at 7:00 p.m. in City Council Chambers, and that it take effect fifteen days after final publication; seconded by Councilmember Davis.

Councilmember Urban asked the City Attorney about the indemnification language and wanted to be sure it applies for the City. Mr. Dahl advised that full indemnification is accomplished.

The motion carried 6-0.

4. Council Bill 21-2017 – An Ordinance amending Section 22-66 of the Wheat Ridge Code of Laws regarding Use Tax applied to construction equipment and credit for Sales or Use Tax previously paid to another municipality

With the passage of ballot question 2E on November 8, 2016, it was necessary to amend the Code of Laws to implement this electoral decision. When Ordinance No. 1614 was approved on February 27, 2017 two code provisions in Section 22-66 were not changed to reflect the voter approved tax increase to 3.5%. This ordinance makes the appropriate change.

Councilmember Urban introduced Council Bill 21-2017.

Motion by Councilmember Urban to approve Council Bill 21-2017 - an ordinance amending Sections 22-66 of the Wheat Ridge Code of Laws regarding use tax applied to construction equipment and credit for sales or use tax previously paid to another municipality, on first reading, order it published, public hearing set for Monday, December 11, 2017 at 7:00 p.m. in the City Council Chambers, and that it takes effect upon adoption; seconded by Councilmember Duran; carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution 41-2017 – A Resolution approving Addendum #1 to the Intergovernmental Agreement by and between the City of Lakewood, the City of Wheat Ridge and the West Metro Fire Protection District for the Use and Maintenance of a Radio Communications System

The Cities of Wheat Ridge and Lakewood and the West Metro Fire Protection District own and share a radio site on an existing tower located on North table Mountain near Golden. The location of this site provides improved radio signal strength for Wheat Ridge and Lakewood in areas that previously lacked adequate radio coverage. An amendment to the 2014 IGA is required to address responsibilities, frequency allocations and site costs for the new North Table Mountain site.

Councilmember Duran introduced Item 5.

Staff Presentation
Chief Brenna gave history of our radio service starting in 2005 with West Metro Fire. Per this new agreement Lakewood will keep the Green Mountain site, West Metro will keep the Mount Morrison site and Wheat Ridge will have the North Table Mountain site. This will provide coverage for the entire City and ensure that the City will always have radio coverage. It will also reduce our total cost to provide radio site leasing and maintenance fees to keep our on-site radio system working.

Councilmember Urban asked about the one hour for maintenance service. Chief Brennan explained how priorities are addressed. He noted we receive excellent radio maintenance services from the Lakewood radio technicians – better than from the private sector. Lakewood has experience accessing all three sites. Is there a back-up tower? All three entities will still be using all three towers; this just gives us ownership of a site and more buy-in of the radio service backbone.

Motion by Councilmember Duran to approve Resolution 41-2017, a resolution approving Addendum #1 to the intergovernmental agreement by and between the City of Lakewood, the City of Wheat Ridge and the West Metro Fire Protection District for the use and maintenance of a radio communications system, seconded by Councilmember Urban; carried 6-0.

6. Motion to approve payment to Motorola Solutions Inc. in the amount of $137,836.40 for the purchase of fifty-two (52) APX-6500 Mobile Radios and Accessories

This purchase will replace 52 radios in the police vehicle fleet that were purchased in 2005. The current radios are quite old and can no longer be upgraded with software that is considered beneficial for public safety.

Councilmember Davis introduced Item 6. She noted that $226K was included for this in the 2017 budget, so there will be a savings.

Chief Brennan made a few remarks about the purchase.

Councilmember Urban asked if the radios will be capable of encryption. Chief reported they are, and explained that is used only for tactical events.

Mr. Goff noted the funds for this are coming from the special Equipment Replacement Fund that was created for this purpose.

Motion by Councilmember Davis to approve payment to Motorola Solutions Inc. in the amount of $137,836.40 for the purchase of fifty-two (52) APX-6500 mobile radios and accessories, seconded by Councilmember Dozeman; carried 6-0.

7. Motion to award Contract to Barker Rinker Seacat Architecture in the amount of $352,255 for Anderson Park Renovation Design and Construction Documents

The scope of this contract includes design services for renovating the existing Anderson Building and Bathhouse as well as the existing Anderson Park.

Councilmember Dozeman introduced Item 7.

Staff Report
Joyce Manwaring reported this will be the single consultant contract for design services for the entire park renovation and construction documents.

Public Comment
Rolly Sorrentino (WR) noted he is a taxpayer and asked Council to vote no on this. This contract includes work that need not be done if the baseball field is retained. Not all of the earthwork is necessary and would allow other considerations to come into play – outside interests that might help save the baseball field.

Councilmember Davis asked what work has been done to relocate the baseball field. Ms. Manwaring reported no work has been done for that. It would be a comprehensive process to determine if space is available or if land would need to be acquired. Yes, staff considers this a valid request; the process just hasn't started yet. Regarding a timeline, Ms. Manwaring said she could put together an outline of necessary steps for Council after the first of the year.

Motion by Councilmember Dozeman to award Contract to Barker Rinker Seacat Architecture in the amount of $352,255 for Anderson Park Renovation design and construction documents; seconded by Councilmember Fitzgerald.

Pond noted that the dimensions for a men's field do not accommodate women's sports. He will support finding another location in the city for a men's baseball field.

The motion carried 5-1, with Councilmember Urban voting no.

8. Motion to award a Contract for Professional Services in the amount of $865,683 to AECOM Technical Services, Inc., Greenwood Village, CO, for the initial period of December 1, 2017- December 31, 2018 for ongoing program management services for the Investing 4 The Future Program

This contract is for management services for three 2E projects: the I-70hook ramps, the widening of Wadsworth, and infrastructure improvements in the Ward Station area.

Councilmember Duran introduced Item 8

Staff Reports
Mr. Brink explained the consultant is to be an extension of staff as we don't have the manpower and expertise for an interstate project. Services will include the review and management of these construction projects will include a good bit of private redevelopment. There will be land use cases and site development plans to review – making sure public and private construction is done correctly.

Councilmember Urban asked how we will interact with the public or other entities (RTD, CDOT, Denver Water). Mr. Brink said the consultant will be responsible for interaction with other agencies under the supervision of our staff. The consultant will do nuts and bolts work, but staff will be involved and keep Council updated. He noted they will be back in a year to update this, as this is only a one-year contract. Public notification is a big component of the contract.

Councilmember Urban stated he would like to see the City be the face of the services and the interaction with the public – that interaction be with staff, not the consultants. He also asked what decision making powers they will have?

Mr. Brink assured that staff will be the front face. The consultants will do the nuts and bolts behind the scenes; City staff will be accountable to the public at meetings, etc.

Motion by Councilmember Duran to award a contract for professional services in the amount of $865,683 to AECOM Technical Services, Inc., Greenwood Village, CO, for the initial period of December 1, 2017- December 31, 2018 for ongoing program management services for the Investing 4 the Future Program; seconded by Councilmember Davis; carried 6-0.

CITY MANAGER'S MATTERS

Mr. Goff announced that CDOT will be hosting a public meeting this Thursday on the design for the I-70 & Kipling intersection from 5-7pm at the Rec Center. ~ He also reported receiving official notice from FEMA that the City received an upgrade to Class 5 in the national flood insurance program. This will qualify some properties in the flood

plain to now receive 25% discount on their flood insurance. Very few cities in Colorado are Class 5 and he recognized the efforts of Mark Westberg for this classification.

CITY ATTORNEY'S MATTERS

Mr. Dahl told Council he had looked again at Item 3 on the indemnification process Mr. Urban asked about. He sees there are indeed some things that should be changed. That will be fixed before 2nd Reading, and he thanked Mr. Urban for catching this.

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio

- He noted the new roofing permits and inspection report distributed to the council. He went through some of the numbers. He noted this report only includes residential roofs done by contractors. Commercial and homeowners' permits will be an additional source of revenue that will be added to the report next time.
- He thanked Councilmember Davis for adding Air B&B's to the survey. He recommended adding to the survey a question asking the public if they think Air B&B's should be subject to short term lodging tax, as is the case in Denver. We have at least 80 Air B&B's that we know of in the City; he thinks the lodgers' tax would be fair.
- He asked Council to consider using the extra revenue from the roofing permits for a matching grant program for dead and dying trees. Some are eyesores, some are dangerous and many people can't afford to have them cut down.

Clerk Shaver reported on her participation in the Risk Limiting Audit (RLA) on Nov 18 and Canvass on Nov 22. Both are required exercises related to the recent coordinated election.

Leah Dozeman announced a Pennington community stakeholders meeting this Wednesday, November 29 from 5-6pm at the school. Also that same night, the Jefferson County Business League is having a meet and greet for elected officials from 5:30 -7:30 at Rockley's Music.

Monica Duran invited residents to the holiday celebration on The Ridge hosted by Localworks on Saturday, December 2 from 3-7pm. ~ There will be a Gingerbread House decorating contest at the WR Library on December 9 from 1:30-3:30. To register for the contest go to the library or call 303-235-5275.

Kristi Davis said activities at the holiday lighting will include pictures with Santa, free horse-drawn hayrides, hot chocolate and cookies, crafters and artists selling wares at the Artisan Market, and some local restaurants providing food. Folks are encouraged to bring a non-perishable food item to the Grange for the local food bank.

Zachary Urban invited everyone to Anthony's M Vision Gold grand reopening since the hailstorm on December 1 from 6-9pm at 44th & Pierce. Also on Sunday, December 3 from 1-5pm the WR Co-op is having a holiday bazaar. They are at 7250 W 38th Ave.

Mayor Starker thanked the HEAL Team for the award, Ms. Dozeman for her work with the Carnation Parade, and Mr. DeMott for chairing the very successful Carnation Festival. ~ He reported he would be taping a TV segment on channel 31 this Thursday to promote our Christmas Festival on December 2. ~ He encouraged everyone to drive a bit slower these days with the early darkness and watch out for the children.

ADJOURNMENT

The City Council Meeting was adjourned at 8:23pm.

_____

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON January 8, 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.

CITY COUNCIL MINUTES

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

December 11, 2017

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

Monica Duran	Janeece Hoppe	George Pond	
Kristi Davis	Tim Fitzgerald	Larry Mathews	Leah Dozeman

Absent: Zachary Urban (excused)

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Police Chief Daniel Brennan; Administrative Services Director, Heather Geyer; other staff, guests and interested citizens.

APPROVAL OF Minutes of the Council Meeting of October 23, 2017

There being no objections, the minutes of October 23, 2017 were approved as published.

PROCLAMATIONS AND CEREMONIES

Senior Driver Awareness Week

Mayor Starker read a proclamation announcing the week of December 11-17 as Senior Driver Awareness Week. Hank Braaksma was present to receive the award on behalf of the Seniors Resource Center.

CITIZENS RIGHT TO SPEAK

Mark Bowman (WR) requested the Council discuss ADU's and to amend the code to allow them. He reviewed a timeline of previous discussions and noted no action has been taken since June 2016.

Vivian Vos (WR) asked for a conversation about the two contracts awarded recently to Barker Rinker Seacat for the Anderson Park renovation. Both are using 2E funds, but in those two amounts design and construction documents are not listed. She would like some clarification, tonight if possible.

Dorothy Archer (WR) addressed the 35 ft building allowance. There have been comments about law suits, but she doesn't know who will be sued. She told the zoning history of her property and adjacent property owned by Councilmember Davis's family.

Many years ago it was zoned for single family and duplexes. Rep. Claire Traylor procured HUD money; it was presented to City Council on short notice; the zoning was changed; the masterplan for the area was changed; and three 3-story HUD units were put in that place. Nobody got sued, and it has worked. ~ Regarding remarks from councilmembers that we need to raze some of these houses to attract people into Wheat Ridge, she noted that houses in Wheat Ridge do not stay on the market long. Houses on her street that have sold in the last three years have all sold to millennials. Most recently a 1,300 sf sold for $440K, and the buyer bid up on it. This suggests we don't need 3 stories to lure people to come here. She believes the R-1C folks like who they are and they'd like the 35 ft allowance to be eliminated. They want 25 ft with a sloped roof, not a 15 foot bulk plane, which is another half story. ~ She has a 60 ft frontage, with 3 ½ feet on each side of her house – built before there was a code, as many homes in east Wheat Ridge are. Once you start this 35 feet, affordable housing is over. She objects to what is happening in Denver. She doesn't object to 35ft houses, but they should be on big lots. There is a need for affordable housing. Council should take into consideration the people who live here and like the way it is, and the young people who are coming here because they like the community the way it is.

Bob Brazell (WR) addressed bulk plane. He believes the survey was poorly written; he's not a dumb person but he couldn't understand it. Being an old machinist he drew out a 35 ft bulk plane on a 50 ft lot and he thinks it's ridiculous. He gave reasons. He recommended that height has to be apportioned to the width of the lot. He illustrated with mathematics why 25 feet height on a 50 ft lot is fair.

Ann Meilahn (WR) noted being a new resident from the younger generation and supports ADU's for housing. She thinks her property is an ideal example of where a carriage house would be appropriate. It would provide extra income and doesn't intrude on her neighbors. She suggested ADU's would allow people to care for aging parents and urged further research and consideration.

Treasurer DiTullio addressed the questions raised by Ms. Vos. He reported that although the monies were allocated, the costs won't be reflected in the 2E report until they are actually spent.

APPROVAL OF AGENDA

ORDINANCES ON SECOND READING

1. Council Bill 19-2017 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding Small Cell Commercial Mobile Radio Service (CMRS) Facilities

In June the City adopted an ordinance allowing small cell facilities in public rights of way, as prescribed by recent state legislation.

This amendment is necessary to eliminate the potential for any large cellular facility to be considered a "small cell" facility and be located in public rights of way. It will resolve any inconsistencies on our Code as they relate to state legislation.

Councilmember Dozeman introduced Council Bill 19-2017.

Mayor Starker opened the public hearing.

Staff presentation
Mr. Dahl expounded on the terms of this ordinance which covers definitions related to the ordinance that was adopted by the Council on June 12, 2017. The Planning Commission recommends approval. He noted that AT&T has raised an issue about how high above a pole a small tower can extend. Our ordinance currently allows 2 feet. The industry has requested more and other jurisdictions have increased that limit within the maximum height allowance. He explained some options and noted the City has a generous administrative variance process that allows 50% more.

Liz Walker (Centennial) spoke on behalf of AT&T. They are concerned with the provision restricting height. It creates a practical design hardship and is in conflict with state regulations which allow 3 feet. The size limitation creates insufficient spaces in which to locate antennas. One cubic foot spaces are too little. They would like to see the height increased to 5 feet as many jurisdictions have done.

Discussion followed.

Councilmembers Hoppe, Pond, Fitzgerald, Mathews, and Duran had questions.

- Councilmember Hoppe asked why a choice for two feet was created. Mr. Dahl explained about the visual appearance and the potential for visual clutter depending on the designs.
- Councilmember Pond asked Ms. Walker what they wanted in the way of height above a pole. She explained and agreed a side mounted design was possible.
- Councilmember Fitzgerald had questions about wording in the ordinance.
- Councilmember Mathews asked about bulk. Ms. Walker described the size.
- Councilmember Hoppe asked about variances. Mr. Dahl illustrated how the 50% administrative variances is very forgiving, and noted that Mr. Johnstone understands the importance of flexibility.
- Ms. Walker clarified for Councilmember Duran that state law was three cubic feet.

Mr. Dahl provided alternate language for the motion – adding the words "with the addition of a change in Section 26-615.h.b to amend from two feet to *X* feet.'

Clerk Shaver assigned Ordinance 1631.

Mayor Starker closed the public hearing.

Motion by Councilmember Dozeman to approve Council Bill 19-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding small cell commercial mobile radio service (CMRS) facilities, with the addition of amending

Section 26-615.h.b to amend four feet from two feet on second reading, and that it take effect upon adoption, seconded by Councilmember Davis.

Councilmember Pond asked to hear from other people. He prefers three feet because administrative variances will allow them to be taller. Councilmembers Hoppe and Duran reported being more comfortable with three feet. Councilmember Fitzgerald was comfortable with four feet.

Motion by Councilmember Hoppe to amend the height limit from two feet to three feet; seconded by Councilmember Duran; carried 6-1, with Councilmember Mathews voting no.

The main motion, amended in Section 26-615.H.B to replace two feet with three feet for the height of the facility, carried 7-0.

2. Council Bill 20-2017 – An Ordinance approving a Radio Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc.

Through an IGA with the City of Lakewood and West Metro Fire, the City shares use of the radio sites located at Mount Morrison, Green Mountain and North Table Mountain. The Mount Morrison and Green Mountain sites are each owned and managed by West Metro Fire and the City of Lakewood respectively. This addendum to the IGA provides that Wheat Ridge will have responsibility for the lease and ownership of equipment for the North Table Mountain site. Staff believes this arrangement should be less costly.

Councilmember Pond introduced Council Bill 20-2017.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1632.

Staff presentation

Chief Brennan gave background on the issue. Elements of the addendum provide:

- The City will lease the North Table Mountain site.
- We still have the ability to use all three towers.
- We will have good coverage for our police radios.

Mr. Dahl addressed the issues of indemnification and insurance that Councilmember Urban had raised on 1st Reading. Changes were made to the wording. The property owner, CallComm, Inc, has not responded concerning the changes. Mr. Dahl explained the choices: Continue the hearing until the issue is settled, or approve it – pending the approval of the property owner.

Motion by Councilmember Pond to continue this item to the Regular Meeting of January 8, 2018; seconded by Councilmember Mathews; carried 7-0

3. Council Bill 21-2017 – An Ordinance amending Section 22-66 of the Wheat Ridge Code of Laws regarding Use Tax applied to Construction Equipment and Credit for Sales or Use Tax previously paid to another Municipality

When the voter-approved tax increase was codified by City Council last February, two code provisions in Section 22-66 were not changed to reflect the increase. This ordinance makes the appropriate changes.

Councilmember Hoppe introduced Council Bill 21-2017.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1633.

Staff presentation
Heather Geyer reported that this is a clean-up item to correct language.

Councilmember Mathews asked if a sunset provision was written into this. Mr. Goff advised the tax stays in effect for 12 years or until $38.5 M is raised – whichever comes first. At that time an ordinance will come to Council to change the sales tax back to 3%.

Mayor Starker closed the public hearing.

Motion by Councilmember Hoppe to approve Council Bill 21-2017, an ordinance amending Section 22-66 of the Wheat Ridge Code of Laws regarding use tax applied to construction equipment and credit for sales or use tax previously paid to another municipality on second reading, and that it take effect upon adoption; seconded by Councilmember Duran;

There was further discussion and reassurance that the tax would cease once one of the thresholds is met.

Motion carried 6-1, with Councilmember Mathews voting no.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution 47-2017 – A Resolution approving a Memorandum of Understanding concerning Withdrawal Management Services by and between Jefferson Center for Mental Health, Jefferson County and the Cities of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge and Westminster

The Jefferson Center for Mental Health now provides the intoxication and withdrawal management (detox) services for Jefferson County and its municipalities. This agreement establishes the funding obligations of the local government members and the powers and obligations of JCMH.

Councilmember Davis introduced Item 4.

Staff presentation
Mr. Goff reported the City's share of the IGA will be $30,100 in 2018. This has been budgeted. Every year thereafter the payment will increase by the percentage of growth shown in the area consumer price index.

Motion by Councilmember Davis to approve Resolution No. 47-2017, a resolution approving a Memorandum of Understanding concerning withdrawal management services by and between Jefferson Center for Mental Health, Jefferson County and the cities of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge and Westminster; seconded by Councilmember Fitzgerald.

Councilmember Hoppe noted the requirement for a quarterly report from JCMH.

Motion carried 7-0.

5. Resolution 46-2017 – A Resolution approving a Dispatcher Transition and License Agreement with the Jefferson County Communication Center Authority.

This agreement outlines the terms and conditions of the transfer of Wheat Ridge police communication employees to Jeffcom.

Councilmember Duran introduced Item 5.

Staff presentation
Chief Brennan reported the regional communications center will be going live sometime in April 2018. While the agreement is effective January 1, 2018, our transition date is not until mid-March. It didn't make sense for our employees to have to sign up for benefits from the City for three months and then have to switch.

Mr. Goff made a point to thank Chief Brennan for the large amount of work he has done on this project.

Mr. Goff spoke to projected budget savings. Chief Brennan expounded on the details. It is planned the City will lose 13 employees, but we may need to keep an extra call-taker for non-emergency calls. He projected the City will save about $250K in 2018.

Motion by Councilmember Duran to approve Resolution No. 46-2017, a resolution approving a Dispatcher Transition and License Agreement with the Jefferson County Communication Center Authority, seconded by Councilmember Hoppe; carried 7-0.

6. Motion to approve payment to the Jefferson County Communications Authority in the amount of $645,747 for E-911 Call-Taking and Police Radio Dispatch Services

Funds in the amount of $645,747 are the City's 2018 share of costs for the regional call-taking and dispatch center for police and fire agencies in Jefferson County.

Councilmember Mathews introduced Item 6.

Following Item 5, no staff presentation was necessary. Mr. Goff did note that this entire amount is approved for the year, but payments will be made quarterly

Motion by Councilmember Mathews to approve payment to Jefferson County Communications Center Authority in the amount of $645,747 for E-911 call-taking and police radio dispatch services; seconded by Councilmember Dozeman; carried 7-0.

7. Motion to Appoint Elected Officials to Outside Agencies

Councilmember Fitzgerald introduced Item 7.

Motion by Councilmember Fitzgerald to appoint Council Member Janeece Hoppe to the Jefferson County School Liaison position, with Council Member Leah Dozeman appointed as alternate, seconded by Councilmember Pond; carried 7-0.

Motion by Councilmember Fitzgerald to appoint Council Member Janeece Hoppe to the Applewood Business Association, seconded by Councilmember Duran; carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff reported he and the Mayor met with representatives from the Library. They will be hiring a firm to carry out a long term facilities study to determine where additional facilities or upgrades are needed.

He recalled sending an update form RTD to the Council last week on the G Line. The Colorado Public Utilities Commission had a pre-hearing to lay out the logistics for the formal hearing that will be held February 15-16 to consider opening the G Line and the A Line. They want to resume testing and the law judge seemed agreeable to that. Hopefully testing can begin while we wait on the hearing.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio spoke about his press release related to online sales tax. Any retail business that has a delivery presence in the City is required to collect sales tax.

Clerk Shaver asked the mayor if he'd consider resuming the long standing practice of asking speakers to spell their last name. He was agreeable to that.

Monica Duran acknowledged that people have asked about addressing the topic of ADU's and Air B&Bs. She would like to have that discussion in February so Council can

hear what people have to say. ~ She also announced that the Seniors Resource Center is collecting socks for seniors until the end of the year. Donations for "Toasty Toes" can be dropped off at the SRC at 3227 Chase Street.

Leah Dozeman announced that she and Mr. Mathews will be having a District 4 Meet & Greet tomorrow, December 12, at Pietra's at 6:30 pm.

Janeece Hoppe said she supports having the ADU discussion. ~ She reported that the WR Business District has grants available for façade and sign improvements, landscaping, and paint. Any Wheat Ridge business is eligible. Additionally the WRBD is taking applications for their board. Applications are available at wearelocalworks.org/business. ~ For Christmas she invited people to shop small – and shop in Wheat Ridge. ~ She noted this past weekend was the state competition for all the high school spirit teams. The WR High School Cheerleaders finished third – a worthy accomplishment given they have a new coach and 75% of the team were new participants. The WRHS Poms finished first again – winning back to back state championships.

Tim Fitzgerald announced his resignation as Council representative to the WR Business District and invited others to apply for that position.

Mayor Starker read Mr. DiTullio's press release about online retail sales tax.

ADJOURNMENT

The City Council Meeting adjourned at 8:34pm.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 8, 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.

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
November 20, 2017

Mayor Bud Starker called the Study Session to order at 6:33 p.m.

Council members present: George Pond, Janeece Hoppe, Kristi Davis, Monica Duran, Tim Fitzgerald, Zachary Urban, Larry Mathews, Leah Dozeman

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Police Chief, Daniel Brennan; other staff, guests and interested citizens.

Mayor Starker received approval from Council to address Item 3 first.

3. Arvada Community Food Bank – Chief Brennan

Chief Brennan introduced Sandy Martin of the Arvada Community Food Bank (ACFB) who was present to update the Council.

Ms. Martin went through the services that are available to Wheat Ridge residents. Client Choice Program is the food bank that is set up like a grocery store.

- A piece of mail and photo ID gets a person into the system.
- People can shop for what their family will eat. This results in less waste.
- The client store is nutritionally sound.
- Individuals can come 12 times per year
- Last year close to 1,800 WR residents came through the food bank. The total number of family members served is not included in this count.
- She is available for tours if anyone is interested.

Feeding the Future is the backpack program that served 354 Wheat Ridge kids every weekend last year. She explained the unique partnership with the City through Chief Brennan. ACFB orders the food and organizes the volunteers. Chief Brennan's committee raises the funds. Children receive a box of food on Friday afternoon.

Number are growing. Last Monday 101 individuals came through the food bank.

Self-sufficiency Program was started 3 years ago. It offers career counseling, job finding, help with resumes, assistance with purchasing books, and help study for and take GED's.

Client Financial Services works with churches to provide assistance with medical co-pays, medication, rent deposits/payments. A religious non-profit did it for 40 years; they closed last May so the ACFB took it over.

Other ongoing efforts include:

- Remodeling to add offices and a medical clinic for uninsured clients. The clinic will be operated in cooperation with Red Rocks College's Physician's Assistants program (students supervised by a physician professor).
- Working with a marketing firm to look at renaming the organization to better reflect the area they serve.
- It would be nice to have a Wheat Ridge councilmember be on their Board of Directors.

Questions from Council

- They do have some gardeners who supply food, along with their 29 grocery partners. The Board bought a refrigerated truck a few years ago to keep perishables fresh.
- No information is available yet on the hours for the medical clinic. That will likely coincide with the hours the food bank is open.
- Food bank hours are Mon – Fri from noon to 3:45pm, except Wed from noon – 5:45.
- Food bank location is 8555 W. 57th Ave, Arvada, 80002
- Yes, some means testing is done at intake by a human services technician. They do not require income verification at this point due to the amount of work that would take.

CITIZEN COMMENT ON AGENDA ITEMS

Jesse Hill (WR) understands that residential development standards can be an emotional issue, but hopes everyone will stick to the facts. He believes the NRS provided goals to improve our housing stock. He described houses on his block as having dangerous, outdated electrical systems, cracked and crumbling foundations, basements prone to flooding, asbestos, outdated floor plans, lack of insulation, lead pipes, and leaking sewer lines. He, like others, are looking forward to a better home they can live in. He listed issues that make development difficult: expansive soils, high water tables, sloping lots, and 40% lot coverage. He asked Council to consider if actions will hurt or help revitalization, and if the process is fair and has give and take. Please don't do this.

Joan Blanchard (WR) countered that we all update our homes on a regular basis; not every home is crumbling. She believes Denver is doing what Wheat Ridge wants to do, and we have different communities. Some of the 3-story houses will become multi-family, creating problems for parking, garbage disposal, and privacy and sunlight issues. It changes the whole concept of what Wheat Ridge has been proud to have in place.

Barb Gallagher (WR) made a plea to maintain what makes Wheat Ridge, Wheat Ridge. She doesn't like buildings up to the sidewalk or buildings that destroy the view. She believes people want to see the mountains. The regulations in place were reasonable and livable. She hopes if there is a compromise it will maintain those aspects of WR.

Carol Mathews (WR) noted our city being in the news again for crime and violence. As the majority on Council supports increasing the population of WR, she asked if increasing the number of high-density, low-cost living spaces is improving our quality of life. She believes it increases traffic and crime. ~ The 2005 study called for more strong households – family households, and she suggested the smaller bungalows in R-1C are

the affordable housing that bring healthy families and diverse community life. They are the history and future of Wheat Ridge and should not be destroyed or traded for 35 ft tall, 3-story units that sell for $500-700K and destroy the diversity of our community. These tall houses build walls, not bridges. Many of them house multiple unrelated residents and don't blend into the small family communities. The addition of alcohol and marijuana is turning peaceful, safe neighborhoods turn into high crime, high risk areas. ~ Corridors rezoned from Commercial to Multi-Use have encouraged outside developers to build high-rise, high density housing units – which increase traffic load, congestion on main and residential streets, and street parking on residential streets. They deplete our supply of affordable family housing, devastate our schools and leave children with no place to play. Council needs to act to preserve our quality of life; we need houses for families.

Mike Epson (WR) addressed three main issues:

- *Historic nature* of the R1-C neighborhood, which he believes should be preserved. R-1C is only 11% of WR, but it is historic. Minimum lot width is 50 feet, with 5 ft setbacks. The tall houses, built on 40ft wide lots, tear away at the fabric of our community and don't fit with the neighborhood in general. To many, they are eyesores.
- *Bulk plane* When the bulk plane was passed last year, Council decided to separate bulk plane and height restrictions. Many residents feel that a 25 ft high limit is suitable for the R1-C neighborhood. It will better maintain the continuity of our neighborhood look and community. They would also like to see the bulk plane extended to the R-2. This applies mainly east of Wadsworth where scrapes and redevelopment are happening.
- *Rezoning for multi-lot scrapes* The neighborhood organization he works with is opposed to the rezoning of single or multiple lots so they can be scraped and converted to higher density, multiple family units, for numerous reasons, including traffic flow and dense crowding on narrow streets which also puts residents in jeopardy for emergency services response.

His group believes that eliminating tower houses in this historic district and maintaining the cottages will actually increase housing values – much as it did in the Bonnie Brae area. We have seen a decrease in the property values of houses next to these large houses. He related an recent example of a 20% loss in house value for a property that had a tower house next to it. He asked Council to please maintain the cottage neighborhood and please look at a 25 ft height limit for R1-C.

Victoria Mendoza (WR) has lived on Chase Street for 7 years. She is zoned R1-C and next to her cute little bungalow is an empty lot. She asked Council to limit the height for houses in R1-C to 25 feet. As a professional she has chosen to live in Wheat Ridge because of the vibrant neighborhood and its government – one that listens to the community and considers all the factors that make Wheat Ridge a very desirable place to live, beyond taxes and revenue. She requests the 25 foot height limit for new houses in R1-C to keep the visual integrity of her neighborhood and to make sure what is built next to her is a single family home that doesn't take away her home's sunlight, privacy and character. Decisions about R1-C should consider more than density and taxes; they should consider neighborhoods, neighbors, and the living characteristics of the street. She wants the government to help us live better in Wheat Ridge, not just have to deal with and put up with things.

Steve Kinney (WR) has lived here 4 years, but has been active with people here for two decades. He believes his perspective is different. He is not a fan of tower houses. He thinks there are lots of moving parts to this issue, and noted the ADU discussion was not completed – which has implications in this discussion. He gave examples of folks who might use an ADU (kids still at home, multi-generational situations, aging people who want to live in an ADU attached to a garage). This may not have implications for bulk plane, but it all plays together. Demographics are changing rapidly in the metro area; it will happen here whether we like it or not. He warned of a potential loss of property rights. He thinks we must recognize that change is scary, but inevitable. We need to embrace it in a way that works for everyone. We can't be selfish and insist our community has to stay the way it was built. He doesn't think that works or makes for a healthy community. He suggested looking at it from a different perspective – possibly forms-based zoning where structures are looked at in their context. Example: If a neighborhood is primarily single story bungalows, new construction should be compatible – maybe 1½ or two stories, but not three. He feels blanket statements made for big sections will not work for everyone, will diminishes property rights, will have the potential for law suits, and shouldn't be done in a community that needs to be changing.

Bob Brazell (WR) said he filled out the website survey and found it very confusing – even though he ran two successful business, one of which was a real estate company. He suggested the question that should be asked is "Do you want someone to be able to build a house next to you that is three stories tall, has a deck on top that looks down in your back yard, blocks your view, and invades your privacy?" That would tell you how people feel. You need to be straight forward and honest with people; we expect that of everyone.

Sundari Kraft (WR) Related to housing and the process, inclusivity is important to her. When making decisions that affect lots of people she thinks it's important to be as inclusive as possible. Regarding privilege related to the process, she feels privileged to come to these meetings; for various reasons not everyone can. Since this meeting will not produce a mandate she urged Council to reach out and get as much diversity as possible. ~ Regarding people who say what they *don't* want to import from Denver: As someone who moved here from Denver 4 years ago, she does not want to import the practice where a small group of dedicated, well-informed citizens anoint themselves as the voice of the neighborhood. She suggested that happens often in Denver; and it's not true. In Denver she saw a very restrictive, non-inclusive stance toward modern architecture. She values affordable housing above all, and living in a diverse community with density that allows for transit and vibrant local businesses. She cautioned against using a broad brush approach – rather being thoughtful and deliberate. She believes when the NRS is revised that will be a great time to address this in a collaborative way, rather than reacting to a small concern.

Dorothy Archer (WR) asked Council to be considerate to 50, 75 and 100 ft frontages. She suggested three stories is not thinkable, even two stories on a 50 ft frontage is not thinkable, and the 15 ft bulk plane is totally out of line for R1-C. Her house was built in the 1950's; it is well built and not falling apart. With less than five feet on each side of her

house, if the neighbors scrape she could have a 3-story house 8 feet from her windows. She is not against 3-story houses if the lots are big enough, but when the lots are so small it's not ok to do damage to these people. She stressed how important affordable housing is -- noting that caring millennials have purchased five houses on her street for $300-350/sf. These small lots and houses aren't keeping people away. Please be considerate and take time. Besides being considerate to R-1C and R-3 properties she pointed Council to R-1 and R-2 properties as well. R-2 has 1000 families in east Wheat Ridge – many of whom have small lots. Council needs to protect the people who are here, who have supported Wheat Ridge, and continue to care.

Bennie Gonzales (WR) moved here five years ago because of the character of the R-1C area and would like to see the 25 ft height limit for any new builds. A nice home can be built with a 25 foot height limit if quality materials are used. Older homes were built sturdy. He's one who has lost half his view because of a 3-story, 35 ft, square-top house that now blocks it; he chose his house because it had a view of the mountains. He's not against 3 story houses or square houses, except where the lots are too small. Sunshine and privacy are being lost. He would like his neighborhood and quality of life preserved.

Kim Calomino (WR) suggested that bulk plane, setbacks, height limits, and the potential for architectural standards are all complicated and interactive issues. One size does not fit all. She doesn't think Council should take a reactionary approach, but should give the community time to consider options and implications. She believes this should be done when the NRS is revised. She advocated for recognizing the distinctions between zone districts so the city can be shaped to provide diverse housing that also acknowledges the city's character. She encouraged staff use visual aids so the public can compare all the situations and potential effects of various regulations. She asked Council to please be deliberative with bulk plane and architectural standards. ~ Unrelated to the agenda, she announced a Meet & Greet with elected officials at Rockley's on Nov 29 at 5:30-7:30.

Cheryl Adamson (WR), a life-long resident of Wheat Ridge, expressed great concern that the height of houses in north Denver is coming to Wheat Ridge.

Al Gallo (WR) thinks he has a different perspective because he recently moved here from Denver. It took Denver years to craft their new zoning system and there are holes in it the developers have taken advantage of. (see Tennyson St.) He suggested the demographics of Wheat Ridge will be younger and the City needs to accommodate their desires; houses built 50-60 years ago aren't what people want these days. He believes ADU's have to be considered. He also noted that affordable housing results in lower property values, lower taxes and lower revenue for the City. Is that what we want?

Rolly Sorrentino (WR) shared the personal story of his family moving to Wheat Ridge from Denver 60-70 years ago and how he, at age five, was amazed that he could see the stars from his bedroom window rather than a lousy, old, brick wall. He hopes Council will take this into consideration when they start blocking off the windows of children's rooms. He also hopes the new City Council can help address this ongoing war between the City staff and the people of Wheat Ridge.

Tom Slattery (WR) At the request of Mr. Tom Slattery, who could not be present, the

City Clerk read a letter from him. His letter urged Council to quickly and separately revise the height and bulk requirements in R-1, R-2 and R-2A zone districts where lots are larger and the potential for offensive structures is greater. Not only are 3-story, flat roofed buildings incompatible with the general high quality of these neighborhoods, they can easily, illegally and surreptitiously be converted to multi-family units. Provided for Council were diagrams that illustrate the potential impact of current standards. He requested Council act now, and not wait for the 2018 Neighborhood Revitalization Study and not study it to the point if inaction.

1. Staff Reports(s) none

2. Elected Officials' Report(s) none

4. Residential Development Standards (Bulk Plane, Building Heights, etc.) – Ken Johnstone

Ken Johnstone distributed to Council copies of a report on the survey that was on the City website recently. The report included data and analysis prepared by staff.

He recalled that bulk plane standards were adopted for R-1C and single family homes in R-3 about a year ago. Three single family homes have been permitted with these guidelines; two only have foundations poured; the one at 2942 Eaton, which is almost complete, shows how the 2nd and 3rd stories were set back further from the balcony lines due to the new standards.

He reported the survey was on the website for about two weeks – from Nov 3 through midnight last night (Nov 19). It was advertised to Council, on the City website and the City's Facebook page. While not scientific, it does provide some information.

Mr. Johnstone highlighted the survey results and observations.

- 286 participants. District 1 was well represented.
- 64% support bulk plane regulations. 53% thought they should be applied city-wide.
- Some questions weren't answered; education is needed.
- There is good support for regulating mass relative to the size of the lot. Tools include setbacks, lot coverage, floor area ratio and bulk plane regulations.
- Over 70% do not support architectural standards for sing/fam residential dwellings.
- Reducing maximum allowed height in certain districts? 50% against; 33% support
- Two stories is supported; 3 stories has less support
- People want to know about the applicability of bulk plane. More could be done.

Options:

- Have another study session and dive deeper into the data.
- Do a more robust survey; hire someone and do another survey that is scientific.
- Incorporate some of this into the bi-annual survey that will be done this year.

- Make it part of the larger discussion for the Neighborhood Revitalization Study.
- If Council thinks no further action is needed, we can stop discussing this now.
- Council may want to discuss broadening the applicability of bulk plane. Larger lots don't receive as much impact. For larger lots with non-conforming setbacks, may want to restrict the ability to expand the footprint.
- If ADU's are addressed with the NRS, be mindful of realigning this with Council's other priorities so we have the resources to move forward.
- In the 2016 process there were suggestions of looking at neighborhood character districts or possibly defining neighborhoods by architectural style. That would require a budget for outside resources.
- How deeply this is considered will affect other priorities for the City.

Discussion followed.

Councilmember Mathews noted that as we preserve the basic character of our city we have existing neighborhoods that have their character and newer areas that have created their own character. We did inherit lots of issues when we incorporated, but we can control our future. We can craft what we think will be a fitting character is these new neighborhoods (e.g. TOD area, Clear Creek Crossing). He suggested we want to be a bit of a quiet, rural oasis in the middle of the raging storm of fast city life; that is our reputation and a big part of our draw. We don't have to just look at bulk plane; there are other tools we could use as we create more diverse areas.

Councilmember Duran support adding a portion of this to the annual citizen survey and adding it to the NRS strategy discussion. She does have immediate concerns about east Wheat Ridge, because working on all these issues will take some time. Meanwhile structures are going up that do not preserve the neighborhood character. Citizens have asked, and she'd like Council to discuss, the 25 foot height in R-1C sooner.

Councilmember Davis believes we need to include these issues in the NRS and we need to address ADU's and bulk plane. While we did set the bulk plane standards last year, she doesn't think it's fair to change the rules again; there are people who have made plans or purchased property based on those rules. But believes we need to be thoughtful and she wants more meaningful discussion

Councilmember Fitzgerald doesn't think the survey is valid, but he thinks people are saying that the existing bulk plane standards are fine, that they support restricting massing, and that they don't support lowering height limits. He thinks the questions were draconian and hard to answer. For him, he doesn't want to do anything that isn't holistic. We need to address ADU's and Air B&B's, but he doesn't think we're ready to do anything. He wants to discuss it all holistically before taking any action.

Councilmember Hoppe wants to put some of it in the survey, update the NRS, and address ADU's. She doesn't support blanket restrictions on height, mass, and density. She thinks if we're going to look at height, it needs to be discussed for all zone areas. She thinks height needs to come out of our charter and be put in our zoning code. She believes there are places where we'd benefit from having taller buildings – like we could have in the Sprouts area. The Charter needs to be updated on some things. She

agrees we need to discuss all these issues - height, setbacks, ADU's, zoning – maybe bit by bit, but not make blanket decisions.

Councilmember Urban commented on a number of issues.

- There are a variety of different issues that he feels need to be dealt with differently. Example: ADU's and bulk plane are two different discussions.
- Specific details such as bulk plane rules have no place in a high level strategy document like the NRS.
- Decisions were made last year about bulk plane in R1-C; without too much more effort Council could address some of these other issues quickly.
- He doesn't oppose having some if this in the survey, but that will prolong it.
- Be mindful that some people are wanting to make decisions about their property; Council shouldn't kick the can down the road forever.

Councilmember Pond favors adding things to the survey and addressing issues during the NRS review. He agrees technicalities should not be in the NRS, but believes the overall vision is important to understand some of this. He thinks what Council did last year for R-1C in a small localized area was appropriate, but he's concerned that without a vision document that allows contextualization of many of these issues and applying it city-wide, Council will start to create different character and different visioned outcomes. He's not opposed to talking about bulk plane across the whole city, or massing tools, but unless there are serious immediate issues he prefers to wait until we can conclude some overarching business. One of the most important issues to him is the potential loss of existing property rights, as stated by Mr. Kinney, and he agrees with Mr. Fitzgerald about a holistic approach. He doesn't want to study things to the point of inaction, so he's a little offended by Mr. Slattery remark; Council did take action last year on bulk plane.

Councilmember Dozeman is nostalgic about preserving the character of the city, but believes blanket regulations are an egregious violation of property rights. She supports a more in-depth conversation and having a survey. We may want to maintain and preserve what is Wheat Ridge, but we have to realize the future is tomorrow. We don't have affordable housing in Wheat Ridge. If we want families to move here we may have to change some trends. She doesn't care for the box houses, but believes we can't dictate people's tastes. If people are willing to buy property here they should be able to do with it as they wish. Mr. Goff verified the survey is typically done in April or May.

Councilmember Duran explained her frustration - pointing out that Council was asked 1½ years ago to look at heights in R-1C, and while we discuss all these other issues District 1 is being destroyed. The citizens aren't asking Council to dictate painting or designing a house. They just want Council to respect them and consider height restrictions in R-1C. She is not asking Council to make any blanket decision or paint with a broad brush.

Councilmember Hoppe reported District 1 citizens calling her to complain about the financial burden that the bulk plane standards created.

Councilmember Hoppe received consensus to include height and density questions in the citizen survey.

Councilmember Fitzgerald received consensus to include in the survey general questions about ADU's.

Councilmember Davis asked for clarification if the bulk plane addressed some of the height questions. Mr. Johnstone said it did and explained the requirements for 2nd and 3rd story setbacks. There had been no Council consensus on further height restrictions.

Councilmember Davis questioned east Wheat Ridge being called a historic district. Mr. Johnstone said we have no official historic districts; the request to create some official districts like that came from citizens and the Planning Commission.

Councilmember Fitzgerald received confirmation that the owners of 2942 Eaton had to adjust their design a little to comply with the bulk plane guidelines. He thinks the house looks fine. Mr. Johnstone also agreed that our height limitations are similar generally to our neighbors, except Edgewater has a 25ft limit in some areas.

Mr. Johnstone told Councilmember Duran that of the 11% of the city being R1-C he wasn't sure how much of that was in District 1, but agreed it was a majority. Ms. Duran noted that driving by a house and thinking it looks nice is different than living next to it.

Councilmember Davis received consensus to have survey questions about Airbnb's.

Councilmember Pond received clarification that the staff will draft the survey questions that will be brought to Council for approval.

Councilmember Hoppe received consensus to include questions about bulk plane.

Councilmember Duran asked for consensus to discuss the 25 ft height limit in R1-C. Passed 5-3.

Councilmember Goff reflected that Council approves moving forward with revisiting the NRS study. There was agreement and he will proceed with that for 2018.

There was some discussion about what's a logical timeline to address each issue as it relates to the others, and that when the NRS is reviewed the first step should be to evaluate the 2005 recommendations.

Mr. Johnstone received approval to post the recent survey results on the website.

ADJOURNMENT The Study Session adjourned at 8:40 p.m.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON January 8, 2018

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Tim Fitzgerald, Mayor pro tem

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
December 4, 2017

Mayor Starker called the Study Session to order at 6:30 p.m.

Council members present: George Pond, Janeece Hoppe, Kristi Davis, Monica Duran, Tim Fitzgerald, Zachary Urban, Larry Mathews, Leah Dozeman

Absent: Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Division Chief Pickett; other staff, guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS none

Mayor Starker elected to move Item 1. Staff Reports to the end of the agenda.

2. Family Justice Center Presentation

Dave Pickett, Division Chief for Support Services, introduced Assistant District Attorney Michael Dougherty and Deputy District Attorney Candace Cooledge.

Michael Dougherty began with remarks about homicide cases stemming from domestic violence (DV), the increase in DV cases, the inability to successfully prosecute some cases, and the need for intervention. They want to do a better job. A Family Justice Center (FJC) would be a community project that will better serve the victims, lead to more successful prosecutions, and likely lead to a decrease in DV.

Candace Cooledge is heading up this project full time.

- She went through some steps a DV victim goes through – including medical treatment at a hospital, the possibility of a protection order at the Courthouse, possible counseling through Jeffco Mental Health, getting financial assistance from Human Services, legal guidance from the legal aid clinic, follow up with law enforcement, meeting with the District Attorney's office, and possibly a forensic interview with her children at Ralston House.
- The County has good services, but it all takes a great amount of time for the victim and can be a financial burden as well.
- These same services are also needed by victims of sexual abuse and elder abuse.
- She elaborated on statistics for DV and the impact of DV to children. Children who grow up with domestic violence are much more likely to abuse drugs or alcohol, commit suicide, commit a violent crime or repeat the cycle in adulthood.
- A FJC is a model approved by the US Justice Department as a best practice. There are about 130 FJCs around the nation. She went through some statistics showing very good results from these centers in decreasing the incidents of DV.

- A FJC would locate all the various agencies and services in one location for victims of domestic violence, sexual assault, elder abuse, human trafficking, crimes against children, and other forms of violence.
- It would make things much easier for the victims.
- It would enable collaboration of agencies to help the victim.
- It does not require a criminal case.
- It would be designed to not look like a government setting.
- The Family Justice Center Alliance (FJCA), based in California where the first FJC started in 2002, helps other communities tailor their Center to the needs of their community. When they came in July to learn about our county they remarked how well our agencies work together. On January 17-18 they will return to do some strategic planning with the County. Council is invited to come to that.
- 50 partners have already been identified so far. They include schools, hospitals, government departments, law enforcement, Seniors' Resource Center, Ralston House, JCMH, and Family Tree, among others. Please refer any services in Wheat Ridge that would help this effort.

Council questions

- Proposed location? There is no money, no land and no building, but they are looking. Closer to the Courthouse would be convenient for the agencies and for victims to interface with some of the services (e.g. getting a protection order at the courthouse).
- What will the FJC look like logistically to be able to provide various services? Those issues will be addressed during strategic planning. The session with FJCA in January will produce a business plan with goals and objectives.
- The Center should not be in Golden because bus service to Golden is not good.
- Why aren't the commissioners listed as partners? The Commissioners are in support.
- What is the structure of the organization? The Executive Committee makes policy decisions; the Steering Committee are boots on the ground; under the Steering Committee are four work groups (governance and finance, service and delivery, community outreach, and funding and sustainability).
- Are there efforts to work with Workforce? Yes. Resume building will be an element. Suggest outreach to employers so victims don't lose their jobs.
- Metrics to measure success? Working with the University of Denver Research Department on metrics (they helped the Denver center) and they're helping us find funding.
- What do you want from Wheat Ridge? Support, and references to any services or areas of expertise that would help the project (Funding? Location? Donations of office equipment or furniture?).

The guests were thanked for their presentation and asked to keep the Council updated.

3. Cultural Vision – Cultural Commission – Diane Robb

Diane Robb, Chair of the Cultural Commission, had the commission member who were present introduce themselves: **Carol Mathews**, District 4; **Sandra Vance**, District 4; **Gay Porter DeNileon**, At-large; **Gerith Gronski**, District 3; Dave **Opp**, District 3.

Diane Robb gave a brief introduction on the Cultural Vision for the City that the Cultural Commission has developed. (The actual document was in the Council packet.) She added:

- It is a working document; no approval is needed at this time.
- Their goal is not to dictate type or style, but to facilitate and encourage.
- The first Action Steps will be to share the vision with the community. They will work with the City staff to create a marketing campaign – to include brochures and other marketing materials to share with all parties.
- The Cultural Commission will share progress with the Council as time goes on.

Ms. Robb fielded questions and comments from the Council.

- They want everyone to think about arts and culture with each project the City does. A brochure for developers would not dictate anything, but would inform the developer that Wheat Ridge believes in and encourages arts and culture.
- What will the online resource network look like? Although that is just in the planning stages, they would like a stronger presence on the City website. It's kind of buried right now.
- Mr. Goff explained there is no requirement for developers to contribute to art. A portion of their fees is placed into the Public Art Fund. City and State projects also contribute 1% to the Public Art Fund. Per policy, when a City project is done, 1% of the budget is spent on art.
- Art on Loan Program is used in many cities. They invite artists to loan and display a piece of art for a period of time. Effort are made to sell the piece(s), or collect money from people for their favorite piece(s). It is a fundraising tool. That would be a ways off for us; we'd need to raise money for this first.
- If a private business wants to place art, that's their business. We want to encourage businesses to do this; it increases value of the property and the area. Want to be a resource for them.
- Any working relationships with art groups in the city, county, colleges? Yes, they are reaching out to many arts organizations; they are watching and learning. The last few years things are starting to come together for the Cultural Commission. We have more ideas than we can implement. They feel like they are at the ground level and it is starting to snowball.
- What about metrics to see if we are growing -- with artists and the number of pieces sold, to measure revenue generation? As the Cultural Commission becomes more relevant, the more aware we are of artists in the community. We have a huge base of professional artists in WR that support their family through art. Metrics are on the to-do list. Councilmember Urban noted that the National Center for the Arts has an Arts Vibrancy Index that has metrics.

4. Withdrawal Management Services – MOU

Mr. Goff gave Council background for the Memorandum of Understanding.

- With the closure of Arapahoe House the cities in Jefferson County pursued a way to provide detoxification services.

- Jefferson Center for Mental Health (JCMH) agreed to provide these services at the former Arapahoe House facility located at 4643 Wadsworth Boulevard in Wheat Ridge.
- JCMH officially took over these services from Arapahoe House at the end of June 2017 and recently purchased the property.
- Second floor remodeling is underway to allow for additional integrated services.
- The MOU under consideration for approval establishes the funding obligations of the local government members and the powers and obligations of JCMH.
- JCMH needs ½ million dollars subsidy annually. Wheat Ridge's share for 2018 will be $30,100, with future payments increased annually by the percentage of growth shown in the Denver-Boulder-Greeley consumer price index.
- The 2018 budget includes the necessary funding for 2018.
- The MOU is effective January1. Would like this approved next Monday.

During discussion the following topics were addressed.

- Nothing was cut to provide this service in our budget.
- The MOU contains reporting requirements.
- How often is a crime involved? We don't have that information; may have better data in the future.
- Discussion about the possibility of recovering costs through adjudication.
- With no jail, we have few options. Transportation to the county jail is cumbersome and expensive. We can't put someone in jail for being drunk; a detox facility is equipped to handle these folks – better than a hospital and better than the jail.
- This facility provides only short term detox – no long term rehab. JCMH has other facilities for that.
- JCMH will also get $1.2M from the state, plus Medicare and Medicaid payments from some, and out-of-pocket payments. As a non-profit they have more resources than Arapahoe House did, so that may help them be sustainable.
- There are lobbying efforts underway at the state to get more funding – since this service was state mandated in the 1970's.
- It is an impact, to Wheat Ridge, but it's not new. Clients can be taken to jail if they are violent or unmanageable.
- Security will remain appropriate. There weren't many issues with Arapahoe House.
- Lutheran Hospital has a stake in this too.
- Would like to see a discharge plan so not all clients are released into Wheat Ridge.

Councilmember Fitzgerald received unanimous consent to bring the MOU forward on Monday and pay the bill.

1. Staff Report(s)

National League of Cities

Mr. Goff reminded councilmembers of the National League of Cities conference in March. Three persons are budgeted to attend, and personal outreach funds can be used of necessary. It provides an opportunity to meet with our Congressional delegation. Contact Janice soon if you are interested.

Council Retreat?
Mr. Goff posed the question of having another retreat. Lengthy discussion followed.

Councilmember Hoppe asked for consensus to organize and prioritize the action items from the last retreat in an informal off-site setting, and then to have a new facilitator and a new retreat process sometime in the first quarter of 2018.

Following more discussion there was consensus to use a couple of study sessions to discuss the information from the last retreat, and following that schedule a new retreat.

5. Elected Officials' Reports

Janeece Hoppe The WR Business District will be meeting this week. There have been some applications for extended façade grants. ~ She asked if there could be council district pages on the city website where councilors could post things. Mr. Goff said that would be possible.

Leah Dozeman reported on her participation in the Futures Conference on Reimagining Wheat Ridge Area Schools. Five committees were created to work on a common vision for WR area schools and how to collaborate, strengthen our schools, and get students to go to WRHS. She also reported participating in a meeting at Pennington school last week. The District is proposing the school become an expeditionary learning program. More information will be coming on what that is. ~ She announced that she and Larry Mathews would be having a Meet & Greet on Tuesday, December 12 at 6:30pm at Pietra's Pizza, 44th & Field. Constituents are invited to come discuss issues.

Mayor Starker asked if Ms. Dozeman and Ms. Hoppe would like to serve in the positions of liaison to the Jefferson County School Board. They agreed. Ms. Hoppe agreed to serve on the Applewood Business District.

Clerk Janelle Shaver reminded the folks who ran for office that their 2nd financial reports are due December 7.

Mayor Starker thanked everyone who contributed and participated in the Holiday Lighting event. It was a great success.

ADJOURNMENT The Study Session adjourned at 8:19 p.m.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON January 8, 2018

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Tim Fitzgerald, Mayor pro tem

City of Wheat Ridge

ITEM NO: 1a.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE PAYMENT TO FARIS MACHINERY COMPANY OF COMMERCE CITY, COLORADO, FOR ONE 2018 ELGIN PELICAN MECHANICAL STREET SWEEPER WITH OPTIONS IN A TOTAL AMOUNT NOT TO EXCEED $199,705.

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO

Public Works Director **City Manager**

ISSUE:
Purchase of a 2017 Elgin Pelican-NP, 3-wheel mechanical street sweeper, to replace the existing, high use and obsolete 1999 Elgin Pelican 3-wheel mechanical street sweeper, The total cost of the sweeper with options, including preparation for use, is not to exceed $199,705.

PRIOR ACTION:
None

FINANCIAL IMPACT:
Funding for the purchase of the new street sweeper, including options and markings, is available in account 01-303-800-807, Fleet Replacement of the approved 2018 budget. The total cost of the street sweeper is $199,705. The City will be receiving a $75,000 grant, which was awarded to the City in October of 2016 by the Regional Air Quality Council (RAQC), to be used exclusively towards the purchase of the new mechanical street sweeper requested.

BACKGROUND:
After contacting the two available mechanical street sweeper supply companies located in the Denver area, it was determined the City would best be served by using the National Joint Powers Alliance (NJPA), a cooperative service which performs national research to obtain the best prices.

The City of Wheat Ridge has an account with NJPA and has benefitted from utilizing the national agreements on other occasions. Additionally, NJPA satisfies competitive bid process requirements of the City, and is endorsed by the State of Colorado's purchasing office. Staff also researched other national cooperative organizations and did not find other, comparable awards for a 3-wheel mechanical sweeper given the size, versatility, maneuverability and budgetary requirements.

By utilizing NJPA, the appropriately sized 3-wheel street sweeper can be provided by Faris Machinery, a dealer located in Commerce City, Colorado. The existing, obsolete 3-wheel mechanical sweeper will be taken to auction.

The existing 3-wheel street sweeper, unit 264 is a 1999 Elgin 3-wheel mechanical sweeper, Pelican model. The original total purchase price was $87,940. The current hour meter reading is approximately 8,500 hours. The City's current replacement policy for this type of equipment is 10,000 hours and/or 10 years of service.

The City vehicle and replacement policy, revised by the City Council in 2011, was utilized to determine replacement eligibility. This policy essentially provides replacement guidelines that consider long-term effective service life and costs for budgeting purposes. Among the guidelines considered are age, high/rising maintenance and repair costs, operating costs, excessive down-time of equipment, parts or service no longer available, poor utilization, updated legal considerations, etc.

RECOMMENDATIONS:
Staff recommends the purchase of the following vehicle this year:

1. One (1) new model year 2018 Elgin Pelican 3-wheel mechanical street sweeper from Faris Machinery of Commerce City, Colorado, to replace one (1) existing, high use and obsolete Elgin Pelican 3-wheel mechanical street sweeper, unit 264 in the Operations division of the Public Works department.

RECOMMENDED MOTION:
"I move to approve payment to Faris Machinery Company of Commerce City, Colorado for one 2018 Elgin Pelican 3-wheel street sweeper with options in a total amount not to exceed $199,705."

Or,

"I move to deny approval of payment to Faris Machinery Company of Commerce City, Colorado for one 2018 Elgin Pelican 3-wheel street sweeper with options in a total amount not to exceed $199,705 for the following reason(s): _____."

REPORT PREPARED/REVIEWED BY:
Greg Knudson, Operations Manager
Scott Brink, Public Works Director
Jennifer Nellis, Purchasing Agent
Patrick Goff, City Manager

ATTACHMENT:
1. Faris Machinery Company Quotation

FARIS MACHINERY
TOUGH JOBS | TOUGH MACHINES

5770 East 77th Ave
Commerce City, CO 80022
o | 303 289 5743
f | 303 287 9273

2269 Commercial Blvd
Colorado Springs, CO 80906
o | 719 527 1016
f | 719 527 1019

farismachinery.com
772 Valley Court
Grand Junction, CO 81505
o | 970 242 4997
f | 970 242 4783

November 28, 2017

Mr. Greg Knudson
City of Wheat Ridge
11220 West 45th Ave.
Wheat Ridge, CO 80033

Dear Greg:

We are pleased to quote prices on the following Elgin Pelican NP Street Sweeper based on the NJPA contract #022014-FSC. The unit is equipped as follows:

Part Number	Description	Price
1120847	Elgin Pelican NP Street Sweeper with dual side brooms, high dump hopper, 74 hp John Deere diesel engine, painted white. Additional Equipment to Include: Air cleaner, two-stage, dry type with restriction indicator Air conditioner Alternator, 120 amp. Anti- siphon water fill Automatic engine shutdown (oil pressure/engine temperature) Automatic pickup in reverse B20 biodiesel compatible Back up alarm, electric Battery, maintenance free Brakes, power Broom, main, hydraulically suspended Broom, main, in cab pressure control Broom, main, prefab, disposable Broom, side broom, hydraulically suspended Broom, side broom, in cab pressure control Bumper pads, front jack Coolant recovery system Doors, see through glass, prop-able Electronic Throttle Engine, hour meter Gauges & Warning lights: engine oil temperature engine oil pressure fuel level	$193,500.00

ATTACHMENT 1

speedometer & odometer w/trip set
Fenders, over front wheels
Flushing system for hopper/conveyor
Fuel tank, 35 gallons
Fuel Water separator with indicator light
Heater, pressurizer with filtered air, defroster
Hose, hydrant fill, 16' 8" with coupling
Light, spotlight, adjustable, one per side broom
Lights, 2 combinations, tail/stop lights
Lights, headlights, multiple beam
Lights, low water light
Low Hydraulic Warning
Main broom controls in cab
Manuals, operator and parts
Mirror, inside rear view
Mirrors, outside, front mounted 6" fish eyes
Mirrors, outside, front post mounted, west coast type, one each side
Parking brake with interlock
Rear Camera & in cab monitor
Return to sweep feature
Seat Belts (both sides for dual)
Seats, extra wide cordura suspension seats with arm rests
Signals, self-canceling directional with hazard switch
Sprung guide wheel, heavy duty
Steering wheel, tilt and telescoping
Sun visors
Tachometer, diesel engine
Tires, tubeless radials
Tow loops, four
Water tank, fill gauge
Water tank, molded polyethylene: 220-gallon total nominal capacity
Wheels, dual guide
Wheels painted grey
Window, opening front opera
Windshield washer
Windshield wipers with intermittent setting
Windshield, tinted

0701443	Pelican Operator's Book	N/C
0702261	Pelican Parts Book	N/C
0702020	Elgin Safety Book	N/C
0702453	Elgin Pelican Service Book	$95.00
1120820	Lower Conveyor Roller Flush	$495.00
1101320	Two LED Strobe Lights w/Protectors & Flashers	$2.215.00
1106698	Greaseable Carbide Dirt Shoes	$1,310.00
1101017	Heated Remote Controlled Mirrors	$1,240.00

1101065	Dual Heavy-Duty Limb Guards	$2,160.00
1101244	AM/FM/CD Audio System	$575.00
1089502	Left Hand Side Broom Tilt w/Indicator	$1,875.00
1089503	Right Hand Side Broom Tilt w/Indicator	$1,875.00
1088301	Right Hand Bostrom Air Ride Hi-Back Seat	$980.00
1089549	Right Hand Lockable Tool Box w/Hose Basket	$1,030.00
1101273	LED Stop/Tail/Turn Lights	$345.00
FRT-101-010	Freight to Colorado	$4,145.00
	Total Price FOB Wheat Ridge, Colorado	$211,840.00
	Less NJPA Discount	(6,355.20)
	Less Faris Machinery Preferred Customer Discount	(5,779.80)
	Total Price FOB Wheat Ridge, CO	$199,705.00
	Additional Options to Consider:	
1103124	Midwest Auto Lube System	$6,855.00
1087545	Conveyor Stall Alarm	$685.00
1087564	Strobe Lights in Battery Box Cover	$1,110.00
Special	PM-10 Water System	$3,990.00
Special	RAL Green Paint	$1,265.00
Special	Non RAL Green Paint	$3,715.00
EW-NP-NA-2PL	2-Year Parts and Labor Warranty	$3,115.00
EW-NP-NA-3PL	3-Year Parts and Labor Warranty	$4,590.00
	Note: All additional options are at the NJPA contract price.	

Terms: Net 30 days after receipt of the invoice.

Delivery: 12 to 14 weeks after receipt of the order.

Trade-In: None.

Prices are firm until January 12, 2018.

Thank you for the opportunity of quoting this equipment.

Sincerely
FARIS MACHINERY COMPANY

Greg Kuch
District Manager

ITEM NO: 1b.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION 07-2018 – A RESOLUTION GRANTING APPROVAL TO THE LONGS PEAK METROPOLITAN DISTRICT TO INCLUDE ADDITIONAL PARCELS WITHIN ITS BOUNDARIES AND TO PROVIDE SERVICE TO THOSE PARCELS

☐ PUBLIC HEARING ☐ ORDINANCES FOR 1ST READING
☐ BIDS/MOTIONS ☐ ORDINANCES FOR 2ND READING
☒ RESOLUTIONS

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney **City Manager**

ISSUE:
The City received a request from the Longs Peak Metropolitan District to provide written approval to allow the District to include property previously owned by Jefferson County into the District boundaries and to provide service to that property. Section 3 of the December 11, 2006 IGA between the City and the District requires the District to include within its boundaries any property that it will serve and also requires City approval of any change in boundaries.

PRIOR ACTION:
City Council approved the Longs Peak Metropolitan District Service Plan on March 13, 2006.

BACKGROUND:
On December 20, 2004, the City approved an Annexation and Development Agreement for property located west of Interstate 70, south of State Highway 58, north of West 32nd Avenue and east of Eldridge Street among Cabela's Retail Inc. and Coors Brewing Company. At that time, the Property was expected to be used for business and commercial purposes, including an approximately 200,000 square foot Cabela's retail store.

Seter & Vander Wall, P.C., representing the owners of this property, filed the Longs Peak Metropolitan District Service Plan with the City on February 21, 2006. Metropolitan districts in Colorado are common tools for financing the public infrastructure portion of large development projects. All special districts in Colorado organized under Title 32 of the Colorado Revised Statutes (C.R.S.) are required to file a service plan with the city council of the municipality in which the district is proposed. The purpose of the District is to provide public infrastructure improvements within and without the Property. The District will acquire and/or design, finance, construct and install public improvements for the use and benefit of the citizens of Wheat Ridge, the District's taxpayers and owners of the Property, and the public at large, accomplishing these purposes through the issuance and repayment of sales tax and public improvement fee bonds.

The approved Service Plan describes and sets forth those powers and authorities the District shall have as allowed by Colorado law. The exercise of such powers, however, will at all times be governed by and subject to the terms of the City IGA. State law allows local governments to exert significant control over the organization and operation of special districts. The service plan approval process is the key to exercising that control.

The Cabela's project did not move forward and Evergreen Devco, Inc. acquired the property owned by Cabela's in December 2016 with the intent of developing a mixed-use commercial and residential development, including a hospital campus as a major employment anchor. Evergreen also acquired adjacent parcels from Jefferson County after Foothills (Table Mountain) Animal Shelter was decommissioned and moved. These parcels were not originally included in the Longs Peak Metropolitan District Service Plan area and the District is now requesting approval from the City to include these additional parcels within its boundaries and to provide service to those parcels.

FINANCIAL IMPACT:
The is no direct financial impact to the City of Wheat Ridge authorizing the Longs Peak Metropolitan District to include additional parcels into its boundaries and to provide service to those parcels.

RECOMMENDATIONS:
Staff recommends approval of this Resolution.

RECOMMENDED MOTION:
"I move to approve Resolution 07-2018, a resolution granting approval to the Longs Peak Metropolitan District to include additional parcels within its boundaries and to provide service to those parcels."

Or,

"I move to table indefinitely Resolution 07-2018, a resolution granting approval to the Longs Peak Metropolitan District to include additional parcels within its boundaries and to provide service to those parcels for the following reason(s) _____."

_____

REPORT PREPARED BY:
Patrick Goff, City Manager
Jerry Dahl, City Attorney

ATTACHMENTS:
1. Resolution 07-2018
2. IGA dated December 11, 2006

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 07
Series of 2018

TITLE: A RESOLUTION GRANTING APPROVAL TO THE LONGS PEAK METROPOLITAN DISTRICT TO INCLUDE ADDITIONAL PARCELS WITHIN ITS BOUNDARIES AND TO PROVIDE SERVICE TO THOSE PARCELS

WHEREAS, The Wheat Ridge City Council approved the service plan for the Longs Peak Metropolitan District on March 13, 2006, and;

WHEREAS, the District has requested that the City Council approve an amendment to that plan to permit the district to include additional parcels of real property within its boundaries and to provide service to those parcels; and;

WHEREAS, the City Council finds and determines there will be no financial impact to the City as a result of this service plan and boundary change.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows**:**

The amendment to the service plan of the Longs Peak Metropolitan District by the addition of certain parcels of real property within the boundaries of the District and the district's provision of service to those parcels, in the location shown on the attached **Exhibit A**, is hereby approved.

DONE AND RESOLVED this 8th day of January, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

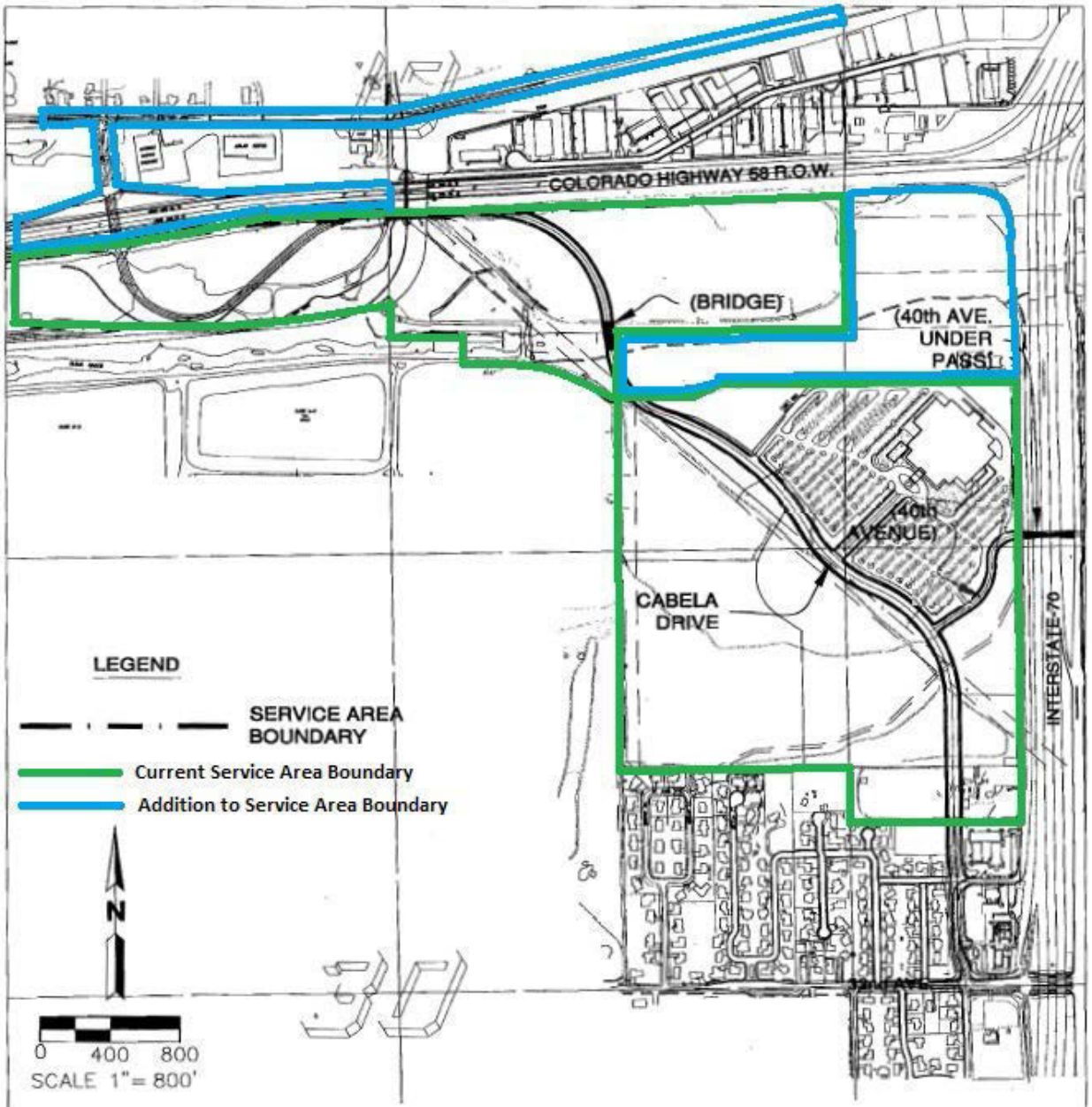
ATTACHMENT 1

EXHIBIT A
Depiction of boundary addition
[Attached]

Pursuant to Section 3.2 of the Intergovernmental Agreement between the City of Wheat Ridge ("City") and the Longs Peak Metropolitan District ("District") dated December 11, 2006, as amended, the City hereby provides its written approval for the District to include into its boundaries and/or provide services to the following parcels ("Parcels"):

1. Parcel ID 39-194-04-006
2. Parcel ID 39-194-04-007
3. Parcel ID 39-203-01-009
4. Parcel ID 39-203-01-008
5. Parcel ID 39-203-01-010

In addition, the City approves an expansion of the District's Service Area to include the "Addition to Service Area Boundary" as more or less depicted on the map attached to this correspondence as Exhibit A.



SERVICE AREA BOUNDARY

FEBRUARY 20, 2006

MARTIN / MARTIN
CONSULTING ENGINEERS

INTERGOVERNMENTAL AGREEMENT

Between
THE CITY OF WHEAT RIDGE, COLORADO
and
LONGS PEAK METROPOLITAN DISTRICT

THIS AGREEMENT is effective the 11 day of December, 2006, by and between the **CITY OF WHEAT RIDGE,** a home rule city of the State of Colorado (the "City"), and **LONGS PEAK METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"). The City and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to furnish public infrastructure improvements, facilities and services in connection with the development of property annexed to the City as the "Cabela's/Coors/Salter Property Annexation" (the "Annexation") under an Annexation and Development Agreement dated December 20, 2004 among the City, Cabela's Retail Inc., a Nebraska corporation ("Cabela's") and Coors Brewing Company, a Colorado corporation ("Coors"), and amendments thereto (collectively the "Annexation Agreement"); and

WHEREAS, the District is authorized to exercise powers in the District's Service Plan approved by the City on March 13, 2006 (the "Service Plan") and within its legal boundaries as now or hereafter constituted; and

WHEREAS, the City and the District have determined it to be in the best interests of their taxpayers, residents and property owners to enter into this Intergovernmental Agreement ("Agreement"), which is referred to in the Service Plan as the "City IGA," to promote the coordinated development of the Annexation property as referenced in the Service Plan;

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree:

COVENANTS AND AGREEMENTS

1. **City Land Use Powers Exclusive.** The City shall have and exercise sole and exclusive jurisdiction over land use and building regulation (*e.g.*, zoning, subdivision, building permit decisions) within the boundaries of the District subject to the provisions of the Annexation Agreement. The District shall take no action contrary to such decisions or orders of the City. District projects shall be subject to City regulatory authority as provided by state law, the Wheat Ridge Charter and Code of Laws, and covenants, conditions and restrictions imposed by the owners of the property included in the Annexation.

2. **Definitions.** Words and phrases not otherwise defined herein shall have the meaning ascribed to them in the Wheat Ridge Code of Laws. The following words and phrases shall have the meanings set forth below:

"Act" means the Special District Act, Colorado Revised Statutes §§32-1-101, *et seq.*

"Bond Indentures" are the agreements entered into by the District and a Trustee providing terms for the issuance and repayment of the Bonds in accordance with the terms set forth in this Agreement.

"Bonds" means the bonds issued by the District in accordance with the terms of the Act, consisting of both Tax-Free Bonds, to the greatest extent possible, and Taxable Bonds.

"CDOT" means the Colorado Department of Transportation.

"Cabela's" means Cabela's Retail, Inc., a Nebraska corporation, and its successors or assigns.

"Cabela's Project" means, collectively, the construction and operation of the Cabela's Store and other buildings and facilities within the District designed to attract retailers to the City (the "Retail Center"). The term "Cabela's Project" includes parcels of land owned by Coors within the Property that may be developed in the future (collectively the "Coors Parcels"). The Cabela's Store, the Retail Center and the Coors Parcels constitute the "Cabela's Project," all as shown on **Exhibit 1**.

"Cabela's Store" means an approximately 200,000 square foot retail facility on the Property to be constructed, owned and operated by Cabela's, and by the District as to any Public Facilities located therein. The term "Cabela's Store" does not include related parking facilities.

"Coors" means Coors Brewing Company, a Colorado corporation.

"Property" means the area included within the legal boundaries of the District, as shown on **Exhibit 1**.

"Public Facilities" are only those portions of the Property and the Cabela's Store that are owned by the District and are available and used primarily by the District and the public as museum and/or public meeting spaces. Parking facilities, open space, trails, bicycle and pedestrian areas and ways are not Public Facilities.

"Public Improvement Fee" has the meaning ascribed to it in Section 7.

"Public Improvement Fee Bonds" has the meaning ascribed to it in Section 7.

"Public Improvement Fee Improvements" are those Public Improvements listed on **Exhibit 5**, which is described in Section 4.1.

"Public Improvements" are all of the facilities listed on the attached **Exhibit 3** and include the Public Infrastructure, the Public Roadway Improvements and the Public Facilities.

"Public Infrastructure" includes park and recreation facilities, water, sanitation and utility lines and facilities, parking facilities, drainage improvements and other Public Improvements that are not included within Public Roadway Improvements or Public Facilities.

"Public Roadway Improvements" include any access interchanges, ramp improvements, road

widening and other roads or streets deemed reasonably necessary to improve public access to the Property and their design and construction.

"Sales Tax Bonds" has the meaning ascribed to it in Section 6.

"Sales Tax Improvements" means those Public Improvements listed on **Exhibit 4**, which is more fully described in Section 4.1.

"Shared Sales Tax" has the meaning ascribed to it in Section 6.1.

"Taxable Bonds" means the portion of the Bonds to be used for acquisition and/or construction of Public Improvements that do not qualify for funding by federal tax-exempt obligations under the Internal Revenue Code. The Taxable Bonds will have a maturity not to exceed forty (40) years, and will bear interest at a rate or rates consistent with the limits set forth in this Agreement.

"Tax-Free Bonds" means the portion of the Bonds to be used for acquisition and/or construction of Public Improvements that qualify for funding by federal tax-exempt obligations under the Internal Revenue Code. The Tax-Free Bonds will have a maturity not to exceed twenty-five (25) years and shall bear interest at a rate or rates consistent with the limits set forth in this Agreement.

"Trustee" means the trustee appointed to serve in such role in accordance with the Bond Indentures.

"Wheat Ridge Code of Laws" means the municipal code and ordinances of the City of Wheat Ridge, Colorado as adopted and as amended from time to time by the Council.

3. **Change in Boundaries: Service Area.**

3.1 The District may include additional property within its legal boundaries if such property is located within the Service Area shown on the map attached as **Exhibit 2,** as the same may be amended in writing by both Parties from time to time, without further approval or consent of the City, provided that such property is also within the corporate limits of the City.

3.2 Subject to applicable provisions of state law, if any person owning property in the Service Area petitions the City for annexation of such property, the City shall make it conditions of the annexation that:

(i) the petitioners will, within sixty (60) days after the effective date of the annexation, petition the District for inclusion into the legal boundaries of the District of any annexed property that is not included in the District at the time of annexation,
(ii) that the property to be annexed shall be made subject to the Public Improvement Fee, and
(iii) that the property to be annexed shall be made subject to all preexisting debt of the District.

The District will in the exercise of its sound discretion use reasonable efforts consistent with law to include such property within its legal boundaries. The inclusion of property into the legal

boundaries of the District, which property is then within the City but not within the Service Area, the exclusion of property from the District, and the furnishing of District services outside its legal boundaries shall be subject to the prior written approval of the City. In no event shall the District include into its legal boundaries any property not located within the corporate limits of the City at the time of inclusion.

3.3 Any change in the legal boundaries of the District that is consistent with this Section 3 shall not constitute a material modification of the Service Plan.

4. **Construction of Public Improvements.**

4.1 The District shall acquire, construct and/or install all of the Public Improvements listed on **Exhibit 4** attached hereto (the "Sales Tax Improvements"). The District may in its discretion acquire, construct and install any or all of the Public Improvements shown on **Exhibit 5** attached hereto (the "Public Improvement Fee Improvements"). The District will design and bid construction contracts for, and account separately for all costs of design, construction and/or acquisition and/or installation of Sales Tax Improvements. The District shall provide the City with all invoices and supporting information, contemporaneously with payment of invoices for the Sales Tax Improvements, to enable the City to verify all costs related to such improvements.

4.2 The Parties will work in good faith with each other to ensure that all of the Public Improvements are acquired and/or constructed in a manner and timing sequence that:

(i) utilizes resources in a logical and efficient manner,
(ii) minimizes delays on other portions of the Cabela's Project,
(iii) complies with all necessary requirements of governmental entities with jurisdiction over the various aspects of the Public Improvements; and
(iv) allows the Parties to fulfill their respective obligations in a timely manner under this Agreement.

4.3 The Parties shall exercise their regulatory powers to the fullest extent provided by law to require owners of Property to dedicate at no cost to the City, the District, or any other Operating Agency as defined in Section 5 below, as appropriate, those property interests owned by them which are necessary to accommodate Public Improvements reasonably required to serve such Property. The Parties shall take any actions deemed reasonably necessary to construct the Public Roadway Improvements, including but not limited to the exercise of powers of eminent domain or condemnation (within the limits imposed by law) for right-of-way or easements. The District will reimburse the City for any and all costs incurred or expended by the City in connection with the acquisition of property interests necessary for Public Improvements, whether by eminent domain or otherwise, including process costs and consideration paid for property interests. Reimbursement shall be made in full within sixty (60) days after submittal of the City's invoice for such expenses, or upon the initial issue of any Bonds, whichever occurs later. Such costs shall be made a part of the costs of construction funded by the Bonds. Concurrently with such reimbursement, the City will transfer and assign to the entity or agency that will own, operate and maintain the same as set forth on **Exhibit 6** (the "Operating Agency"), the property interests acquired by it for which property interests the reimbursement is made.

4.4 The District's exercise of its discretion to acquire, construct and/or install any or all Public Improvement Fee Improvements shown on **Exhibit 5** shall be subject to the provisions of this Section 4.4. The maximum capital expenditure by the District for the construction of Public Facilities will be:

(i) one hundred percent (100%) of the cost of Public Facilities that can be priced as individual expense items; and

(ii) a pro-rata share of the cost of Public Facilities that are part of the condominium regime as declared on the Property, whereby the District would pay a percentage of such costs in an amount equal to the District's percentage ownership of said items in the condominium regime (which may vary, depending upon the items in question).

The Public Facilities shall be available for use by all residents of the City and members of the general public, as the District reasonably determines, subject to reasonable fees or charges, if any, as may be imposed by the District from time to time. The Public Facilities within the Cabela's Store shall be designated as a separate condominium unit and shall be deeded to and shall be owned, operated and maintained by the District. It is anticipated that the Public Facilities will be exempt from ad valorem taxation by virtue of ownership by the District. Any management agreement between the District and Cabela's for the Public Facilities shall be subject to prior review by the City.

4.5 **40th Avenue Underpass.** The 40th Avenue Underpass is a Public Improvement and appears in the list of Public Improvements on **Exhibit 4**, as one of the "Sales Tax Improvements." Notwithstanding any provision of this Agreement to the contrary, the cost of design construction, construction inspection and contingency for the 40th Avenue Underpass shall be paid in the manner set forth in the Intergovernmental Agreement between the District and the Colorado Department of Transportation with respect to such construction.

4.6 **Improvements to 44th and Youngfield and 32nd Avenue .**

(a) Youngfield/44th Avenue. The City shall construct and complete improvements to 44th Avenue/Youngfield, using City funds, prior to the issuance of the Certificate of Occupancy for the Cabela's Store. These improvements shall include widening Youngfield Street to four (4) lanes from 38th Avenue to 44th Avenue, including lane improvements on 44th Avenue from Youngfield Street to Ward Road to provide a double left turn southbound at Youngfield.

(b) **32nd Avenue.** The City shall contribute Three Million Two Hundred Sixty Eight Thousand Dollars ($3,268,000) to the cost of construction of the improvements to 32nd Avenue, within thirty (30) days of receipt by the City of a contractor's invoice from the Metropolitan District for the same.

4.7 **Reimbursement of CDOT Design.** The parties acknowledge that CDOT will participate in the cost of design of certain Public Improvements. The District shall reimburse the City for any portion of those costs paid to CDOT by the City.

4.8 **Other Public Improvements.** The District will not, without the prior written approval of the City Council, in its sole and unfettered discretion, undertake the acquisition or construction of additional improvements not listed on **Exhibit 3** or take any other action that would or might reasonably have a claim upon the Shared Sales Tax or Public Improvement Fee revenues, or that may prolong the time within which Bonds dependent upon such revenues will be paid.

5. **Standards and Dedication for Operation and Maintenance.** The District will dedicate all Public Improvements to the entity or agency that will own, operate and maintain them (the "Operating Agency"), as provided on **Exhibit 6**, upon completion of each such improvement. All Public Improvements shall be constructed pursuant to the standards and specifications of the City. The District shall construct or insure construction of Public Improvements in accordance with the standards of the Operating Agency to which they are to be dedicated or conveyed. The requirements and process for dedication of each Public Improvement shall be governed by applicable rules and regulations of the relevant Operating Agency. All public street improvements shall be subject to the operational control and jurisdiction of the City as public streets and shall be fully available and accessible to all members of the public, subject to the ordinances and regulations of the City applicable generally to similar facilities throughout its corporate limits even if they are owned and maintained by the District. Cabela's and the District may enter into a management agreement under which Cabela's will assume certain responsibilities for maintenance, operation and improvement of the Public Facilities.

6. **Shared Sales Tax; Sales Tax Bonds, Shared Use Tax.**

6.1 As of January 1, 2006, the City assesses a sales tax at a rate of three percent (3%) pursuant to the provisions of Chapter 22 of the Wheat Ridge Code of Laws. The City's total sales tax revenues will increase as a result of the development of the Property. The City will share with the District a portion of the sales tax revenues from retail sales occurring within the District's boundaries for the purpose of paying debt service on the Sales Tax Bonds issued for the Sales Tax Improvements listed in **Exhibit 4**. The amount to be shared shall be that portion of the City's sales tax generated from retail sales within the District's boundaries at a rate of one and two-tenths percent (1.2%) of the amount of such retail sales (the "Shared Sales Tax") for a term which shall commence on the date the first Sales Tax Bonds are issued and expire on the earlier to occur of:

(i) payment of all principal and interest on Bonds issued by the District to pay for the Sales Tax Improvements (the "Sales Tax Bonds") or
(ii) on the last day of the year which is twenty-five (25) years after the date the first Sales Tax Bonds are issued.

In no event shall the term of Shared Sales Tax extend later than twenty-five (25) years after the date of the first payment on Sales Tax Bonds. The term of the Shared Sales Tax established hereby is absolute and shall not be extended for any reason, including without limitation extension of the term of, or default in the payment of principal or interest on any Sales Tax Bonds.

6.2 The City's sales tax rate within the boundaries of the District shall not be reduced for any reason to a rate less than the rate of the Shared Sales Tax (1.2%).

6.3 The City will account separately for all of the Shared Sales Tax upon receipt and remit collected Shared Sales Tax to the District within thirty (30) days after receipt by the City. All remittances shall be made only from the Shared Sales Tax actually collected. Except as provided in Section 6.13 (Shared Use Tax), the City shall have no obligation to make payments to the District from any other revenue source. The City's obligations under this Section shall be limited to remitting the Shared Sales Tax collected by it. The City shall not have any obligation to the Sales

Tax Bond holders for the collection of Shared Sales Tax Revenues, or for payment of the Sales Tax Bonds.

6.4 The City will enforce and collect sales taxes to be shared pursuant to this Section to the same extent it does so outside the District's boundaries.

6.5 Within one hundred twenty (120) days after the end of each City fiscal year, the City shall deliver to the District a statistical report of all sales taxes received in such fiscal year from the sales within the District, classified to prevent the identification of a particular return or report unless a waiver of confidentiality has been obtained from any identified retailer.

6.6 The District shall have the right to audit or contest, at its sole expense, the City's computation of Shared Sales Tax. However, under no circumstances shall the City or its representative be under any obligation in connection with such audit to disclose individual sales tax returns or reports or any information or documents from which individual sales taxes could be ascertained or determined, as the Parties recognize that such individualized information is confidential and cannot be disclosed unless a waiver of confidentiality has been obtained from any identified retailer. Except in the case of contests for which the District has alleged breach of this Agreement, audits shall not occur more than once annually at the time the City subjects its records to audits required by state law. In cases of contest for which the District has alleged breach of this Agreement, the District may conduct an additional audit at its expense.

6.7 Within one hundred twenty (120) days after the end of each fiscal year the District shall provide the City with a full and complete accounting of the expenditure of all funds received by the District under the provisions of this Section 6 and Section 7 below during the previous fiscal year, in sufficient detail to enable the City to confirm that all expenditures were made for the purposes authorized by this Agreement.

6.8 Any payments by the City under this Section are subject to annual appropriation by the City acting in its sole and exclusive discretion; provided, however, that it is the present intent and expectation of the Parties that the City will in fact make all of the payments contemplated by this Agreement. The City Manager or any other officer or employee of the City charged with the responsibility for formulating the proposed budget of the City is hereby directed to include in the budget proposal submitted to the City Council in each year this Agreement is in effect, amounts sufficient to pay the Shared Sales Taxes to the District, to the full extent that the City shall have received such amounts or reasonably anticipates receiving such amounts payable under this Agreement. If the City does not budget and appropriate sufficient funds for any payment, the City shall provide prompt written notice thereof to the District.

6.9 As of the date of this Agreement, the Parties believe that the Sales Tax Improvements will cost Twenty Two Million Dollars ($22,000,000) . Accordingly, the District shall be authorized to issue Sales Tax Bonds in an amount up to:

(i) Twenty Two Million Two Hundred Fifty Thousand Dollars ($22,250,000) based on the current costs set forth in **Exhibit 4** without any further approval required by the City on such amount; and

(ii) up to an additional One Million Two Hundred Fifty Thousand Dollars ($1,250,000) (for a total of Twenty Three Million Five Hundred Thousand Dollars ($23,500,000) of Sales

Tax Bonds) if the City Council first approves a resolution to authorize such additional debt, which action shall not be deemed a material modification of the Service Plan.

Issuance of Sales Tax Bonds in an aggregate amount in excess of Twenty Three Million Five Hundred Thousand Dollars ($23,500,000) shall be a material modification of the Service Plan and shall not be undertaken unless and until such modification is approved by the City Council pursuant to §32-1-207, C.R.S.

6.10 All Sales Tax Bonds shall be Tax-Free Bonds and shall be issued upon terms, including interest rates and underwriter discount, that are consistent with and reflect market rates and conditions for bonds similar in character to the Sales Tax Bonds then being issued, at the time of their issue, and the term thereof shall not exceed twenty-five (25) years from the date the first Bonds are issued.

6.11 The proceeds of the Sales Tax Bonds, net of costs of issuance and underwriter's discount, shall be used solely and exclusively to fund the acquisition and construction of the Sales Tax Improvements described on **Exhibit 4**. Shared Sales Tax shall be used solely and exclusively to pay principal and interest on the Sales Tax Bonds. The District may use property taxes and other revenues legally available to it, to pay Sales Tax Bonds and may issue general obligation bonds or any other lawful form of indebtedness in lieu of or in addition to Sales Tax Bonds to fund Sales Tax Improvements.

6.12 Nothing herein shall be construed to limit the right of the District to impose or collect, or cause to be imposed or collected, public improvement fees, taxes, assessments or similar charges for the purpose of providing, operating or maintaining District facilities or services to serve the Property.

6.13 Shared Use Tax.

(a) As of January 1, 2006, the City assesses a use tax at a rate of three percent (3%) pursuant to the provisions of Chapter 22 of the Wheat Ridge Code of Laws. The City's total use tax revenues will increase as a result of the development of the Property. The City will share with the District fifty percent (50%) of the use tax revenues received from the imposition of said tax on building materials and supplies used within the District's boundaries ("Shared Use Tax"). Said Shared Use Tax revenues shall be used only for the purpose of paying debt service on the Sales Tax Bonds issued for the Sales Tax Improvements listed in **Exhibit 4.** The term of the City's obligation to make payment of the Shared Use Tax under this Section 6.13 shall commence on the date the first Sales Tax Bonds are issued and expire eight (8) years thereafter.

The term of the Shared Use Tax established hereby is absolute and shall not be extended for any reason, including without limitation extension of the term of or default in the payment of principal or interest on any Sales Tax Bonds.

(b) The City's use tax rate within the boundaries of the District shall not be reduced for any reason to a rate less than the rate of the Shared Sales Tax (1.2%).

(c) The City will account separately for all of the Shared Use Tax upon receipt and remit collected Shared Use Tax to the District within thirty (30) days after receipt by the City. All

remittances shall be made only from the Shared Use Tax actually collected. The City's obligations under this Section 6.13 shall be limited to remitting the Shared Use Tax collected by it. The City shall not have any obligation to the Sales Tax Bond holders for the collection of Shared Use Tax revenues, or for payment of the Sales Tax Bonds.

(d) The City will enforce and collect use taxes to be shared pursuant to this Section 6.13 to the same extent it does so outside the District's boundaries.

(e) Within one hundred twenty (120) days after the end of each City fiscal year, the City shall deliver to the District a statistical report of all use taxes received in such fiscal year from imposition of the use tax upon building materials and supplies within the District, classified to prevent the identification of a particular return or report unless a waiver of confidentiality has been obtained from any identified taxpayer.

(f) The District shall have the right to audit or contest, at its sole expense, the City's computation of Shared Use Tax. However, under no circumstances shall the City or its representative be under any obligation in connection with such audit to disclose individual use tax returns or reports or any information or documents from which individual use taxes could be ascertained or determined, as the Parties recognize that such individualized information is confidential and cannot be disclosed unless a waiver of confidentiality has been obtained from any identified taxpayer. Except in the case of contests for which the District has alleged breach of this Agreement, audits shall not occur more than once annually at the time the City subjects its records to audits required by state law. In cases of contest for which the District has alleged breach of this Agreement, the District may conduct an additional audit at its expense.

(g) Any payments by the City under this Section 6.13 are subject to annual appropriation by the City acting in its sole and exclusive discretion; provided, however, that it is the present intent and expectation of the Parties that the City will in fact make all of the payments contemplated by this Section 6.13. The City Manager or any other officer or employee of the City charged with the responsibility for formulating the proposed budget of the City is hereby directed to include in the budget proposal submitted to the City Council in each year this Agreement is in effect, amounts sufficient to pay the Shared Use Taxes to the District, to the full extent that the City shall have received such amounts or reasonably anticipates receiving such amounts payable under this Section 6.13. If the City does not budget and appropriate sufficient funds for any payment, the City shall provide prompt written notice thereof to the District.

7. **Public Improvement Fees; Public Improvement Fee Bonds.**

7.1 The owners of the Property (the "Owners") have imposed or will impose by covenant or lease a public improvement fee, payable to the District, of one and four-tenths percent (1.4%) on the amount of all sales or other transactions occurring within the boundaries of the District that are subject to the City Sales Tax while the Sales Tax Bonds are outstanding (the "Public Improvement Fee"), and one and six-tenths percent (1.6%) on the amount of all sales or other transactions occurring within the boundaries of the District that are subject to the City Sales Tax thereafter during the remaining term of the Public Improvement Fee. The City's Sales Tax will be charged on the combined total of the subject sales transaction and the Public Improvement Fee payable with respect to such transaction.

7.2 Subject to the provisions of Section 8.2 below, the Public Improvement Fee may be imposed for a term not to exceed forty (40) years from the date of issuance of the first Public Improvement Fee Bonds.

7.3 Concurrently with this Agreement, the District and the City have entered into a PIF Collecting Agent Agreement pursuant to which the District has appointed the City as its agent ("Collection Agent") to collect the Public Improvement Fee. As Collection Agent, the City shall collect Public Improvement Fee revenues in the same manner as the City's Sales Tax is collected within the boundaries of the District. The City will not be responsible for collection of unpaid Public Improvement Fee revenues or for enforcing the Public Improvement Fee covenants. The City's responsibility shall be limited to remitting Public Improvement Fee revenue actually collected by it to the District or the Trustee and advising the District of the failure of any person to pay such fee. The City shall be entitled to retain a portion of the Public Improvement Fee revenue reasonably calculated to cover the City's cost of collection and remittance to the District. The City and the District will cooperate to develop forms and procedures intended to implement the orderly and uninterrupted collection of Public Improvement Fee revenues. Public Improvement Fee revenues in the hands of the City shall be deemed funds collected for another government within the meaning of Colo. Const. Article X, §20(2)(e). The City or the District may terminate the City's services as Collection Agent upon not less than one hundred eighty (180) days notice to the other party.

7.4 Subject to the provisions of Sections 7.7 and 8.2 below, the Public Improvement Fee revenues shall be used by the District to pay the costs to acquire, construct, install and maintain the Public Improvement Fee Improvements listed on **Exhibit 5**, for which Shared Sales Tax, Shared Use Tax, and the proceeds of Sales Tax Bonds shall not be used. The District may issue Tax-Free Bonds or Taxable Bonds to finance the costs of Public Improvements not financed with Shared Sales Tax (the "Public Improvement Fee Bonds"). If the Public Improvement Fee Bonds are paid in full prior to the Sales Tax Bonds being paid in full, then the Public Improvement Fee shall be used by the District to pay principal and interest on the Sales Tax Bonds. Additionally, if in any fiscal year before the Sales Tax Bonds have been paid in full, Public Improvement Fee revenues received by the District exceed the scheduled debt service on the Public Improvement Fee Bonds for such year, the District shall remit the excess Public Improvement Fee revenues to the Trustee for the Sales Tax Bonds to be applied to the payment of principal and interest on the Sales Tax Bonds. Subject to the foregoing and to the provisions of Sections 7.7 and 8.2, Public Improvement Fee revenues shall be used solely and exclusively to pay the costs of the Public Improvement Fee Improvements and principal and interest on the Public Improvement Fee Bonds. Net proceeds of the Public Improvement Fee Bonds shall be used solely and exclusively to acquire or construct Public Improvements.

7.5 As of the date of this Agreement, the Parties believe that the Public Improvement Fee Improvements will cost Forty Eight Million Four Hundred Thousand Dollars ($48,400,000). The District shall be authorized to issue Public Improvement Fee Bonds in an amount up to:

(i) Forty Nine Million Two Hundred Fifty Thousand Dollars ($49,250,000) based on the current costs set forth in **Exhibit 5** without any further approval required by the City on such amount; and

(ii) up to an additional Three Million Two Hundred Fifty Thousand Dollars ($3,250,000) (for a total of Fifty Two Million Five Hundred Thousand Dollars ($52,500,000) of Public Improvement Fee Bonds) if the City Council first approves a resolution to

authorize such additional expenditures, which action shall not be deemed a material modification of the Service Plan.

Issuance of Public Improvement Fee Bonds in an aggregate amount in excess of Fifty Two Million Five Hundred Thousand Dollars ($52,500,000) shall be a material modification of the Service Plan and shall not be undertaken unless and until such modification is approved by the City Council pursuant to §32-1-207, C.R.S.

7.6 The Public Improvement Fee Bonds shall be issued upon terms, including interest rates and underwriter discount, that are consistent with and reflect market rates and conditions for bonds similar in character to the Public Improvement Fee Bonds then being issued, at the time of their issue, and the term thereof, including refundings, shall not exceed forty (40) years from the date the first Public Improvement Fee Bonds are issued. Any issue of Public Improvement Fee Bonds proposed to mature after the maximum term provided herein, or any refunding of Public Improvement Fee Bonds which extends any maturity beyond said maximum term, shall be a material modification of the Service Plan and shall not be undertaken unless and until such modification is approved by the City Council pursuant to §32-1-207, C.R.S. Proceeds of the Public Improvement Fee Bonds shall be used solely to fund the Public Improvement Fee Improvements listed on **Exhibit 5**.

7.7 The Public Improvement Fee revenues shall be used (i) first to pay for Public Improvement Fee Improvements or principal and interest on the Public Improvement Fee Bonds, (ii) second to pay principal and interest on the Sales Tax Bonds if required by Section 7.4; and (iii) third to pay reasonable costs and expenses of maintenance and operation of Public Improvements and District administration, after all Sales Tax Bonds and Public Improvement Fee Bonds have been paid in full. The Public Improvement Fee may continue for up to forty (40) years after the initial issuance of any Public Improvement Fee Bonds, even if such Bonds have been paid in full, in order to continue funding ongoing operation and maintenance costs associated with the Public Improvements. Further, imposition and collection of the Public Improvement Fee may be continued and extended beyond forty (40) years in accordance with the provisions of Section 8.2 below.

8. **Waiver of Sales Tax.**

8.1 In addition to sharing a portion of its sales tax with the District as provided in Section 6 above, prior to the opening of the Cabela's Store the City will take the necessary action to temporarily waive eight-tenths (0.8) of one-cent of its three-cent sales tax on retail sales transactions within the Property. Upon the earlier to occur of: (i) the term during which the City has agreed to remit Shared Sales Tax to the District as provided in Section 6 has expired, or (ii) the Sales Tax Bonds have been paid in full, then if Public Improvement Fee Bonds are then outstanding the City will take the necessary action to increase the amount of its sales tax that is temporarily waived to one cent, and at such time the Public Improvement Fee may be increased to 1.6% one and six-tenths percent (1.6%). Upon the earlier to occur of (i) the payment in full of Bonds issued to acquire and/or construct any of the Public Improvements described in this Agreement or (ii) forty (40) years after the date the first series of Bonds are issued to acquire and/or construct any of the Public Improvements described in this Agreement, the temporary sales tax waiver shall cease and the City shall be entitled to collect the full amount of its sales tax. The waiver of a portion of the City's sales

tax as described in this Section 8 is intended to be temporary only and not a change in the City's tax policy pursuant to applicable law.

8.2 If the City is unable for any reason to remove the temporary waiver of a portion of its sales tax after the expiration of the term thereof pursuant to the provisions of Section 8.1 above, the District shall continue to impose and collect the Public Improvement Fee for such period of time and in such amount as is necessary to reimburse the City for any revenue lost by the City due to the temporary waiver of the City sales tax. If such continuation becomes necessary the City may collect, retain and use for its general municipal purposes that portion of the Public Improvement Fee (which is sufficient to replace the Sales Tax revenues temporarily waived) directly from property owners and tenants in the District. The District shall support and cooperate with the City in the imposition and collection of such amounts, including the adoption and enforcement of rules and regulations consistent with state law to effectuate the imposition and collection of the said Public Improvement Fees on behalf of the City, as provided in this Section.

8.3 The City will take the appropriate action to temporarily waive an additional portion of its sales tax to the extent necessary to cause the aggregate of all sales taxes and the Public Improvement Fees charged on transactions occurring within the District (the "Total Project Tax and Fee") not to exceed the greater of (i) eight and two-tenths percent (8.2%); or (ii) the average sales tax and other fees then being charged within those cities within the Denver metropolitan area listed on **Exhibit 7** (the "Comparable Cities"). For example, if the City raises its sales tax an additional five-tenths percent (0.5%) to three and five-tenths percent (3.5%) and such City sales tax when combined with other sales taxes and the Public Improvement Fee equals eight and seven-tenths percent (8.7%) and the average sales taxes and other fees within the Comparable Cities is then seven and nine-tenths percent (7.9%), the City will temporarily waive the additional five-tenths percent (0.5%) of its sales tax such that the total of the sales taxes and other fees charged on sales within the Property will be eight and two-tenths percent (8.2%). Conversely, in the event that the average sales tax and other fees being charged by the Comparable Cities (the "Comparable City Average") increases above eight and two-tenths percent (8.2%), the City may decrease its waiver of sales tax such that the Total Project Tax and Fee equals the Comparable City Average.

8.4 The City agrees that if its sales tax rate is lowered as a result of a change in the overall tax scheme of the City, the City will, to the extent permitted by law, replace the Shared Sales Tax that would have otherwise been payable under the current tax scheme.

9. **Bonds.**

9.1 The maximum principal amounts of Bonds set forth in Sections 6.9 and 7.5 are based on a reasonable estimate of the costs of the Public Improvements and the revenue available to the District to pay principal and interest on the Bonds. The Bonds will be payable from the revenues provided for them in Sections 6 and 7 above as available from year to year and it shall not be an event of default under the Bond Indentures or the Bonds if such revenues are insufficient to pay principal and interest. Proceeds of the Bonds will be used by the District as provided in Sections 6.11 and 7.6 above.

9.2 The Bond Indentures shall require the District to remit Shared Sales Tax, Shared Use Tax and Public Improvement Fee revenues to a Trustee within thirty (30) days after said Shared Sales Taxes and Public Improvement Fee revenues are received by the District from the City or

another duly designated collection agent. The Bond Indenture for the Sales Tax Bonds will provide that the Trustee will utilize Shared Sales Taxes and Shared Use Taxes to pay principal and interest on the Sales Tax Bonds. The Bond Indenture for the Public Improvement Fee Bonds will provide that the Trustee will utilize Public Improvement Fee revenues to pay principal and interest on (i) the Public Improvement Fee Bonds and (ii) as set forth in Sections 7.4 and 7.7, the Sales Tax Bonds. Cabela's or its assigns shall not be required to guarantee payment of any of the Bonds. No Bonds issued by the District shall be deemed bonds of the City, and the City shall have no liability for payment of the Bonds independent of the City's obligation to remit Shared Sales Tax and Public Improvement Fee revenues as provided in and subject to the limitations of this Agreement.

9.3 To the greatest extent possible under federal and state law, the Bonds issued by the District shall be issued as Tax Free Bonds. Final determination of which Bonds may be Tax-Free Bonds and which will be Taxable Bonds shall rest with the District.

9.4 To the extent permitted by the Act, the United States Internal Revenue Code of 1986, as amended, and other applicable laws, rules and regulations, all costs relating to the design, acquisition, construction and installation of Sales Tax Improvements, including actual costs incurred by the City for its review and analysis of, and participation in the organization of the District, and planning, funding and development of the Sales Tax Improvements shall be reimbursed by proceeds from the Sales Tax Bonds, whether or not said costs were incurred before or after (i) the formation of the District, or (ii) the issuance of the Bonds.

10. **Mosquito Control and Transportation Powers.** The Service Plan authorizes the District to exercise mosquito control and transportation powers, but does not contain facilities descriptions or cost estimates. The City has and performs a mosquito control program generally throughout all areas of the City, including the Property. The Regional Transportation District furnishes public transportation service throughout the metropolitan Denver region, also including the Property. The District shall not undertake a mosquito control or a transportation program without prior approval of the City Council, which approval may be granted, and either or both of said powers thereafter exercised, without the need for amendment of the Service Plan. If directed by the City, and if doing so will not affect the ability of the District to pay principal and interest on the Bonds, the District shall furnish and install mosquito control facilities and improvements as reasonably required by the City to serve the Property. If doing so would affect the ability of the District to pay such principal and interest, the District may, only in that instance, increase the Public Improvement Fee to cover the increased cost.

11. **Service Plan Approval Conditions.** The District will satisfy the following additional requirements and limitations, which are express conditions of the City's approval of the Service Plan.

11.1. The District shall not apply for or claim any entitlement to Conservation Trust Fund money for which the City is eligible.

11.2. The City's remedies for failure of the District to comply with this Agreement or any material provision of its approved Service Plan shall include authority for the City, upon a finding of such failure by the City Council, following notice to the District and an opportunity to be heard, to withhold the issuance of any related permit, authorization, acceptance or other administrative or City Council approval needed by the District or required by City ordinances, codes, rules or regulations.

11.3 The consolidation of the District with any other special district shall be subject to the prior approval of the City Council, in its sole and unfettered discretion.

11.4 The District will take all action necessary to dissolve pursuant to Title 32, Article 1, Part 7, C.R.S., as amended from time to time, upon the expiration of the later of (i) forty (40) years from the first issuance of the Taxable Bonds or (ii) forty-two (42) years from the date of its organization by the district court, unless the City Council approves its continued existence. Neither such approval nor the continued existence of the District shall be a material modification of the Service Plan.

11.5 At the time of providing its accounting under Sections 6.7 and 6.13(e), the District will file a capital improvements plan reporting the use of bond proceeds in the prior year, anticipated uses in the coming year, and, with respect to the next bond issue contemplated by the District, the estimated date thereof, the specific facilities to be built with the proceeds and a detailed sources and uses analysis. Any questions or concerns about the conformity of such plan with the provisions of this Agreement raised in writing by the City Manager or his designee within twenty (20) days after receipt of such plan will be resolved to the satisfaction of the Manager prior to the District proceeding with work on the questioned or noted items. The District shall also file copies of the District's statutory audits with the City.

11.6 The District shall submit any post-organization ballot issue or bond financing plan (including interest rates and security terms) to the City prior to referring the same to its electors. The City may, pursuant to the provisions of § 32-1-207(3)(a), C.R.S., enjoin any proposed action in connection therewith which is not in material compliance with the approved Service Plan. The District and the City will work cooperatively to implement the various provisions of its Service Plan.

11.7 The rate of interest paid by the District on any loan from or reimbursement payable to the Owners shall not exceed six percent (6%) *per annum*, compounded annually. This limitation does not apply to any Bonds.

11.8 The District shall pay the full cost incurred by the City to review and consider any and all applications for an amendment to its Service Plan.

12. **Precedence.** Recognizing that full development of the Property may take up to thirty (30) years, the City approved the Service Plan with sufficient flexibility to accommodate and enable the District to respond to changed conditions over time, while still relying upon the provisions of this Agreement to enable it to exercise appropriate control and supervision of the District as provided by state law. Accordingly, any conflict or inconsistency between the Service Plan and this Agreement shall be resolved in favor of the provisions of this Agreement.

13. **Integration.** This written Agreement and the PIF Collecting Agent Agreement constitute the entire agreement between the District and the City and supersede all prior written or oral agreements, negotiations, or representations and understandings of the Parties with respect to the subject matter contained herein and in the PIF Collecting Agent Agreement, respectively.

14. **Exhibits.** The following Exhibits are attached hereto and fully incorporated herein by this reference:

Exhibit 1:	Metropolitan District Boundary
Exhibit 2:	Metropolitan District Service Area Boundary
Exhibit 3:	List of all Public Improvements
Exhibit 4:	List of Sales Tax Improvements
Exhibit 5:	List of Public Improvement Fee Improvements
Exhibit 6:	Operating Agencies for New Public Improvements
Exhibit 7:	Sales Tax and Public Improvement Fee Comparative Analysis

15. **Amendment.** This Agreement may be amended, modified, changed, or terminated in whole or in part only by written agreement duly authorized and executed by the Parties without necessarily requiring amendment to the Service Plan. The need for formal amendment to any Service Plan shall be determined according to state law then in effect, or, where applicable, an express provision of this Agreement.

16. **Enforcement.** This Agreement may be enforced in law or in equity for specific performance, injunctive, or other relief, including damages, as may be available according to the laws and statutes of the State of Colorado. A breach hereof which results in recoverable damages shall not cause the termination of any obligations created by this Agreement unless such termination is declared by the Party not in breach.

17. **Venue.** Venue for the trial of any action arising out of any dispute hereunder shall be in the district court in the State of Colorado serving Jefferson County pursuant to the appropriate rules of civil procedures.

18. **Scope of Benefits.** Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between the named Parties and is not intended to, and shall not be deemed to confer any rights upon any persons or entities not named as Parties, nor to limit in any ways the powers and responsibilities of the City, the District, or any other entity not a party hereto.

19. **Effect of Invalidity.** If any portion of this Agreement is held invalid or unenforceable for any reason by a court of competent jurisdiction, such portion shall be deemed severable and its invalidity or unenforceability shall not affect the validity or enforceability of any other portion or provision hereof. Further, if any court determines this Agreement violates the multi-year contract restriction in Section 20, Article X of the Colorado Constitution; this Agreement shall immediately convert to a one (1) year contract with automatic annual renewal, subject only to failure by the City to appropriate funds annually. The failure to appropriate or have funds available shall not be a breach of the Agreement.

20. **Assignability; Successors.** Neither the City nor the District shall assign its rights or delegate its duties hereunder without the prior written consent of the other Party. The rights and obligations created hereby shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF, the District and the City have caused this Agreement to be duly executed as of the day first above written.

LONGS PEAK METROPOLITAN DISTRICT

By: _____
Name: Neil Jaquet
Title: Chairman

ATTEST:

By: Ann Marie Courchene
Name: Ann Marie Courchene
Title: Secretary

CITY OF WHEAT RIDGE

By: _____
Jerry DiTullio, Mayor

ATTEST:

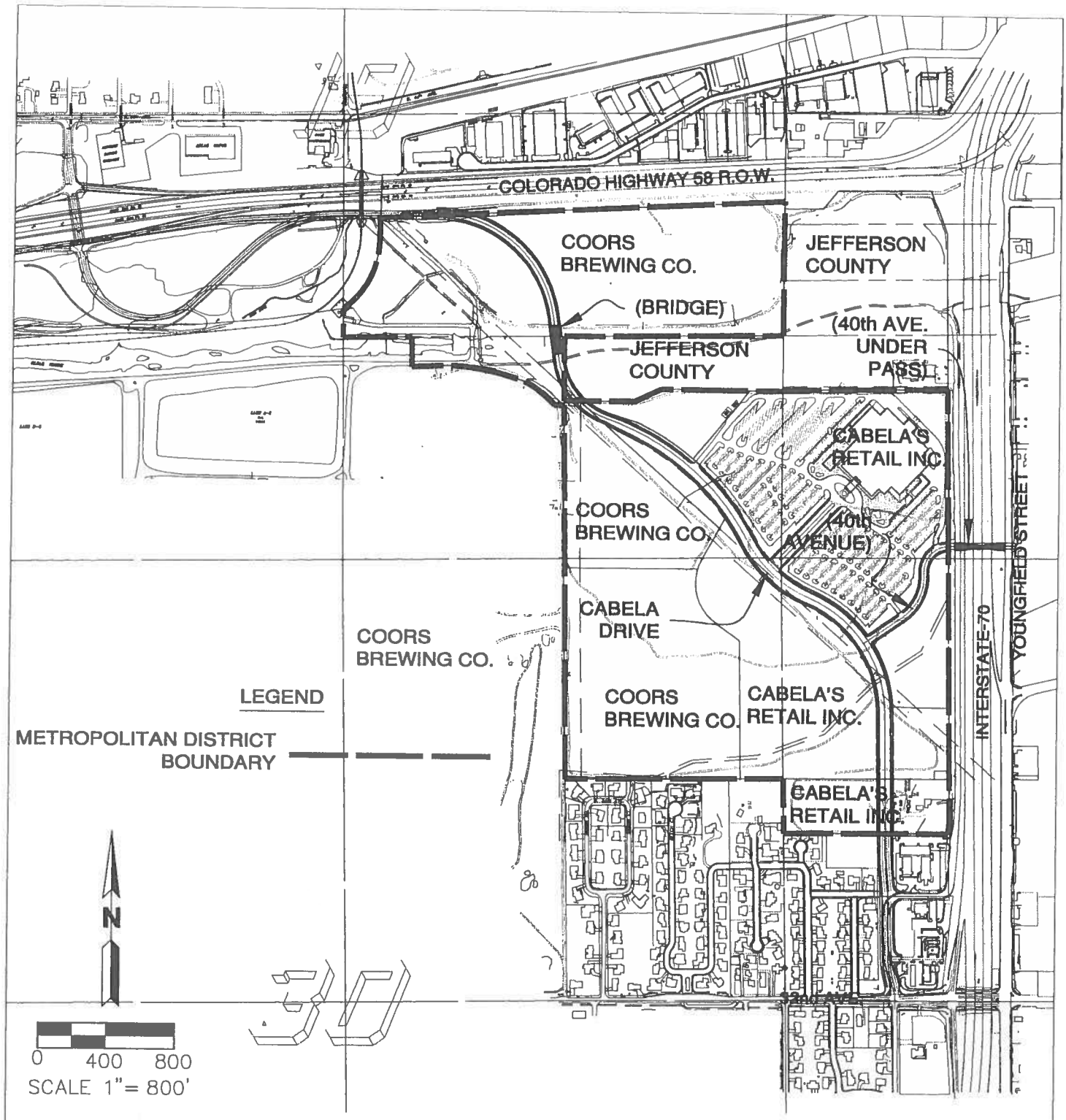
By: _____
Office of City Clerk

APPROVED AS TO FORM:

_____
Gerald E. Dahl, City Attorney

CITY OF WHEAT RIDGE
SEAL
COLORADO

EXHIBIT 1

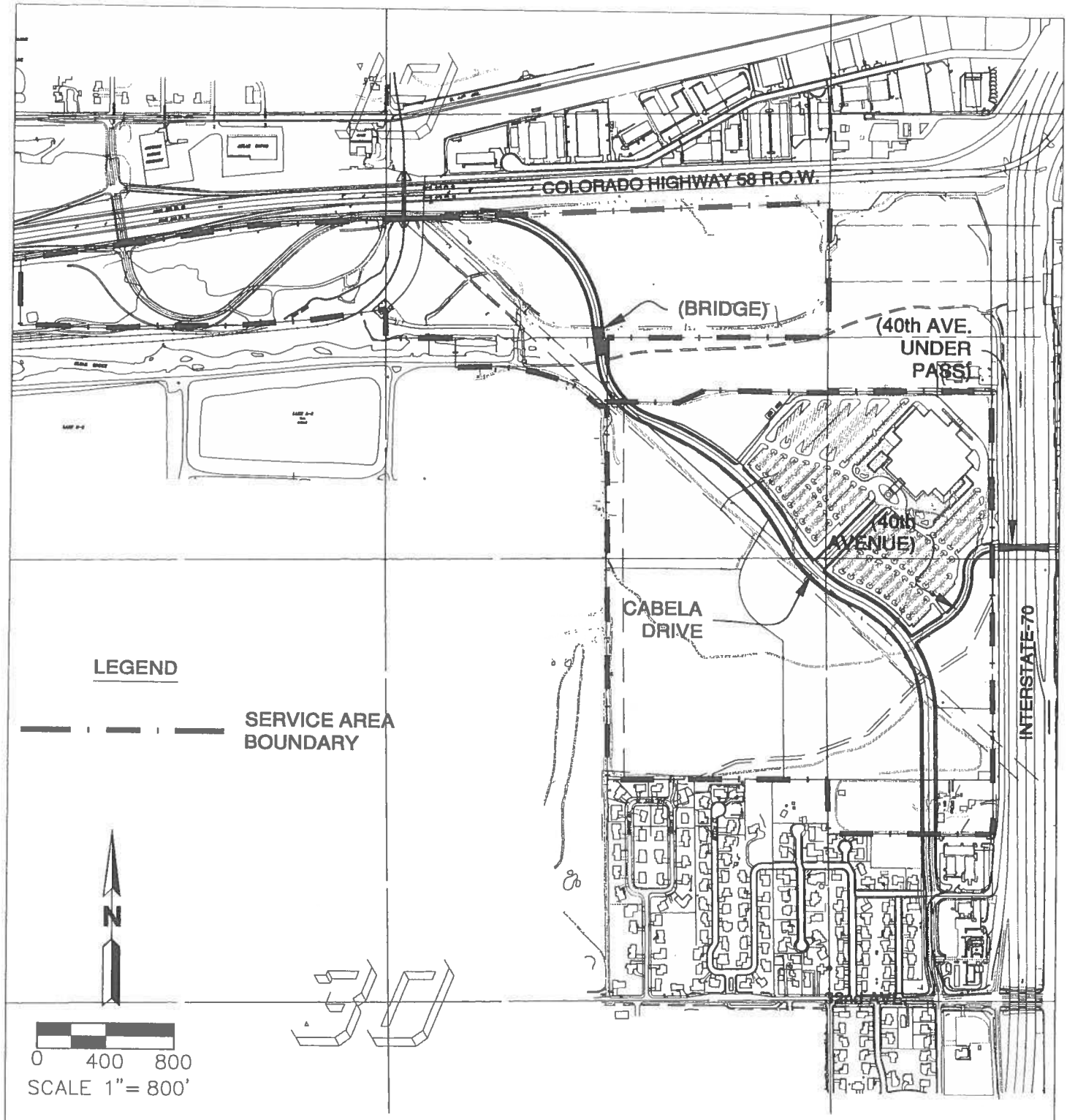


METROPOLITAN DISTRICT BOUNDARY

FEBRUARY 20, 2006

MARTIN / MARTIN
CONSULTING ENGINEERS
12499 WEST GOLFAX AVE.
P.O. BOX 151600
LAKEWOOD, CO 80215
303.431.6100
FAX 303.431.4028

EXHIBIT 2



SERVICE AREA BOUNDARY

FEBRUARY 20, 2006

MARTIN / MARTIN
CONSULTING ENGINEERS
13499 West Colfax Ave.
P.O. Box 151500
Lakewood, CO 80215
303.431.6100
FAX 303.431.4036

EXHIBIT 3
List of All Public Improvements

Intergovernmental Agreement
City of Wheat Ridge
Longs Peak Metropolitan District

Per Project Development Budget 24 August 2006
Revised 30 November 2006

A. LAND
- Cabela's Retail
- Right of Way/Coors
- Right of Way/Salter
- Right of Way/Richter
- Jeff co Parcel 2 ROW
- Conoco - west -ROW

B. OFF-SITE DEVELOPMENT

B.1 Underpass 40th & I-70
- B.1.1 - Underpass 40th & I-70
- B.1.2 - I-70 WB Hook Ramp D Extension
- B.1.3 - Frontage Access Road South of Underpass
- B.1.4 - Frontage Access Road North of Underpass
- B.1.5 - Traffic Signal

B.4 I-70 & 32nd Ave.
- B.4.1 I-70 WB Hook Ramps
- B.4.2 32nd & Youngfield Intersection
- B.4 I-70 & 32nd Ave.
  - B.4.2 32nd & Youngfield Intersection
- B.5 SH-58 Interchange at Cabela's & 44th Ave.(4 Lanes)
  - B.5.1 SH-58 Interchange at Cabela's and 44th Ave.
- B.8 Consultants

B. Youngfield Widening

C. SITE DEVELOPMENT
- C.1 Entitlement
- C.3 Mass Grading-Cabela's site

C.4 Cabela's Drive
- C.4.1 Salter to 32nd: 5-Lane
- C.4.2 Salter to Clear Creek Bridge: 5-Lane
- C.4.3 Cabela Drive to West Edge of 40th Tunnel (3 Lanes)
- C.4.4 Cabela Drive from Clear Creek Bridge to SH-58 Interchange: 4-Lane
- C.4.5 Clear Creek Bridge: 4-Lane
- C.5 Utilities
  - C.5.1 Cabela's Offsite Public
  - C.5.2 Cabela's Onsite Public
- C.6 Site Utilities-DWD Lowering
- C.7 Storm Water Retention
- C.9 Clear Creek Trail Connector: Ped. Path N. of CC along Rd.

D. CABELA'S STORE SITE WORK
- D.1 Cabela's Parking Lot
- D.2 Landscaping
- D.3 Site Electrical
- D.4 Cabela's Store Utilities
- D.5 Cabela's Onsite Private Utilities

E. BUILDING
- E.1 Museum/Display Space
- E.2 Public Area
- E.5 Special Features

F. FURNITURE, FIXTURES & EQUIPMENT
- F.1 Furniture & Fixtures
- F.2 Security
- F.3 MIS/Communications
- F.4 Signage
- F.5 Material Handling

H. SOFT COSTS

EXHIBIT 4
List of Sales Tax Improvements

Intergovernmental Agreement
City of Wheat Ridge
Longs Peak Metropolitan District

Per Project Development Budget 24 August 2006
Revised 30 November 2006

B.1 Underpass 40th & I-70		**$ 7,326,949**
B.1.1 - Underpass 40th & I-70	$ 5,803,645	
B.1.2 - I-70 WB Hook Ramp D Extension	$ 452,070	
B.1.3 - Frontage Access Road South of Underpass	$ 239,837	
B.1.4 - Frontage Access Road North of Underpass	$ 700,258	
B.1.5 - Traffic Signal	$ 131,139	
B.4 I-70 & 32nd Ave.		**$ 3,830,090**
B.4.1 I-70 WB Hook Ramps	$ 3,830,090	
B.4.2 32nd & Youngfield Intersection	City Contribution	
C.4 Cabela's Drive		**$ 9,468,591**
C.4.1 Salter to 32nd: 5-Lane	$ 1,829,968	
C.4.2 Salter to Clear Creek Bridge: 5-Lane	$ 2,631,842	
C.4.3 Cabela Drive to West Edge of 40th Tunnel (3 Lanes)	$ 666,901	
C.4.4 Cabela Drive from Clear Creek Bridge to SH-58 Interchange: 4-La	$ 2,244,504	
C.4.5 Clear Creek Bridge: 4-Lane	$ 2,095,375	
B.8 Consultants		**$ 863,981**
1601 Process (FHU)	inc.	
I-70/32nd Area E.A. (FHU)	inc.	
MGA Communications	inc.	
Project Contingency	inc.	
5. Legal and Real Estate Consulting Fees		**$ 500,000**
Legal - Gorsuch Kirgis	inc.	
Legal - MDKR	inc.	
Real Estate - Deepwater Point	inc.	
Contingency	inc.	
Total Sales Tax Improvements		**$ 21,989,610**

EXHIBIT 5
List of Public Improvement Fee Improvements

Intergovernmental Agreement
City of Wheat Ridge
Longs Peak Metropolitan District

Per Project Development Budget 24 August 2006
Revised 30 November 2006

A. LAND COSTS				**$ 2,420,557**
Cabela's Retail			$ 1,345,692	
Right of Way/Coors			$ 325,554	
Right of Way/Salter			$ 194,737	
Right of Way/Richter			$ 350,000	
Jeff co Parcel 2 ROW			$ 4,574	
Conoco - west -ROW			$ 200,000	
B. OFF-SITE DEVELOPMENT				**$ 17,919,884**
B.4 I-70 & 32nd Ave.				
B.4.2 32nd & Youngfield Intersection			$ 5,767,780	
B.5 SH-58 Interchange at Cabela's & 44th Ave.(4 Lanes)				
B.5.1 SH-58 Interchange at Cabela's and 44th Ave.			$ 11,028,480	
B.8 Consultants			$ 1,123,624	
1601 Process (FHU)		inc.		
I-70/32nd Area E.A. (FHU)		inc.		
MGA Communications		inc.		
Project Contingency		inc.		
C. SITE DEVELOPMENT				**$ 12,164,155**
C.1 Entitlement			$ 527,963	
C.3 Mass Grading-Cabela's site			$ 4,470,141	
C.5 Utilities			$ 4,972,858	
C.5.1 Cabela's Offsite Public	$ 1,732,176			
C.5.2 Cabela's Onsite Public	$ 3,240,682			
C.6 Site Utilities-DWD Lowering			$ 761,583	
C.7 Storm Water Retention			$ 204,738	
C.9 Clear Creek Trail Connector: Ped. Path N. of CC along			$ 1,226,872	
D. CABELA'S STORE SITE WORK				**$ 4,799,121**
D.1 Cabela's Parking Lot			$ 3,245,220	
D.2 Landscaping			$ 412,889	
D.3 Site Electrical			$ 450,424	
D.4 Cabela's Store Utilities			$ 445,119	
D.5 Cabela's Onsite Private Utilities			$ 245,470	
E. BUILDING				**$ 9,500,000**
E.1 Museum/Display Space			$ 6,000,000	
E.2 Public Area			$ 1,500,000	
E.5 Special Features			$ 2,000,000	
F. FURNITURE, FIXTURES & EQUIPMENT				**$ 1,105,216**
F.1 Furniture & Fixtures			$ 565,341	
F.2 Security			$ 132,422	
F.3 MIS/Communications			$ 193,540	
F.4 Signage			$ 101,863	
F.5 Material Handling			$ 112,050	
H. SOFT COSTS				**$ 349,121**
Architecture/Engineering, Reimb, Cabela's Administration				
Project Management-Project One				
I. FINANCE & LEGAL				**$ 101,863**
K. ADDITIONAL CONTINGENCY				**$ 41,955**
Total Public Improvement Fee Improvements				**$ 48,401,874**

EXHIBIT 6

Operating Agencies
For New Public Improvements

Intergovernmental Agreement
City of Wheat Ridge
Longs Peak Metropolitan District
As of 30 November 2006

Public Roadways:	**Operating Agency:**
Cabela Drive 32nd Ave. to SH58 Ramps	City of Wheat Ridge
40th Avenue Underpass	City of Wheat Ridge
32nd Ave. at I-70	City of Wheat Ridge
Youngfield – 38th to 44th	City of Wheat Ridge
New SH58th Interchange Highway Ramps	CDOT
Eastbound I-70 Ramps	CDOT
Westbound I-70 Ramps	CDOT
Ward Road and 44th Ave.	CDOT, City of Wheat Ridge

Public Infrastructure:	**Operating Agency:**
Storm sewer mains	City of Wheat Ridge
Water quality ponds	Longs Peak Metropolitan District
Water main lines	Consolidated Mutual Water
Sanitary sewer lines	The district whose jurisdiction controls

EXHIBIT 7

Sales Tax and Public Improvement Fee Comparative Analysis

(Effective January 1, 2006)

	City	Public Improvement Fee	County	Regional Transportation District	Scientific and Cultural Facilities District	Football Stadium District	State	Total
Arvada (Adams County)	3.46	0.00	0.70	1.00	0.10	0.10	2.90	8.26
Arvada (Jefferson County)	3.46	0.00	0.50	1.00	0.10	0.10	2.90	8.06
Aurora (Arapahoe County)	3.75	0.00	0.25	1.00	0.10	0.10	2.90	8.10
Aurora (Adams County)	3.75	0.00	0.70	1.00	0.10	0.10	2.90	8.55
Boulder	3.41	0.00	0.65	1.00	0.10	0.10	2.90	8.16
Boulder (Food Service)	3.56	0.00	0.65	1.00	0.10	0.10	2.90	8.31
Brighton (Adams County)	3.75	0.00	0.70	1.00	0.10	0.10	2.90	8.55
Brighton (Weld County)	3.75	0.00	0.00	0.00	0.00	0.00	2.90	6.65
Broomfield City and County	4.15	0.00	NA	1.00	0.10	0.10	2.90	8.25
Broomfield Flatiron[1]	4.15	0.20	NA	1.00	0.10	0.10	2.90	8.45
Castle Rock	3.60	0.00	1.00	1.00	0.10	0.10	2.90	8.70
Commerce City	3.50	0.00	0.70	1.00	0.10	0.10	2.90	8.30
Denver City and County	3.50	0.00	NA	1.00	0.10	0.10	2.90	7.60
Denver (Food and Liquor)[2]	4.00	0.00	NA	1.00	0.10	0.10	2.90	8.10
Douglas County (Park Meadows)	0.00	0.00	1.00	1.00	0.00	0.10	2.90	5.00
Englewood	3.50	0.00	0.25	1.00	0.10	0.10	2.90	7.85
Fort Collins	3.00	0.00	0.80	0.00	0.00	0.00	2.90	6.70
Golden	3.00	0.00	0.50	1.00	0.10	0.10	2.90	7.60
Greeley	3.46	0.00	0.00	0.00	0.00	0.00	2.90	6.36
Greenwood Village	3.00	0.00	0.25	1.00	0.10	0.10	2.90	7.35
Lakewood	3.00	0.00	0.50	1.00	0.10	0.10	2.90	7.60
Lakewood Belmar[3]	1.00	2.50	0.50	1.00	0.10	0.10	2.90	8.10
Lakewood Colorado Mills[4]	2.00	1.40	0.50	1.00	0.10	0.10	2.90	8.00
Lakewood Creekside[5]	2.00	1.50	0.50	1.00	0.10	0.10	2.90	8.10
Littleton (Arapahoe County)	3.00	0.00	0.25	1.00	0.10	0.10	2.90	7.35
Littleton (Douglas County)	3.00	0.00	1.00	1.00	0.10	0.10	2.90	8.10
Littleton (Jefferson County)	3.00	0.00	0.50	1.00	0.10	0.10	2.90	7.60
Lone Tree	1.50	0.00	1.00	1.00	0.10	0.10	2.90	6.60
Longmont	2.95	0.00	0.65	1.00	0.10	0.10	2.90	7.70
Louisville	3.38	0.00	0.55	1.00	0.10	0.10	2.90	8.03
Loveland	3.00	0.00	0.80	0.00	0.00	0.00	2.90	6.70
Loveland Centerra[6]	1.75	2.25	0.80	0.00	0.00	0.00	2.90	7.70
Northglenn (Adams)	4.00	0.00	0.70	1.00	0.10	0.10	2.90	8.80
Parker	3.00	0.00	1.00	1.00	0.10	0.10	2.90	8.10
Superior	3.46	0.00	0.65	1.00	0.10	0.10	2.90	8.21
Thornton	3.75	0.00	0.70	1.00	0.10	0.10	2.90	8.55
Westminster (Adams County)	3.85	0.00	0.70	1.00	0.10	0.10	2.90	8.65
Westminster (Jefferson County)	3.85	0.00	0.50	1.00	0.10	0.10	2.90	8.45
Wheat Ridge	3.00	0.00	0.50	1.00	0.10	0.10	2.90	7.60
Wheat Ridge Longs Peak[7]	2.20	1.40	0.50	1.00	0.10	0.10	2.90	8.20
							Average	7.83

[1] Flatiron Improvement District

[2] Sale of food and beverage for immediate consumption and liquor stores

[3] Plaza Metropolitan District No. 1; 2% sales tax waived

[4] Elk Valley Public Improvement Corporation; 1% sales tax waived

[5] Creekside; 1% sales tax waived

[6] Centerra Public Improvement Collection Corporation; 1.25% PIF and 1.0% RSF; 1.25% sales tax waived

[7] Longs Peak Metropolitan District, with a waiver of 0.8% sales tax being shown while the City shares 1.2% sales tax to pay the Shared Sales Tax Revenue Bonds and collects 1.0% sales tax for the City. The City shall collect 2.0% and waive 1.0% of its sales tax after the Shared Sales Tax Revenue Bonds are paid (or expire). After the Public Improvement Fee Revenue Bonds are paid (or expire), the City will collect 3.0% (or the City's then current sales tax rate) and waive 0.0% of its sales tax.

ITEM NO: 1c.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION 05-2018 – A RESOLUTION OF THE WHEAT RIDGE CITY COUNCIL EXPRESSING SUPPORT FOR THE DREAM ACT OF 2017

☐ PUBLIC HEARING ☐ ORDINANCES FOR 1ST READING
☐ BIDS/MOTIONS ☐ ORDINANCES FOR 2ND READING
☒ RESOLUTIONS

QUASI-JUDICIAL: ☐ YES ☒ NO

City Manager

ISSUE:
Colorado U.S. Senators Michael Bennet and Corey Gardner cosponsored the Dream Act of 2017. The legislation would grant conditional permanent residence followed by lawful permanent residence to young people who arrive in the United States before they turn 18 under certain conditions. Fifty current and former mayors of communities across Colorado have signed a letter to Senators Bennet and Gardner is support of the Dream Act. Consensus was reached by City Council to bring forward a formal resolution expressing support for the Dream Act of 2017.

PRIOR ACTION:
Consensus was reached by City Council at the December 18, 2017 study session to bring forward a formal resolution expressing support for the Dream Act of 2017.

BACKGROUND:
On July 20, 2017 a bipartisan coalition of Senators introduced the Dream Act of 2017. Colorado Senators Bennet and Gardner have cosponsored the bill.

- This bill directs the Department of Homeland Security (DHS) to cancel removal and grant lawful permanent resident status on a conditional basis to an alien who is inadmissible or deportable or is in temporary protected status who:

(1) has been continuously physically present in the United States for four years preceding this bill's enactment;
(2) was younger than 18 years of age on the initial date of U.S. entry;
(3) is not inadmissible on criminal, security, terrorism, or other grounds;
(4) has not participated in persecution;
(5) has not been convicted of specified federal or state offenses; and
(6) has fulfilled specified educational requirements.

- DHS shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted Deferred Action for Childhood Arrivals (DACA) status unless the alien has engaged in conduct that would make the alien ineligible for DACA.

- DHS may not:
  (1) grant conditional permanent resident status without the submission of biometric and background data, and completion of background and medical checks; and
  (2) disclose or use information provided in applications filed under this bill or in DACA requests for immigration enforcement purposes.

- The bill prescribes the conditions under which DHS:
  (1) may terminate a person's conditional permanent resident status, and
  (2) shall adjust a person's conditional status to permanent resident status.

- The bill:
  (1) sets forth documentation requirements for establishing DACA eligibility, and
  (2) repeals the denial of an unlawful alien's eligibility for higher education benefits based on state residence.

FINANCIAL IMPACT:
None

RECOMMENDATIONS:
None

RECOMMENDED MOTION:
"I move to approve Resolution 05-2018, a resolution of the Wheat Ridge City Council expressing support for the Dream Act of 2017."

Or,

"I move to table indefinitely Resolution 05-2018, a resolution of the Wheat Ridge City Council expressing support for the Dream Act of 2017 for the following reason(s) _____."

_____

REPORT PREPARED BY:
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution 05-2018
2. Dream Act 2017: Summary and Answers to Frequently Asked Questions
3. Letter signed by Colorado former and current mayors

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 05
Series of 2018

TITLE: A RESOLUTION OF THE WHEAT RIDGE CITY COUNCIL EXPRESSING SUPPORT FOR THE DREAM ACT OF 2017

WHEREAS, Nearly 800,000 productive members of our society are currently in danger of having their status and work permits stripped away if the Deferred Action for Childhood Arrivals (DACA) program is terminated, and;

WHEREAS, Dreamers are members of our towns and cities across the state, they are part of our communities, they contribute to our economy and;

WHEREAS, this bipartisan legislation would allow young men and women who are part of our workforce, serving in the military, or pursuing higher education to plan for the future and contribute more fully to our communities and our economy; and;

WHEREAS, Americans support a solution and expect their elected representatives to deliver it. More than 8 out of 10 Americans want Congress to find a way so that young immigrants are able to remain in America.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

We strongly support the Dream Act of 2017 as one important step toward the creation of an immigration system that will ensure safer workplaces, build a stronger economic future for our communities and support the basic rights and dignity of all working people.

DONE AND RESOLVED this 8the day of January, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

DREAM ACT 2017

Summary *and* Answers to Frequently Asked Questions

Last updated NOVEMBER 28, 2017

On July 20, 2017, Senators Lindsey Graham (R-SC), Dick Durbin (D-IL), Jeff Flake (R-AZ), and Chuck Schumer (D-NY) introduced the Dream Act of 2017.[1] It is a bipartisan bill that would provide a direct road to U.S. citizenship for people who are either undocumented, have DACA or temporary protected status (TPS), and who graduate from U.S. high schools and attend college, enter the workforce, or enlist in the military.

Through the Deferred Action for Childhood Arrivals (DACA) program, announced by President Barack Obama on June 15, 2012,[2] some of these young people received temporary permission to stay in the U.S., as well as employment authorization, for two-year periods, and they could apply to renew that permission and work authorization for additional two-year periods. DACA hasn't just transformed the lives of young immigrants in the U.S.—it has improved our economy and strengthened our communities.[3] For hundreds of thousands of immigrant youth in our communities, it has opened the door to opportunities to achieve their full potential.[4]

However, DACA recipients are still without a road to lawful permanent resident (LPR) status or U.S. citizenship. Meanwhile, on September 5, 2017, the Trump administration announced that it is ending the program and that October 5, 2017, would be the last day that U.S. Citizenship and Immigration Services would accept any applications for DACA. This has left people who either still have DACA or whose DACA has expired in limbo with respect to their future in the only country they've known as home since they were children.

The Dream Act of 2017, as introduced, is a strong bill that includes a path to U.S. citizenship. In its various iterations, the Dream Act has long enjoyed bipartisan support, and an overwhelming majority of Americans agree it's the right thing to do.[5] In dealing with a presidential administration that has vowed to increase immigration enforcement and announced that the DACA program is being terminated—while at the same time expressing

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[1] www.durbin.senate.gov/imo/media/doc/Dream%20Act%20of%202017%20section%20by%20section.pdf.

[2] More information about DACA is available at www.nilc.org/daca/.

[3] See *New Study of DACA Beneficiaries Shows Positive Economic and Educational Outcomes* (Center for American Progress, Oct. 18, 2016), https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/.

[4] See *Results from a Nationwide Survey of DACA Recipients Illustrate the Program's Impact* (Center for American Progress, July 9, 2015), https://www.americanprogress.org/issues/immigration/news/2015/07/09/117054/results-from-a-nationwide-survey-of-daca-recipients-illustrate-the-programs-impact/.

[5] Cameron Easley, "Poll: Trump's Decision on Dreamers Is a Popular One—Even Among His Base," June 16, 2017, *Morning Consult*, https://morningconsult.com/2017/06/16/poll-trumps-decision-dreamers-popular-one-even-among-base/.

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sympathy towards "Dreamers"—we must continue to pressure lawmakers to support inclusive, non–enforcement-based legislation that will protect as many people as possible. Most importantly, we must increase the pressure on both Republicans and Democrats to pass the Dream Act before this year ends.

Overview: 2017 Dream Act

The Dream Act of 2017 would make the following changes to current law:

- Grant current DACA beneficiaries permanent resident status on a conditional basis, and allow TPS beneficiaries, people without lawful immigration status, and people with final orders of removal the opportunity to apply for this same immigration status.
- Permit conditional permanent residents to obtain lawful permanent resident (LPR) status (sometimes referred to as getting a "green card") if they go to college, have worked for a certain amount of time, or served in the U.S. military. They also would have to meet other requirements.
- Provide a pathway to U.S. citizenship. The path would be as follows: Conditional permanent residence (CPR) status for 8 years, during which time the person must fulfill the requirements for eligibility to apply for LPR status (see pp. 3–4, below); applying for and receiving LPR status; spending a certain period of time (generally 5 years) in LPR status; then, finally, applying for and receiving U.S. citizenship.
- Stay (stop) the removal proceedings of anyone who meets the Dream Act requirements and young people over 5 years of age who are enrolled in elementary or secondary school.
- Improve college affordability for undocumented youth and other immigrants by changing rules that limit their access to in-state tuition and to student financial aid made available by states and institutions.

Adjustment to Conditional Permanent Resident Status

The Dream Act of 2017 would grant recipients an initial conditional permanent resident status. To be eligible, applicants would have to:

1. be undocumented, a DACA recipient, or a TPS beneficiary (people with final removal orders, voluntary departure orders, or who are in removal proceedings would be eligible);
2. have entered the U.S. *before* the age of 18;
3. have been continuously physically present in the U.S. since at least four years before the date of the Dream Act's enactment;[6]
4. have maintained continuous presence in the U.S. until the date they apply;
5. meet the education requirement through one of these ways:
    a. they've been admitted to a college, university, or other institution of higher learning, or
    b. they've earned a high school diploma or general education development (GED) certificate, or

[6] Continuous presence is broken if a person has left the U.S. for any one period exceeding 90 days or for any periods that exceed 180 days total. If the failure to timely return is due to extenuating circumstances beyond the individual's control, these time limits may be extended. And travel authorized by the U.S. Dept. of Homeland Security, such as via advance parole, may not be counted toward the 90 or 180 days.

   c. they are currently enrolled in a secondary education program to assist in obtaining a high school diploma or GED certificate;
6. have not been convicted of certain criminal offenses;
7. pass a medical exam; and
8. pass a background check.

Applicants first would need to apply for CPR status, either through the regular process as a first-time applicant or through a potentially streamlined process for DACA recipients.

Adjustment from Conditional Resident Status to Lawful Permanent Resident Status, and Acquiring U.S. Citizenship

Path to U.S. Citizenship

Under the 2017 Dream Act, people who've had CPR status for 8 years would be eligible to apply for LPR (green card) status as soon as they've met the requirements for removing the conditional basis of their resident status (see below). They would then likely have to be in LPR status for 5 years before they would be eligible to apply for U.S. citizenship. A person may not apply for citizenship without first adjusting to LPR status

CPR (granted for **8 years**) → **LPR** (**5 years**) → **CITIZENSHIP**

Approximate total: 8-13 years until eligible for citizenship

There may be a streamlined process for DACA recipients. The bill's language suggests that they will automatically receive conditional permanent residence, but the U.S. Department of Homeland Security could require that they file an application.

Requirements for Removing Conditional Basis of Resident Status

To remove the conditional basis of their resident status and become a full-fledged LPR, the applicant would have to meet these requirements:

1. Not have certain criminal convictions on their record.
2. Not have abandoned their residence in the U.S.[7]
3. Have done one of the following:
   a. acquired a degree from an institution of higher education, *or*
   b. completed at least 2 years in a bachelor's degree program, *or*
   c. served for at least 2 years in the uniformed services, *or*
   d. been employed for periods totaling at least 3 years, at least 75 percent of which time was working with valid employment authorization. (If the person was not working, they must show that they were enrolled in school or an education program.)

[7] "Abandonment" is not defined in the bill, but in other areas of immigration law it includes situations such as remaining outside the U.S. for an extended period of time. See https://www.uscis.gov/green-card/after-green-card-granted/maintaining-permanent-residence#abandoning.

   e. A hardship exception may be available for people who do not meet at least one of the four requirements listed immediately above.[8]

4. Demonstrate the ability to read, write and speak English and show a knowledge and understanding of U.S. civics.
5. Pass a background check.

College Affordability

The 2017 Dream Act would repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from making undocumented students eligible for in-state tuition or providing them other higher education benefits.

Frequently Asked Questions

- **How does this bill compare to previous Dream Act bills?**

The 2017 Dream Act is stronger than prior versions of the Dream Act. Previous versions of the Dream Act, including the 2010 version,[9] required immigrant youth to either complete two years of higher education or to join the military in order to receive LPR status. The 2017 version of the Dream Act has a route to LPR status based on employment. There is also a hardship exception for people who cannot meet the education, military, or employment requirement. These are important factors which recognize that not everyone is on a college track and that people may have unique circumstances, such as being the caregiver of a minor child.

Another way in which this bill is stronger than prior versions is the more generous age requirement. People who entered the U.S. before their eighteenth birthday can qualify, and there is no upper age limit. Previous versions limited the act's benefits to people who entered before their sixteenth birthday and were under age 30. A table comparing provisions in the 2010 and 2017 Dream Act bills and the DACA program is available at www.nilc.org/dream-acts-and-daca-compared/.

- **What are the chances that this bill will pass and become law?**

Securing the congressional support needed to pass this bill will likely be an uphill battle, but legislation legalizing the immigration status of Dreamers has very high support among the public and members of Congress. The bill may become amended with border and interior enforcement provisions as it moves through Congress. Nevertheless, this bill is an opportunity to highlight the importance of providing immigration relief for immigrant youth and the positive impact DACA has had on the nearly 800,00 people who have received it.

- **Are there enforcement provisions in the bill?**

No, the bill does not currently contain provisions that expand border militarization, detentions, or deportations. However, some politicians have discussed allowing this bill to move only in exchange for further militarization of our borders. *This is not acceptable to NILC.*

---

[8] Applicants may be granted a hardship exception to the education, military, or work requirement if they can demonstrate that they have a disability, are a full-time caregiver of a minor child, or their removal would cause extreme hardship to a U.S. citizen or LPR spouse, parent, or child.

[9] https://www.congress.gov/bill/111th-congress/senate-bill/3992. More information about the 2010 Dream Act bill is available at www.nilc.org/dreamact/.

- **How much will it cost to apply?**

The bill does not specify an application fee. Instead it provides that U.S. Citizenship and Immigration Services will set a "reasonable" fee for the CPR application. Fee exemptions for application fees will be available for people who meet certain economic hardship criteria, including being under 18 years of age, having a chronic disability, and being in foster care.

- **What materials should I gather to prove I qualify for the Dream Act?**

The Dream Act has not passed yet, so it is *not* a law, and no one can apply for an immigration benefit under it yet. *Don't be fooled by a* notario *or other scam artist into "applying" for a program that doesn't yet exist!*

However, it's a good idea to start gathering documents now so that you can have them handy if there is some immigration program that you qualify for. The bill lists the documents that would be needed to prove eligibility for adjustment of status under the Dream Act. They include documents to prove identity (passport, birth certificate, etc.) and documents to prove presence in the U.S. (school records, tax receipts, employment records, etc.).

- **Will the information I provide be protected?**

The Dream Act has not passed yet, so it is *not* a law, and no one can apply for an immigration benefit under it yet. *Don't be fooled by a* notario *or other scam artist into "applying" for a program that doesn't yet exist!*

However, if the bill is enacted as currently written, it provides that the information you submit during the application process will be protected and shared only in very limited circumstances. Among the Dream Act's provisions are ones intended to protect information provided in DACA and Dream Act applications; they state that information provided on the applications may not be disclosed or used for the purpose of immigration enforcement. However, information may be shared with national security and law enforcement agencies for assistance in the consideration of an application for conditional permanent resident status, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of any felony not related to immigration status.

- **What can I do to support DACA and the Dream Act?**

Regardless of whether the Dream Act becomes law, we must continue to protect DACA and TPS. Protecting all immigrants from deportation is a priority for our immigrant communities as well as for NILC and many other immigrants' rights organizations. Here are some things you can do to help protect DACA:

Share your story. Undocumented youth were at the forefront of pushing for the DACA program to be created. NILC is collecting personal stories to deliver to Washington legislators, urging them to stand up and fight for those who will be irreparably harmed by the termination of DACA.

Visit WeAreHereToStay.org to learn about other actions you can take to support DACA and Dream.

- **How do I stay updated on the bill?**

Follow NILC on Facebook or Twitter to stay up to date regarding the latest developments on DACA and the Dream Act.[10]

[10] https://www.facebook.com/NationalImmigrationLawCenter/ and http://www.twitter.com/NILC_org.

December 5, 2017

U.S. Senator Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510

U.S. Senator Cory Gardner
354 Russell Senate Office Building
Washington, DC 20510

RE: DREAM Act of 2017

Dear Senators Bennet and Gardner:

As fifty current and former mayors of communities across Colorado, we write to express our support for The Dream Act of 2017, to thank you both for your support of the act, and to encourage you both to be energetic champions as the bill works its way through the legislative process.

As your September 5, 2017 press release notes, "The *Dream Act of 2017* would allow a select group of young immigrants, known as Dreamers, to contribute more fully to the only country they know as home and offer a pathway to earned citizenship." We could not agree more.

These DREAMers are members of our towns and cities across the state. They are part of our communities. They contribute to our economy. For many of them, the United States is the only country they have ever known. They are doing everything we have asked of them: study and learn, work hard, pay taxes, and serve their communities. These DREAMers are students, soldiers, teachers, first responders, entrepreneurs and job creators, and community volunteers.

As current and former mayors, we represent and represented Republicans, Democrats, and Independents, as you do. And we represented communities across Colorado, as you do. As you know, the views expressed in this letter are shared by a majority of Coloradans. We applaud your co-sponsorship of The Dream Act and encourage you to use every tool at your disposal to secure passage of a clean bill as quickly as possible.

Please let us know how we can help you in this urgent and critical effort.

Respectfully,

ATTACHMENT 3

Former Mayor Ken Fellman
Arvada

Former Mayor Bob Frie
Arvada

Mayor Steve Hogan
Aurora

Former Mayor Sue Horn
Bennett

Former Mayor Matt Appelbaum
Boulder

Former Mayor Leslie Durgin
Boulder

Mayor Suzanne Jones
Boulder

Former Mayor Shaun McGrath
Boulder

Former Mayor Susan Osborne
Boulder

Former Mayor Will Toor
Boulder

Mayor Tom Feldkamp
Bow Mar

Former Mayor Rick Pilgrim
Bow Mar

Former Mayor Karen Stuart
Broomfield

Mayor Laura Christman
Cherry Hills Village

Mayor Michael Hancock
Denver

Former Mayor John Hickenlooper
Denver

Former Mayor Wellington Webb
Denver

Former Mayor Michael Rendon
Durango

Former Mayor Christina Rinderle
Durango

Mayor Kris Teegardin
Edgewater

Former Mayor Joe Rice
Glendale

Mayor Marjorie Sloan
Golden

Former Mayor Jacob Smith
Golden

Former Mayor Richard Hagan
Gunnison

Mayor Christine Berg
Lafayette

Former Mayor Chris Berry
Lafayette

Former Mayor Steve Burkholder
Lakewood

Mayor Adam Paul
Lakewood

Former Mayor Pat Cronenberger
Littleton

Former Mayor Susan Thornton
Littleton

Mayor Dennis Coombs
Longmont

Former Mayor Julia Pirnack
Longmont

Mayor Robert Muckle
Louisville

Former Mayor Chuck Siske
Louisville

Mayor Connie Sullivan
Lyons

Former Mayor Noelle Hagan
Montrose

Former Mayor Dan Jansen
Mountain Village

Former Mayor Laura Farris
Nederland

Mayor Joyce Downing
Northglenn

Former Mayor Kathie Novak
Northglenn

Mayor John I. Clark
Ridgway

Mayor Sean Murphy
Telluride

Former Mayor Stuart Fraser
Telluride

Former Mayor Amy R. Levek
Telluride

Former Mayor John Pryor
Telluride

Former Mayor John Steel
Telluride

Mayor Heidi Williams
Thornton

Mayor Herb Atchison
Westminster

Mayor Joyce Jay
Wheat Ridge

ITEM NO: 1d.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION 04-2018 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE AND THE CITY OF LAKEWOOD CONCERNING FORENSIC CRIME LAB AND ANALYST SERVICES IN THE AMOUNT OF $71,200

☐ PUBLIC HEARING ☐ ORDINANCES FOR 1ST READING
☐ BIDS/MOTIONS ☐ ORDINANCES FOR 2ND READING
☒ RESOLUTIONS

QUASI-JUDICIAL: ☐ YES ☒ NO

Chief of Police **City Manager**

ISSUE:
Since 2006, the Wheat Ridge Police Department has contracted with the Lakewood Police Department to provide crime scene processing and analysis for major criminal events. A strong working relationship has been formed that has produced numerous successful prosecutions. The Lakewood Crime Analysis Team has also provided training to WRPD officers as well as assisted WRPD in Community Outreach. The Agreement is required to be renewed annually.

PRIOR ACTION:
After reviewing the available options for crime scene analysis, the department entered into an agreement with the Lakewood Police Department to provide forensic crime lab services. The first IGA, an eighteen-month agreement was approved in June 2006 and ended December 31, 2007. Due to the success of this agreement, it has been continued since. The City of Lakewood requires IGA's to be approved annually. This agreement has again been successful over the past year and it is recommended the agreement to be continued for the period between January 1, 2018 and December 31, 2018.

BACKGROUND:
The Wheat Ridge Police Department has used forensic crime lab services from the Lakewood Police Department since the original IGA was signed in 2006. The Wheat Ridge Police Department has found the Lakewood Crime Lab to be responsive and professional. This partnership provides the Wheat Ridge Police Department with immediate access to all of Lakewood Crime Lab personnel as needed. In addition, it has allowed Wheat Ridge access to high quality forensic services at a cost, which is substantially lower than even basic forensic services could be provided from within.

The agreement states that in return for the services provided, Wheat Ridge will compensate Lakewood for the salary, benefits and other associated costs for one (1) full-time Crime Scene Analyst.

FINANCIAL IMPACT:
Per the agreement, Wheat Ridge pays salary and benefit costs for one Lakewood Crime Lab position at $61,610 for salary and $1,390 for benefits for a total of $63,000. Preliminary overtime costs have been estimated at $6,600 per year, bringing the total annual personnel costs to $69,600. Additional costs are $1,600 for personnel support (training, cellphone, and clothing expenses). This is a total annual cost of $71,200. In comparison, salary and benefits costs for one Wheat Ridge Police senior detective position are $98,155 and estimated overtime costs of $8,000, bring the total costs for a sworn detective position to $106,155. This IGA saves the department approximately $34,955 for 2018.

RECOMMENDATIONS:
The police department recommends maintaining the partnership with the Lakewood Police Department. This IGA makes the police department more efficient and effective, and enhances our level of service to the community. It also provides the department the opportunity to redeploy a sworn position to the Investigations Bureau.

RECOMMENDED MOTION:
"I move to approve Resolution 04-2018, a resolution approving an agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services and authorizing payment in the amount of $71,200."

Or,

"I move to table indefinitely Resolution 04-2018, a resolution approving an agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services for the following reason(s) _____."

REPORT PREPARED BY:
Dave Pickett, Division Chief
Daniel Brennan, Police Chief
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 04-2018
2. Intergovernmental Agreement Between City of Lakewood and City of Wheat Ridge

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 04
Series of 2018

TITLE: A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE AND THE CITY OF LAKEWOOD CONCERNING FORENSIC CRIME LAB AND ANALYST SERVICES IN THE AMOUNT OF $71,200

WHEREAS, pursuant to C.R.S. § 29-1-203, the cities of Wheat Ridge and Lakewood, Colorado are authorized to enter into cooperative agreements with other governmental entities to provide any function, service or facility each is authorized to undertake; and

WHEREAS, Lakewood and Wheat Ridge are each authorized to perform law enforcement functions pursuant to Section 6, Article XX of the Colorado Constitution and C.R.S. § 31-15-401; and

WHEREAS, Lakewood currently possesses both a forensic crime lab and personnel that provide services that enhance investigative capabilities on crime scenes; and

WHEREAS, Wheat Ridge does not currently possess such specialized lab facilities or personnel; and

WHEREAS, the Wheat Ridge City Council ("Council") finds that contracting with Lakewood for the use of Lakewood's forensic crime lab facilities and personnel would promote and protect the public health, safety, and welfare by enhancing the investigative capabilities of Wheat Ridge concerning Wheat Ridge crime scenes; and

WHEREAS, the Council therefore desires to approve the terms of an agreement with Lakewood under which Wheat Ridge may utilize Lakewood's forensic crime lab and personnel; and

WHEREAS, in accordance with Section 14.2 of the City's Home Rule Charter, the City Council wishes to approve said intergovernmental agreement by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Wheat Ridge City Council, that:

The Intergovernmental Agreement by and between the City of Lakewood and the City of Wheat Ridge concerning Wheat Ridge's use of Lakewood's forensic crime lab and personnel for calendar year 2018, attached to this Resolution and incorporated herein by reference, is hereby approved. The Mayor and City Clerk are authorized to execute the same.

ATTACHMENT 1

DONE AND RESOLVED this _____ day of _____, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

AGREEMENT

THIS AGREEMENT is made and entered as of the 1st day of January, 2018, by and between the CITY OF WHEAT RIDGE, COLORADO, a Colorado municipal corporation, (hereinafter referenced as "Wheat Ridge"), and the CITY OF LAKEWOOD, COLORADO, a Colorado municipal corporation, (hereinafter referenced as "Lakewood").

RECITALS

WHEREAS, Lakewood possess both a forensic crime lab and personnel that provide services that enhance investigative capabilities on crime scenes; and

WHEREAS, Wheat Ridge is desirous of utilizing these resources to more effectively manage its crime scene investigation; and

WHEREAS, one (1) additional Crime Scene Analyst hired by Lakewood will adequately staff the crime response team sufficient to service Wheat Ridge's needs; and

WHEREAS, the effect of the additional Crime Scene Analyst will be that Wheat Ridge will receive services equivalent to one (1) full-time employee; and

WHEREAS, the parties wish to establish a cooperative working relationship between them to provide for the use of the forensic crime lab and personnel hereafter described in this Agreement.

COVENANTS

NOW THEREFORE, in consideration of the recitals, covenants, and promises herein set forth and other good and valuable consideration herein received, the parties agree as follows:

1. **Definitions.** As used herein, the following terms have the meanings set forth:

a. Ancillary scene/ancillary crime scene**:** A scene that is not the primary scene of a call-out. Ancillary scenes include, but are not limited to: hospitals, vehicles and the Lakewood Police Department when used to create search warrants and process victims and/or suspects.

b. Call-out**:** A request made by either the Wheat Ridge or Lakewood Police Department for a Crime Scene Analyst, and any other personnel as may be deemed necessary, to visit a crime scene and to begin the investigation and analysis necessary to resolve that particular case.

c. Court preparation**:** Includes, but is not limited to: photo processing and preparation, diagram production, pre-trial meetings, consultation and other work done to prepare for any court proceedings resulting from a crime scene investigation.

d. Crime Scene/Scene**:** Either a primary or ancillary scene as defined in this section.

e. Crime Scene Analyst**:** A non-sworn member of the Lakewood Police Department specializing in crime scene investigation.

f. Forensic crime lab/crime lab/lab**:** A lab specially designed to aid in the investigation and analysis of evidence found at a primary crime scene or any ancillary crime scene.

g. Image analysis**:** Follow-up work done in the lab, which includes, but is not limited to: review of images and providing stills from surveillance tapes.

h. Overtime**:** Time worked by any Crime Scene Analyst beyond the normal working hours as scheduled on a weekly basis.

i. Primary scene/primary crime scene**:** The location where a crime is committed.

2. **Availability of crime scene investigation resources.** Lakewood shall make its forensic crime lab and personnel available to Wheat Ridge under the terms set forth in this Agreement.

3. **Scope of services.** Wheat Ridge may make a call-out request for a Crime Scene Analyst in the circumstances as set forth in **Exhibit 1** (the "Call-out Policy") herein attached. Lakewood shall provide the following services to Wheat Ridge in conjunction with each Wheat Ridge call-out:

   a. At least one (1) Crime Scene Analyst at the primary scene of the call-out;

   b. At least one (1) Crime Scene Analyst at any ancillary scenes;

   c. Chemical preparation for any required processing at a scene; and

   d. Follow-up preparation and evaluation of evidence in Lakewood's or Wheat Ridge's lab. Follow-up in the lab includes, but is not limited to:

      i. Documentation of clothing and other items of evidentiary value;

      ii. Bloodstain pattern analysis both at the scene and in the lab. Bloodstain pattern analysis includes presumptive testing for blood;

      iii. Field response latent print processing;

      iv. Footwear and tire track processing and comparison;

      v. Alternate light source examinations;

      vi. Image analysis;

      vii. Image processing and the archival storage and reproduction of images which includes: time, material and storage expense;

      viii. Report writing and diagramming, which includes laser mapping;

ix. Gunshot residue collection;

x. Court preparation; and

xi. Court testimony.

e. Provide crime scene training to members of the Wheat Ridge Police Department when deemed necessary and appropriate, contingent upon the reasonable availability of Lakewood Crime Lab personnel to render such training. This training can include, but is not limited to:

i. Police In-Service Training;
ii. Basic Crime Scene Investigator (CSI) training; and
iii. CSI Best Practices update training;

f. Provide assistance and technical support for various community outreach programs that have been established by the Wheat Ridge Police Department, contingent upon the reasonable availability of Lakewood Crime Lab personnel. These programs include, but are not limited to:

i. Wheat Ridge Volunteer Academy;
ii. Wheat Ridge Civilian Police Academy; and
iii. Wheat Ridge Police National Night Out Event.

4. **Procedure.** All evidence that is **not** needed for immediate forensic examination shall be booked into Wheat Ridge property and evidence. Wheat Ridge shall be responsible for any required viewings of evidence.

5. **Standard, access and quality of service.** With regard to all services provided under this Agreement, when responding to a request from Wheat Ridge, Lakewood shall provide the same standard of service, quality of service and accessibility to Wheat Ridge, as it does for all of its own call-outs. At a minimum, at least one (1) Crime Scene Analyst will respond to all primary and ancillary crime scenes. Additional personnel may be called to the scene as necessary and as they become available. In light of the addition of a new full-time Crime Scene Analyst pursuant to Paragraph 7(a) hereof, it is the expectation of the parties that this staffing increase will permit a Crime Scene Analyst to respond to any Wheat Ridge and/or Lakewood call-out for evidence collection.

6. **Assignments.** Assignments to each call-out shall be made by Lakewood. Wheat Ridge shall provide security for any Crime Scene Analyst who is at the scene of a Wheat Ridge incident.

7. **Compensation.** In return for services provided and access to crime scene investigation resources, Wheat Ridge shall compensate Lakewood in the following manner:

a. Salary, benefits and other associated costs. Wheat Ridge shall pay the salary, benefits and other costs associated with Lakewood retaining one (1) full-time Crime Scene Analyst. During the first twelve (12) months of employment, salary for said employee shall not exceed $61,610. Salary shall be payable in advance in

quarterly installments of $15,402.50. Changes in salary, benefits, overtime and other associated costs of this Agreement shall be made during each party's budget process, (typically completed in the months of May and June) but in no event shall such changes be communicated to the other party later than one (1) week prior to submission of the final budget to the party's respective City Managers' offices for approval.

i. Overtime. Wheat Ridge shall pay all hourly overtime costs for Crime Scene Analysts on Wheat Ridge call-outs at the overtime rates paid by Lakewood for all overtime incurred by such Crime Scene Analysts. Within thirty (30) days of receipt of the invoice from Lakewood, Wheat Ridge shall pay all overtime costs incurred. The parties understand that this rate may change from time to time, upon 45 days advance written notice from Lakewood to Wheat Ridge.

b. Replenishment of supplies. The City of Wheat Ridge agrees to provide replenishment of supplies consumed in the course of an investigation. These supplies include, but are not limited to, fingerprint powder, tape and brushes, casting material and chemicals used in the development of latent impressions and latent blood detection.

c. Personnel support. The City of Wheat Ridge agrees to provide financial support for the analyst in the amount of $1,600 per year. This funds the employee's training costs, pager, cell phone and clothing expenses. This fee will be billed quarterly in pro-rated amounts.

d. Scope**.** This Agreement shall not be read to include access to Lakewood's Computer Forensics Technician.

8. **Staffing.** The Lakewood forensic crime lab shall be staffed by Lakewood employees exclusively. Lakewood shall hire one (1) additional Crime Scene Analyst who will be a Lakewood employee for all purposes, including, but not limited to: discipline and supervision.

9. **Records and retention.** All physical records and evidence generated by the crime lab and its personnel shall remain in the possession of Lakewood for the limited purpose of forensic examination. Upon completion of such examination, such physical records and evidence shall be maintained by Wheat Ridge. Legal ownership of such records and evidence from any Wheat Ridge crime scene shall remain exclusively with Wheat Ridge. Wheat Ridge shall have all responsibility for responding to records inspection requests and any subpoenas for records with respect to Wheat Ridge crime scenes.

10. **Use of facilities.** Lakewood shall have access to the Wheat Ridge facilities necessary to carry out this Agreement. Furthermore, Lakewood shall have access to the evidence facility owned by Wheat Ridge located at 11220 W. 45th Avenue, Wheat Ridge, Colorado 80033-2500.

11. **Compliance with Colorado Constitution Article X Section 20.** The obligations of the parties hereunder are expressly subject to annual appropriation of amounts necessary in the sole and exclusive discretion of their respective governing bodies. Nothing in this Agreement constitutes or is intended to create a multi-year fiscal obligation or debt of either party within the meaning Article X, Section 20 of the Colorado Constitution.

12. **Effective Date.** This Agreement shall take effect on the 1st day of January, 2018, or upon execution of this Agreement by both parties, whichever event occurs last.

13. **Term.** The term of this Agreement shall be twelve (12) months from the Effective Date.

14. **Termination.** Either party may terminate this Agreement for any reason upon providing sixty (60) days notice to the non-terminating party; provided, however, that the non-terminating party is given at least thirty (30) days to effect a cure. Notice of termination must state the reason the party is terminating the Agreement such that the non-terminating party is given adequate information to cure. Any notice given under this section shall be sufficient if personally delivered or if sent by certified mail, return receipt requested, addressed as follows:

If to Wheat Ridge:	7500 W. 29th Ave. Wheat Ridge, CO 80033
With a copy (which shall not constitute notice) to:	Gerald E. Dahl Murray Dahl Kuechenmeister & Renaud LLP 2401 15th Street, Ste. 200 Denver, Colorado 80202
If to Lakewood:	Lakewood Public Safety Ctr. 445 S. Allison Pkwy. Lakewood, CO 80226
With a copy (which shall not constitute notice) to:	Office of the City Attorney Lakewood Civic Center 480 S. Allison Pkwy. Lakewood, CO 80226

Notices personally delivered shall be effective upon delivery. Mailed notices shall be effective three (3) business days after mailing.

15. **Waiver.** Failure to insist upon strict compliance with any of the terms, covenants and/or conditions hereof shall not be deemed a waiver of such terms, covenants and/or conditions, nor shall any waiver or relinquishment of any right or power hereunder at any one time or more times be deemed a waiver or relinquishment of such right or power at any other time or times.

16. **Amendments to Agreement.** No changes, alterations or modifications to any of the provisions hereof shall be effective unless contained in a written agreement signed by both parties.

17. **Entire Agreement.** This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, agreements, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the subject matter of this Agreement.

18. **Governing law; severability.** The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. For the resolution of any dispute arising hereunder, jurisdiction and venue shall be proper and exclusive in the Courts of the County of Jefferson, State of Colorado. If any provision of this Agreement shall be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.

19. **Paragraph headings.** Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.

20. **Binding agreement.** This Agreement shall be binding upon and for the benefit of the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

WHEAT RIDGE:

ATTEST:

By:_____
Janelle Shaver, City Clerk

CITY OF WHEAT RIDGE, COLORADO

By:_____
Bud Starker-Mayor

APPROVED AS TO FORM:

By:_____
Gerald Dahl, City Attorney

LAKEWOOD:

ATTEST:

By:_____
Margy Greer, City Clerk

CITY OF LAKEWOOD, COLORADO

By:_____
Daniel McCasky, Chief of Police

APPROVED AS TO FORM:

By:_____
Office of the City Attorney

Exhibit _1_ Call Out Policy

<u>Call Out Policy</u>

1. Homicides and attempted homicides
2. Questionable (suspicious) and accidental deaths
3. Suicides
4. Felony Sex Assaults
5. First & Second degree assaults on police or fire personnel.
6. Assaults with potentially life threatening injuries to any person.
7. Fire investigations involving human death or potentially life threatening injuries; or at the request of fire investigators for technical assistance.
8. Felony child abuse.
9. First or Second degree kidnapping
10. Police involved shootings.
11. Other types of incidents when the sensitivity of the investigation or a forensic complexity precludes the normal processing option, at the discretion of the supervisor.

ITEM NO: 1e.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 06-2018 – A RESOLUTION APPROVING THE 2018 POLICE RECRUIT TRAINING AGREEMENT TO PROVIDE LAW ENFORCEMENT ACADEMY TRAINING FOR SIX WHEAT RIDGE POLICE RECRUITS AT THE COMBINED REGIONAL ACADEMY

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO

Chief of Police **City Manager**

ISSUE:
The Wheat Ridge Police Department (WRPD) is requesting approval of a training agreement between the City of Lakewood, on behalf of itself and Jefferson County, and the City of Wheat Ridge. The joint academy will train all new recruit police officers in 2018.

PRIOR ACTION:
The City of Lakewood requires a new agreement be signed for each recruit academy class. Similar agreements have been approved by City Council in past years.

FINANCIAL IMPACT:
The Jefferson County Sheriff's Office and Lakewood Police Department Combined Regional Academy charges $6,000, per police recruit to attend this academy. The total amount of these fees has been budgeted by the Police Department and approved by City Council for the 2018 Budget in account # 01-207-700-728. The total cost of training the six recruits is $36,000, payable to the Lakewood Police Department.

BACKGROUND:
The Jefferson County Sheriff's Office and Lakewood Police Department's Combined Regional Academy currently holds two law enforcement training academy sessions, one in January and one in July. The Police Department uses this regional academy to train newly hired police recruits to become certified law enforcement officers as required by the Colorado Peace Officer's Standards and Training Board (POST).

For the January 2018 class, staff has reserved space for six police recruits to fill current position vacancies and to allow for attrition, which is likely to occur within the next six months.

RECOMMENDATIONS:
Staff recommends approval of this annual Police Recruit Training Agreement.

RECOMMENDED MOTION:
"I move to approve Resolution No. 06-2018, a resolution approving the 2018 Police Recruit Training Agreement to provide law enforcement academy training for six Wheat Ridge Police recruits at the Combined Regional Academy."

Or,

"I move to postpone indefinitely Resolution No. 06-2018, a resolution approving the 2018 Police Recruit Training Agreement to provide law enforcement academy training for six Wheat Ridge Police recruits at the Combined Regional Academy, for the following reason(s) _____ _____."

REPORT PREPARED/REVIEWED BY:
Daniel Brennan, Chief of Police
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 06-2018
2. 2018 Recruit Training Agreement

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 06
Series of 2018

TITLE: A RESOLUTION APPROVING THE 2018 POLICE RECRUIT TRAINING AGREEMENT TO PROVIDE LAW ENFORCEMENT ACADEMY TRAINING FOR SIX WHEAT RIDGE RECRUITS AT THE COMBINED REGIONAL ACADEMY

WHEREAS, pursuant to C.R.S. § 29-1-203, the cities of Wheat Ridge and Lakewood, Colorado are authorized to enter into cooperative agreements with other governmental entities to provide any function, service or facility each is authorized to undertake; and

WHEREAS, Lakewood and Wheat Ridge are each authorized to perform law enforcement functions pursuant to Section 6, Article XX of the Colorado Constitution and C.R.S. § 31-15-401; and

WHEREAS, such law enforcement functions occasionally necessitate the training of new police officer recruits; and

WHEREAS, Wheat Ridge does not employ a large enough number of police officer recruits or dedicated training staff to operate its own law enforcement training academy; and

WHEREAS, the City of Lakewood operates a law enforcement training academy, in cooperation with the Jefferson County Sheriff's Office; and

WHEREAS, the Wheat Ridge Police Department recommends sending its police officer recruits to said academy, under those terms and conditions set forth in the intergovernmental agreement attached to this Resolution; and

WHEREAS, the Wheat Ridge City Council ("Council") finds that approval of the attached agreement would promote the public health, safety and welfare by providing cost-effective quality training to future Wheat Ridge police officers; and

WHEREAS, the cost of attending the recruit training is $6,000 per recruit, and the police department has six new recruits to be trained; and

WHEREAS, in accordance with Section 14.2 of the City's Home Rule Charter, the City Council wishes to approve said intergovernmental agreement by resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

The Police Recruit Training Agreement by and between the City of Lakewood and the City of Wheat Ridge, concerning the training of Wheat Ridge police officer recruits at the Combined Regional Academy at a cost of $6,000 per recruit, as attached to this Resolution and incorporated herein by reference, is hereby approved. The Mayor and City Clerk are authorized to execute the same.

DONE AND RESOLVED this _____ day of January, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

POLICE RECRUIT TRAINING AGREEMENT

This POLICE RECRUIT TRAINING AGREEMENT (the "Agreement") is made and entered into this 15th day of January, 2018 (the "Effective Date"), by and between the City of Lakewood, a home rule municipal corporation of the State of Colorado whose principal business address is 480 South Allison Parkway, Lakewood, Colorado 80226 ("Lakewood"), on behalf of itself and Jefferson County, Colorado (the "County), and the City of Wheat Ridge, a municipal corporation of the State of Colorado, with offices at 7500 West 29th Avenue, Wheat Ridge, Colorado 80033 ("Agency").

WITNESSETH:

WHEREAS, Lakewood and the County conduct a joint academy for the training of law enforcement officers known as the Jefferson County Sheriff's Office and Lakewood Police Department's Combined Regional Academy (the "Academy"); and

WHEREAS, Agency is desirous of having six of its police recruits ("Recruits") attend the Academy; and

WHEREAS, Article XIV, Section 18 of the Colorado Constitution and Part 2, Article 1, Title 29, C.R.S., encourage and authorize intergovernmental agreements among government entities to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each.

NOW, THEREFORE, for the mutual covenants and promises and other valuable consideration, the receipt and adequacy of which is expressly acknowledged, the parties hereby agree as follows:

1. Purpose. The purpose of this Agreement is to provide training of the Recruits at the Academy.

2. Term of Agreement. This Agreement shall have a term of six (6) months from the Effective Date. The provisions herein relating to insurance and the covenant not to sue shall survive the termination or expiration of this Agreement.

3. Description of Training. The Academy shall provide classroom instruction as well as all testing and evaluation of the Recruits as required by State of Colorado Peace Officer Standards and Training including, but not limited to, firearms training, police driving and arrest control.

4. Payment. Agency shall pay to Lakewood, at the commencement of the Academy, **Six Thousand dollars ($6,000)** for each Recruit to be trained at the Academy.

5. Termination. Either party may terminate this Agreement by providing to the non-terminating party, not less than fifteen (15) days prior to the date of termination, written notice of termination including the effective date thereof.

6. Independent Contractor Status. Lakewood, the County and Agency are all governmental entities (each, an "Entity"). No officer or employee of any Entity shall be considered or deemed an officer or employee of any other Entity for any purpose, including worker's compensation insurance benefits and any other benefit. The Recruits are and shall remain

employees of Agency and as such are not eligible for any salary or benefits from Lakewood or the County.

7. Insurance.

   a. Agency shall continuously maintain statutory Worker's Compensation employer's liability coverage. Agency is responsible for any deductible losses under such policies or payment of any retention amounts under a self-insurance program. A certificate of insurance acceptable to Lakewood must be provided upon execution of this Agreement unless the parties arrange otherwise.

   b. Both parties shall maintain general and auto liability, law enforcement liability and public officials' liability insurance. Agency agrees to provide a certificate of insurance to Lakewood stating that notice of any cancellation of such insurance will be provided to Lakewood not less than thirty (30) days prior to any such cancellation. All cancellation notices shall be sent to the City of Lakewood, Risk Management Division.

8. Covenant not to sue. Agency, in connection with the training of its Recruits as provided herein, hereby agrees to release, waive and discharge, and covenants not to sue, Lakewood and the County, and their respective officers, employees and insurers, from and against any and all claims, damages, liabilities, demands and court awards of any kind whatsoever, which arise from any acts or omissions of any Recruit while being trained pursuant to this Agreement or thereafter, that are in any manner connected with any Recruit, if such injury, loss or damage is or is claimed to be caused in whole or in part by the act, omission or other fault of any Recruit or the training of Recruits hereunder. The parties understand, are relying upon and do not waive or intend to waive by any provision of this Agreement the monetary limitations (presently $350,000 per person, and $990,000 per occurrence) or any other rights, immunities or protections, provided by the Colorado Governmental Immunity Act, Sections 24-10-101, *et seq.*, C.R.S., as from time to time amended, or otherwise available to the parties and their officers or employees.

9. General Provisions.

   a. Integration. This Agreement contains the entire understanding among the parties, and no statement, promise or inducement made by either party that is not contained herein shall be valid or binding. This Agreement may not be enlarged, modified altered or extended except in writing, signed by the parties and endorsed herein. This Agreement shall inure to the benefit of and be binding upon Lakewood and Agency and their successors and assigns.

   b. Assignment. This Agreement shall not be assigned by either party.

   c. Severability. If any part of this agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining parts shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part held to be invalid.

   d. Venue. Venue for any and all legal actions regarding the transaction covered herein shall lie in the District Court in and for Jefferson County, Colorado, and this transaction shall be governed by the laws of the State of Colorado.

e. Authority. This instrument shall not constitute an agreement until accepted, in writing by the duly authorized representative of Lakewood and Agency.

f. Electronic Disposition. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.

g. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY OF LAKEWOOD

_____
Daniel J. McCasky, Chief of Police

ATTEST:

_____
Margy Greer, City Clerk

APPROVED AS TO FORM:

_____
Janet Young, Deputy City Attorney

CITY OF WHEAT RIDGE

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City/Town Clerk

APPROVED AS TO FORM:

_____
Gerald Dahl, City Attorney

City of Wheat Ridge

ITEM NO: 2.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 01-2018 – A RESOLUTION APPROVING A SIXTY-THREE LOT SUBDIVISION PLAT FOR PROPERTY ZONED MIXED USE NEIGHBORHOOD (MU-N) AT 11818 W. 52ND AVENUE (CASE NO. WS-17-01/HANCE RANCH)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director **City Manager**

ISSUE:
The applicant is requesting approval of a sixty-three lot subdivision plat for property zoned Mixed Use-Neighborhood (MU-N) at 11818 W. 52ND Avenue. The proposed platting area is approximately 3.91 acres. The purpose of the subdivision is to prepare the property for development of a sixty-three unit townhome project.

PRIOR ACTION:
Planning Commission reviewed this request at a public hearing held on December 7, 2017 and gave a recommendation of approval for the following reasons:

1. All requirements of the subdivision regulations have been met.
2. The proposed plat will facilitate redevelopment of the site consistent with the zone change and Concept Plan.
3. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. All minor corrections occur prior to public hearing in front of City Council.
2. A Subdivision Improvement Agreement be executed with required security prior to recordation of the subdivision plat.
3. The developer shall pay parks fees at the time of plat recording in the amount of $127,362.
4. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.
5. There shall be no access from Tract A to Tabor Street.

Attached are the staff report and minutes from the December 7, 2017, Planning Commission public hearing. Staff would note that all minor corrections have been made to the version of the plat attached to the Planning Commission report.

FINANCIAL IMPACT:
Fees in the amount of $1,982 were collected for the review and processing of Case No. WS-17-01.

BACKGROUND:
Subject Property
The subject of this subdivision request is the northern 3.91 acres of the original Hance Ranch property. The Hance Ranch property was comprised of 6.57 acres and extended from West 52nd Avenue south to Ridge Road and from Tabor Street west to Taft Court. The site was most recently used agriculturally and has on it a house. Several farm-related accessory structures have already been demolished in anticipation of property development.

Surrounding zoning and land use
The properties that surround the subject site include a variety of land uses and zoning designations. To the west is an RV storage lot and the parking lot for the commuter rail station, both with Industrial-Employment zoning. To the south is Lot 2 of Hance Subdivision, Replat #1 with the right of way for the Tabor/Ridge Road intersection and the rail line tracks beyond. Abutting the property to the east across Tabor is a low-density residential neighborhood zoned R-2 which has a mix of single and two-family dwellings. Across W. 52nd Avenue to the north is a low-density residential neighborhood within unincorporated Jefferson County.

This area has already seen a large amount of public improvement investment by RTD in preparation for the opening of the Gold Line and the Wheat Ridge Ward commuter rail station. Improvements already completed include the realignment of Tabor Street to the south, installation of a traffic signal at Tabor Street and Ridge Road, the construction of Taft Court between Ridge Road (previously called West 50th Place), and 52nd Avenue, and the construction of the commuter rail station and other infrastructure related to the commuter rail line.

Prior Land Use Entitlements
In preparation for development, the subject property and the adjacent land to the south have been through several entitlement processes prior to this application. These related and approved cases are summarized below for the purpose of providing additional background information but should not influence Council's review of and decision upon the current subdivision application.

Zone change (Case No. WZ-16-03)
The subject property and the property to the south were rezoned from Residential-One (R-1) to Mixed Use-Neighborhood (MU-N) and Mixed Use-Commercial Transit Oriented Development (MU-C TOD), respectively, in 2016. The purpose of the rezoning was to allow for the mix of land uses, densities and urban form as contemplated in the Northwest Subarea Plan and to simplify the review and approval for future development on the property.

The MU-C TOD zoning, applied to the adjacent southern property (2.6 acres), permits a wide range of commercial and residential uses to allow higher densities that support transit ridership and is intended to enhance connections to transit.

The subject of this subdivision request (the northern 3.91 acres) was rezoned to Mixed Use-Neighborhood (MU-N), a zone district that was established to encourage medium density mixed use development in which residential uses are permitted, in addition to a limited range of neighborhood-serving commercial and retail uses.

Concept Plan (Case No. WCP-16-03)
A concept plan for phased development was reviewed and approved administratively in early 2017. The Concept Plan shows the entire property being bifurcated by West 51st Avenue to create two planning areas, the northern and southern planning areas. The northern planning area corresponds with the MU-N zoning and the limits of this subdivision application, and the southern area corresponds with the MU-C TOD zoning.

The use approved for the northern planning area was up to 80 townhomes units, which is consistent with this subdivision application for 63 townhome lots. The southern planning area was approved for 250 multi-unit apartments or 60 townhome units. The Concept Plan also addresses traffic circulation, open space concepts and drainage.

Two-lot subdivision plat (Case No. MS-17-03)
The next application was a two-lot subdivision approved in June of 2017, which divided the property consistent with the approved zoning and Concept Plan. It also dedicated right-of-way for West W. 51st Avenue, which will be built as a full-width street between Taft Court on the west and Tabor Street on the east. The plat also vacated right-of-way for Taft Street and all prior easements. Eleven and one-half feet of right-of-way for was dedicated for Tabor Street. The two-lot subdivision was consistent with the zoning and concept plan for the property.

Site Development Plan (Case No. WSP-17-04)
Each of the two phases of development (north and south) will require site plan review to confirm compliance with the City's adopted zoning and design codes. A site plan for the northern 3.91 acres has been submitted and is being reviewed administratively. It is proposed to have 63 townhome units consistent with the subdivision application.

A separate site plan will be reviewed administratively for the southern 2.66 acres. This application has not yet been submitted.

While all of these applications are related, they are not part of the platting request and should not influence the City Council's review of the 63-lot subdivision.

The purpose of a subdivision plat is not to review specific site plan details, but rather to confirm property boundaries, access, rights-of-way, easements, and utility service in order to create developable parcels.

PLAT DESIGN
Attached to the enclosed Planning Commission report is a copy of the proposed subdivision plat, which contains two sheets.

Sheet 1 is the declaration page and contains the legal description, required signature blocks for property owners, a recording block and notes.

Sheet 2 illustrates the new 63-townhouse lot configuration for the north parcel. Again, the property is 3.91 acres in size and is zoned MU-N. The features of the subdivision are described below.

Lot/Tract Configuration
The proposed townhouse development will have street frontages on all four sides with W. 52nd Avenue on the north, Tabor Street on the east, W. 51st Avenue on the south and Taft Court on the west. Sixty-three townhome lots are being shown grouped into structures containing two to five units. Each of the units will be on its own lot.

There are eight tracts created by this plat, which will function for different purposes in the development.

- **Tract A:** Contains the area for the major interior drive providing access from Taft Court and West 51st Avenue and internal circulation and parking to the individual units. It also encompasses a pedestrian path to the north for access to West 52nd Avenue.
- **Tract B:** Contains the major open space feature for the development, which includes meandering walking paths with landscaping in a north/south configuration through the interior of the site.
- **Tract C:** Contains the western detention pond along West 50th Place.
- **Tract D:** Contains the eastern detention pond along West 50th Place.
- **Tracts E – H:** Creates right-of-way to be dedicated for the four external corners of the subdivision to accommodate accessibility improvements on the public streets.

On-Site Access and Circulation
Access into the project is from Taft Court at the northwest corner of the site and from two access points from West 51st Avenue on the south. There is no direct access to Tabor Street. A series of internal drives are proposed to allow circulation through and access to the individual townhomes. The garages of the townhomes will be rear loaded from the internal drives. These are located within Tract A.

Several pedestrian paths are provided through the interior of the site connecting it to the surrounding public street system. An east/west path connects Tabor Street with Taft Court and is located between Lots 6 and 7 in Blocks 2, 3, 4 and 5. These are contained in easements labeled P.A.D.U. (Pedestrian, Access, Drainage and Utility Easement). A north/south connection occurs between Lots 8 and 9 of Block 1 and on the western side of the western detention pond located in Tract C. All of the pedestrian paths will accommodate 5' wide sidewalks with crosswalks where they intersect and cross the internal access drives.

A primary outdoor activity area is located in Tract B extending between the detention pond in Tract C and the most northern portion of the interior drive. It will contain two meandering five-foot wide sidewalks, landscaping and cross connections to the east and west.

The interior streets and pedestrian ways will be privately maintained. Staff is requesting review of the Homeowners' Association covenants to ensure there are adequate provisions for maintenance of these common areas.

Right-of-way dedication and street construction
When new properties are created in the City through the subdivision process, staff reviews adjacent street improvements to confirm they meet current roadway design standards. The majority of necessary right-of-way dedications took place as part of the prior subdivision application.

As previously noted, the development will have public streets on all four sides; Taft Court on the west, W. 52nd Avenue on the north, Tabor Street on the east and W. 51st Avenue on the south.

- **Taft Court:** This is a new street constructed as part of the RTD Gold Line end-of-line station construction. Improvements consist of two lanes of traffic, a center turn lane, five-foot wide sidewalks with tree lawns and parallel parking. No additional right-of-way or work needs to occur to Taft Court.

- **W. 52nd Avenue:** This street, which has 60' of right-of-way, is currently paved with two travel lanes. There are no public improvements on either the south or north side. The proposed improvements to be installed on the south side by the developer will be curb and gutter, a 6' wide sidewalk and a 6' wide tree lawn. There will be enough pavement width to accommodate on-street parking adjacent to the new development. No additional right-of-way is needed for the street improvements.

- **Tabor Street:** Right-of-way in the amount of 11.5' was previously dedicated by the two-lot subdivision plat. Improvements will be installed by the developer consisting of curb and gutter, a 6' wide sidewalk with a 6' wide amenity zone. On-street parking will be allowed on the west side adjacent to the new development.

- **W. 51st Avenue:** There is 63' of dedicated right-of-way for 51st Avenue. Improvements will consist of two travel lanes, curb and gutter, 6' wide tree lawns and 6' wide separated sidewalks. Parallel parking will be provided on the both the north and south sides of the street.

A Subdivision Improvement Agreement (SIA) will memorialize the developers' obligations to complete these public improvements.

On-Site Drainage Design
When vacant land is developed, historic drainage patterns must be preserved and the flow entering and released from the site must be maintained consistent with existing conditions. The drainage proposal has been analyzed by Public Works and sufficient measures are being taken to ensure that historic and developed flows are being adequately addressed.

Off-site historical flows from the larger upstream basin will be carried overland within proposed curb and gutter along the south side of W. 52nd Avenue and the west side of Tabor Street, where curb inlets will intercept and convey the flow in a proposed 48" pipe to the existing public storm system at Ridge Road.

Historically the site drains towards the southeast where untreated stormwater from the site flows into Tabor Street to the east and Ridge Road to the south. On-site developed flow will be directed into two detention ponds lying in Tracts C and D along the south-central and southeasterly portion of the subdivision. The Tract C pond flows into the Tract D, which is designed with a water quality structure that releases treated stormwater at an acceptable rate into the proposed 48" public storm system within Tabor Street.

Parkland Dedication
Parkland dedication is required for all new residential subdivisions. When land is not dedicated for a public park, a fee in lieu of parkland is required. The Parks and Recreation Department has indicated that fees in lieu of land dedication will be required. This fee in the amount of $127,362 (63 units x $2021.62) is required to be paid prior to plat recording.

This case has been through a standard referral process and all agencies can provide service subject to improvements installed at the developer's expense. Public Works has reviewed and approved a drainage plan and report for the property.

RECOMMENDED MOTION:
"I move to approve Resolution No. 01-2018, a resolution approving a sixty-three lot subdivision plat for property zoned Mixed Use Neighborhood (MU-N) at 11818 W. 52nd Avenue (Case No. WS-17-01/Hance Ranch), for the following reasons:

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 consistent with the zone change and Concept Plan.
5. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:
1. A Subdivision Improvement Agreement be executed with required security prior to recordation of the subdivision plat.
2. The developer shall pay parks fees at the time of plat recording in the amount of $127,362.
3. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.
4. There shall be no access from Tract A to Tabor Street.

Or,

"I move to Deny Resolution No. 01-2018, a resolution approving a sixty-three lot subdivision plat for property zoned Mixed Use Neighborhood (MU-N) at 11818 W. 52nd Avenue (Case No. MS-17-03/Hance Ranch), for the following reason(s): _____
_____
and direct the City Attorney to prepare a Resolution of Denial, to be scheduled for Council consideration at the next available regular business meeting."

REPORT PREPARED/REVIEWED BY:
Meredith Reckert, Senior Planner
Lauren Mikulak, Community Development Planning Manager
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 01-2018
2. Planning Commission staff report
3. Planning Commission minutes

CITY OF WHEAT RIDGE, COLORADO
Resolution No. 01
Series 2018

TITLE: A RESOLUTION APPROVING A SIXTY-THREE LOT SUBDIVISION PLAT FOR PROPERTY ZONED MIXED USE NEIGHBORHOOD (MU-N) AT 11818 W. 52ND AVENUE (CASE NO. WS-17-01/HANCE RANCH)

WHEREAS, Chapter 26, Article I of the Wheat Ridge Code of Laws establishes the procedures for the City's review and approval of Subdivision Plats; and,

WHEREAS, an application for a sixty-three lot subdivision plat was received from Baseline Engineering for Hance Ranch Development, LLC to subdivide property located at11818 W. 52nd Avenue in the Mixed Use-Neighborhood (MU-N) zone district; and,

WHEREAS, all referral agencies have reviewed the request and do not have concerns; and,

WHEREAS, all requirements of the zoning code and Subdivision Regulations have been met; and,

WHEREAS, all required publishing, posting and notification requirements for a January 8, 2018, City Council public hearing have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

A RESOLUTION APPROVING A SIXTY-THREE LOT SUBDIVISION PLAT FOR PROPERTY ZONED MIXED USE NEIGHBORHOOD (MU-N) AT 11818 W. 52ND AVENUE (CASE NO. WS-17-01/HANCE RANCH) is HEREBY APPROVED FOR THE FOLLOWING REASONS:

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 consistent with the zone change and Concept Plan.

ATTACHMENT 1

5. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. A Subdivision Improvement Agreement be executed with required security prior to recordation of the subdivision plat.
2. The developer shall pay parks fees at the time of plat recording in the amount of $127,362.
3. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.
4. There shall be no access from Tract A to Tabor Street.

DONE AND RESOLVED by the City Council this 8th day of January, 2018.

By:

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

City of Wheat Ridge
COMMUNITY DEVELOPMENT

O: Planning Commission **CASE MANAGER**: M. Reckert

DATE OF MEETING:	December 7, 2017
CASE NO. & NAME:	WS-17-01 /Hance Ranch
ACTION REQUESTED:	Approval of a 63- lot subdivision on property zoned Mixed Use-Neighborhood (MU-N)
LOCATION OF REQUEST:	Northern portion of 11818 W. 52nd Avenue (Lot 1 of Hance Subdivision, Replat # 1)
PROPERTY OWNER:	Hance Ranch Development, LLC
APPROXIMATE AREA:	3.91 acres
PRESENT ZONING:	MU-N
PRESNET LAND USE:	Single-family residence, vacant land

ENTER INTO RECORD:

CASE FILE & PACKET MATERIALS
ZONING ORDINANCE/SUBDIVISION REGS
COMPREHENSIVE PLAN
DIGITAL PRESENTATION

Subject site

ATTACHMENT 2

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

I. REQUEST

This application is for approval of a subdivision plat on property zoned Mixed Use – Neighborhood (MU-N) on the northern portion of 11818 W. 52nd Avenue, otherwise known as Lot 1, Hance's Subdivision, Replat No. 1. The proposed subdivision will create sixty-three (63) townhome lots and eight tracts. The purpose of this application is to subdivide the lot in preparation for construction of 63 townhome units. (Exhibit 1, Applicant Letter)

Because this plat exceeds five parcels, it is being processed as a major subdivision (per Section 26-118 of the municipal code). In this case, Planning Commission will make a recommendation to City Council, which is the final authority for approval of a major subdivision.

A neighborhood meeting is not required for a subdivision plat.

II. PROPERTY HISTORY

Please note that the property has been the subject of several prior land use applications. Where appropriate, pertinent documents have been attached as exhibits for the Commission's reference. These related cases include the following:

Zone change (Case No. WZ-16-03)

The property, which was part of a larger piece comprising a total of 6.57 acres, was rezoned from Residential-One (R-1) to Mixed Use-Neighborhood (MU-N) and Mixed Use – Commercial Transit Oriented Development (MU-C TOD) in 2016. The purpose of the rezoning was to allow for the mix of land uses, densities and urban form as contemplated in the Northwest Subarea Plan and to simplify the review and approval for future development on the property. (Exhibit 2, zoning map)

The MU-C TOD zoning, applied to the southern 2.6 acres, permits a wide range of commercial and residential uses to allow higher densities that support transit ridership and is intended to enhance connections to transit

The subject of this subdivision request (the northern 3.91 acres) was rezoned to Mixed Use-Neighborhood (MU-N), a zone district that was established to encourage medium density mixed use development in which residential uses are permitted, in addition to a limited range of neighborhood-serving commercial and retail uses.

Concept Plan (Case No. WCP-16-03)

A concept plan for phased development was reviewed and approved administratively in early 2017. The Concept Plan shows the entire property being bifurcated by West 51st Avenue to create two planning areas, the northern and southern planning areas. The northern planning area corresponds with the MU-N zoning and the southern area corresponds with the MU-C TOD zoning (Exhibit 3, Concept Plan).

The use approved for the northern planning area was up to 80 townhomes units. The southern planning area was approved for 250 multi-unit apartments or 60 townhome units. The Concept Plan also addresses traffic circulation, open space concepts and drainage.

Two-lot subdivision plat (Case No. MS-17-03)
The next application was a two-lot subdivision approved in June of 2017, which divided the property consistent with the approved zoning and Concept Plan. It also dedicated right-of-way for West W. 51st Avenue, which will be built as a full-width street between Taft Court on the west and Tabor Street on the east. The plat also vacated right-of-way for Taft Street and all prior easements. Eleven and one-half feet of right-of-way for was dedicated for Tabor Street. The two-lot subdivision was consistent with the zoning and concept plan for the property. (Exhibit 4, Two–lot plat)

Site Development Plan (Case No. WSP-17-04)
Each of the two phases of development will require site plan review to confirm compliance with the City's adopted zoning and design codes. A site plan for the northern 3.91 acres has been submitted and is being reviewed administratively. It is proposed to have 63 townhome units.

A separate site plan will be reviewed administratively for the southern 2.66 acres. This application has not yet been submitted.

While all of these applications are related, they are not part of the platting request and should not influence the Planning Commission's recommendation on the subdivision.

The purpose of a subdivision plat is not to review specific site plan details, but rather to confirm property boundaries, access, rights-of-way, easements, and utility service in order to create developable parcels.

III. EXISTING CONDITIONS

The subject of this subdivision request is the northern 3.91 acres of the original Hance Ranch property. The Hance Ranch property was comprised of 6.57 acres and extended from West 52nd Avenue south to Ridge Road and from Tabor Street west to Taft Court. The site was most recently used agriculturally and has on it a house. Several farm-related accessory structures have already been demolished in anticipation of property development. (Exhibit 5, Aerial Photo)

Surrounding zoning and land use
The properties that surround the subject site include a variety of land uses and zoning designations. To the west is an RV storage lot and the parking lot for the commuter rail station, both with Industrial-Employment zoning. To the south is Lot 2 of Hance Subdivision, Replat #1 with the right of way for the Tabor/Ridge Road intersection and the rail line tracks beyond. Abutting the property to the east across Tabor is a low-density residential neighborhood zoned R-2 which has a mix of single and two-family dwellings. Across W. 52nd Avenue to the north is a low-density residential neighborhood within unincorporated Jefferson County.

This area has already seen a large amount of public improvement investment by RTD in preparation for the opening of the Gold Line and the Wheat Ridge Ward commuter rail station. Improvements already completed include the realignment of Tabor Street to the south, installation of a traffic signal at Tabor Street and Ridge Road, the construction of Taft Court between Ridge Road (previously called West 50th Place), and 52nd Avenue, and the construction of the commuter rail station and other infrastructure related to the commuter rail line. (Exhibit 6, Site photos)

IV. PROPOSED PLAT DOCUMENT

Plat design
Attached is a copy of the proposed subdivision plat, which contains two sheets. (Exhibit 7, Subdivision Plat)

Sheet 1 is the declaration page and contains the legal description, required signature blocks for property owners, a recording block and notes.

Sheet 2 illustrates the new 63-townhouse lot configuration for the north parcel. Again, the property is 3.91 acres in size and is zoned MU-N. The features of the subdivision are described below.

Lot/Tract Configuration
The proposed townhouse development will have street frontages on all four sides with W. 52nd Avenue on the north, Tabor Street on the east, W. 51st Avenue on the south and Taft Court on the west. Sixty-three townhome lots are being shown grouped into structures containing two to five units. Each of the units will be on its own lot.

There are eight tracts created by this plat, which will function for different purposes in the development.

- **Tract A:** Contains the area for the major interior drive providing access from Taft Court and West 51st Avenue and internal circulation and parking to the individual units. It also encompasses a pedestrian path to the north for access to West 52nd Avenue.
- **Tract B:** Contains the major open space feature for the development, which includes meandering walking paths with landscaping in a north/south configuration through the interior of the site.
- **Tract C:** Contains the western detention pond along West 50th Place.
- **Tract D:** Contains the eastern detention pond along West 50th Place.
- **Tracts E – H:** Creates right-of-way to be dedicated for the four external corners of the subdivision to accommodate accessibility improvements on the public streets.

On-Site Access and Circulation
Access into the project is from Taft Court at the northwest corner of the site and from two access points from West 51st Avenue on the south. There is no direct access to Tabor Street. A series of internal drives are proposed to allow circulation through and access to the individual townhomes. The garages of the townhomes will be rear loaded from the internal drives. These are located within Tract A.

Several pedestrian paths are provided through the interior of the site connecting it to the surrounding public street system. An east/west path connects Tabor Street with Taft Court and is located between Lots 6 and 7 in Blocks 2, 3, 4 and 5. These are contained in easements labeled P.A.D.U. (Pedestrian, Access, Drainage and Utility Easement). A north/south connection occurs between Lots 8 and 9 of Block 1 and on the western side of the western detention pond located in Tract C. All of the pedestrian paths will accommodate 5' wide sidewalks with crosswalks where they intersect and cross the internal access drives.

A primary outdoor activity area is located in Tract B extending between the detention pond in Tract C and the most northern portion of the interior drive. It will contain two meandering five-foot wide sidewalks, landscaping and cross connections to the east and west.

As previously noted, the development will have public streets on all four sides; Taft Court on the west, W. 52nd Avenue on the north, Tabor Street on the east and W. 51st Avenue on the south.

- **Taft Court:** This is a new street constructed as part of the RTD Gold Line end-of-line station construction. Improvements consist of two lanes of traffic, a center turn lane, five-foot wide sidewalks with tree lawns and parallel parking. No additional right-of-way or work needs to occur to Taft Court.

- **W. 52nd Avenue:** This street, which has 60' of r-o-w, is currently paved with two travel lanes. There are no public improvements on either the south or north side. The proposed improvements to be installed on the south side by the developer will be curb and gutter, a 6' wide sidewalk and a 6' wide tree lawn. There will be enough pavement width to accommodate on-street parking adjacent to the new development. No additional right-of-way is needed for the street improvements.

- **Tabor Street:** Right-of-way in the amount of 11.5' was previously dedicated by the two-lot subdivision plat. Improvements will be installed by the developer consisting of curb and gutter, a 6' wide sidewalk with a 6' wide amenity zone. On-street parking will be allowed on the west side adjacent to the new development.

The interior streets and pedestrian ways will be privately maintained. Staff is requesting review of the Homeowners' Association covenants to ensure there are adequate provision for maintenance of these common areas.

Right-of-way dedication and street construction
When new properties are created in the City through the subdivision process, staff reviews adjacent street improvements to confirm they meet current roadway design standards.

- **W. 51st Avenue:** There is 63' of dedicated right-of-way for 51st Avenue. Improvements will consist of two travel lanes, curb and gutter, 6' wide tree lawns and 6' wide separated sidewalks. Parallel parking will be provided on the both the north and south sides of the street.

A Subdivision Improvement Agreement (SIA) will memorialize the developers' obligations to complete these public improvements.

Onsite drainage design
When vacant land is developed, historic drainage patterns must be preserved and the flow entering and released from the site must be maintained consistent with existing conditions. The drainage proposal has been analyzed by Public Works and sufficient measures are being taken to ensure that historic and developed flows are being adequately addressed.

Off-site historical flows from the larger upstream basin will be carried overland within proposed curb and gutter along the south side of W. 52nd Avenue and the west side of Tabor Street, where curb inlets will intercept and convey the flow in a proposed 48" pipe to the existing public storm system at Ridge Road.

Historically the site drains towards the southeast where untreated stormwater from the site flows into Tabor Street to the east and Ridge Road to the south. On-site developed flow will be directed into two detention ponds lying in Tracts C and D along the south-central and southeasterly portion of the subdivision. The Tract C pond flows into the Tract D, which is designed with a water quality structure that releases treated stormwater at an acceptable rate into the proposed 48" public storm system within Tabor Street.

Parkland dedication
Parkland dedication is required for all new residential subdivisions. When land is not dedicated for a public park, a fee is required in lieu of parkland is required. The Parks and Recreation Department has indicated that fees in lieu of land dedication will be required in the amount of $127,362 (63 x $2021.62). This fee is required to be paid prior to plat recording.

VI. AGENCY REFERRAL

All affected service agencies were contacted regarding their ability to serve the property. The developer will be responsible for any needed upgrades to accommodate the proposed development. Specific referral responses follow.

Arvada Fire Protection District: Can serve the property with upgrades required at the developer's expense. Three new hydrants will be required to be installed. All internal roads must be signed as fire lanes.

CenturyLink: Has no objection to the plat.

Fruitdale Sanitation District: Can serve the property with existing 8" lines in both 52nd Avenue and Tabor. Other required improvements must be paid for by the developer.

Valley Water District: Can provide water service to the property. All required improvements will be installed at the developer's expense.

Wheat Ridge Public Works: Has reviewed and approved the drainage plan and plat.

Wheat Ridge Police: No concerns with crime or traffic.

Xcel Energy: Has no conflict with the plat. Will continue to work with the developer on natural gas and electric design details.

V. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that all requirements of the subdivision regulations have been met and that approval of the subdivision will facilitate development of the property. The proposed plat is consistent with the zoning and the approved Concept Plan. Because all internal and external agencies can provide service to the property with improvements installed at the developer's expense, a recommendation of approval is given for Case No. WS-17-01.

VI. RECOMMENDED MOTIONS

<u>OPTION A:</u>

"I move to recommend APPROVAL of Case No. WS-17-01, a request for approval of a 63-lot subdivision plat for property known as Lot 1 of Hance Subdivision, Replat #1, generally addressed as 11818 W. 52nd Avenue, for the following reasons:

1. All requirements of the subdivision regulations have been met.
2. The proposed plat will facilitate redevelopment of the site consistent with the zone change and Concept Plan.
3. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. All minor corrections occur prior to public hearing in front of City Council.
2. A Subdivision Improvement Agreement be executed with required security prior to recordation of the subdivision plat.
3. The developer shall pay parks fees at the time of plat recording in the amount of $127,362.
4. The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit."

OPTION B:

"I move to recommend DENIAL of Case No. WS-17-01, a request for approval of a 63-lot subdivision plat for property known as Lot 1 of Hance Subdivision, Replat #1, generally addressed as 11818 W. 52nd Avenue, for the following reasons:

1.
2."

Exhibit 1 – Applicant letter

March 8, 2017

To: Meredith Reckert, Senior Planner
City of Wheat Ridge Community Development
7500 W. 29th Avenue
2nd Floor
Wheat Ridge, CO 80033

BASELINE
Engineering · Planning · Surveying

Re: Hance Ranch North Lot (11818 W. 52nd Avenue) – Site Plan Submittal
Remington Homes Townhome Development

Description of Proposal:
Baseline Corporation is pleased to submit this Major Plat and Site Plan application for the property known as Hance Ranch on behalf of HRE Development LLC. The property is bounded by West 52nd Avenue on the north, Taft Court on the west, New West 52nd Avenue ROW to be dedicated with the Minor Plat along the south, and Tabor Street on the east.

The applicant proposes to develop the north half of the site totaling 3.91 acres into a residential development with 63 single-family attached dwellings (townhomes). Public improvements include widening and public sidewalks along West 52nd Avenue, Tabor Street, and new Street construction along the southern boundary for 52st Avenue. Private Streets will provide access to the garages along the rear of the homes and will also serve as the utility condor for water by Valley Water District and Sewer by Fruitdale Sanitation. Utility Construction Plans will be coordinated directly with these agencies. All landscaping proposed outside the building envelopes along with storm water detention will be maintained by a Home Owners Association. The development will service the increased residential demand in the area once the rail line opens.

Enclosed:
- Land use application
- Submittal checklist
- Proof of Ownership
- Site plan set
  - 2x full size paper copy
  - 1x reduced size paper copy
- Major Subdivision Plat
  - 2x full size paper copy
  - 1x reduced size paper copy
- CD containing electronic copies of all documents including:
  - Civil Construction Plans (Electronic)
  - Final Drainage Report (Electronic
  - Traffic Impact Study (Electronic)
  - Soils Report (Final to be provided with subsequent Submittal)
- Application Fee

Sincerely,
Baseline Engineering Corporation

Noah Nemmers, PE
Project Manager

Corporate Headquarters
Downtown Golden
1950 Ford Street
Golden, Colorado 80401
Ph 303.940.9966
Fax 303.940.9959

High Plains
Downtown Greeley
710 11th Avenue, Suite 105
Greeley, Colorado 80631
Ph 970.353.7600
Fax 970.353.7601

Rocky Mountains
Ski Village
419 Oak Street, PO Box 770152
Steamboat Springs, Colorado 80477
Ph 970.879.1825
Fax 866.242.9106

Exhibit 2 – Zoning Map

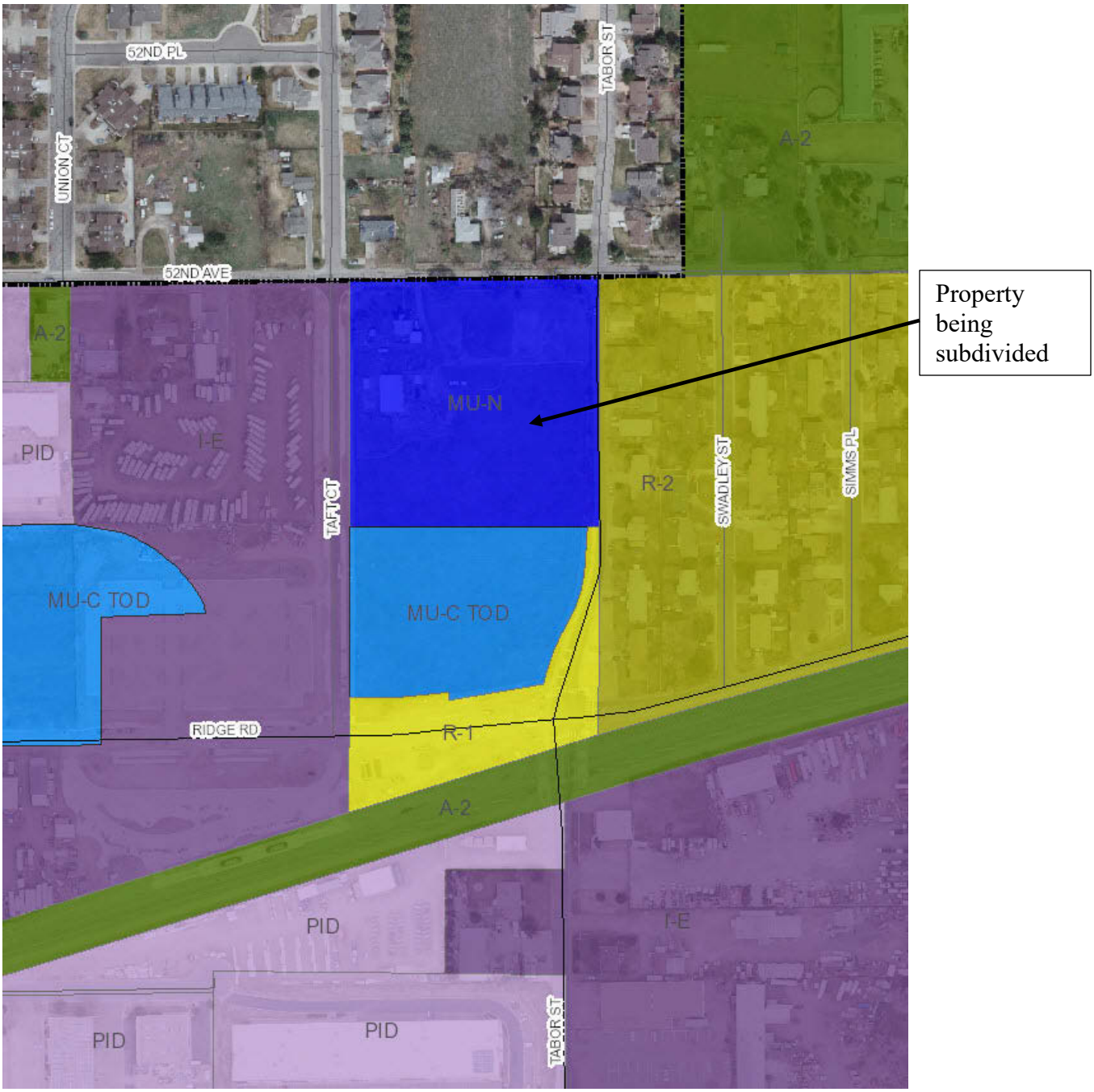

Exhibit 3 – Concept Plan

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Rec # 2017040410 04/18/2017 11:12:48am County of Jefferson State of Colorado $38.00

HANCE RANCH CONCEPT PLAN
AN OFFICIAL CONCEPT PLAN IN THE CITY OF WHEAT RIDGE
A PORTION OF HANCE'S SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.
COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 1 OF 3 - DECLARATION SHEET

LEGAL DESCRIPTION:

LOTS 1 THROUGH 25, HANCE'S SUBDIVISION, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THAT PORTION OTHEREOF AS CONVEYED TO REGIONAL TRANSPORTATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO IN THE DEED RECORDED DECEMBER 17, 2012 UNDER RECEPTION NO. 2012135810.

SURVEYORS CERTIFICATE:

3-29-2017

MATT ROBERT EISENACH, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 38257,
FOR AND ON BEHALF OF BASELINE ENGINEERING CORP.
BASELINE ENGINEERING CORP
710 11TH AVENUE, SUITE 105
GREELEY, COLORADO 80631
(970) 353-7600

FLOODPLAIN CERTIFICATION:

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN EITHER THE 100 OR 500 YEAR FLOOD PLAINS. IT IS LOCATED WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) IDENTIFIED IN FIRM MAP NO. 08059C0214F, DATED FEBRUARY 5, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

CONCEPT PLAN CHARACTER AND ZONE COMPLIANCE:

THE FOCUS OF THIS CONCEPT PLAN APPLICATION IS TO PROVIDE A GENERAL DEVELOPMENT OUTLINE FOR THE PROPERTY KNOWN AS HANCE RANCH. PER COUNCIL BILL 13-2016, THE PROPERTY WAS REZONED FROM RESIDENTIAL-ONE (R-1) TO THE MIXED USE COMMERCIAL TRANSIT ORIENTED DEVELOPMENT (MU-C TOD) ZONE SUB-DISTRICT AND THE MIXED USE NEIGHBORHOOD ZONE SUB-DISTRICT (MU-N) ON TWO SEPARATE PLANNING AREAS. THIS ZONING WILL PERMIT THE FUTURE DEVELOPMENT OF EACH PLANNING AREA IN A MANNER THAT IS CONSISTENT WITH THE REGULATIONS ESTABLISHED IN EACH ZONE DISTRICT.

DEVELOPMENT WILL OCCUR IN PHASES ON EACH OF THE TWO PLANNING AREAS THAT WILL BE CREATED AS PART OF A SUBSEQUENT SUBDIVISION. A SITE PLAN WILL BE SUBMITTED FOR EACH PLANNING AREA IN CONFORMANCE WITH THE CITY OF WHEAT RIDGE SITE PLAN REVIEW PROCESS.

DETAILS REGARDING THE FINAL CONFIGURATION OF THE IDENTIFIED PLANNING AREAS ARE INTENTIONALLY OMITTED FROM THIS CONCEPT PLAN IN THE INTEREST OF PROVIDING FLEXIBILITY IN FUTURE USE AND DESIGN. REQUIREMENTS OF THE FUTURE DEVELOPMENT WITH REGARD TO ACCESS, DRAINAGE, OPEN SPACE, AND ZONING ARE ADDRESSED IN GENERAL HEREIN.

DEVELOPMENT CRITERIA:

SITE AREA:	TOTAL SITE AREA = 7.3165 ACRES ACREAGES FOR THE NORTHERN AND SOUTHERN PLANNING AREAS MAY VARY SLIGHTLY AT THE TIME OF FINAL PLAT.
NORTHERN PLANNING AREA:	SITE AREA = 4.3373 ACRES
ZONING:	MU-N
MINIMUM BUILDING AND HARDSCAPE COVERAGE:	85%
MAXIMUM BUILDING HEIGHT:	35 FT FOR RESIDENTIAL USE
BUILDING ORIENTATION:	BUILD-TO AND SETBACK REQUIREMENTS WILL BE MET. SITING WILL CONFORM TO SETBACK AND BUILD-TO REQUIREMENTS, WITH PARKING BEHIND BUILDING FACES. FINAL BUILDING FOOTPRINTS TO BE ESTABLISHED DURING SITE SITE PLAN REVIEW PROCESS.
ARCHITECTURE:	TO BE IN CONFORMANCE WITH SECTION 26-1108
LIGHTING:	TO MEET SECTION 26-503 OF THE WHEAT RIDGE MUNICIPAL CODE
LANDSCAPING:	15% IN CONFORMANCE WITH ZONING REQUIREMENTS. FINAL LANDSCAPING TO BE DETERMINED DURING SITE PLAN REVIEW PROCESS.
SOUTHERN PLANNING AREA:	SITE AREA = 2.9792 ACRES
ZONING:	MU-C TOD
MINIMUM BUILDING AND HARDSCAPE COVERAGE:	85%
MINIMUM BUILDING HEIGHT:	20 FT
MAXIMUM BUILDING HEIGHT:	8 STORIES / 90 FT
BUILDING ORIENTATION:	BUILD-TO REQUIREMENTS WILL BE MET. PRIMARY AND SECONDARY STREETS WILL BE DETERMINED WITH SITE PLAN REVIEW PROCESS.
ARCHITECTURE:	TO BE IN CONFORMANCE WITH SECTION 26-1108
LIGHTING:	TO MEET SECTION 26-503 OF THE WHEAT RIDGE MUNICIPAL CODE
LANDSCAPING:	15% IN CONFORMANCE WITH ZONING REQUIREMENTS. FINAL LANDSCAPING TO BE DETERMINED DURING SITE PLAN REVIEW PROCESS.

EASEMENT AND RIGHT-OF-WAY DEDICATIONS:

THE EASEMENTS AND REQUIRED RIGHT-OF-WAY REPRESENTED HEREIN ARE APPROVED TO BE CONVEYED BY PLAT.

DRAINAGE CONSIDERATIONS:

A CONCEPTUAL DRAINAGE LETTER IS SUBMITTED WITH THIS CONCEPT PLAN APPLICATION. A FINAL DRAINAGE REPORT WILL BE PROVIDED IN CONJUNCTION WITH THE SITE PLAN REVIEW APPLICATION. THE PROPOSED SITE WILL BE GRADED SO THAT DEVELOPED DRAINAGE CLOSELY FOLLOWS HISTORIC PATTERNS GOING FROM THE NORTHWEST TO THE SOUTHEAST. DETENTION PONDS ARE PROPOSED IN THE SOUTHERLY PORTION OF EACH PLANNING AREA AND WILL ADHERE TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (UDFCD) CRITERIA BY BEING SIZED TO PROVIDE WATER QUALITY AND EXCESS URBAN RUNOFF VOLUME (EURV) FOR THE ENTIRE SITE. OUTFALL FOR THE POND IS PROPOSED TO BE CONVEYED INTO AN EXISTING STORM SEWER SYSTEM ASSOCIATED WITH THE RIDGE ROAD TRIBUTARY OUTFALL, WHICH INCLUDES A REGIONAL POND TO THE SOUTHEAST OF THE SITE AT THE SOUTHEAST INTERSECTION OF WEST RIDGE ROAD AND ROBB STREET.

IF IT IS DETERMINED THAT THE REGIONAL POND LOCATED NEAR RIDGE ROAD AND ROBB STREET CAN BE MODIFIED WITH THIS DEVELOPMENT OR IN THE FUTURE TO ACCOMMODATE SOME OR ALL OF THE STORMWATER NEEDS FOR THIS DEVELOPMENT, THEN THE ON-SITE FACILITIES MAY BE MODIFIED OR ELIMINATED.

CASE HISTORY:

WZ-16-03, WCP-16-03

OPEN SPACE CONCEPTS:

THE REQUIRED OPEN SPACE MINIMUMS ARE THE SAME FOR EACH ZONE DISTRICT AND WILL BE ACHIEVED AGGREGATELY. THE REQUIREMENTS ARE PROPOSED TO BE MET AS FOLLOWS;

MU-N (NORTHERN PLANNING AREA): OPEN SPACE REQUIREMENTS WILL BE MET THROUGH ONE OR MORE OF THE FOLLOWING ELEMENTS: SMALL PRIVATE YARDS, PLANTED AREAS, HARDSCAPE AREAS, OR COMMUNAL ELEMENTS DESIGNED AS OPEN SPACE. 35% OF LANDSCAPE MATERIALS SHALL BE LIVING AND 75% OF THE OPEN SPACE SHALL BE USABLE AS DEFINED BY SECTION 26-1110E.

MU-C TOD (SOUTHERN PLANNING AREA): A COMMUNITY GREEN SPACE IS TO BE INTEGRATED WITH THE DEVELOPMENT TO SERVE AS AN AMENITY FOR RESIDENTS. 35% OF LANDSCAPE MATERIALS SHALL BE LIVING AND 75% OF THE OPEN SPACE SHALL BE USABLE AS DEFINED BY SECTION 26-1110E.

TRAFFIC CIRCULATION:

THE PROPOSED DEVELOPMENT WILL PROVIDE A RESIDENTIAL DEVELOPMENT THAT WILL BE LOCATED WITHIN CLOSE PROXIMITY TO THE WARD ROAD - WHEAT RIDGE COMMUTER RAIL STATION AND PARK-N-RIDE. THE DEVELOPMENT WILL OFFER STRONG PEDESTRIAN CONNECTIONS FROM THE DEVELOPMENT TO THE EXISTING SIDEWALKS AND STREETS. AN EXTENSION OF WEST 51ST AVENUE WILL BE CONSTRUCTED THAT WILL BISECT THE PROPERTY INTO TWO PLANNING AREAS: NORTH PLANNING AREA AND SOUTH PLANNING AREA. THE EXTENSION OF WEST 51ST AVENUE WILL ENTER THE SITE FROM THE WEST FROM TAFT COURT AND EXTEND TO TABOR STREET ON THE EAST. THIS EXTENSION WILL PROVIDE DIRECT ACCESS TO BOTH THE NORTH AND SOUTH BLOCKS OF THE DEVELOPMENT.

THE NORTH PLANNING AREA WILL PROVIDE A VEHICULAR TRAFFIC LOOP WITH TWO POINTS OF ACCESS FROM 51ST AVENUE AS WELL AS ONE ACCESS POINT ONTO TAFT COURT AND ONE ACCESS POINT ONTO TABOR STREET. THE SOUTH PLANNING AREA WILL HAVE AN ACCESS POINT FROM TAFT COURT AND TWO FROM 51ST AVENUE.

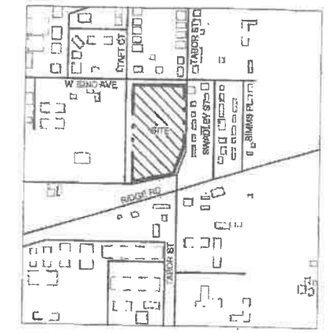
POTENTIAL PHASING AND USES:

DEVELOPMENT WILL OCCUR IN PHASES. ONE OF THE PHASES WILL PROVIDE DEVELOPMENT ON THE NORTHERN PLANNING AREA OF THE PROPERTY AND THE OTHER PHASE WILL BE THE SOUTHERN PLANNING AREA. THE BOUNDARIES FOR THE NORTHERN AND SOUTHERN PLANNING AREA WILL BE DETERMINED AT THE TIME OF MINOR SUBDIVISION, DEFINED BY THE LOCATION OF W. 51ST AVENUE.

A SITE PLAN WILL BE SUBMITTED FOR EACH PHASE IN ACCORDANCE WITH THE CITY OF WHEAT RIDGE DEVELOPMENT REGULATIONS FOR THAT APPLICATION. THE SUMMARY OF THE INDIVIDUAL PHASES, IN NO SPECIFIC ORDER, ARE INCLUDED BELOW. IMPROVEMENTS, INCLUDING INFRASTRUCTURE, WILL BE COMPLETED FOR EACH PHASE OF DEVELOPMENT AND WILL BE FULLY COMPLIANT FOR THAT PHASE.

MU-N (NORTHERN PLANNING AREA)
- 80 TOWNHOME UNITS, CONSTRUCTION MAY BE PHASED
- PEDESTRIAN PATHS
- PARKING WILL BE ATTACHED GARAGES, DETACHED GARAGES OR SURFACE PARKING

MU-C TOD (SOUTHERN PLANNING AREA)
- 280 MAXIMUM MULTI-UNIT APARTMENT BUILDING OR ~60~ ATTACHED TOWNHOME UNITS
- ON-STREET PARKING ALONG 51ST WILL BE INCLUDED IN THE TOTAL REQUIRED SPACES.
- PARKING SPACES WILL ALSO BE PROVIDED WITHIN BUILDING FOOTPRINT



VICINITY MAP

N.T.S

OWNER'S CERTIFICATE:

THE BELOW SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE THAT THE PROPERTY LEGALLY DESCRIBED HEREON WILL BE DEVELOPED IN ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS CONTAINED IN THIS PLAN, AND AS MAY OTHERWISE BE REQUIRED BY LAW. I (WE) FURTHER RECOGNIZE THAT THE APPROVAL OF THIS CONCEPT PLAN DOES NOT CREATE A VESTED PROPERTY RIGHT. VESTED PROPERTY RIGHTS MAY ONLY ARISE AND ACCRUE PURSUANT TO THE PROVISIONS OF SECTION 26-121 OF THE WHEAT RIDGE CODE OF LAWS.

HANCE RANCH DEVELOPMENT LLC.
HRE DEVELOPMENT, MANAGER
PATRICK HENRY, MANAGER

STATE OF COLORADO)
) ss
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 23RD DAY OF March, A.D. 2017 BY Patrick Henry
WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES: 02/07/2019

Tiffany R. Love
NOTARY PUBLIC

TIFFANY R LOVE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20004005922
MY COMMISSION EXPIRES FEBRUARY 7, 2019

CITY CERTIFICATION:

APPROVED THIS 15th DAY OF March 2017
BY THE CITY OF WHEAT RIDGE.

ATTEST

Janelle Shaver — Jerry Jay
CITY CLERK — MAYOR

Kenth P. Mitchell
COMMUNITY DEVELOPMENT DIRECTOR

COUNTY CLERK AND RECORDERS CERTIFICATE:

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT 11 O'CLOCK 12 M. ON THIS 18 DAY OF April 2017 A.D., IN RECEPTION NO. 2017040410.

JEFFERSON COUNTY CLERK AND RECORDER
Faye Griffin
BY: Kelli Krayni
DEPUTY

SEAL

SHEET INDEX:

SHEET 1 OF 3 - DECLARATION SHEET
SHEET 2 OF 3 - CONCEPT PLAN - TOWNHOMES AND APARTMENT
SHEET 3 OF 3 - CONCEPT PLAN - TOWNHOMES ONLY

architecture, plic.

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HANCE RANCH
CONCEPT PLAN
WHEAT RIDGE, COLORADO

DRAWN
CHKD
REVISIONS

NO.	DESCRIPTION	DATE

ISSUE RECORD

NO.	DESCRIPTION	DATE
1	CONCEPT PLAN	08 - 26 - 2016
2	CONCEPT PLAN 2	11 - 14 - 2016
3	CONCEPT PLAN 3	1 - 13 - 2017
4		
5		
6		

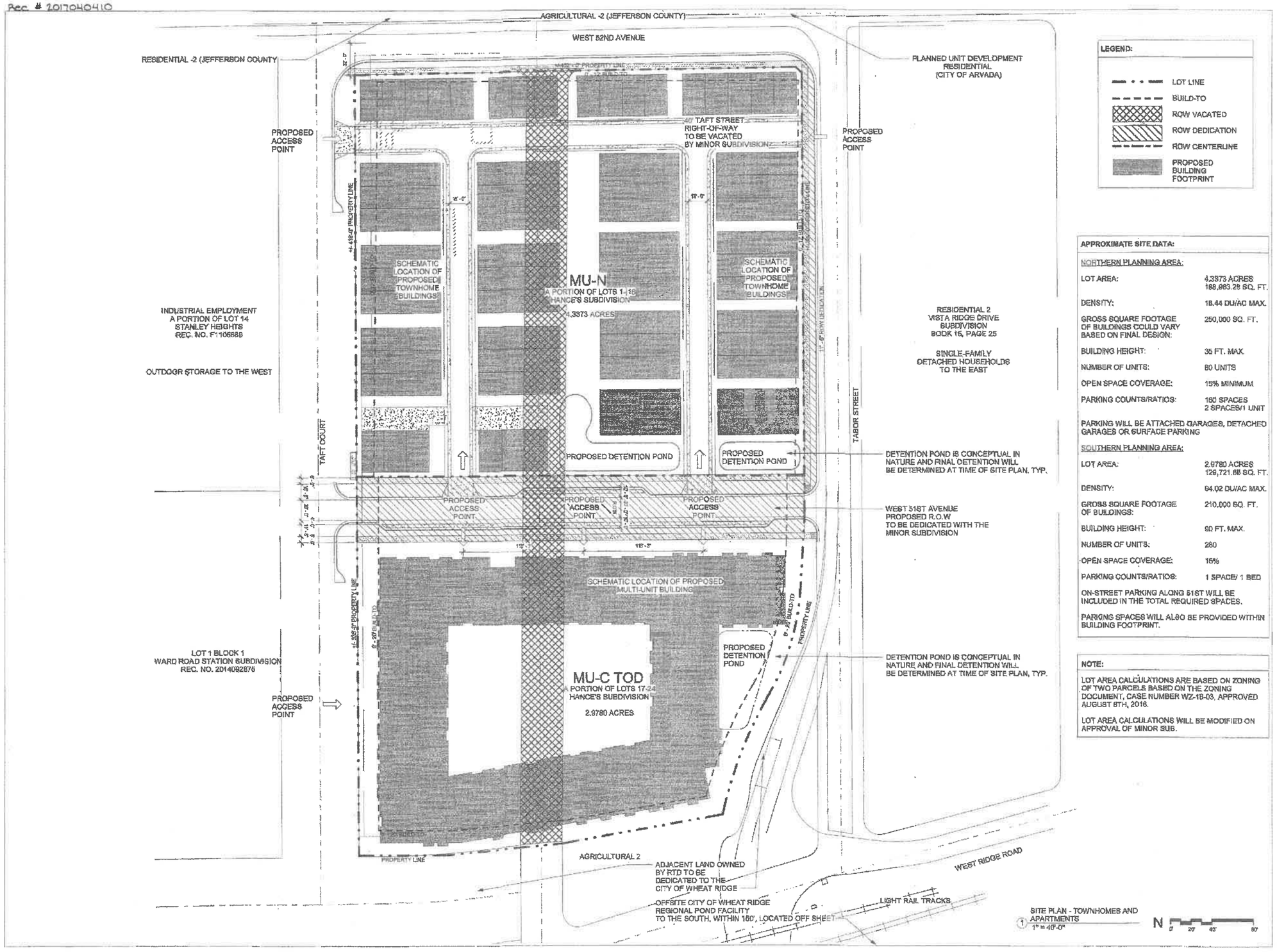
SHEET CONTENTS
DECLARATION SHEET

PROJ. NUMBER: 3-16-10
DATE: 8/27/2015
DRAWING NUMBER:

1 OF 3

EXHIBIT 3

Rec. # 2017040410



LEGEND:

- LOT LINE
- BUILD-TO
- ROW VACATED
- ROW DEDICATION
- ROW CENTERLINE
- PROPOSED BUILDING FOOTPRINT

APPROXIMATE SITE DATA:

NORTHERN PLANNING AREA:	
LOT AREA:	4.3373 ACRES 188,983.28 SQ. FT.
DENSITY:	18.44 DU/AC MAX.
GROSS SQUARE FOOTAGE OF BUILDINGS COULD VARY BASED ON FINAL DESIGN:	250,000 SQ. FT.
BUILDING HEIGHT:	35 FT. MAX.
NUMBER OF UNITS:	80 UNITS
OPEN SPACE COVERAGE:	15% MINIMUM
PARKING COUNTS/RATIOS:	160 SPACES 2 SPACES/1 UNIT

PARKING WILL BE ATTACHED GARAGES, DETACHED GARAGES OR SURFACE PARKING

SOUTHERN PLANNING AREA:	
LOT AREA:	2.9780 ACRES 129,721.68 SQ. FT.
DENSITY:	94.02 DU/AC MAX.
GROSS SQUARE FOOTAGE OF BUILDINGS:	210,000 SQ. FT.
BUILDING HEIGHT:	90 FT. MAX.
NUMBER OF UNITS:	280
OPEN SPACE COVERAGE:	15%
PARKING COUNTS/RATIOS:	1 SPACE/ 1 BED

ON-STREET PARKING ALONG 51ST WILL BE INCLUDED IN THE TOTAL REQUIRED SPACES.

PARKING SPACES WILL ALSO BE PROVIDED WITHIN BUILDING FOOTPRINT.

NOTE:

LOT AREA CALCULATIONS ARE BASED ON ZONING OF TWO PARCELS BASED ON THE ZONING DOCUMENT, CASE NUMBER WZ-16-03, APPROVED AUGUST 8TH, 2016.

LOT AREA CALCULATIONS WILL BE MODIFIED ON APPROVAL OF MINOR SUB.

architecture, pllc.

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HANCE RANCH
CONCEPT PLAN
WHEAT RIDGE, COLORADO

DRAWN

CHK

REVISIONS

NO.	DESCRIPTION	DATE

ISSUE RECORD

NO.	DESCRIPTION	DATE
1		
2		
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SUBTITLE:
CONCEPT PLAN - TOWNHOMES AND APARTMENTS

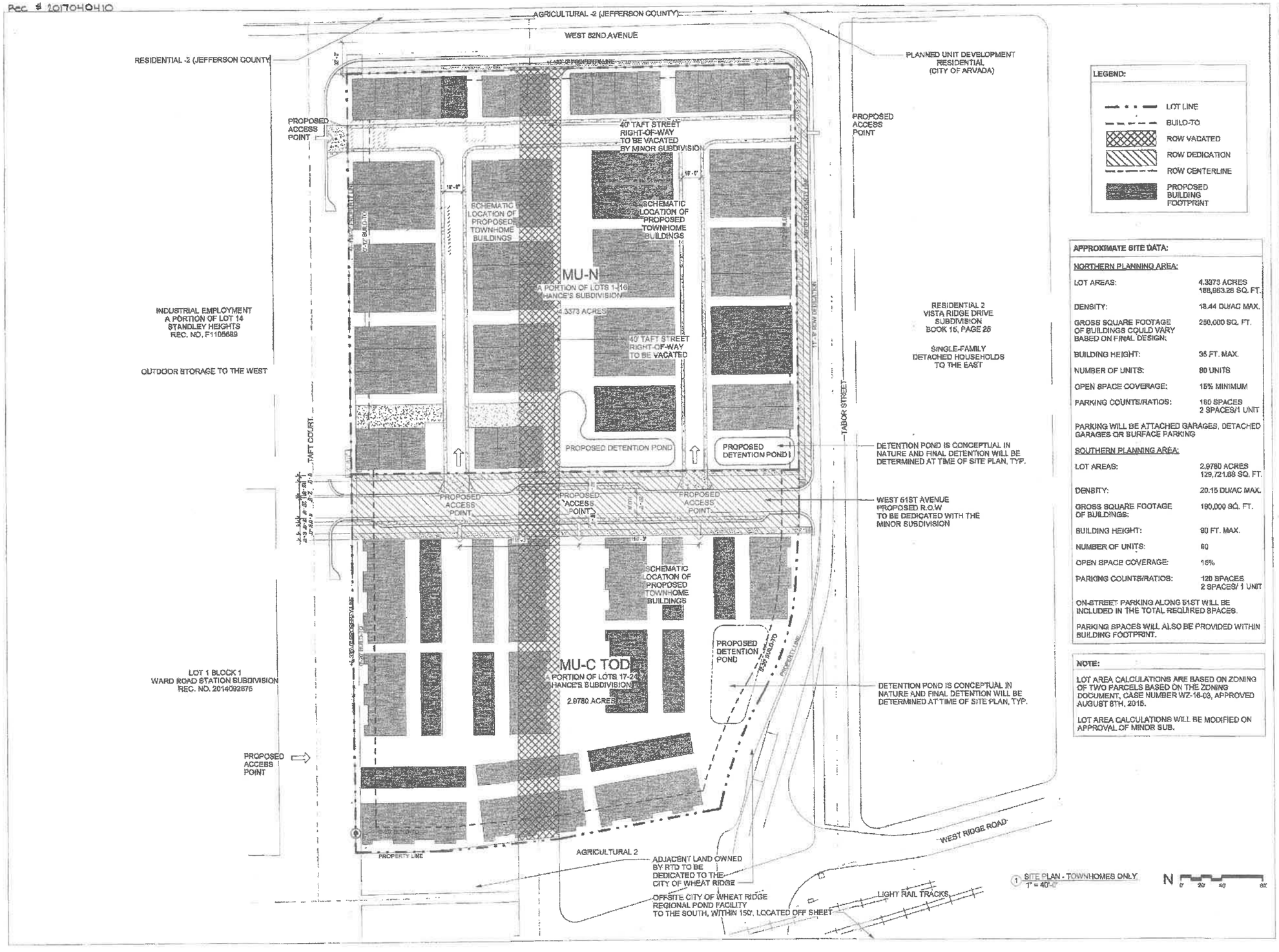
PROJ NUMBER: 3-16-10

DATE: 8/27/2015

DRAWING NUMBER:

2 OF 3

Rec. # 2017040410



LEGEND:

- LOT LINE
- BUILD-TO
- ROW VACATED
- ROW DEDICATION
- ROW CENTERLINE
- PROPOSED BUILDING FOOTPRINT

APPROXIMATE SITE DATA:

NORTHERN PLANNING AREA:	
LOT AREAS:	4.3373 ACRES 188,963.28 SQ. FT.
DENSITY:	18.44 DU/AC MAX.
GROSS SQUARE FOOTAGE OF BUILDINGS COULD VARY BASED ON FINAL DESIGN:	250,000 SQ. FT.
BUILDING HEIGHT:	35 FT. MAX.
NUMBER OF UNITS:	80 UNITS
OPEN SPACE COVERAGE:	15% MINIMUM
PARKING COUNTS/RATIOS:	160 SPACES 2 SPACES/1 UNIT

PARKING WILL BE ATTACHED GARAGES, DETACHED GARAGES OR SURFACE PARKING

SOUTHERN PLANNING AREA:	
LOT AREAS:	2.9780 ACRES 129,721.68 SQ. FT.
DENSITY:	20.15 DU/AC MAX.
GROSS SQUARE FOOTAGE OF BUILDINGS:	190,000 SQ. FT.
BUILDING HEIGHT:	90 FT. MAX.
NUMBER OF UNITS:	60
OPEN SPACE COVERAGE:	15%
PARKING COUNTS/RATIOS:	120 SPACES 2 SPACES/ 1 UNIT

ON-STREET PARKING ALONG 61ST WILL BE INCLUDED IN THE TOTAL REQUIRED SPACES.

PARKING SPACES WILL ALSO BE PROVIDED WITHIN BUILDING FOOTPRINT.

NOTE:

LOT AREA CALCULATIONS ARE BASED ON ZONING OF TWO PARCELS BASED ON THE ZONING DOCUMENT, CASE NUMBER WZ-16-03, APPROVED AUGUST 8TH, 2016.

LOT AREA CALCULATIONS WILL BE MODIFIED ON APPROVAL OF MINOR SUB.

architecture, pllc

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HANCE RANCH
CONCEPT PLAN
WHEAT RIDGE, COLORADO

DRW
CHK
REVISIONS

NO.	DESCRIPTION	DATE

ISSUE RECORD

NO.	DESCRIPTION	DATE
1		
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SHEET CONTENTS:
CONCEPT PLAN - TOWNHOMES ONLY

PROJ. NUMBER: 3-16-10
DATE: 8/27/2015
DRAWING NUMBER:

3 OF 3

Exhibit 4 – Two-lot Subdivision

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RECEPTION NO. 2017076231 , DATE 7/25/17 , 20 , TIME 12:05:07 PM , COUNTY OF JEFFERSON, STATE OF COLORADO, $33.00

HANCE'S SUBDIVISION REPLAT NO. 1

BEING A REPLAT OF A PORTION OF HANCE'S SUBDIVISION

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

OWNER'S CERTIFICATE

I, HANCE RANCH DEVELOPMENT LLC, BEING THE OWNER OF REAL PROPERTY CONTAINING 7.3167 ACRES DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 25, HANCE'S SUBDIVISION AS RECORDED IN BOOK 12 AT PAGE 10, AND A PORTION OF TAFT STREET RIGHT OF WAY, BEING LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THAT PORTION THEREOF AS CONVEYED TO REGIONAL TRANSPORTATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO IN THE DEED RECORDED DECEMBER 17, 2012 UNDER RECEPTION NO. 2012135810, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT SAID EAST QUARTER CORNER OF SECTION 17;

THENCE S 89°11'07" W ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17 A DISTANCE OF 1058.80 FEET;

THENCE S 00°48'03" E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID HANCE'S SUBDIVISION AND THE POINT OF BEGINNING;

THENCE S 00°18'02" E ALONG THE WEST LINE OF SAID HANCE'S SUBDIVISION, ALSO BEING THE EAST RIGHT OF WAY LINE OF TAFT COURT A DISTANCE OF 759.48 FEET TO THE NORTHWEST CORNER OF TRACT A OF WARD ROAD STATION SUBDIVISION AS DESCRIBED AT RECEPTION NUMBER 2012135810;

THENCE N 89°40'56" E ALONG THE NORTH LINE OF SAID TRACT A A DISTANCE OF 86.44 FEET;

THENCE N 84°17'24" E CONTINUING ALONG SAID NORTH LINE OF TRACT A A DISTANCE OF 70.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF TAFT STREET;

THENCE N 84°38'08" E A DISTANCE OF 40.16 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TAFT STREET AND THE NORTHWEST CORNER OF EXCEPTION PARCEL GL-55A AS DESCRIBED AT RECEPTION NUMBER 2012135810;

THENCE N 79°41'52" E ALONG SAID NORTH LINE OF EXCEPTION PARCEL GL-55A A DISTANCE OF 158.91 FEET TO A POINT OF A CURVE;

THENCE ALONG THE WEST LINE OF SAID EXCEPTION PARCEL GL-55A THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 17°56'17", A RADIUS OF 400.00' FEET, AN ARC LENGTH OF 125.23 FEET WHOSE CHORD BEARS N 20°50'12" E A DISTANCE OF 124.72 TO A POINT OF A REVERSE CURVE;

2) ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 26°26'54", A RADIUS OF 235.00 FEET, AN ARC LENGTH OF 108.48 FEET AND WHOSE CHORD BEARS N 16°34'54" E A DISTANCE OF 107.52 FEET TO A POINT OF TANGENCY;

3) N 03°21'27" E A DISTANCE OF 76.92 FEET TO THE MOST NORTHERLY LINE OF SAID EXEMPTION PARCEL GL-55A;

THENCE N 89°43'08" E ALONG THE MOST NORTHERLY LINE A DISTANCE OF 13.62 FEET, TO THE WEST RIGHT OF WAY LINE OF TABOR STREET;

THENCE N 00°16'34" W ALONG SAID WEST RIGHT OF WAY LINE OF TABOR STREET A DISTANCE OF 414.56 FEET TO A POINT OF A CURVE;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°32'18", A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 23.70 FEET, AND WHOSE CHORD BEARS N 45°32'43" W A DISTANCE OF 21.31 FEET TO A POINT OF TANGENCY AND THE SOUTH RIGHT OF WAY LINE OF WEST 52ND AVENUE;

THENCE S 89°11'07" W ALONG THE SOUTH RIGHT OF WAY LINE OF WEST 52ND AVENUE A DISTANCE OF 430.08 FEET TO THE POINT OF BEGINNING;

SAID DESCRIBED PARCEL OF LAND CONTAINS 318,714 SQ. FT. OR 7.3167 ACRES, MORE OR LESS.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF **HANCE'S SUBDIVISION REPLAT NO. 1**, BEING A REPLAT OF A PORTION OF HANCE'S SUBDIVISION IN THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THE PUBLIC THOSE PORTIONS OF REAL PROPERTY SHOWN AS RIGHT-OF-WAY, AND DO FURTHER DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORMWATER SYSTEMS AND PIPES, DETENTION PONDS, STREETLIGHTS AND ALL APPURTENANCES THERETO.

HANCE RANCH DEVELOPMENT LLC

PATRICK HENRY AS MANAGER

COUNTY OF JEFFERSON)
) SS
STATE OF COLORADO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 18th DAY OF July A.D. 20 17 BY Patrick Henry

WITNESS MY HAND AND OFFICIAL SEAL MY COMMISSION EXPIRES:

NOTARY PUBLIC

TAMARA D. DORAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164015481
MY COMMISSION EXPIRES APRIL 22, 2020

CONTROL TABLE

POINT NO.	STATE PLANE NAD83 0502 CO. CENTRAL	C.O.W.P. PUBLISHED VALUES	LATITUDE	LONGITUDE
12109	N 1713176.76 / E 3101742.88	N 713508.92 / E 1032525.33	39° 47' 27.31695" N	105° 08' 16.61233" W
12209	N 1713214.30 / E 3101438.89	N 713546.48 / E 1032429.01	39° 47' 27.58237" N	105° 07' 42.71376" W
13109	N 1710537.53 / E 3101757.20	N 710969.03 / E 1032539.65	39° 47' 01.23406" N	105° 08' 16.56364" W

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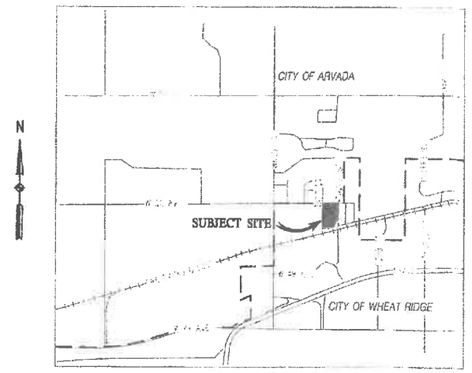


VICINITY MAP
1" = 1000'

STATEMENT OF ACCURACY

THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE.

CURRENT CITY DATUM

1. THIS PLAT IS BASED ON THE CURRENT CITY DATUM COORDINATE SYSTEM WHICH IS A GROUND-BASED, MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502. VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988. (NAVD88).

2. THE GROUND TO STATE PLANE GRID COMBINED SCALE FACTOR IS 0.999747800300, SCALED FROM BASE POINT PHAC-1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 (NAD83 HARN) STATE PLANE COORDINATES: N1701258.73, E3118217.56. THE PROJECT COORDINATES SHOWN HEREON ARE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502, WHICH HAVE BEEN MODIFIED TO GROUND VALUES AND THEN TRUNCATED BY N1,000,000 X E3,000,000

NOTES

1. BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 2" ID PIPE WITH A 3-1/4" INCH ALUMINUM CAP IN A RANGE BOX STAMPED "PLS 13212" AT THE EAST QUARTER CORNER OF SAID SECTION 17 (COWR PT NO. 12209) AND A NO. 6 REBAR WITH A 2-1/2" INCH ALUMINUM CAP IN A RANGE BOX STAMPED "PLS 27605" AT THE CENTER QUARTER CORNER OF SAID SECTION 17 (COWR PT. NO. 12106) TO BEAR SOUTH 89°11'07" WEST A DISTANCE OF 2646.95 FEET WITH ALL BEARINGS CONTAINED HEREON RELATIVE THERETO.

2. TITLE COMMITMENT NOTE: THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, BASELINE ENGINEERING CORP. RELIED UPON TITLE ORDER NO. ABN70459167-6, PREPARED BY LAND TITLE GUARANTEE TITLE COMPANY, DATED NOVEMBER 23, 2016 AT 5:00 P.M.

3. THIS SUBDIVISION PLAT WAS PREPARED BY MATT ROBERT EISENACH, PLS 38257, FOR AND ON BEHALF OF BASELINE CORPORATION, 710 10TH AVENUE, SUITE 105, GREELEY, CO 80631.

4. PER COLORADO REVISED STATUTES SECTION 38-51-106 (1.), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

5. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

6. FIELD SURVEY DATA WAS COLLECTED USING NAD83 (2011) GPS POSITIONING INFORMATION, AND THEN SUBSEQUENTLY TRANSLATED AND SCALED TO BE ON CURRENT CITY OF WHEAT RIDGE DATUM COORDINATE SYSTEM TO MEET CITY REQUIREMENTS.

7. SHEET 2 OF THIS PLAT INDICATES THE EXISTING PARCEL BOUNDARY LINES, LOT LINE CONFIGURATION, PUBLIC RIGHT-OF-WAY FOR TAFT STREET, AND PLATTED EASEMENTS WHICH ARE TO BE VACATED AND RECONFIGURED AS SHOWN ON SHEET 3.

8. SHEET 3 OF THIS PLAT INDICATES THE PROPOSED LOT LINES, EASEMENTS, AND PUBLIC RIGHT-OF-WAY HEREBY CREATED AND DEDICATED BY THIS PLAT.

9. ALL EASEMENTS IDENTIFIED ON THIS PLAT AS BEING "HEREBY VACATED" SHALL FOREVER BE VACATED, TERMINATED, AND EXTINGUISHED UPON RECORDATION OF THIS PLAT WITH THE JEFFERSON COUNTY CLERK AND RECORDER.

PLANNING COMMISSION CERTIFICATION

RECOMMENDED FOR APPROVAL THIS 18th DAY OF May 20 17, BY THE WHEAT RIDGE PLANNING COMMISSION

CHAIR PERSON

CITY CERTIFICATION

APPROVED THIS 30 DAY OF JULY, 20 17, BY THE WHEAT RIDGE CITY COUNCIL.

ATTEST

Deputy CITY CLERK

MAYOR

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF PUBLIC WORKS

CITY OF WHEAT RIDGE SEAL COLORADO

COUNTY CLERK AND RECORDERS CERTIFICATE

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT 12:05 O'CLOCK P M. ON THE 25 DAY OF July 2017 A.D., IN BOOK ____ PAGE ____, RECEPTION NO. 2017076231

JEFFERSON COUNTY CLERK AND RECORDER

BY DEPUTY CLERK

JEFFERSON COUNTY SEAL COLORADO

SURVEYOR'S CERTIFICATE

I, AARON ALVIN DEMO, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF **HANCE'S SUBDIVISION REPLAT NO. 1** WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENT SAID SURVEY.

6/21/17

AARON ALVIN DEMO, PLS
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285
FOR AND ON BEHALF OF BASELINE CORPORATION

AREA TABLE

DESIGNATION	GROSS SQ. FT.	GROSS ACRES	PERCENTAGE	NET SQ. FT.	NET ACRES
LOT 1	188,985	4.3385	59.30	170,470	3.9134
LOT 2	129,729	2.9782	40.70	116,052	2.6642
RIGHT-OF-WAY				32,192	0.7391
TOTAL	318,714	7.3167		318,714	7.3167

SHEET INDEX

SHEET NUMBER	DESCRIPTION
1	COVER SHEET
2	CURRENT AS-PLATTED LAYOUT
3	PROPOSED CONDITIONS

REVISIONS

03/03/2017	INITIAL SUBMITTAL
04/11/2017	PER CITY COMMENTS
05/04/2017	PER CITY COMMENTS

CASE HISTORY

WSP-17-03, WZ-16-03, WCP-16-03,
MS-17-03, WS-17-01, WZ-16-03, WCP-16-03,
MS-17-03

COVER SHEET

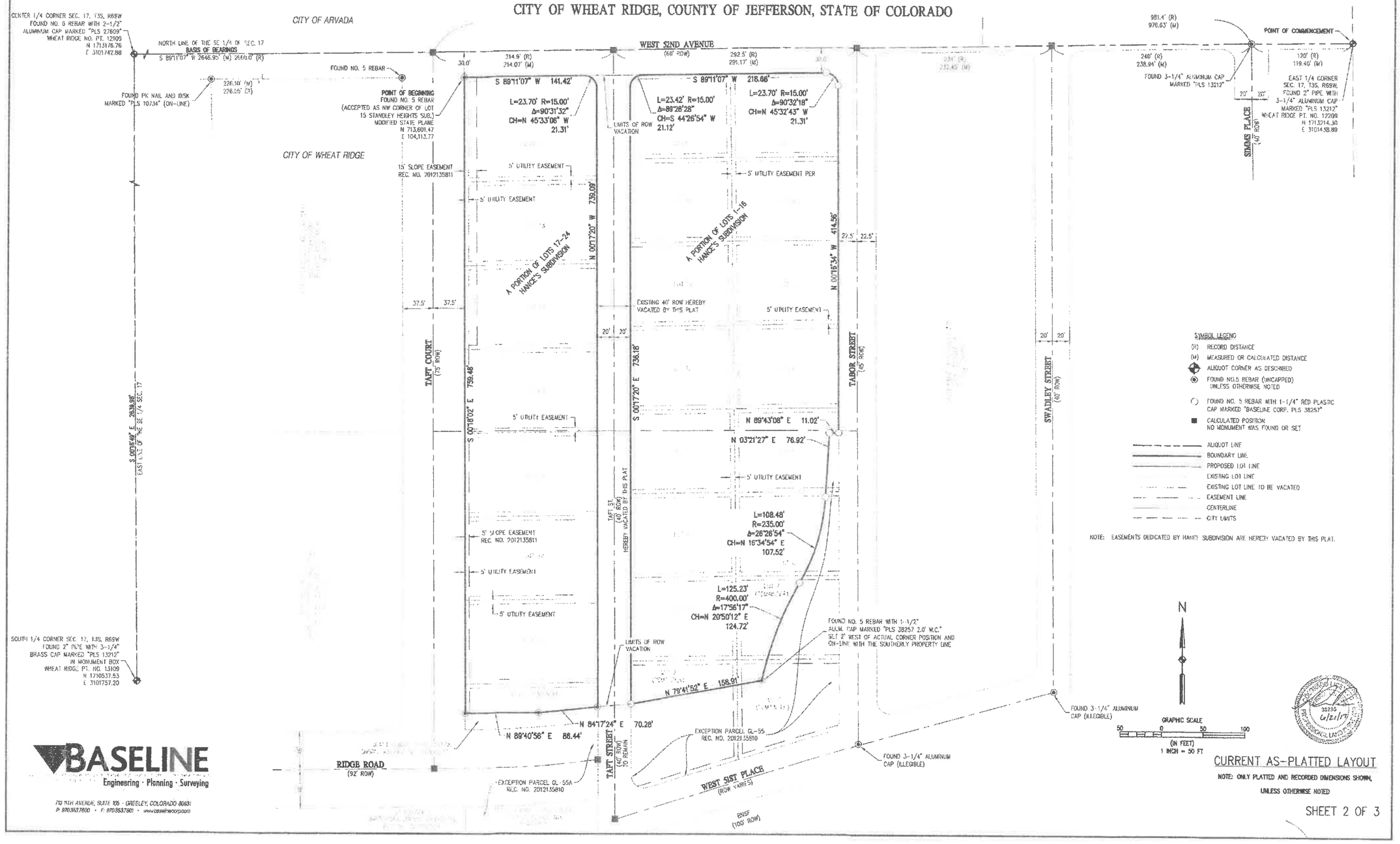
EXHIBIT 4

2017076231

HANCE'S SUBDIVISION REPLAT NO. 1

BEING A REPLAT OF A PORTION OF HANCE'S SUBDIVISION

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



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SHEET 2 OF 3

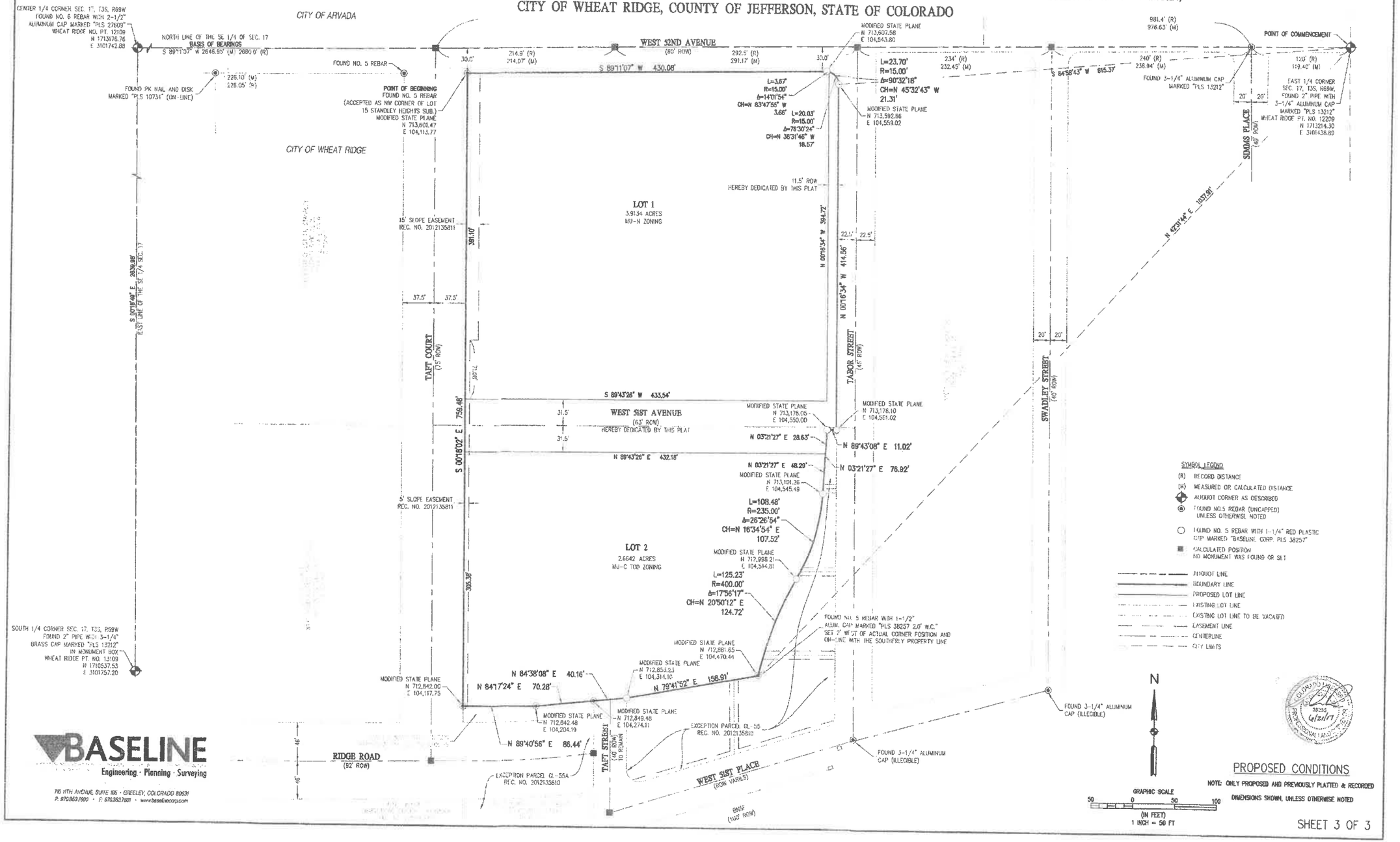
2017076231

HANCE'S SUBDIVISION REPLAT NO. 1

BEING A REPLAT OF A PORTION OF HANCE'S SUBDIVISION

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,

CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



PROPOSED CONDITIONS

NOTE: ONLY PROPOSED AND PREVIOUSLY PLATTED & RECORDED DIMENSIONS SHOWN, UNLESS OTHERWISE NOTED

SHEET 3 OF 3

Exhibit 5 – Aerial Photo

Exhibit 6 – Site Photos

Looking west along 52nd Avenue

Looking south from 52nd at front of house

Looking south along Tabor – property is to the right

Looking west from Tabor at property

Looking southwest toward Tabor/Ridge intersection

Exhibit 7 – Proposed Plat

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RECEPTION NO. _____, DATE _____, 20 ____, TIME _____, COUNTY OF JEFFERSON, STATE OF COLORADO, $

HANCE'S SUBDIVISION REPLAT NO. 2

BEING A RESUBDIVISION OF LOT 1, HANCE'S SUBDIVISION REPLAT NO. 1
LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

OWNER'S CERTIFICATE

I, _____, BEING THE OWNER OF REAL PROPERTY CONTAINING 3.9134 ACRES DESCRIBED AS FOLLOWS: LOT 1, HANCE'S SUBDIVISION REPLAT NO. 1, AS RECORDED AT RECEPTION NUMBER 2017076231 IN THE OFFICIAL RECORDS OF THE COUNTY OF JEFFERSON, STATE OF COLORADO.

SAID PARCEL ALSO BEING DESCRIBED AS FOLLOWS;

COMMENCING AT SAID EAST QUARTER CORNER OF SECTION 17; THENCE S 89°11'07" W ALONG SAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17 A DISTANCE OF 1058.53 FEET; THENCE S 00°18'02" E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, HANCE'S SUBDIVISION REPLAT NO. 1, ALSO BEING THE NORTHWEST CORNER OF LOT 15 OF STANDLEY HEIGHTS AND THE POINT OF BEGINNING;

THENCE ALONG THE BOUNDARY OF SAID LOT 1, HANCE'S SUBDIVISION REPLAT NO. 1, THE FOLLOWING FIVE (5) COURSES:

1. S 00°18'02" E A DISTANCE OF 391.10 FEET, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF TAFT COURT TO THE NORTH RIGHT-OF-WAY LINE OF WEST FIFTY-FIRST (51 ST) STREET;
2. N 89°43'26" E ALONG SAID NORTH RIGHT-OF-WAY LINE OF WEST FIFTY-FIRST (51 ST) STREET A DISTANCE OF 433.54 FEET, TO THE WEST RIGHT-OF-WAY LINE OF TABOR STREET;
3. N 00°16'34" W ALONG SAID WEST RIGHT-OF-WAY LINE OF TABOR STREET A DISTANCE OF 394.72 FEET, TO A POINT OF A NON-TANGENT CURVE;
4. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 14°01'54", A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 3.67 FEET, AND WHOSE CHORD BEARS N 83°47'55" W A DISTANCE OF 3.66 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 52ND AVENUE;
5. THENCE S 89°11'07" W ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WEST 52ND AVENUE A DISTANCE OF 430.08 FEET TO THE POINT OF BEGINNING;

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HERON CONTAINED UNDER THE NAME AND STYLE OF **HANCE'S SUBDIVISION REPLAT NO. 2**, A SUBDIVISION OF A PART OF THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THE PUBLIC THOSE PORTIONS OF REAL PROPERTY SHOWN AS RIGHT-OF-WAY, AND DO FURTHER DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORMWATER SYSTEMS AND PIPES, DETENTION PONDS, STREETLIGHTS AND ALL APPURTENANCES THERETO.

SAID DESCRIBED PARCEL OF LAND CONTAINS 170,468 SQ. FT. OR 3.9134 ACRES, MORE OR LESS.

_____
(PATRICK HENRY)

_____ AS _____
(NAME) (TITLE)

COUNTY OF JEFFERSON }
STATE OF COLORADO } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY

OF _____, A.D. 20 __ BY _____

WITNESS MY HAND AND OFFICIAL SEAL MY COMMISSION EXPIRES:

_____
NOTARY PUBLIC

STATEMENT OF ACCURACY

THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPACIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE.

CURRENT CITY DATUM

1. THIS PLAT IS BASED ON THE CURRENT CITY DATUM, WHICH USES A HORIZONTAL COORDINATE SYSTEM THAT IS GROUND-BASED, MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502, AND THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
2. THE GROUND TO STATE PLANE GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC-1 HAVING THE FOLLOWING NAD83/92 (NAD83 HARN) STATE PLANE COORDINATES: N1701258.75, E3118217.58. THE PROJECT COORDINATES SHOWN HEREON ARE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502, WHICH HAVE BEEN MODIFIED TO GROUND VALUES AND THEN TRUNCATED BY N1,000,000 X E3,000,000.

REVISIONS

06/19/2017	INITIAL SUBMITTAL
08/09/2017	PER COUNTY COMMENTS
10/09/2017	PER COUNTY COMMENTS

CASE HISTORY

WZ-16-03, WSP-15-03, MS-17-03, WS-17-01, WSP-17-04

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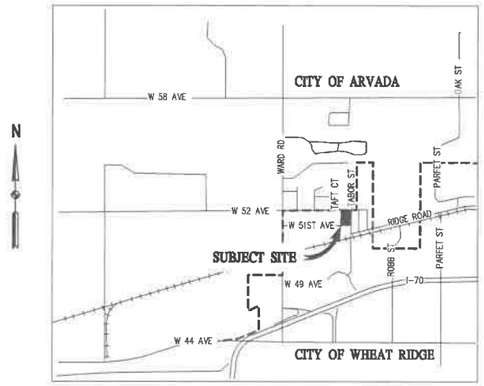


VICINITY MAP
1" = 2000'

NOTES

1. BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A 2" ID PIPE WITH A 3-1/4" INCH ALUMINUM CAP IN A MONUMENT BOX STAMPED "PLS 13212" AT THE EAST QUARTER CORNER OF SAID SECTION 17 AND A NO. 6 REBAR WITH A 2-1/2" INCH ALUMINUM CAP IN A MONUMENT BOX STAMPED "PLS 27609" AT THE CENTER QUARTER CORNER OF SAID SECTION 17 TO BEAR SOUTH 89°11'07" WEST, BEING A GRID BEARING OF THE COLORADO STATE COORDINATE SYSTEM, CENTRAL ZONE 0502, NORTH AMERICAN DATUM 1983/1992, A DISTANCE OF 2646.95 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.
2. TITLE COMMITMENT NOTE: THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY BASELINE ENGINEERING CORP. TO DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, BASELINE ENGINEERING CORP. RELIED UPON TITLE ORDER NO. ABN70519920-6, PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATED OCTOBER 26, 2016 AT 5:00 P.M.
3. THIS SUBDIVISION PLAT WAS PREPARED BY AARON ALVIN DEMO, PLS 38285, FOR AND ON BEHALF OF BASELINE CORPORATION, 4007 S. LINCOLN AVENUE, SUITE 405, LOVELAND, CO 80537.
4. DISTANCES ON THIS PLAT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
5. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
6. TRACT A IS FOR ACCESS, DRAINAGE, AND UTILITY PURPOSES.
7. TRACT B IS FOR PRIVATE OPEN SPACE, ACCESS, DRAINAGE, AND UTILITY PURPOSES.
8. TRACT C AND TRACT D ARE NON-BUILDABLE TRACTS FOR THE USE OF STORMWATER DRAINAGE FACILITIES AND ARE FULLY ENCUMBERED BY A STORMWATER DETENTION EASEMENT TO THE BENEFIT OF THE CITY OF WHEAT RIDGE. THE STORMWATER DRAINAGE FACILITIES WITHIN THESE AREAS SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER AND THE SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNER, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREA AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNER, HEIRS, SUCCESSORS, AND ASSIGNS AGREES TO PAY. NO BUILDING OR STRUCTURE WILL BE CONSTRUCTED IN THE DETENTION AREA AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC CHARACTERISTICS OF THE DETENTION AREA WILL BE MADE WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.
9. TRACTS E, F, G, AND H ARE HEREBY DEDICATED TO THE CITY OF WHEAT RIDGE FOR PUBLIC RIGHT-OF-WAY.
10. PROPERTY IS ZONED MU-N.
11. CROSS ACCESS EASEMENT: THE OWNER, HIS SUCCESSORS AND ASSIGNS GRANTS LIMITED RIGHTS AND PRIVILEGES TO ACCESS AND TO FREE MOVEMENT THROUGH THOSE AREAS INDICATED AS "CROSS-ACCESS EASEMENTS", AS ILLUSTRATED UPON THIS PLAT. SUCH GRANT OF EASEMENT SHALL BE LIMITED TO THE OWNERS, TENANTS, CUSTOMERS AND GUEST OF THE OWNERS, AND SHALL FURTHERMORE GRANT ACCESS TO AND FREE MOVEMENT THROUGH SAID EASEMENTS TO THOSE ENTERING SAID EASEMENTS FROM SIMILARLY RECORDED EASEMENTS FROM ADJACENT PROPERTIES AND/OR FROM ABUTTING PUBLIC STREETS.

CITY CERTIFICATION

APPROVED THIS _____ DAY OF _____, 20 ____, BY THE CITY OF WHEAT RIDGE.

ATTEST

_____ _____
CITY CLERK MAYOR

_____
COMMUNITY DEVELOPMENT DIRECTOR

_____
DIRECTOR OF PUBLIC WORKS

COUNTY CLERK AND RECORDERS CERTIFICATE

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT

_____ O'CLOCK __ .M. ON THE ____ DAY OF _____, ____ A.D., RECEPTION

NO. _____

_____
JEFFERSON COUNTY CLERK AND RECORDER

_____
BY: DEPUTY CLERK

SURVEYOR'S CERTIFICATE

I, AARON ALVIN DEMO, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF **HANCE'S SUBDIVISION REPLAT NO. 2** WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENT SAID SURVEY.

AARON ALVIN DEMO, PLS
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 38285
FOR AND ON BEHALF OF BASELINE CORPORATION

CONTROL TABLE

POINT NO.	STATE PLANE NAD83 0502 CO. CENTRAL	C.O.W.R. PUBLISHED VALUES	LATITUDE	LONGITUDE
12109	N 1713176.76 / E 3101742.88	N 713608.92 / E 102525.33	39° 47' 27.32293" N	105° 08' 16.59701" W
12209	N 1713214.30 / E 3101438.89	N 713646.48 / E 105172.01	39° 47' 27.58280" N	105° 07' 42.71344" W
13109	N 1710537.53 / E 3101757.20	N 710969.03 / E 102539.65	39° 47' 01.23470" N	105° 08' 16.56309" W

LAND USE TABLE

TRACT	USE	AREA
A	ACCESS, DRAINAGE, UTILITY	34,705 SQ.FT.
B	PRIVATE OPEN SPACE, ACCESS, DRAINAGE, AND UTILITY	6,993 SQ.FT.
C	STORMWATER DETENTION	6,053 SQ.FT.
D	STORMWATER DETENTION	2,950 SQ.FT.
E	RIGHT-OF-WAY	21 SQ.FT.
F	RIGHT-OF-WAY	21 SQ.FT.
G	RIGHT-OF-WAY	21 SQ.FT.
H	RIGHT-OF-WAY	21 SQ.FT.

SHEET INDEX

SHEET NUMBER	SHEET TITLE

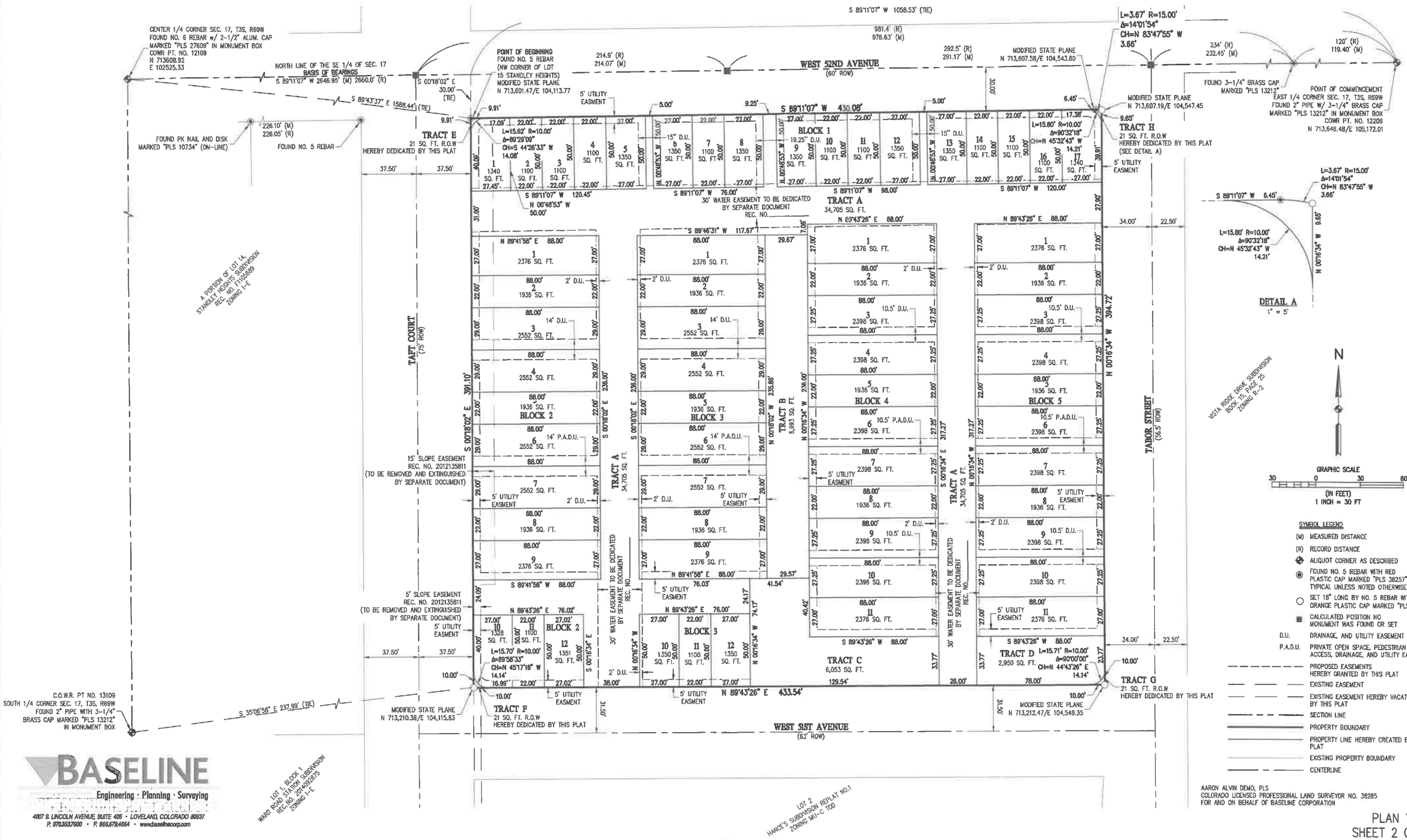
EXHIBIT 7

RECEPTION NO. , DATE , 20 , TIME , COUNTY OF JEFFERSON, STATE OF COLORADO, $

HANCE'S SUBDIVISION REPLAT NO. 2

BEING A RESUBDIVISION OF LOT 1, HANCE'S SUBDIVISION REPLAT NO. 1

LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



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PLAN VIEW
SHEET 2 OF 2

City of Wheat Ridge

PLANNING COMMISSION
Minutes of Meeting
December 7, 2017

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:02 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Dirk Boden
Alan Bucknam
Emery Dorsey
Donna Kimsey
Scott Ohm
Amanda Weaver
Vivian Vos

Commission Members Absent: Janet Leo

Staff Members Present: Lauren Mikulak, Planning Manager
Meredith Reckert, Senior Planner
Dave Brossman, Development Review Engineer
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner BUCKNAM and seconded by Commissioner DORSEY to approve the order of the agenda. Motion carried 6-0-1 with Commissioner VOS abstaining.

5. APPROVAL OF MINUTES – November 16, 2017

It was moved by Commissioner DORSEY and seconded by Commissioner WEAVER to approve the minutes of November 16, 2017, as written. Motion carried 5-0-2 with Commissioner BUCKNAM and VOS abstaining.

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

ATTACHMENT 3

EXHIBIT 3

No one wished to speak at this time.

7. **PUBLIC HEARING**

A. **Case No. WS-17-01:** an application filed by Baseline Engineering for approval of a 63-lot subdivision for the property located at 11818 West 52nd Avenue and zoned Mixed Use-Neighborhood (MU-N).

Ms. Reckert gave a short presentation regarding the Subdivision and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case. Ms. Reckert also gave a brief description of what a subdivision does and does not do.

Commissioner BODEN asked what the overflow parking options will be.

Ms. Reckert explained that each of the units will have garages and overflow parking will be on the four adjacent street frontages.

Commissioner BUCKNAM asked about there being no access onto Tabor Street from Tract A and wanted assurance this would not happen in the future.

Ms. Reckert acknowledge this and explained the grades from Tabor Street do not make access easy into the site from the east and if the Commission would like it can be added as a condition to the motion.

Commissioner VOS asked if West 51st Avenue will be built by the developer and also asked who will maintain it.

Ms. Reckert said 51st Avenue will be a dedicated public street built by the developer which the City will maintain. The maintenance of trees and landscaping are the responsibility of the adjacent property owner.

Commissioner WEAVER asked if the units on this site will be shared wall townhomes and who will own and manage the yards.

Ms. Reckert explained they will be shared wall townhomes and the footprint of the units will fit within the platted lots. Yards outside of the footprint will be maintained by the HOA.

Commissioner BUCKNAM inquired about the Tract B open space and how it lines up with the proposed city open space that will be continuous from 52nd Ave to I-70.

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Ms. Mikulak explained that this Tract B open space is not a part of that Linear/Regional Park which is shown in the City's vision plan for the area and which is located further west in this subarea. The kickoff to that park planning process will be in 2018.

Noah Nemmers, Baseline Engineering
1950 Ford Street, Golden

Mr. Nemmers added that the end result of this project will be fruitful and he believes the drainage will be functional and architecture will be attractive.

Connie Burg, resident
5195 Swadley Street, Wheat Ridge

Ms. Burg wanted confirmation on fees in lieu of land dedication.

Ms. Reckert and Ms. Mikulak explained the available land in Wheat Ridge is not usually substantial enough to accept a parkland dedication so fees are collected to make improvement to existing parks. The fees will be aggregated and will go to other area parks such as the Linear Park.

Ms. Burg also asked how many parking spaces there will be for each unit and has a concern on how traffic will be handled for this site. She would also like to see speed humps on 52nd Ave.

Ms. Reckert said that each of the units will have a garage with two spaces.

Mr. Brossman said the Public Works Department took a look at the development and said there would not be a major impact to the surrounding roadways. He added that requests could be taken at the Public Works Department for the installation of speed humps but may not be approvable on 52nd Avenue.

Ms. Burg also inquired about the width of 51st Avenue and the height of the townhomes.

Ms. Reckert said the 51st Avenue right-of-way will be 63 feet in width and the height of the townhomes will be three stories.

Ms. Reckert made a procedural request that questions be directed to the Commission and then answered at the end by staff.

Michelle Byer, Resident
11721 West 52nd Avenue

Ms. Byer's had a concern with all the developments going in around 52nd Avenue between Wheat Ridge and Arvada and does not want to see 52nd Avenue become a

DRAFT

thoroughfare. She added that when her property was annexed in 1993, it was intended that West 52nd Avenue not be extended further to the east.

Bob Harmsen, Resident
5075 Ward Road, Wheat Ridge

Mr. Harmsen said he has been in the area since 1943 and is concerned with the traffic in the area and is worried for the safety of the children in the neighborhood. He believes there is too much going on and would like to see a traffic study.

Rudy Wossner, Resident
12101 West 54th Drive, Arvada

Mr. Wossner is also concerned with traffic on 52nd Avenue and commented that there is no ingress or egress into this neighborhood. He would like to see discussions of traffic issues between Wheat Ridge, Arvada, Jefferson County and RTD.

Garret Vap, Resident
5360 Tabor Street, Arvada

Mr. Vap is concerned for the safety of his kids walking to Drake Middle School along 52nd Avenue due to lack of sidewalks. Jefferson County will not put a bus stop near Rainbow Ridge.

Jeff Warrington, Resident
5265 Taft Court, Unincorporated Jefferson County

He echoed the concerns of the others who have spoken and is concerned about the multiple developments that are proposed around the 52nd Avenue area and the traffic issues. He is also concerned about lack of sidewalks and on-street parking around this site.

Dennis Hatfield, Resident
5170 Tabor Street, Wheat Ridge

Mr. Hatfield would like a guarantee that there will be no access from Tract A (the internal street) to Tabor Street. He also is concerned with water mitigation and has seen more flooding in neighborhood since RTD build the light rail station. He also has issues with traffic.

Gary Duncan, Resident
5355 Union Way, Arvada

He echoed the concerns of all who have spoken and believes Wheat Ridge and Arvada are creating major traffic problems in this area and does not believe light rail is going to help alleviate the problems.

Lynette Gilbert, Resident
11895 W. 52nd Avenue

Ms. Gilbert is also concerned with the safety of herself when she walks her dog and the safety of the children who walk to school. She would like to see sidewalks on 52nd Avenue and likes the suggestion of speed humps.

Terry Foulke, Resident
5274 Taft Court, Unincorporated Jefferson County

Mr. Foulke wants to see city government stand up for the citizens. He believes there are too many developments being planned in the area and it will impact traffic.

Commissioner OHM said that tonight's hearing is for the subdivision, but asked when a traffic study will be looked at.

Ms. Reckert and Ms. Mikulak mentioned the City of Wheat Ridge has been talking with the City of Arvada and Jefferson County about improvements to 52nd Avenue and the surrounding streets. Ms. Mikulak said there is a draft of an intergovernmental agreement that is being reviewed by all three jurisdictions and another agreement with RTD to continue to collaborate about area impacts. She added the voters passed the 2E bond issue in November 2016 and 52nd Avenue is targeted as a high priority for installation of detached sidewalk on the south side west to Ward Road. She also said that CDOT will not consider putting in a signal at Ward and Ridge Road until warrants have been met.

Commissioner OHM asked about the comments regarding street parking.

Ms. Reckert said there will be street parking on all four streets around the subdivision, with existing parking currently on Taft. Ms. Mikulak said there is no room for parking today, but the road will get wider as the developer completes the improvements.

Commissioner BUCKNAM wanted clarification that the south side of 52nd will have a detached sidewalk and a tree lawn.

Ms. Reckert confirmed there will be.

Commissioner OHM asked about traffic and speed humps on 52nd Avenue.

Mr. Brossman said the likelihood of speed humps being approved on 52nd is unlikely.

Commissioner WEAVER asked if there is a way for the resident to talk to someone about other issues not related to the subdivision plat.

Mr. Brossman said the residents can call Public Works with regards to traffic or storm water.

Commissioner VOS added it seems this subdivision is being put before the safety issues of the residents and wondered when the external issues get looked at.

Ms. Mikulak said these capital investments and public improvements are being worked on simultaneously. Street and drainage improvements will have to be in place before a Certificate of Occupancy is issued.

Commissioner BUCKNAM inquired about the high density being proposed in this subdivision and the concerns of traffic issues. He asked if staff had given any thought to Taft Court becoming signalized.

Ms. Mikulak said signals have not been discussed on the local street grid, but Taft will be the closer option for people to get to Ward Street from the RTD station. Taft is wider now because it already has the detached sidewalk.

It moved by Commissioner VOS and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WS-17-01, a request for approval of a 63-lot subdivision plat for property known as Lot 1 of Hance Subdivision, Replat #1, generally addressed as 11818 W. 52nd Avenue, for the following reasons:

1. **All requirements of the subdivision regulations have been met.**
2. **The proposed plat will facilitate redevelopment of the site consistent with the zone change and Concept Plan.**
3. **Utility districts can serve the property with improvements installed at the developer's expense.**

With the following conditions:

1. **All minor corrections occur prior to public hearing in front of City Council.**
2. **A Subdivision Improvement Agreement be executed with required security prior to recordation of the subdivision plat.**
3. **The developer shall pay parks fees at the time of plat recording in the amount of $127,362.**
4. **The Homeowners' Association covenants shall be reviewed and approved by Staff prior to issuance of a building permit.**

5. **There shall be no access from Tract A to Tabor Street.**

Motion carried 6-1 with Commissioner BUCKNAM against.

B. **Case No. WS-17-02:** an application filed by Lo-Hi Customs, LLC for approval of a 6-lot subdivision plat for the property located at 2850-2880 Teller Street and zoned Residential-Two (R-2).

Ms. Reckert gave a short presentation regarding the Subdivision and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner VOS asked about the developer paying Public Works fees in lieu of construction of curb, gutter and sidewalk.

Mr. Brossman explained it is not beneficial to the neighborhood to create curb, gutter and sidewalk for this property since there is no public improvements elsewhere and could produce a hardship for the residents to the south because runoff could be damaging to their property.

Berin Wachsman
2524 Kechter Road, Fort Collins

Mr. Wachsman stated that the access easement for the property to the north has been released by the property owner and titlecompany. This should not be a concern of staff any longer.

Ron Olson, Resident
7200 West 29th Avenue

Mr. Olson has concerns with traffic increasing with all automobiles exiting onto Teller. He also has concerns with drainage.

Greg Squires, Resident
7090 West 29th Avenue

Mr. Squires has concerns with drainage especially with the dirt that has been brought into the property.

Nikki Jorgenson, Resident
2653 Teller Street

DRAFT

Ms. Jorgenson moved into the area 10 years ago and enjoys living among properties where there are horses, goats and chickens and is concerned about all the traffic in the area and thinks this subdivision will increase it.

Commissioner OHM asked about the increase in traffic from this proposed subdivision and the drainage.

Ms. Reckert said that on average in a low density residential area 10 vehicle trips per day are made per house; this would equal about 60 new trips per day from this subdivision.

Mr. Brossman said he reviewed and approved the drainage report and the property drains to the southeast. He explained that Tract A will capture storm drainage runoff from this site. It will also reduce the amount of runoff from the site by 70-80% and will improve the drainage into the neighborhood.

Ms. Reckert added that Code Enforcement has been previously alerted to the debris and fill dirt that had been brought into the site.

Commissioner WEAVER asked about possible access to 29th Avenue.

Ms. Reckert confirmed that the subdivision would have to have direct frontage to exit onto 29th Avenue, which they don't so all access will be onto Teller Street.

Commissioner DORSEY asked about the fees in lieu of curb, gutter and sidewalk and wondered what the fees will be used for.

Mr. Brossman explained that the fees will go into a development sidewalk fund and after a year it is dispersed into a general fund.

There was some discussion about pros and cons with curb, gutter and sidewalk installation.

It moved by Commissioner BUCKNAM and seconded by Commissioner KIMSEY to recommend APPROVAL of Case No. WS-17-02, a six-lot major subdivision plat for the property located at 2850-2880 Teller Street for the following reasons:

1. **The proposed lots meet or exceed the R-2 zone district regulations for single-family construction.**
2. **All requirements of the subdivision regulations have been met.**
3. **The proposed street system and drainage design provide a logical development pattern for the new parcels.**
4. **Utility districts can serve the property with improvements installed at the developer's expense.**

City of Wheat Ridge

ITEM NO: 3.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 02-2018 – A RESOLUTION APPROVING A SIX-LOT SUBDIVISION PLAT FOR PROPERTY ZONED RESIDENTIAL-TWO (R-2) AT 2850 AND 2880 TELLER STREET (CASE NO. WS-17-02/TELLER STREET)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director **City Manager**

ISSUE:
The applicant is requesting approval of a six-lot subdivision plat for property zoned Residential-Two (R-2) at 2850 and 2880 Teller Street. The purpose of the subdivision is to split the development parcel in accordance with the R-2 zone district regulations to create six new single-family home sites.

PRIOR ACTION:
Planning Commission reviewed this request at a public hearing held on December 7, 2017 and gave a recommendation of approval for the following reasons:

1. The proposed lots meet or exceed the R-2 zone district regulations for single-family construction.
2. All requirements of the subdivision regulations have been met.
3. The proposed street system and drainage design provide a logical development pattern for the new parcels.
4. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. All minor corrections occur prior to public hearing in front of City Council.
2. A Subdivision Improvement Agreement be executed whereby all private infrastructure improvements are in place prior to issuance of building permits for individual lots.
3. The developer pay parks fees at the time of plat recording in the amount of $12,486.45.
4. The Homeowners' Association covenants be reviewed and approved by Staff prior to issuance of building permits.

Attached are the Planning Commission report and meeting minutes from the December 7, 2017, Planning Commission public hearing. Staff would note that all minor corrections have been completed and are reflected on the plat document attached to the Planning Commission report.

FINANCIAL IMPACT:
Fees in the amount of $1420 were collected for the review and processing of Case No. WS-17-02.

BACKGROUND:
Subject Property
The subject property is comprised of two parcels of land. Both parcels front onto Teller Street and contain 1.4 acres collectively. The property at 2880 Teller (northern parcel) is currently vacant but was most recently used for urban agriculture. The southern parcel (2850 Teller) has an existing single-family home on it, which will be demolished.

The current zoning on the property is Residential-Two (R-2). The R-2 zone district was established to provide high quality, safe, quiet and stable low to moderate-density residential neighborhoods, and to prohibit activities of any nature, which are incompatible with the residential character. The minimum lot width for a single-family home in the R-2 district is 75 feet, and the minimum lot area is 9,000 square feet. Duplex development requires 12,500 square feet of lot area with 100' of lot width. The proposed subdivision and intended use for single-family homes complies with the requirements for minimum development standards in the R-2 district.

Surrounding zoning and land use
The property is zoned R-2 as are the surrounding properties with some R-1 and R-1A zone districts beyond the immediate vicinity. The area predominately contains single-family homes with some duplexes and horse properties.

Plat design
Attached to the Planning Commission report is a copy of the proposed subdivision plat, which contains two sheets.

Sheet 1 is the declaration page and contains the legal description, required signature blocks for property owners, recording information and notes. The notes, among other things, contain the city's standard language regarding easements and detention pond maintenance. It also includes a note regarding maintenance of the common elements in the development.

Sheet 2 contains the layout of the subdivision. The plat will subdivide the property into six new lots to be developed with single-family homes. All lots meet or exceed the R-2 minimum lot size of 9000 s.f. and lot width of 75'.

The lots are arranged around a private drive extending east from Teller Street. Per Section 26-412.B. of the Zoning and Development Code, no more than four dwelling units may be accessed off a private drive and the access drive shall be no less than 25 feet in width. Lots 2, 3, 5, and 6 will gain access from the private drive. Lots 1 and 4 will have direct access to Teller Street, which is required and memorialized by General Note #10.

Emergency access turnaround is provided by a "hammerhead" located between Lots 2 and 3. Tract A at the very southeast corner of the subdivision will serve as a stormwater detention area. The HOA will be responsible for maintenance of the shared access easement and detention pond. Staff will require review and approval of the HOA covenants to ensure that adequate provisions for maintenance have been made.

When new properties are created through the subdivision process, staff reviews adjacent street improvements to confirm that they meet current roadway design standards. Teller Street is classified as a local street, and the City's minimum standard for local streets includes curb, gutter, and a 5-foot attached sidewalk. The street is not wide enough to accommodate these improvements, so a 1.5'wide strip along Teller will be dedicated as right-of-way. The Public Works Department is asking for fees in lieu of construction of public improvements, as there is no curb, gutter and sidewalk to the south or north, and construction of curb and gutter may actually have a negative drainage impact on adjacent properties.

On-site drainage
When vacant land is developed, historic drainage patterns must be preserved and the flows entering and released from the site must be maintained consistent with pre-development conditions. Historically the site drains towards the southeast where untreated stormwater flows into the adjacent properties to the east.

The on-site drainage proposal has been analyzed by Public Works and sufficient measures are being taken to ensure that historic and developed flows are being adequately addressed. Developed flows will be directed into a storm water detention pond lying in a tract in the southeasterly portion of the subdivision (Tract A). The pond is designed with a water quality structure that releases treated stormwater well below the historical release rate for the site, following historical drainage patterns.

This case has been through a standard referral process and all agencies can provide service subject to improvements installed at the developer's expense. Public Works has reviewed and approved a drainage plan and report for the property.

RECOMMENDED MOTION:

"I move to approve Resolution No. 02-2018, a resolution approving a six-lot subdivision plat for property zoned Residential-Two (R-2) at 2850 and 2880 Teller Street (Case No. WS-17-02/Teller Street), for the following reasons:

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. The proposed lots meet or exceed the R-2 zone district regulations.
4. All requirements of the subdivision regulations have been met.
5. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. A Subdivision Improvement Agreement be executed whereby all private infrastructure improvements are in place prior to issuance of building permits for individual lots.
2. The developer pay parks fees at the time of plat recording in the amount of $12,486.45.
3. The Homeowners' Association covenants be reviewed and approved by Staff."

Or,

"I move to Deny Resolution No. 02-2018, a resolution approving a six-lot subdivision plat for property zoned Residential-Two (R-2) at 2850 and 2880 Teller Street (Case No. WS-17-02/Teller Street), for the following reason(s): _____

_____

and direct the City Attorney to prepare a Resolution of Denial, to be scheduled for Council consideration at the next available regular business meeting."

REPORT PREPARED/REVIEWED BY:

Meredith Reckert, Senior Planner
Lauren Mikulak, Community Development Planning Manager
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 02-2018
2. Planning Commission staff report
3. Planning Commission minutes

CITY OF WHEAT RIDGE, COLORADO
Resolution No. 02
Series 2018

TITLE: A RESOLUTION APPROVING A SIX-LOT SUBDIVISION PLAT FOR PROPERTY ZONED RESIDENTIAL-TWO (R-2) AT 2850 AND 2880 TELLER STREET (CASE NO. WS-17-02 / TELLER STREET)

WHEREAS, Chapter 26, Article I of the Wheat Ridge Code of Laws establishes the procedures for the City's review and approval of Subdivision Plats; and,

WHEREAS, an application for a six-lot subdivision plat was received from Lo-Hi Custom, LLC, to subdivide property located at 2850 and 2880 Teller Street in the Residential-Two (R-2) zone district; and,

WHEREAS, all referral agencies have reviewed the request and do not have concerns; and,

WHEREAS, all requirements of the Subdivision Regulations and the Residential-Two (R-2) zoning have been met; and,

WHEREAS, all required publishing, posting and notification requirements for a January 8, 2018, City Council public hearing have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

A RESOLUTION APPROVING A SIX-LOT SUBDIVISION PLAT FOR PROPERTY ZONED RESIDENTIAL-TWO (R-2) AT 2850 AND 2880 TELLER STREET (CASE NO. WS-17-02/TELLER STREET) IS HEREBY APPROVED FOR THE FOLLOWING REASONS:

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. The proposed lots meet or exceed the R-2 zone district regulations.
4. All requirements of the subdivision regulations have been met.
5. Utility districts can serve the property with improvements installed at the developer's expense.

ATTACHMENT 1

With the following conditions:

1. A Subdivision Improvement Agreement be executed whereby all private infrastructure improvements are in place prior to issuance of building permits for individual lots.
2. The developer pay parks fees at the time of plat recording in the amount of $12,486.45.
3. The Homeowners' Association covenants be reviewed and approved by Staff prior to issuance of building permits.

DONE AND RESOLVED by the City Council this 8th day of January, 2018.

By:

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

COMMUNITY DEVELOPMENT STAFF REPORT

TO: Planning Commission	**CASE MANAGER**: Meredith Reckert
CASE NO. & NAME:	WS-17-02/Teller Street Subdivision
DATE OF MEETING:	December 7, 2017
ACTION REQUESTED:	A request for approval of a six-lot subdivision plat on property zoned Residential-Two (R-2)
LOCATION OF REQUEST:	2850 and 2880 Teller Street
APPLICANT:	Lo-Hi Homes, LLC
APPROXIMATE AREA:	1.4 acres
PRESENT ZONING:	Residential-Two (R-2)
COMPREHENSIVE PLAN:	Neighborhood
ENTER INTO RECORD:	(X) CASE FILE & PACKET MATERIALS
(X) SUBDIVISION REGULATIONS	(X) DIGITAL PRESENTATION

Site

ATTACHMENT 2

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

I. REQUEST

The applicant is requesting approval of a 6-lot major subdivision on property zoned Residential-Two to accommodate six new single-family residential dwelling sites. The property is located at 2850 and 2880 Teller Street.

Because this is a major subdivision, Planning Commission will be providing a recommendation to City Council who will be the final authority for approval.

A neighborhood meeting is not required for a subdivision application.

II. EXISTING CONDITIONS/PROPERTY HISTORY

Subject Property
The subject property is comprised of two parcels of land. Both parcels front onto Teller and contain 1.4 acres collectively. (Exhibit 1, Aerial photo) The property at 2880 Teller (northern parcel) is currently vacant but was most recently used for urban agriculture. The southern parcel (2850 Teller) has an existing single-family home on it, which will be demolished. (Exhibit 2, Site photos)

The current zoning on the property is Residential-Two (R-2). The R-2 zone district was established to provide high quality, safe, quiet and stable low to moderate-density residential neighborhoods, and to prohibit activities of any nature, which are incompatible with the residential character. The minimum lot width for a single-family home in the R-2 district is 75 feet, and the minimum lot area is 9,000 square feet. Duplex development requires 12,500 square feet of lot area with 100' of lot width. The proposed subdivision and intended use for single-family homes complies with the requirements for minimum development standards in the R-2 district.

Surrounding zoning and land use
The property is zoned R-2 as are the surrounding properties with some R-1 and R-1A zone districts beyond the immediate vicinity. The area predominately contains single-family homes with some duplexes and horse properties. (Exhibit 3, Zoning map)

III. SUBDIVISION PLAT

Plat design
The proposed plat document is comprised of two sheets. (Exhibit 4, Subdivision Plat)

Sheet 1 is the declaration page and contains the legal description, required signature blocks for property owners, recording information and notes. The notes, among other things, contain the city's standard language regarding easements and detention pond maintenance. It also includes a note regarding maintenance of the common elements in the development.

Sheet 2 contains the layout of the subdivision. The plat will subdivide the property into six new lots to be developed with single-family homes. All lots meet or exceed the R-2 minimum lot size of 9000 s.f. and lot width of 75'.

The lots are arranged around a private drive extending east from Teller Street. Per Section 26-412.B. of the Zoning and Development Code, no more than four dwelling units may be accessed off a private drive and the access drive shall be no less than 25 feet in width. Lots 2, 3, 5, and 6 will gain access from the private drive. Lots 1 and 4 will have direct access to Teller Street, which is required and memorialized by General Note #10.

Emergency access turnaround is provided by a "hammerhead" located between Lots 2 and 3. Tract A at the very southeast corner of the subdivision will serve as a stormwater detention area. The HOA will be responsible for maintenance of the shared access easement and detention pond. Staff will require review and approval of the HOA covenants to ensure that adequate provisions for maintenance have been made.

When new properties are created through the subdivision process, staff reviews adjacent street improvements to confirm that they meet current roadway design standards. Teller Street is classified as a local street, and the City's minimum standard for local streets includes curb, gutter, and a 5-foot attached sidewalk. The street is not wide enough to accommodate these improvements, so a 1.5'wide strip along Teller will be dedicated as right-of-way. The Public Works Department is asking for fees in lieu of construction of public improvements, as there is no curb, gutter and sidewalk to the south or north.

On-site drainage

When vacant land is developed, historic drainage patterns must be preserved and the flows entering and released from the site must be maintained consistent with pre-development conditions. Historically the site drains towards the southeast where untreated stormwater flows into the adjacent properties to the east.

The on-site drainage proposal has been analyzed by Public Works and sufficient measures are being taken to ensure that historic and developed flows are being adequately addressed. Developed flows will be directed into a storm water detention pond lying in a tract in the southeasterly portion of the subdivision (Tract A). The pond is designed with a water quality structure that releases treated stormwater well below the historical release rate for the site, following historical drainage patterns.

One item of concern is an existing access easement on the northwest corner of Lot 1. This easement measures 9' by 55.5' and provides rear yard access to the property to the north addressed as 7198 W. 29th Avenue. It is currently paved. The applicant has indicated that this easement will be released by separate document and the improvement removed; however, Staff has not seen any evidence of this process occurring. As such, Staff recommends this issue be resolved prior to public hearing in front of City Council.

See aerial photo below.

IV. AGENCY REFERRALS

All affected service agencies were contacted regarding their ability to serve the property. The developer will be responsible for any needed upgrades to accommodate the proposed development. Specific referral responses follow.

CenturyLink: Has no objection to the plat.

Consolidated Mutual Water District: Can serve the property with improvements installed at the developer's expense.

West Metro Fire Protection District: There is an existing hydrant on the west side of Teller, which is acceptable for water supply. The proposed drive with hammerhead turn around is acceptable for fire apparatus access. The internal street must be maintained as a fire lane.

Wheat Ridge Parks and Recreation Department: Will require fees in lieu of park land dedication.

Wheat Ridge Sanitation District: Can serve the property with an existing 8" sanitary mainline running within Teller Street.

Wheat Ridge Public Works: Has reviewed and approved the plat and a drainage plan and report. Both the plat and drainage report have been approved.

Xcel Energy: Can serve.

V. STAFF CONCLUSION AND RECOMMENDATION

Staff concludes that the plat is consistent with the City's R-2 zone district minimums for single family development and that all requirements of the subdivision regulations have been met. Because agencies can provide service to the property with improvements installed at the developer's expense, a recommendation of Approval is given for Case No. WS-17-02 with conditions itemized in Option A of the recommended motions.

VI. RECOMMENDED MOTIONS

OPTION A:

"I move to recommend APPROVAL of Case No. WS-17-02, a request for approval of a six-lot major subdivision plat for property located at 2850 and 2880 Teller Street, for the following reasons:

1. The proposed lots meet or exceed the R-2 zone district regulations for single-family construction.
2. All requirements of the subdivision regulations have been met.
3. The proposed street system and drainage design provide a logical development pattern for the new parcels.
4. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. All minor corrections occur prior to public hearing in front of City Council.
2. The 9' x 55.5' access easement on Lot 1 be resolved prior to public hearing in front of City Council.
3. A Subdivision Improvement Agreement be executed whereby all private infrastructure improvements are in place prior to issuance of building permits for individual lots.
4. The developer pay parks fees at the time of plat recording in the amount of $12,486.45.
5. The Homeowners' Association covenants be reviewed and approved by Staff prior to issuance of building permits.

OPTION B:

"I move to recommend DENIAL of Case No. WS-17-02, a request for approval of a six-lot major subdivision plat for property located at 2850 and 2880 Teller Street, for the following reasons:

1.

2.

3."

EXHIBIT 1: AERIAL PHOTO

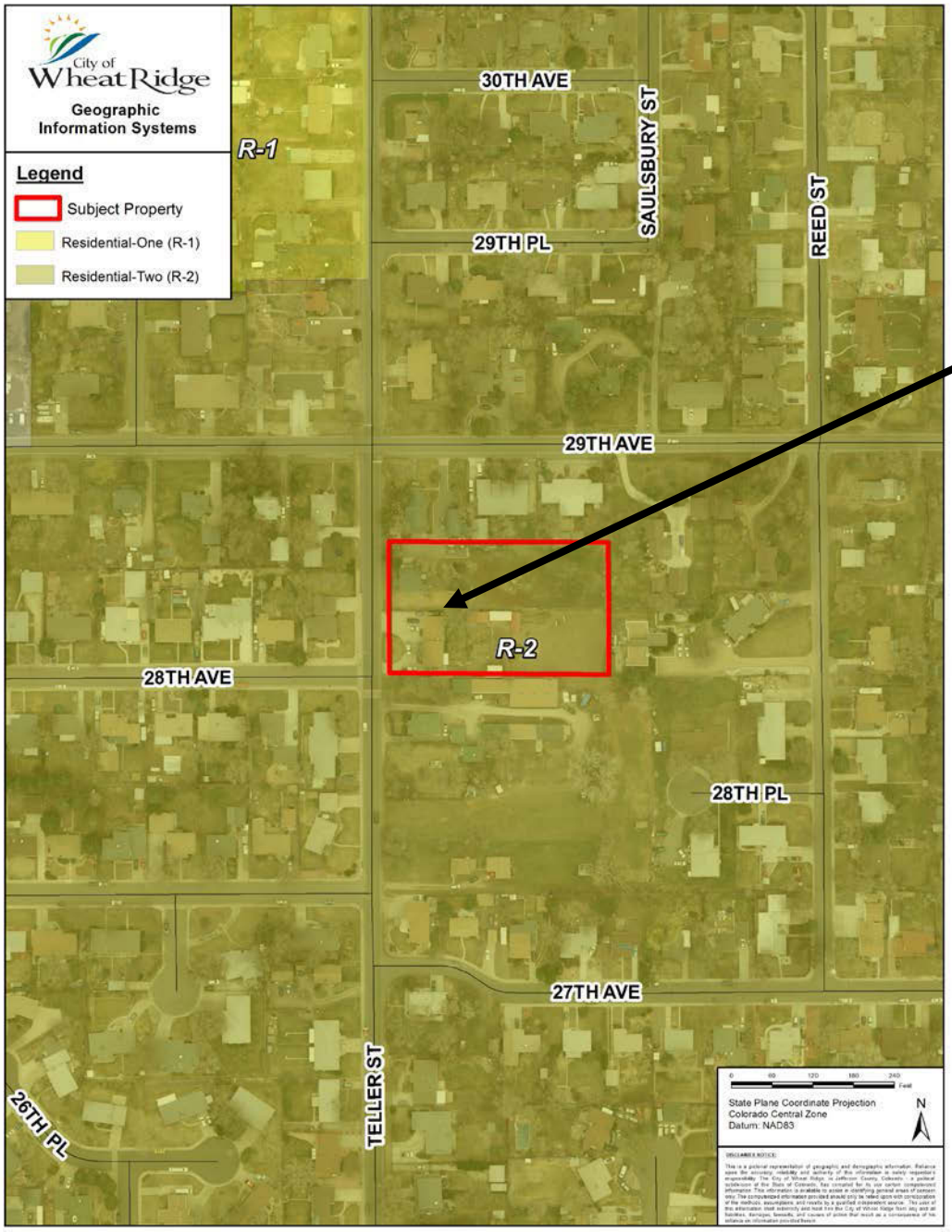
EXHIBIT 2: SITE PHOTOS

View looking east towards from Teller towards northern property

View looking east from Teller towards southern property

View looking east from Teller towards southern property

EXHIBIT 3 – ZONING MAP



site

EXHIBIT 4 - PROPOSED PLAT

EXHIBIT 4

TELLER SUBDIVISION FILING NO. 1

A RESUBDIVISION OF A PART OF LOT 1, BLOCK 4, BARTH'S SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 1 OF 2

DEDICATION AND OWNER'S CERTIFICATE:

I, LOHI CUSTOMS LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF REAL PROPERTY CONTAINING 61,437 SQUARE FEET OR 1.4104 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER OF LOT 1, BLOCK 4, BARTH'S SUBDIVISION AS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY, STATE OF COLORADO, AT RECEPTION NO. 2016059247 AND AT RECEPTION NO. 87076275, ALSO BEING IN PART OF THE SOUTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE S42°44'39"E A DISTANCE OF 1992.23 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF TELLER STREET, ALSO BEING ON THE WEST LINE OF LOT 1, BLOCK 4, BARTH'S SUBDIVISION; THENCE N89°53'18"E, A DISTANCE OF 317.10 FEET; THENCE S00°23'55"E, A DISTANCE OF 192.61 FEET; THENCE S89°28'50"W, A DISTANCE OF 317.11 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF TELLER STREET, ALSO BEING ON THE WEST LINE OF LOT 1, BLOCK 4, BARTH'S SUBDIVISION, THENCE N00°23'43"W ALONG SAID RIGHT-OF-WAY LINE AND WEST LINE OF SAID LOT 1, BLOCK 4, A DISTANCE OF 194.87 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 61,437 SQUARE FEET OR 1.4104 ACRES, MORE OR LESS.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF TELLER SUBDIVISION FILING NO. 1, A RESUBDIVISION OF A PART OF LOT 1, BLOCK 4, BARTH'S SUBDIVISION AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THE PUBLIC THOSE PORTIONS OF REAL PROPERTY SHOWN AS RIGHT-OF-WAY, AND DO FURTHER DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORM WATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

OWNER: LOHI CUSTOMS LLC, A COLORADO LIMITED LIABILITY COMPANY

_____
MANAGER: CHRISTOPHER B. REILLY

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____DAY OF _____, 20___ BY CHRISTOPHER B. REILLY, MANAGER, LOHI CUSTOMS LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

_____
NOTARY PUBLIC

_____
ADDRESS

SURVEYOR'S CERTIFICATE:

I, MICHAEL S. CHESSNOE, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF TELLER SUBDIVISION FILING NO. 1 WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENTS SAID SURVEY.

_____
MICHAEL S. CHESSNOE, P.E. & L.S. 9489

(SURVEYOR'S SEAL)

ACCESS DRIVE AND UTILITY EASEMENT:

THE OWNER, HIS SUCCESSORS AND ASSIGNS GRANTS LIMITED RIGHTS AND PRIVILEGES TO ACCESS AND TO FREE MOVEMENT THROUGH THOSE AREAS INDICATED AS 'ACCESS DRIVE AND UTILITY EASEMENT', AS ILLUSTRATED UPON THIS PLAT. SUCH GRANT OF EASEMENT SHALL BE LIMITED TO THE OWNERS, TENANTS, CUSTOMERS, AND GUESTS OF THE OWNERS, AND SHALL FURTHERMORE GRANT ACCESS TO AND FREE MOVEMENT THROUGH SAID EASEMENTS TO THOSE ENTERING SAID EASEMENTS FROM SIMILARLY RECORDED EASEMENTS FROM ADJACENT PROPERTIES AND/OR FROM ABUTTING PUBLIC STREETS.

ACCESS, UTILITY AND DRAINAGE EASEMENT:

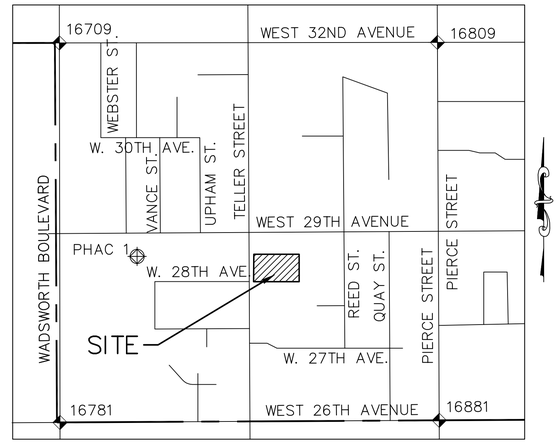
ACCESS, UTILITY AND DRAINAGE EASEMENT IS HEREBY GRANTED BY THIS PLAT AT THE LOCATION SHOWN HEREIN FOR FREE MOVEMENT FOR CONSTRUCTION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES IN THE AREA SHOWN AS TRACT "A".

STANDARD EASEMENTS:

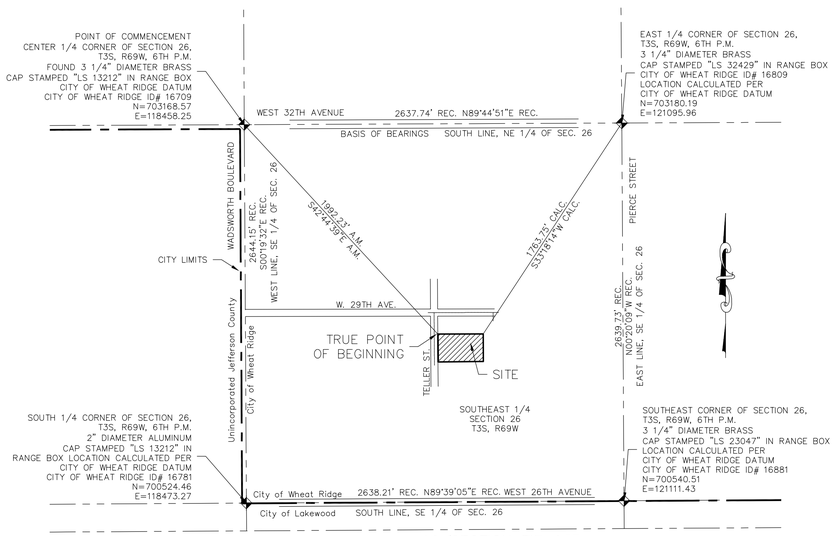
UTILITY AND DRAINAGE EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL REAR AND SIDE LOT LINES OF EACH LOT IN THE SUBDIVISION OR PLATTED AREA. THESE EASEMENTS ARE DEDICATED OR ILLUSTRATED UPON THIS PLAT FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION CABLE, DRAINAGE AND TELECOMMUNICATIONS FACILITIES. UTILITIES SHALL ALSO BE PERMITTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES AND WATER METERS SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS.

TRACT "A":

THE STORMATER QUALITY AREA HEREIN SHOWN AS TRACT "A", IS A NON-BUILDABLE TRACT THAT SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER, AND SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNER, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREA AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNER, HEIRS, SUCCESSORS, AND ASSIGNS AGREES TO PAY. NO BUILDING OR STRUCTURE WILL BE CONSTRUCTED IN THE STORMWATER QUALITY AREA AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC OR WATER QUALITY CHARACTERISTICS OF THE STORMWATER QUALITY AREA WILL BE MADE WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.



VICINITY MAP
SCALE 1"=500'



BASIS OF BEARINGS/SECTION TIE DETAIL
SCALE 1"=500'

COUNTY CLERK AND RECORDERS CERTIFICATE:

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT _____O'CLOCK___. M. ON THE ____ DAY OF _____, _____, IN BOOK_____, PAGE_____, RECEPTION NO._____.

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

GENERAL NOTES:

1. BASIS OF BEARINGS:

THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, SAID LINE ASSUMED TO BEAR N89°44'51"E BETWEEN TWO MONUMENTS 2637.74 FEET APART; ONE MONUMENT BEING THE CENTER ¼ OF SAID SECTION 26, A 3 1/4" DIAMETER BRASS CAP STAMPED LS 13212 IN RANGE BOX, CITY OF WHEAT RIDGE ID NO. 16709, CITY DATUM COORDINATES N=703168.57, E=118458.25, LAT.=39°45'40"N LONG.=105°04'50"W; AND THE OTHER BEING THE EAST 1/4 CORNER OF SAID SECTION 26, A 3 1/4" DIAMETER BRASS CAP STAMPED LS 32429 IN RANGE BOX, CITY OF WHEAT RIDGE ID NO. 16809, CITY DATUM COORDINATES N=703180.19, E=121095.96, LAT.=39°45'40"N LONG.=105°04'20"W.

2. PER C.R.S. 38-52-106(L), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

3. THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM, AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE (FGDC-STD-007.2-1998).

4. NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

5. MONUMENT DEFACING STATEMENT: ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

6. CERTIFICATION AND USE OF THE WORD CERTIFY IS DEFINED AS FOLLOWS: SAID CERTIFICATION OR USE OF THE WORD CERTIFY AS A STATEMENT IS BASED UPON THE UNDERSIGNED PROFESSIONAL LAND SURVEYOR'S KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED (PER COLORADO STATE BOARD RULE NO. 6.2.2).

7. THE CURRENT CITY DATUM COORDINATE SYSTEM USED IS A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502.

8. VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

9. GROUND TO GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1: NORTHING: 1071258.75, EASTING: 3118217.58, ELEVATION: 5471.62.

10. LOTS 1 AND 4 SHALL ACCESS TELLER STREET ONLY. ACCESS TO THE PRIVATE ACCESS DRIVE AND UTILITY EASEMENT IS PROHIBITED FROM THESE LOTS.

11. RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR SERVICE AND EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON, AND THROUGH ANY AND ALL PRIVATE ROADS, WAYS, AND FIRE LANES NOW OR HEREAFTER ESTABLISHED ON THE DESCRIBED PROPERTY. THE SAME ARE HEREBY DESIGNATED AS FIRE LANES AND EMERGENCY AND SERVICE VEHICLE ROADS, AND SHALL BE POSTED "NO PARKING - FIRE LANE".

12. THE PROPERTY IS ZONED R-2.

13. PROPERTY IS WITHIN ZONE X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (500-YEAR FLOOD PLAIN)) AND THEREFORE IS NOT IN THE 100 YEAR FLOOD PLAIN PER FIRM MAP FOR COMMUNITY NO. 085079, PANEL NO. 0214 F, AND MAP NO. 08059C0214F DATED FEBRUARY 5, 2014.

DATA TABLE:

PARCEL	AREA (SQ. FT.)	AREA (ACRES)
TRACT "A"	1,044	0.0240
LOT 1	9,780	0.2245
LOT 2	9,751	0.2238
LOT 3	10,053	0.2308
LOT 4	10,371	0.2381
LOT 5	10,400	0.2388
LOT 6	9,746	0.2237
NET PARCEL AREA	61,145	1.4037
STREET RIGHT-OF-WAY DEDICATION	292	0.0067
GROSS PARCEL AREA	61,437	1.4104

CITY CERTIFICATION:

APPROVED THIS ____ DAY OF _____, _____ BY THE CITY OF WHEAT RIDGE CITY COUNCIL.

_____
MAYOR

ATTEST

_____
CITY CLERK

PLANNING COMMISSION CERTIFICATION:

RECOMMENDED FOR APPROVAL ON THIS _____ DAY OF _____, _____ BY THE CITY OF WHEAT RIDGE CITY PLANNING COMMISSION.

_____
PLANNING COMMISSION

_____
COMMUNITY DEVELOPMENT DIRECTOR

_____
DIRECTOR OF PUBLIC WORKS

CITY OF WHEAT RIDGE
PUBLIC WORKS, ENGINEERING
APPROVED FOR:
☐ DRAINAGE ☐ SIDEWALK
☐ CURB & GUTTER ☐ STREET
☐ MISCELLANEOUS ☑ PLAT
COMMENT _____
David J. Rossman 12/22/2017
CIVIL ENGINEER DATE
SUBJECT TO FIELD INSPECTIONS

CITY OF WHEAT RIDGE
PUBLIC WORKS
DATE 12/22/2017
RECEIVED 12/22/2017
3rd Submittal

CASE HISTORY
MS-17-01 (WITHDRAWN)
WS-17-02

SHEET INDEX

DESCRIPTION	SHEET NO.
COVER SHEET	1
PLAN VIEW	2

COVER SHEET
SHEET 1 OF 2

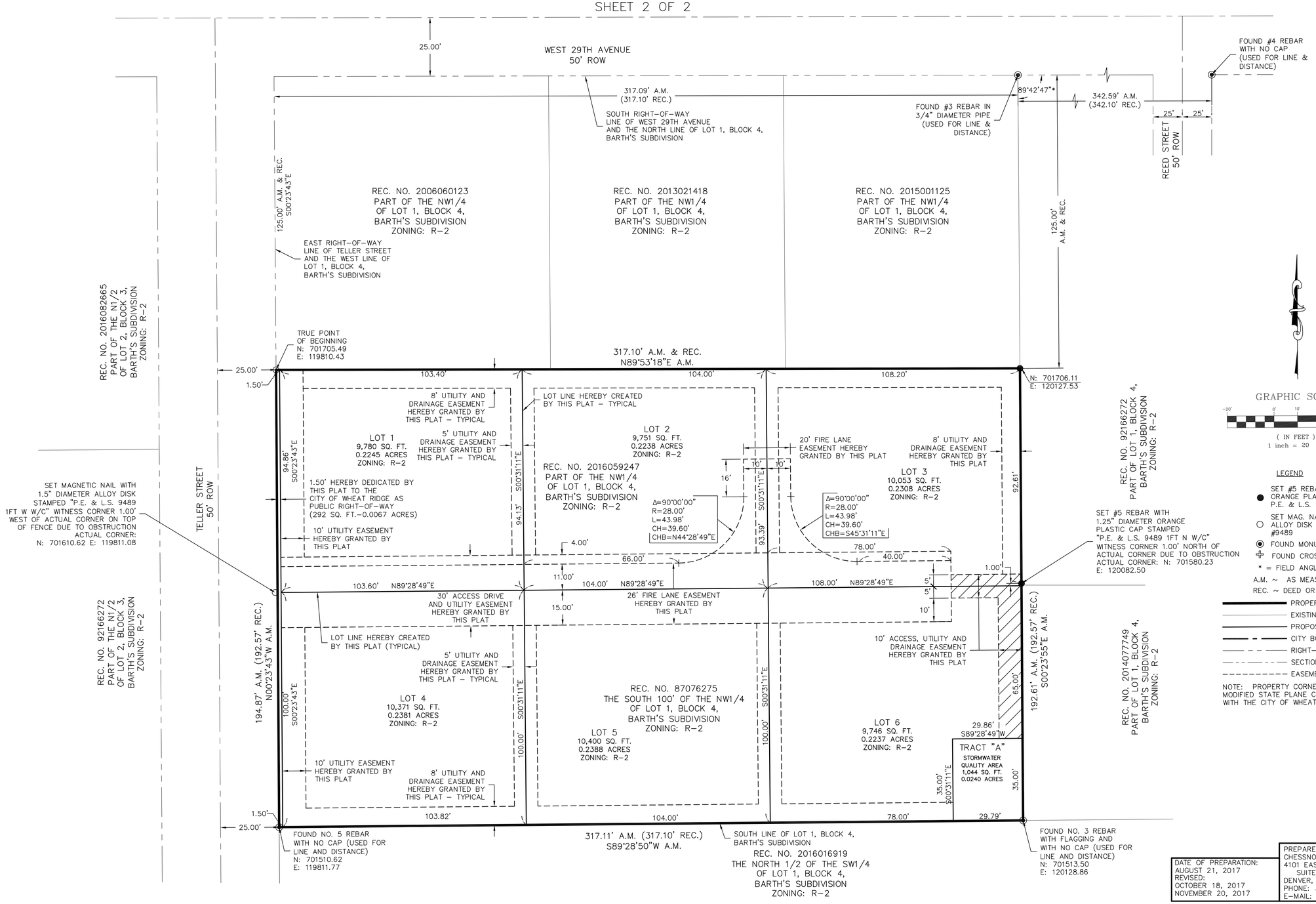
DATE OF PREPARATION:
AUGUST 21, 2017
REVISED:
OCTOBER 18, 2017
NOVEMBER 20, 2017

PREPARED BY:
CHESSNOE AND ASSOCIATES
4101 EAST WESLEY AVENUE,
SUITE #2,
DENVER, COLORADO 80222
PHONE: 303-722-3267
E-MAIL: chessnoedenver@comcast.net

TELLER SUBDIVISION FILING NO. 1

A RESUBDIVISION A OF PART OF LOT 1, BLOCK 4, BARTH'S SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE

-20' 0' 10' 20' 40'

(IN FEET)
1 inch = 20 ft.

LEGEND

- ● SET #5 REBAR W/ 1.25" DIA. ORANGE PLASTIC CAP STAMPED P.E. & L.S. #9489
- ○ SET MAG. NAIL W/ 1.5" DIA. ALLOY DISK STAMPED P.E. & L.S. #9489
- ◉ FOUND MONUMENT AS NOTED
- ✚ FOUND CROSS CUT IN CONC WALK
- * = FIELD ANGLE
- A.M. ~ AS MEASURED IN FIELD
- REC. ~ DEED OR PLAT DISTANCE
- PROPERTY BOUNDARY LINE
- EXISTING LOT LINE
- PROPOSED LOT LINE
- CITY BOUNDARY
- RIGHT-OF-WAY LINE
- SECTION LINE
- EASEMENT

NOTE: PROPERTY CORNER COORDINATES ARE MODIFIED STATE PLANE COORDINATES CONSISTENT WITH THE CITY OF WHEAT RIDGE DATUM.

CASE HISTORY
MS–17–01 (WITHDRAWN)
WS–17–02

PLAN VIEW
SHEET 2 OF 2

DATE OF PREPARATION:
AUGUST 21, 2017
REVISED:
OCTOBER 18, 2017
NOVEMBER 20, 2017

PREPARED BY:
CHESSNOE AND ASSOCIATES
4101 EAST WESLEY AVENUE,
SUITE #2,
DENVER, COLORADO 80222
PHONE: 303–722–3267
E–MAIL: chessnoedenver@comcast.net

EXHIBIT 3

5. **There shall be no access from Tract A to Tabor Street.**

Motion carried 6-1 with Commissioner BUCKNAM against.

B. **Case No. WS-17-02:** an application filed by Lo-Hi Customs, LLC for approval of a 6-lot subdivision plat for the property located at 2850-2880 Teller Street and zoned Residential-Two (R-2).

Ms. Reckert gave a short presentation regarding the Subdivision and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner VOS asked about the developer paying Public Works fees in lieu of construction of curb, gutter and sidewalk.

Mr. Brossman explained it is not beneficial to the neighborhood to create curb, gutter and sidewalk for this property since there is no public improvements elsewhere and could produce a hardship for the residents to the south because runoff could be damaging to their property.

Berin Wachsman
2524 Kechter Road, Fort Collins

Mr. Wachsman stated that the access easement for the property to the north has been released by the property owner and titlecompany. This should not be a concern of staff any longer.

Ron Olson, Resident
7200 West 29th Avenue

Mr. Olson has concerns with traffic increasing with all automobiles exiting onto Teller. He also has concerns with drainage.

Greg Squires, Resident
7090 West 29th Avenue

Mr. Squires has concerns with drainage especially with the dirt that has been brought into the property.

Nikki Jorgenson, Resident
2653 Teller Street

Ms. Jorgenson moved into the area 10 years ago and enjoys living among properties where there are horses, goats and chickens and is concerned about all the traffic in the area and thinks this subdivision will increase it.

Commissioner OHM asked about the increase in traffic from this proposed subdivision and the drainage.

Ms. Reckert said that on average in a low density residential area 10 vehicle trips per day are made per house; this would equal about 60 new trips per day from this subdivision.

Mr. Brossman said he reviewed and approved the drainage report and the property drains to the southeast. He explained that Tract A will capture storm drainage runoff from this site. It will also reduce the amount of runoff from the site by 70-80% and will improve the drainage into the neighborhood.

Ms. Reckert added that Code Enforcement has been previously alerted to the debris and fill dirt that had been brought into the site.

Commissioner WEAVER asked about possible access to 29th Avenue.

Ms. Reckert confirmed that the subdivision would have to have direct frontage to exit onto 29th Avenue, which they don't so all access will be onto Teller Street.

Commissioner DORSEY asked about the fees in lieu of curb, gutter and sidewalk and wondered what the fees will be used for.

Mr. Brossman explained that the fees will go into a development sidewalk fund and after a year it is dispersed into a general fund.

There was some discussion about pros and cons with curb, gutter and sidewalk installation.

It moved by Commissioner BUCKNAM and seconded by Commissioner KIMSEY to recommend APPROVAL of Case No. WS-17-02, a six-lot major subdivision plat for the property located at 2850-2880 Teller Street for the following reasons:

1. **The proposed lots meet or exceed the R-2 zone district regulations for single-family construction.**
2. **All requirements of the subdivision regulations have been met.**
3. **The proposed street system and drainage design provide a logical development pattern for the new parcels.**
4. **Utility districts can serve the property with improvements installed at the developer's expense.**

With the following conditions:

1. **All minor corrections occur prior to public hearing in front of City Council.**
2. **The 9' by 55.5' access easement on Lot 1 be resolved prior to public hearing in front of City Council.**
3. **A subdivision Improvement Agreement be executed whereby all private infrastructure improvements are in place prior to issuance of building permits for individual lots.**
4. **The developer pay parks fees at the time of plat recording in the amount of $12,486.45.**
5. **The Homeowners' Association covenants be reviewed and approved by Staff prior to issuance of building permits.**

Motion carried 7-0.

C. **Case No. ZOA-17-04**: an ordinance amending Chapter 26 of the Code of Laws regarding small cell commercial mobile radio service (CMRS) facilities.

Ms. Mikulak gave a short presentation regarding the ordinance amendment. Ms. Mikulak explained that earlier this year an ordinance was approved for small CMRS facilities into the right-of way (ROW) which was adopted from the State's legislation, but there was a mistake in the definition. The mistake would allow a full size cell tower in the ROW which was not intended; this sentence needs to be taken out of the ordinance.

It moved by Commissioner WEAVER and Seconded by Commissioner KIMSEY to recommend APPROVAL of Case No. ZOA-17-04, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities.

Motion carried 7-0.

8. OLD BUSINESS

9. NEW BUSINESS

A. Bylaw Adoption

Ms. Mikulak gave a brief description of the Planning Commission bylaws which have not been updated in 10 years. Modifications were made by staff that were reviewed by the Commissioners at the November 16 meeting, with an additional item that relates to the attendance paragraph. Ms. Mikulak explained that in the event there is an attendance issue with a commissioner, the bylaws now cross-

reference City Code for clarity. Board members who are absent will need to indicate the reason why.

Commissioner VOS asked who will make the determination of excused or unexcused absences.

Ms. Mikulak explained that he Commission will decide.

It moved by Commissioner DORSEY and Seconded by Commissioner VOS to recommend APPROVAL of the updated bylaws with the following additional amendment:

1. **That Section 22 be revised as presented for consistency with City Code.**

Motion carried 7-0.

Commissioner OHM asked about having a visible LED timer to time the speakers while at the podium.

Ms. Mikulak said it is a good suggestion and she would ask the City Clerk's office about it.

10. ADJOURNMENT

It was moved by Commissioner WEAVER and seconded by Commissioner BUCKNAM to adjourn the meeting at 9:07 p.m. Motion carried 7-0.

Scott Ohm, Chair | **Tammy Odean, Recording Secretary**

DRAFT

City of Wheat Ridge

ITEM NO: 4.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 20-2017 - AN ORDINANCE APPROVING A RADIO TOWER SPACE LICENSE AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE AND DMR NETWORKS, INC.

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING (11/27/2017)
☒ ORDINANCES FOR 2ND READING (01/08/2018)

QUASI-JUDICIAL: ☐ YES ☒ NO

Chief of Police **City Manager**

ISSUE:
In 2016, North Table Mountain was selected as an additional radio communication tower site for the City of Wheat Ridge, the City of Lakewood and the West Metro Fire Protection District to improve radio signal strength in areas lacking adequate coverage. DMR Networks owns a radio tower site at this location and have agreed to lease space at the tower site for the purposes of locating and operating Wheat Ridge Police Department radio communication equipment. This ordinance will approve the Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc.

PRIOR ACTION:
Council entered into an IGA with the City of Lakewood and the West Metro Fire Protection District for a shared communication system in 2014.

At the November 27 regular meeting, Council adopted and approved Council Bill No. 20-2017, an ordinance approving a radio tower space license agreement for the North Table Mountain site. At that meeting, staff indicated that amendments would be drafted for second reading to the license agreement, specifically concerning indemnification and insurance.

The public hearing that was originally scheduled for December 11, 2017 was continued until January 8, 2018 to allow the time necessary to make and approve the required amendments.

FINANCIAL IMPACT:
The overall financial impact for the City of Wheat Ridge should be less than current costs. In 2016, the cost to the City of Wheat Ridge for sharing the lease with West Metro Fire on Mount Morrison amounted to $21,103.69. In 2017, the lease and utility costs to Wheat Ridge for the North Table Mountain site was $19,748.74. The base fee will increase yearly by 3% plus utilities. This is similar to the lease costs that the City has incurred in relation to the current IGA.

BACKGROUND:
Currently the City of Wheat Ridge, the City of Lakewood and the West Metro Fire Protection District have an IGA for the shared use of the radio sites located on Mount Morrison and Green Mountain.

In late 2015, the City of Lakewood approached Wheat Ridge and West Metro Fire regarding placing a third radio site on an existing tower, located on North Table Mountain near Golden, that increased radio coverage in areas of Wheat Ridge as well as portions of Lakewood. After completing coverage studies, the three agencies agreed to go forward with the project, which was mostly grant funded with some additional funding provided by the City of Lakewood, West Metro Fire and the City of Wheat Ridge. The project was completed in 2016.

Currently the City of Wheat Ridge and West Metro Fire share the site lease costs for the Mount Morrison site, and the City of Lakewood is responsible for the Green Mountain site. The current IGA among the City of Wheat Ridge, the City of Lakewood and the West Metro Fire Protection District addresses ownership of the equipment at Green Mountain and Mount Morrison. Council has been presented with an addendum to the IGA to reflect the addition of the North Table Mountain site. The addendum reflects that the City of Lakewood will have responsibility and equipment ownership of the Green Mountain site, West Metro Fire shall have financial responsibility for the lease and ownership of equipment for the Mount Morrison Site and the City of Wheat Ridge shall have responsibility for the lease and ownership of equipment for the North Table Mountain site.

RECOMMENDATIONS:
Staff recommends approving the Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc. for the radio site located on North Table Mountain.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 20-2017, an ordinance approving a Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc. on second reading and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 20-2017, an ordinance approving a Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc. for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Larry Stodden, Communications
Dave Pickett, Division Chief
Daniel Brennan, Chief of Police
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 20-2017
2. DMR Networks, Inc. Tower Space License Agreement

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER POND
Council Bill No. 20
Ordinance No. 1632
Series of 2017

TITLE: AN ORDINANCE APPROVING A RADIO TOWER SPACE LICENSE AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE AND DMR NETWORKS, INC.

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Police Department ("Department") owns and operates radio communication equipment to assist it in its law enforcement duties and functions; and

WHEREAS, the Department has a desire to locate certain radio communication equipment in the approximate area of North Table Mountain in Golden, Colorado; and

WHEREAS, DMR Networks, Inc. d/b/a CallCom, Inc. ("DMR") owns a radio tower site on North Table Mountain ("Tower Site"); and

WHEREAS, DMR has expressed its willingness to lease space at the Tower Site to the City for purposes of locating and operating Department radio equipment, under those terms and conditions set forth in a proposed Tower Space License Agreement; and

WHEREAS, the City Council finds and determines that it promotes the public health, safety and welfare to secure long-term appropriate locations for Department radio equipment, and that it is therefore desirable to approve the proposed license agreement, the term of which could be twenty years; and

WHEREAS, Section 12.9 of the Wheat Ridge Home Rule Charter requires long-term leasehold and rental agreements to be approved by the City Council by ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. The Tower Space License Agreement between the City and DMR, attached hereto and incorporated herein by this reference, is hereby approved. The Mayor and Clerk are authorized to execute the same.

Section 2. **Safety Clause**. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. **Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 27th day of November, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for December 11, 2017: continued to January 8, 2018, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved As To Form

_____
Gerald E. Dahl, City Attorney

First Publication: November 30, 2017; December 14, 2017
Second Publication:
Wheat Ridge Transcript
Effective Date:

TOWER SPACE LICENSE AGREEMENT

THIS AGREEMENT is made on January 8, 2018 by and between DMR Networks, Inc. dba CallComm, Inc. ("Licensor**)** and The City of Wheat Ridge**.** ("Licensee").

THE LICENSOR AND LICENESEE AGREE AS FOLLOWS:

1. **Scope of License.**

Subject to the terms and conditions of this Tower Space License Agreement ("Agreement), Licensor hereby grants permission to Licensee to install, maintain and operate the radio communications equipment described in **EXHIBIT A AND EXHIBIT B** annexed hereto ("Equipment") at Licensor's communications site located at North Table Mountain, Golden, Colorado ("Site").

2. **Term.**

The term of this Agreement shall commence on January 1st, 2018 ("Commencement Date") and shall continue for a period of five (5) years ("Initial Term"), with three (3) additional five (5) year renewal period (s) ("Renewal Term(s) "). The Renewal Term (s) shall commence automatically without further action on the part of Licensor or Licensee; provided, however, that either party may terminate this Agreement at any time during the first year of the Initial Term, or at the expiration of the Initial Term by giving the other party written notice not less than one hundred twenty (120) days prior, or at the expiration of any Renewal Term (s) by giving the other party written notice not less than one hundred twenty (120) days prior to the expiration of the then current term.

3. **Fees.**

(a) Licensee shall pay to Licensor an annual fee for use of the tower site. The 2018 fee is Nineteen Thousand Thirteen Dollars and Forty Four Cents ($19,013.44) plus utility charges from the previous year. All proceeding years' fees shall be payable no later than 30 days after the 28th day of every January. Subject to the provisions of Paragraph 5 (c) hereof, the Base Fee is exclusive of charges for the furnishing of electricity and other utilities to Licensee.

(b) Effective on the anniversary of the Commencement Date of this Agreement during each year of the Initial Term and any Renewal Term(s), the then current Base Fee payable by Licensee to Licensor shall be increased by an amount equal to (i) three (3.00%) percent over the total Base Fee payable by Licensee for preceding year.

(c) Licensee agrees that payment of any fees, additional fees or other payments set forth herein shall be due upon receipt of invoice from the Licensor, and that Licensee shall pay an additional charge of five (5.0%) percent of the annual fee for each payment made more than ten (10) days after it due date. Licensee further agrees that equipment will be disconnected for non-payment after 30 days of due date.

(d) All sums payable hereunder by Licensee, including, but not limited to, the monthly Base Fee payable pursuant to this Section 3, shall be payable to DMR Networks, Inc. dba CallComm, P.O. Box 745145, Arvada, Colorado, 80006 **,** Att. Accounts Payable, or to such other address as Licensor shall designate.

4. **Inspection of Site.**

The Site shall be provided in **"AS IS"** condition by Licensor. Licensee has visited and inspected the Site and accepts the physical condition thereof and acknowledges that no representations or warranties have been made to Licensee by Licensor as to the condition of the Site, including the tower or towers, as the case may be, and/or the storage facilities, or as to any engineering data. Licensee is responsible for determining all aspects as to the acceptability, accuracy and adequacy of the Site for Licensee, or to maintain, insure, operate or safeguard Licensee's Equipment.

5. **Installation, Maintenance and Operating Procedures.**

(a) Licensee shall install, maintain and operate its equipment during the term hereof in compliance with all present and future rules and regulations of any local, State, or Federal authority having jurisdiction with respect thereto (including, without limitation, the rules and regulations of the Federal Communications Commission ("FCC") and the Federal Aviation Administration ("FAA"). Prior to the installation of its Equipment, or any modification or changes to the Equipment, if any (but excluding repairs, minor modifications and/or replacement with substantially similar equipment), Licensee shall comply with the following:

(i) Licensee shall submit, in writing, all plans for such installations, modifications or changes for Licensor's approval, such approval not to be unreasonably withheld or delayed, to DMR Networks, Inc. dba CallComm, P.O. Box 745135, CO., 80006, Att. Engineering, In order to assure Licensee's compliance with the provisions of this Agreement, the plans and specifications for Licensee's Equipment and any modifications thereto shall be submitted to engineers and consultants selected by Licensor for review and approval. All work performed at the Site in connection with the installation and modification of Licensee's Equipment shall be performed at Licensee's sole cost and expense either by Licensee's employees or by contractors approved by Licensor, such approval not to be unreasonably withheld or delayed. Licensee shall require all contractors, as a condition to their engagement, to agree to be bound by provisions identical to those included in this Agreement, specifically those relating to the indemnification of Licensor and insurance requirements. The engagement of a contractor by Licensee shall not relieve Licensee of any of its obligations under this Agreement;

(ii) All of Licensee's Equipment shall be clearly marked to show Licensee's name, address, telephone number and the frequency and location. All coaxial cable relating to the Equipment shall be identified in the same manner at the bottom and top of the line. At Licensor's request, Licensee shall promptly deliver to Licensor written proof of compliance with all applicable Federal, State, and local laws, rules and regulations in connection with any installations or modifications of Equipment; and

(iii) No work performed by Licensee, its contractors, subcontractors or materialsmen pursuant to this Agreement, whether in nature of construction, installation, alteration or repair to the Site or to Licensee's Equipment, will be deemed to be for the immediate use and benefit of Licensor so that no mechanic's or other lien will be allowed against the property and estate of Licensor by reason of any consent given by Licensor to Licensee to improve the Site. If any mechanic's or other liens will at any time be filed against the Site or the property of which the Site is a part by reason of work, labor, services, or materials performed or furnished, or alleged to have been performed or furnished, to Licensee or to anyone using the Site through or under Licensee, Licensee will forthwith cause the same to be discharged of record or

bonded to the satisfaction of Licensor. If Licensee fails to cause such lien to be so discharged or bonded within ten (10) days after it has actual notice of the filing thereof, then, in addition to any other right or remedy of Licensor, Licensor may bond or discharge the same by paying the amount claimed to be due, and the amount so paid by Licensor, including reasonable attorneys' fees incurred by Licensor either in defending against such lien or in procuring the bonding or discharge of such lien, together with interest thereon at the statutory rate, will be due and payable by Licensee to Licensor as an additional fee hereunder.

(iv) Licensor reserves the right to require Licensee at its sole cost and expense, prior to the installation of the Equipment, to have a structural study of the tower performed by an engineer approved by Licensor. Licensor shall cooperate with Licensee and shall provide Licensee with any information available which is necessary to perform such study. Upon receipt of the structural study report ("Report"), Licensee shall provide a copy to Licensor for Licensor's approval. Licensor shall have fifteen (15) days to either approve the Report ("Report Approval") or inform Licensee of the Report's deficiencies, such approval not to be unreasonably withheld or delayed. If Licensor fails to give Report Approval to the Report within forty-five (45) days of Licensee's initial submission of the Report to Licensor, Licensee shall have the right to terminate this Agreement upon ten (10) days' prior written notice to Licensor. In the Event Licensor gives Report Approval and such approved Report indicates that structural repairs or modifications are necessary to support Licensee's Equipment, Licensee shall submit to Licensor a written construction proposal ("Proposal") for the structural repairs or modifications. Licensor shall have ten (10) days from the date it receives the Proposal to either approve the Proposal or cancel the applicable Site Lease upon fifteen (15) days' prior written notice to Licensee, in which case the parties shall have no further obligation with respect to this Agreement, except as specifically provided for herein. If Licensor approves the Proposal then Licensee shall either have such repairs or modifications performed at its sole cost and expense prior to the installation of the Equipment or Licensee may cancel this Agreement by giving fifteen (15) days' prior written notice to Licensor, in which event all prepaid rent or fees shall be refunded to Licensee and the parties shall have no further obligation with respect to this Agreement, except as specifically provided for herein.

(b) Notwithstanding anything to the contrary contained herein, Licensee agrees That in all matters where Licensor's approval is required, and Licensor determines in its sole discretion that a threat of interference or other disruption with the business of Licensor or other existing licensees or tenants exists, Licensor shall have the absolute right to withhold such approval.

(c) In the event Licensee requires an electric power supply and/or usage different from that currently at the Site and excluded within the Base Fee, Licensee shall, at its sole cost and expense, obtain such power supply. Any work performed in connection with this Paragraph 5 (c) shall comply with provisions of Paragraph 5 (a) hereof. Licensee hereby agrees that any power lines installed by Licensee shall run within the current easements of Licensor, and any deviation from such easement rights shall be corrected at Licensee's expense, which sum shall be immediately due upon the rendering of an invoice as an additional fee hereunder.

(d) In the event a zoning variance is required in connection with the installation or modification of the Equipment, Licensor shall have the right, at its discretion, to either (i) cancel this Agreement, or (ii) allow Licensee, at Licensee's sole cost and expense, to obtain such variance. Licensor shall, at Licensee's request and expense, reasonably cooperate with Licensee in obtaining such variance.

(e) Licensee shall have the right of ingress and to the Site egress, at Licensee's sole cost and expense, for the purpose of maintenance and repair of Licensee's Equipment twenty-four (24) hours per day, seven (7) days per week. Licensor shall provide Licensee with a key and/or combination to the lock (s) at the Site in order to facilitate such access. In the event Licensee should require Licensor's assistance to gain access to the Site, Licensee shall reimburse Licensor for all costs and expenses incurred by Licensor as a result of such emergency access. All access to the Site shall be subject to the continuing control of, as well as the reasonable security and safety procedures established from time to time by, Licensor.

(f) During the term of this Agreement, Licensee shall have the right of ingress and egress to the Site, as referenced in Paragraph 5 (e) above, damages to access roads and easements by the elements, of God, excepted. Access shall be limited only to authorized personnel of Licensee, and Licensee shall require said personnel to utilize only four-wheeled drive vehicles. All access to the Site by Licensee's authorized personnel shall be at their own risk and Licensor shall not be held responsible for any acts of the personnel or the condition of the access roads or easements.

6. **Interference.**

(a) The installation, maintenance and operation of the Licensee's Equipment shall not interfere electrically, or in any other manner whatsoever, with the equipment, facilities or operations of Licensor or with any other licensees or tenants at the Site. Notwithstanding anything in this Agreement to the contrary, it is expressly understood and agreed that if the installation or operation of Licensee's Equipment shall interfere:

(i) With other radio communications systems and equipment installed prior to the Commencement Date of this Agreement, Licensee shall upon request (verbal or otherwise) immediately suspend its operations (except for intermittent testing) and do whatever Licensor deems necessary to eliminate or remedy such interference. If it is determined that such interference cannot be rectified., then Licensor may, at its option, terminate this Agreement upon written notice to Licensee, whereupon Licensee shall remove the Equipment at its sole cost and expense and in accordance with Section 8 herein. In the event Licensee fails to remove the Equipment within fifteen (15) days of such termination,

Licensor may remove and store any and all of Licensee's Equipment at Licensee's sole cost and expense; or

(ii) With any other radio communications systems and equipment installed at the Site after the Commencement Date of this Agreement, Licensee shall cooperate fully with Licensor and any future tenant or licensee injured by Licensee's interference ("Future Party") to remedy the interference. Licensee shall do whatever Licensor deems reasonably necessary to cure such interference, provided, however, that all costs related to remedying such interference is due to failure, defects of deficiencies in Licensee's system, Equipment, or installation.

(b) Licensee hereby acknowledges that Licensor has licensed, and will continue to license, space at and upon the Site to third parties for the installation and operation of radio communication facilities. Licensee accepts this Agreement with this knowledge and waives any and all claims against Licensor resulting from or attributable to interference caused by present or

future equipment, facilities or methods of operation employed by Licensor in its business upon the Site. Licensee also waives any and all claims against Licensor arising from interference resulting to Licensee by virtue of equipment, facilities or operations employed by any other licensee or tenant of Licensor in its business upon the Site. In the event that any such interference occurs that materially interferes with Licensee's utilization of the Site, Licensee, as its sole remedy, in lieu of any and all other remedies at law, or in equity, may terminate this Agreement at any time thereafter by giving Licensor thirty (30) days' prior written notice to that effect, and such termination shall be effective at the end of such thirty (30) day period, provided, however, that such termination will not be effective if Licensor eliminates such interference within thirty (30) days of Licensee's termination notice. Licensee shall pay Licensor any fees due for the period up to the termination of this Agreement. Any advance payments for periods after the termination of this Agreement will be reimbursed to Licensee.

(c) Licensor reserves the right to require Licensee to relocate one or more of its antenna (s) and Licensee agrees to relocate said antenna (s) at Licensee's expense, provided that said relocation does not substantially change the operation of Licensee's equipment.

7. **Maintenance of Licensee's Equipment.**

Licensee at its sole cost and expense shall be responsible for the maintenance of its equipment and improvements at the Site, if any, in accordance with all applicable laws and regulations and this Agreement. All maintenance work shall be performed by licensed contractors, previously approved in writing by Licensor, such approval not to be unreasonably withheld or delayed. In the event Licensor, in its opinion, determines that any structural modifications or repairs are needed to be made to any portion of the Site due to the presence of Licensee's Equipment or other improvements, Licensor shall notify Licensee of the needed modifications or repairs, and the following procedures shall apply:

(i) If structural modifications are necessary prior to Licensee's installation or modifications of the Equipment, then either: (A) Licensee shall, at its sole cost and expense, promptly make all such noticed modifications in accordance with Section 5 hereof; or (B) If such noticed modifications are not completed within sixty (60) days of such notice, either party shall have the right to terminate this Agreement by giving the other party thirty (30) days' prior written notice.

(ii) If repairs are necessary due to the presence of Licensee's Equipment, Licensee shall, at its sole cost and expense, promptly make all such noticed repairs in accordance with Section 5 hereof; provided, however, that in the event of an emergency, Licensor shall have the right to make such modifications or repairs at Licensee's expense, upon notice to Licensee, and such sum shall be immediately due upon the rendering of an invoice as an additional fee hereunder.

Each transmitter shall be equipped with a bandpass filter or duplexer providing a minimum of 60dB attenuation to adjacent receive frequencies. Additionally, all transmitters shall be equipped with an isolator, circulator or other directional device designed to prevent ingress of stray RF into the transmitter output circuits from the antennas. The isolator, circulator or other device shall provide a minimum of 50 dB isolation between the antenna and the transmitter output. Notwithstanding anything to the contrary contained within this Agreement, Licensee shall maintain and upgrade filtering and other appropriate devices on the Licensee's Equipment so as at all times to eliminate or minimize interference and noise to a level (i) reasonably required by Licensor, and (ii) achievable through the use of state of the art technology.

8. **Removal of Licensee's Equipment**.

Provided that Licensee is not in default in the performance of its obligations Hereunder, at the expiration of this Agreement or earlier termination thereof, Licensee shall remove any and all of the Equipment. Such removal shall be performed pursuant to the guidelines set forth in Section 5 of this Agreement, without any interference, damage or destruction to any other equipment, structures or operations at the Site or any equipment of other licensee to tenants thereon. Licensee shall submit a removal plan for Licensor's written approval, interference or damage caused to the Site or equipment of other licensees or tenants by such removal shall be immediately repaired or eliminated by Licensee. If Licensee fails to make such repairs, at Licensor's sole cost and expense, within three (3) days after the occurrence of such damage, injury or interference, Licensor may perform all the necessary repairs at Licensee's cost and expense and such sum shall be immediately due upon the rendering of an invoice as an additional fee hereunder. Should licensee be in default in performance of its obligations, all equipment will remain on site until all obligations have been met as per this contract.

9. **Indemnification.**

(a) Within the limitations imposed by the Colorado Constitution and statutes, Licensee shall indemnify and hold Licensor harmless from (i) all costs of any damage done to Licensor's or other licensees' or tenants' facilities or equipment located at the Site, that occur as a result of the installation, operation or maintenance of Licensee's Equipment or other improvements; and (ii) any claims, demands, or causes of action for personal injuries, including any payments made under any workers compensation law or any plan of employee's disability and death benefits, arising out of Licensee's occupancy of the Site or the installation, maintenance and operation or removal of Licensee's Equipment, except only such damages, costs, claims, causes of action or demands caused solely by the gross negligence or willful misconduct or Licensor.

(b) Licensor shall not be responsible or liable to Licensee for any loss, damage or expense that may be occasioned by, through, or in connection with any acts or omissions of other licensees or tenants occupying the Site. Licensee hereby assumes the risk of the inability to operate as a result of any structural or power failures at the Site or failure of Licensee or Licensee's Equipment for any reason whatsoever and , within the limitations imposed by the Colorado Constitution and statutes, agrees to indemnify and hold Licensor harmless from all damages and costs to defending any claim or suit for damages of any kind, including but not limited to business interruption and attorneys' fees, asserted against Licensor by reason of such failure.

(c) Within the limitations imposed by the Colorado Constitution and statutes, Licensee shall also indemnify and hold Licensor harmless from any losses, liabilities, claims, demands or causes of action for property damage or personal injuries, including any payment made under any worker's compensation law or any plan of employees' disability and death benefits, arising out of or resulting from any claims, damages, losses, liabilities or causes of action resulting in any way from radio frequency radiation emissions from Licensee's Equipment or any other harmful effect of Licensee's Equipment.

10. **Damage or Destruction.**

Licensor and Licensee agree that Licensor shall in no way be liable for loss of use or other damage of any nature arising out of the loss, destruction or damage to the Site or to

Licensee's Equipment located thereon, by fire, explosion, windstorms, water or any other casualty or acts of third parties. In the event the Site or any part thereof is damaged or destroyed by elements or any other cause, Licensor may elect to repair, rebuild, or restore the Site or any part thereof, to the same condition as it was immediately prior to such casualty. In such event, the payments required herein shall cease as of the date of usable condition for Licensee's operation. If Licensor chooses not to repair, restore or build the Site, Licensor shall send to Licensee a notice of cancellation of this Agreement within thirty (30) days of such casualty. If this Agreement is canceled, the payments required herein shall terminate as of the date of such casualty.

11. **Insurance.**

Licensee shall, during the term of this Agreement, cause the Equipment to be covered by its policy of insurance with the Colorado intergovernmental Risk Sharing Agency (CIRSA), or any successor policy.

12. **Taxes.**

Licensee hereby acknowledges that the existence of Licensee's Equipment and other improvements at the Site may result in an increase in the assessed valuation of the Site. Licensee agrees to reimburse Licensor upon receipt of documentation showing that Licensee's Equipment or other improvements caused an increase in the assessed value of the Site, for Licensee's proportionate share of any increases in the real estate taxes payable by Licensor as a consequence of the increase in assessed valuation. Licensor hereby agrees to cooperate with Licensee, at Licensee's sole cost and expense, to obtain an abatement of any such increased assessment. In the event any sales, use or other tax shall be payable by Licensor in connection with this Agreement, Licensee shall reimburse Licensor on demand for such payments or shall furnish necessary documentation to the appropriate government authorities to show that fee payments hereunder shall be exempt from such sales, use or other tax.

13. **Notices.**

All notices, demands, requests, or other communications which are required to be given, served or sent by one party to the other pursuant to this Agreement shall be in writing, and shall be mailed, postage prepaid, by registered or certified mail, or by a reliable overnight courier service with delivery verification, to the following addresses or such other address as may be designated in writing by either party:

If to Licensor: DMR Networks, Inc. dba CallComm**.**
P.O. Box 745135
Arvada, CO., 80006
Att. Accts Receivable

If to Licensee: City of Wheat Ridge
7500 W. 29th Ave
Wheat Ridge, CO 80033
Att. Radio Systems Management

Notice given by certified or registered mail or by reliable overnight courier shall be deemed delivered on the date of receipt (or on the date receipt is refused) as shown on the certification of receipt or on the records or manifest of the U. S. Postal Service or such courier service.

14. **Default.**

(a) Any one or more of the following events shall constitute a default ("Default") by Licensee under this Agreement:

(i) the failure of payment of fees, additional fees or other payments set forth herein and such failure continues for ten (10) days after Licensor provides written notice thereof Licensee;

(ii) abandonment of either the Licensee Equipment or that portion of the Site upon which the Licensee Equipment was installed;

(iii) prosecution of any case, proceeding or other action under any existing or future law of any jurisdiction, domestic or foreign relating to bankruptcy, insolvency, reorganization or relief with respect to Licensee, or seeking reorganization, arrangement, adjustment, winding-up liquidation, dissolution, composition or other relief with respect to Licensee or Licensee's debts;

(iv) the making by Licensee of an assignment or any other arrangement for the general benefits of creditors under any state statute; or

(iv) Licensee's failure to perform any other of its obligations under this Agreement and such failure continues for thirty (30) days after Licensor gives written notice thereof to Licensee.

(b) In the event of a Default, Licensor shall be entitled at Licensor's option to terminate this Agreement and to remove all of Licensee's Equipment, improvements, personnel or personal property located at the Site at Licensee's cost and expense. In the event that Licensor should, as a result of the Default in the performance by Licensee of its obligations hereunder, incur any costs or expenses on behalf of Licensee or in connection with Licensee's obligations hereunder, such sums shall be immediately due to Licensor upon rendering of an invoice to Licensee as an additional fee hereunder.

(c) At any time or from time to time after the removal of the Licensee's property from the Site pursuant to Paragraph 15 (b) above, whether or not the current term of this Agreement shall have been terminated, Licensor may (but shall be under no obligation to) re-licenses Licensee's former space at the Site, or any part thereof, for the account of the Licensor, for such term or terms (which may be greater than or less than the period which would otherwise have constituted the balance of the current term) and on such conditions (which may include concessions or free rent) and for such uses as Licensor, in Licensor's absolute discretion, may determine, and may collect and receive payments therefrom. Licensor shall not be responsible or liable for any failure to re-license Licensee's former space at the Site or any part thereof or for any failure to collect any payments due upon any such re-licensing.

(d) No Default pursuant to this Section 15, by operation of law or otherwise (except as expressly provided herein), no removal of Licensee's property from the Site pursuant to the terms of this Agreement, and/or no re-licensing of Licensee's former space at the Site shall relieve Licensee of Licensee's obligations or liabilities hereunder, all of which shall survive such Default, removal an/or re-licensing. Without limiting the foregoing, upon Licensee's

removal from the Site pursuant to this Section 15, Licensee shall nonetheless remain liable for all license fees and other payments hereunder for the remainder of the then-current term.

(e) All of the rights, powers, and remedies of Licensor provided for in this Agreement or now or hereafter existing at law or in equity, or by statute or otherwise, shall be deemed to be separate, distinct, cumulative, and concurrent. No one or more of such rights, powers, or remedies, nor any mention of reference to any one or more of them in this Agreement, shall be deemed to be in the exclusion of, or a waiver of, any other rights, powers, or remedies provided for in this Agreement, or now or hereafter existing at law or in equity, or by statute or otherwise. The exercise or enforcement by Licensor of any one or more of such rights, powers, or remedies shall not preclude the simultaneous or later exercise or enforcement by Licensor of any or all of such other rights, powers, or remedies.

15. **Assignment.**

(a) Licensor reserves the right to assign, transfer, mortgage or otherwise encumber the Site and/or its interest in this Agreement. Licensee shall upon demand execute and deliver to Licensor such further instruments subordinating this Agreement, as may be required by Licensor in connection with Licensor's contemplated transaction.

(b) Licensee may not assign, transfer, or otherwise encumber its interest in this Agreement without the prior written consent of Licensor, such consent not to be unreasonably withheld or delayed. Notwithstanding the foregoing, Licensor agrees that Licensee may assign this Agreement, upon prior notice to Licensor but without Licensor's consent, to (i) Licensee's parent; or (ii) any entity acquiring a controlling interest of Licensee's stock or to any party which acquires substantially all of the assets of Licensee.

16. **Miscellaneous.**

(a) ARTICLE X, SECTION 20/TABOR

The parties understand and acknowledge that the Licensee is subject to Article X, § 20 of the Colorado Constitution ("TABOR"). The parties do not intend to violate the terms and requirements of TABOR by the execution of this Agreement. It is understood and agreed that this Agreement does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore, notwithstanding anything in this Agreement to the contrary, all payment obligations of the Licensee are expressly dependent and conditioned upon the continuing availability of funds beyond the term of the Licensee's current fiscal period ending upon the next succeeding December 31. Financial obligations of the Licensee payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available in accordance with the rules and regulations of the City of Wheat Ridge and other applicable law. Notwithstanding any other provision of this Agreement concerning termination, upon the Licensee's failure to appropriate such funds, this Agreement shall automatically terminate.

(b) This Agreement shall not be modified, extended or terminated (other than as set forth herein) except by an instrument duly signed by Licensor and Licensee. Waiver of a breach of any provision hereof under any circumstances will not constitute a waiver of any subsequent breach of such provision, or of a breach of any other provision of this Agreement.

(c) Licensor and Licensee represent and warrant to each other that no broker was involved in connection with this transaction and each party agrees to indemnify and hold the other harmless from and against the claims of any broker made in connection with this transaction.

(d) No modification, termination or surrender of this Agreement or surrender of Licensee's space at the Site or any part thereof or of any interest therein by Licensee shall be valid or effective unless agreed to and accepted in writing by Licensor, and no act by any representative or agent of Licensor, other that such a written agreement and acceptance, shall constitute an acceptance thereof.

(e) This Agreement embodies the entire agreement between the parties. If any provision herein is invalid, it shall be considered deleted from this Agreement and shall not invalidate the remaining provisions of this Agreement.

(f) This Agreement may be executed in counterpart copies, each of which shall be deemed an original, but which together shall constitute a single instrument.

(g) All section heading and captions used herein are for the convenience of the parties only and shall not be considered a substantive part of the Agreement.

(h) Each of the parties hereto acknowledges to the other that it has had this Agreement reviewed by counsel of its choice and has been assisted by such counsel in the negotiation, preparation, execution and delivery of this Agreement.

(i) This Agreement shall be governed by and construed in accordance with the laws of the state of Colorado.

(j) This Agreement creates a license only and Licensee acknowledges that Licensee does not and shall not claim at any time, any real property interest or estate of any kind or extent whatsoever in the Site by virtue of this Agreement of Licensee's use of the Site pursuant hereto. Nothing herein contained shall be construed as constituting a partnership, joint venture or agency between Licensor and Licensee.

(k) Neither this Agreement nor any memorandum hereof shall be recorded in the land records of any county or city or otherwise without the prior written consent of Licensor.

(l) Licensee shall pay all its utility expenses on an annual basis as determined by the Licensor. Licensor shall invoice Licensee for utilities on an annual basis.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

Licensor: ***DMR Networks, Inc. dba CallComm.***

By: _____

Name: Alex Doyle

Title: ___Treasurer/CFO_____

Licensee: ***City of Wheat Ridge***

By: _____

Name:

Title: _____

EXHIBIT A – ANTENNA HARDWARE LIST

1- TX 101-90-08-3-03 Omni (UHF band) antenna system

1- Rx 101-90-08-3-03 Omni (UHF band) antenna system

1 -2’ SHF dish antenna system (SHF band)

EXHIBIT B – INTERIOR EQUIPMENT

8 channel MSTR V P25 Phase 2 TDMA capable repeater station and associated Rf/network equipment (UHF band)

NEC 9500 SHF radio and associated back haul equipment (SHF band)

-48 VDC power plant / 21 hr battery backup modules/ 12-24 vdc power convertors stations

Redundant AC units

ATTACHMENT A – BANDS OF FREQUENCIES

UHF for MSTRV P25 repeater and SHF frequency bands NEC 9500 back haul.

ITEM NO: 5.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 03-2018 – A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW A MAJOR AUTOMOTIVE REPAIR FACILITY ON PROPERTY ZONED COMMERCIAL-ONE (C-1) LOCATED AT 11072 WEST 44TH AVENUE AND 4380 PIERSON STREET (CASE NO. SUP-17-04/SUBAPROS)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director **City Manager**

ISSUE:
The applicant is requesting approval of a Special Use Permit (SUP) to allow a major automotive repair facility at 11072 W. 44th Avenue and 4380 Pierson Street. The property is zoned Commercial-One (C-1).

The case was initiated as an administrative review; however written objections to the application were received during the public notice period. When objections are received, the special use request is required to be considered by City Council at a public hearing.

PRIOR ACTION:
The applicant attended the required pre-application meeting on October 19, 2017 and required neighborhood meeting on November 8, 2017. A formal application was received on November 17, 2017 and the 10-day public posting occurred from November 29 to December 8. There has been no previous action by any City board or commission on this application.

FINANCIAL IMPACT:
One-time fees in the amount of $520 were submitted with the application.

BACKGROUND:
Existing Conditions
The property is located along W. 44th Avenue between Parfet Street and Pierson Street. The subject property is zoned Commercial-One (C-1), as are the nearby properties located along 44th Avenue. To the north and south of W. 44th Avenue are residential neighborhoods zoned Residential-Two (R-2), Residential-Three (R-3), Planned Residential Development (PRD), and Agricultural-One (A-1). A patchwork of zones and uses exist further to the east and west along W. 44th Avenue.

The site consists of four parcels, three of which are located along W. 44th Avenue and addressed as 11072 W. 44th Avenue. A fourth parcel, 4380 Pierson Street, is located to the south of the other parcels. The four parcels are held under one ownership and being sold together. According to the Jefferson County Assessor, 11072 W. 44th Avenue is 52,055 square feet (1.20 acres) and the primary structure was built in 1950. The property at 4380 Pierson Street is 9,147 square feet (.21 acres) and the existing structure on the property was built in 1958. At some point it was converted from a house to a commercial space. The four lots combine to total 61,202 square feet (1.41 acres) in size and contain five buildings.

The site is currently used as a pump storage facility, with some minor assembly occurring on the site. Based on the City's business license records and land cases, it has been operating as such under various licenses since the 1970s. It is fenced and includes 35 parking spaces.

Special Use Request
The applicant is proposing to use the existing buildings on the site to operate a Subaru repair facility. The primary structure, at the corner of 44th and Pierson, would contain the reception area, the parts department, and the engine assembly area. The building to the east would contain the primary auto repair area. The building to the south of the main building would contain a new paint booth. The building at the east end of the site would have a secondary repair facility. The building furthest to the south, at 4380 Pierson, would be retained for future use. In general, the structures which would include major auto repair functions are located in buildings which are closer to 44th Avenue.

The applicant has plans to make cosmetic upgrades to the site, including new roofs, exterior paint, interior renovations, and re-paving the parking area, which is in poor condition. The impetus for relocating to this site is that the applicant wishes to own their facility, rather than continue to lease in their current location in unincorporated Jefferson County.

The case has been through a standard referral process. All referral agencies are currently serving the property and have no objections to the request.

Per City Code, the City Council shall use the criteria in Section 26-114 of the code to evaluate the applicant's request for a Special Use Permit. A detailed staff report is enclosed with this criteria analysis, as well as additional information on the existing conditions, referral comments, and public comment received to date. As detailed in the attached staff report, staff is ultimately recommending approval of this request.

RECOMMENDED MOTION:

"I move to approve Resolution No. 03-2018, a resolution approving a Special Use Permit to allow the operation of a major automotive repair facility in the Commercial-One (C-1) zone district located at 11072 W. 44th Avenue and 4380 Pierson 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 of the Code of Laws.
2. The proposed Special Use Permit has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed Special Use Permit has been found to comply with the "criteria for review" in Section 26-114-D of the Code of Laws.

With the following conditions:

1. Landscaping improvements along the W. 44th Avenue frontage and at the corner with Pierson Street will be required before a certificate of occupancy may be issued, including:
    a. A four-foot fence along the north property line to screen the parking area,
    b. Irrigation and plant material in the existing ±800-square foot bed at the northwest corner, and
    c. Maintenance of the existing ±800-square foot bed at the northeast corner and along the east property line.
2. Pursuant to Section 26-502.E.12.j of the Wheat Ridge Code of Laws, no parking area shall be used for the sale, storage, repair of, dismantling or servicing of any vehicles, equipment materials or supplies; vehicles stored in excess of seventy-two (72) hours for the purpose of being repaired must be screened from view from adjacent streets and properties by a six-foot-high solid fence.
3. The Special Use Permit shall be granted to the applicant, SubaPros, and shall not be transferred or assigned.

Or,

"I move to deny Resolution No. 03-2018, a resolution approving a Special Use Permit to allow the operation of a major automotive repair facility in the Commercial-One (C-1) zone district located at 11072 W. 44th Avenue and 4380 Pierson Street for the following reason(s): _____

_____

and direct the City Attorney to prepare a Resolution of Denial, to be scheduled for Council consideration at the next available regular business meeting."

REPORT PREPARED/REVIEWED BY:
Scott Cutler, Planning Technician
Lauren Mikulak, Planning Manager
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 03-2018
2. Staff report with exhibits

CITY OF WHEAT RIDGE, COLORADO
Resolution No. 03
Series of 2018

TITLE: A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW A MAJOR AUTOMOTIVE REPAIR FACILITY ON PROPERTY ZONED COMMERCIAL-ONE (C-1) LOCATED AT 11072 WEST 44TH AVENUE AND 4380 PIERSON STREET (CASE NO. SUP-17-04/SUBAPROS)

WHEREAS, Chapter 26, Articles I and IV of the Wheat Ridge Code of Laws establish the procedures for the City's review and approval of special use permits; and,

WHEREAS, an application for a Special Use Permit has been received from SubaPros to allow a major automotive repair facility in a C-1 zone district located at 11072 W. 44th Avenue and 4380 Pierson Street; and

WHEREAS, the request for a Special Use Permit began as an administrative process which registered written objections after the neighborhood meeting, requiring a City Council public hearing; and,

WHEREAS, all referral agencies have reviewed the request and do not have concerns; and,

WHEREAS, all required publishing, posting and notification requirements for a January 8, 2018 City Council public hearing have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

A SPECIAL USE PERMIT FOR PROPERTY ZONED COMMERCIAL-ONE (C-1) LOCATED AT 11072 WEST 44TH AVENUE AND 4380 PIERSON STREET IS HEREBY APPROVED, 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 proposed Special Use Permit has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed Special Use Permit has been found to comply with the "criteria for review" in Section 26-114-D of the Code of Laws.

And with the following conditions:

1. Landscaping improvements along the W. 44th Avenue frontage and at the corner with Pierson Street will be required before a certificate of occupancy may be issued, including:
    a. A four-foot fence along the north property line to screen the parking area,

b. Irrigation and plant material in the existing ±800-square foot bed at the northwest corner, and
c. Maintenance of the existing ±800-square foot bed at the northeast corner and along the east property line.

2. Pursuant to Section 26-502.E.12.j of the Wheat Ridge Code of Laws, no parking area shall be used for the sale, storage, repair of, dismantling or servicing of any vehicles, equipment materials or supplies; vehicles stored in excess of seventy-two (72) hours for the purpose of being repaired must be screened from view from adjacent streets and properties by a six-foot-high solid fence.
3. The Special Use Permit shall be granted to the applicant, SubaPros, and shall not be transferred or assigned.

DONE AND RESOLVED this 8th day of January 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT

TO:	City Council	**DATE:**	December 29, 2017
CASE MANAGER:	Scott Cutler		
CASE NO. & NAME:	SUP-17-04 / SubaPros		
ACTION REQUESTED:	Approval of a Special Use Permit to allow a major automotive repair facility in the Commercial-One (C-1) zone district.		

LOCATION OF REQUEST:	11072 W. 44th Avenue & 4380 Pierson Street
APPLICANT (S):	Don Grove & Peter Kula, SubaPros
APPROXIMATE AREA:	61,202 square feet (1.41 acres)
PRESENT ZONING:	Commercial-One (C-1)
PRESENT LAND USE:	Office/warehouse (vacating soon)

ENTER INTO RECORD:

(X) CASE FILE & PACKET MATERIALS (X) COMPREHENSIVE PLAN
(X) ZONING ORDINANCE

Location Map

Site

ATTACHMENT 2

JURISDICTION:

All notification and posting requirements have been met; therefore, there is jurisdiction to review this case.

I. REQUEST

Case No. SUP-17-04 is an application by SubaPros to operate a major automotive repair facility on property zoned Commercial-One (C-1) and located at 11072 W. 44th Avenue and 4380 Parfet Street *(Exhibit 1, Aerial)*.

The C-1 zone district is established to provide for areas with a wide range of commercial land uses which include office, general business, and retail sales and service establishments. The C-1 zone district allows "minor auto repair" facilities as a use by right, but requires a Special Use Permit (SUP) for "major auto repair" facilities.

> *Minor auto repair* is defined as: Auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, and alignment services.
>
> *Major auto repair* is defined as: Tire recapping, major mechanical repair shops, body work and painting, engine repair, and transmission repair.

Much of the applicant's services fall under minor auto repair, but as full-service Subaru specialists, SubaPros works on engines and transmissions, performs body work, and paints vehicles, all of which fall under major auto repair, and require a SUP.

Pursuant to Section 26-114 of the Code of Laws, the Community Development Director has the ability to decide upon applications for Special Use Permits without a public hearing, provided the following conditions are met:

1. A completed application package has been submitted and fee paid;
2. The Community Development Department has notified adjacent property owner by letter notice and the site has been posted for at least ten (10) days;
3. No written objections have been received in such ten-day period;
4. The Community Development Director concludes that the criterial for approval, as set forth below, are substantially complied with and support the request.

The request started as an administrative application considered by the Community Development Director but because written objections were received during the public noticing period, it is being forwarded to City Council for a public hearing.

II. EXISTING CONDITIONS

The property is located along W. 44th Avenue between Parfet Street and Pierson Street. The subject property is zoned Commercial-One (C-1), as are the nearby properties located along 44th Avenue *(Exhibit 2, Zoning)*. To the north and south of W. 44th Avenue are residential neighborhoods zoned Residential-Two (R-2), Residential-Three (R-3), Planned Residential Development (PRD), and

Agricultural-One (A-1). A patchwork of zones and uses exist further to the east and west along W. 44th Avenue.

The site consists of four parcels, three of which are located along W. 44th Avenue and addressed as 11072 W. 44th Avenue. A fourth parcel, 4380 Pierson Street, is located to the south of the other parcels. The four parcels are held under one ownership and being sold together. According to the Jefferson County Assessor, 11072 W. 44th Avenue is 52,055 square feet (1.20 acres) and the primary structure was built in 1950. The property at 4380 Pierson Street is 9,147 square feet (.21 acres) and the existing structure on the property was built in 1958. At some point it was converted from a house to a commercial space. The four lots combine to total 61,202 square feet (1.41 acres) in size and contain five buildings.

The site is currently used as a pump storage facility, with some minor assembly occurring on the site. Based on the City's business license records and land cases, it has been operating as such under various licenses since the 1970s. It is fenced and includes 35 parking spaces.

III. CASE ANALYSIS

The applicant is proposing to use the existing buildings on the site *(Exhibit 3, Site Plan)*. The primary structure, at the corner of 44th and Pierson, would contain the reception area, the parts department, and the engine assembly area. The building to the east would contain the primary auto repair area. The building to the south of the main building would contain a new paint booth. The building at the east end of the site would have a secondary repair facility. The building furthest to the south, at 4380 Pierson, would be retained for future use. In general, the structures which would include major auto repair functions are located in buildings which are closer to 44th Avenue. The site is currently being vacated by the existing tenant, the Western Hydro Corporation, and is largely unused at this point *(Exhibit 4, Site Photos).*

The applicant has plans to make cosmetic upgrades to the site, including new roofs, exterior paint, interior renovations, and re-paving the parking area, which is in poor condition. The impetus for relocating to this site is that the applicant wishes to own their facility, rather than continue to lease in their current location in unincorporated Jefferson County.

The proposed operating hours are Monday through Friday 7:30am to 6:00pm. According to the applicant, some work is occasionally completed after 6:00pm, but not every day, and that work is only done inside buildings.

According to the City of Wheat Ridge Tax & Licensing Division and land use case records, the site has been home to the Western Hydro Corporation since 2003, and was home to another similar use, Pumps Inc. from at least 1975 to 2003. Western Hydro is a wholesale supplier of pumps and groundwater drilling supplies. Their operating hours are 8:00am to 5:00pm, Monday through Friday.

In 2012, the City received a complaint for excessive weeds on the property, when it was under occupancy by the Western Hydro Corporation. The case has since been closed.

Commercial re-roof permits were pulled for the subject properties on November 29, 2017, by the applicant with permission from the current property owner.

IV. CRITERIA FOR REVIEW

The City Council shall use the following criteria from Section 26-114 to evaluate each application for a Special Use Permit. The applicant has provided their analysis of the application's compliance with the SUP criteria *(Exhibit 5, Criteria Response).* Staff provides the following review and analysis of the SUP criteria.

1. The special use will not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood.

The special use will not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood. It will utilize existing structures, with existing parking, utilities, and functional space. The proposed use of the building during the week may temporarily increase traffic in the area during the mornings and evenings when vehicles are being dropped off for repairs. This potential for a brief and slight increase in traffic does not constitute a threat to the general health, welfare and safety of the community.

It is possible there are some negative externalities due to noise from tools, lifts and body work, and odor from the paint booth. However, these uses will be internal to the site and take place indoors. Paint booths are subject to stringent filtration standards. As noted above, the structures which would include major auto repair functions are located in buildings which are closer to 44th Avenue and are buffered from adjacent residential uses by parking or structures with lower intensity uses.

Jefferson County Environmental Health Services, part of Jefferson County Public Health, was referred on the application and had no objections.

Staff finds this criterion <u>has</u> been met.

2. The special use will not create or contribute to blight in the neighborhood by virtue of physical or operational characteristics.

The special use will not create or contribute to blight in the neighborhood. The site is currently home to a vacating business and is poorly maintained. The applicant has noted that the buildings will be renovated, including a re-roof and exterior paint, and that landscaping will be installed along W. 44th Avenue and at the corner with Pierson Street. The parking areas will also be repaved with asphalt. Renovated buildings and upgraded site conditions will enhance the curb appeal of the site.

Conditions that would otherwise create blight, such as inoperable vehicles and auto parts storage, will be located behind the screening fence in the interior courtyard, and inside buildings.

Staff finds this criterion <u>has</u> been met.

3. The special use will not create adverse impacts greater than allowed under existing zoning for the property.

As described above, the C-1 zone allows for minor automotive repair facilities as a use by-right, which includes tune-up shops and lubrications services. The proposed major auto repair is unlikely to have impacts significantly greater than the auto uses which are allowed under the current zoning. The proposed use is not only consistent with the zoning but also with nearby uses. W. 44th Avenue includes many auto-related uses, including four in the immediate vicinity: Merkl's Automotive to the northeast (minor auto repair), Auto Reflections to the west (major auto repair), Four To Go to the east (ATV dealership), and Fast Vintage to the north (auto sales).

The C-1 zoning allows for a wide variety of uses and building types, including office buildings up to 50 feet tall and lumber yards, which arguably would contribute to a greater change of neighborhood character than the proposed use.

Staff finds this criterion has been met

4. The special use will not result in undue traffic congestion or traffic hazards, or unsafe parking, loading, service or internal traffic conflicts to the detriment of persons whether on or off the site.

As stated in Criterion #1, the proposed operating hours may cause a temporary small increase in traffic in the area during the mornings and evenings when vehicles are being dropped off for repairs. However, customers will not all arrive or pick up at the same time, minimizing potential traffic impacts. W. 44th Avenue is classified as a minor arterial with over 11,000 vehicles per day, and the proposed use is not expected to have an impact on this roadway. The access points on Pierson and Parfet are not proposed to change from the current conditions. Both of these local streets are dead ends because of Clear Creek to the south, so there is very little chance customers and employees would be driving through adjacent neighborhoods.

Customer parking and employee parking will both be off-street, with employee parking taking place behind fencing and internal to the site. The site has ample parking and a significant amount of internal space, including an internal access drive. The site plan provided by the applicant *(Exhibit 3)* indicates the proposed locations of parking and site access.

Staff finds this criterion has been met.

5. The property is appropriately designed, including setbacks, heights, parking, bulk, buffering, screening and landscaping, so as to be in harmony and compatible with the character of the surrounding areas and neighborhood, especially with adjacent property owners.

The property has nonconformities which Staff has requested be brought closer into compliance with current standards. The site does not meet current landscaping standards, including the buffer width between the right-of-way and parking lot along W. 44th Avenue. The condition of

the existing landscaping is poor, and Staff has requested new landscaping and screening be put in place.

The site has existing paved parking and site access from all three street frontages. While some of the parking arrangements do not meet current City codes—parking areas that are directly perpendicular to the right-of-way are now prohibited—the applicant is not required to correct those existing conditions. The applicant also noted that they would re-pave the parking areas.

As the applicant is not proposing any building changes and is keeping existing screening and parking areas in place, the property would continue to be in character with the surrounding neighborhood. Furthermore, the building has been in place since 1950, and the pumps facility has been operating since at least 1975. As noted above, the use is consistent with the commercial character of W. 44th Avenue and similar to other auto-oriented uses already existing along the corridor.

Staff finds this criterion has been met.

6. The special use will not overburden the capacities of the existing streets, utilities, parks, schools and other public facilities and services.

The special use is not expected to overburden the capacities of the existing streets, utilities, parks, schools, and other public facilities, as it will function out of an existing structure and site. Utility agencies have noted they can serve the site and its proposed uses.

Staff finds this criterion has been met.

7. There is a history of compliance by the applicant and/or property owner with Code requirements and prior conditions, if any, regarding the subject property.

The applicant is currently in the process of purchasing the site in order to relocate from their rented facility in unincorporated Jefferson County, and does not have a code enforcement history in the City. The have complied with the entitlement process. The applicant initiated a pre-application meeting request and was in attendance at the neighborhood meeting.

The current tenant of the building, Western Hydro Corporation, received a complaint in 2012 for weeds, which was handled through Code Enforcement. However, this complaint is unrelated to the current applicant.

Staff finds this criterion has been met.

8. The application is in substantial compliance with the applicable standards set forth in the Architectural and Site Design Manual.

The applicant has noted plans to improve the property, but will not be required to meet the standards in the Architectural and Site Design Manual since no new construction on the site is proposed.

Staff finds this criterion is not applicable.

V. AGENCY REFERRAL

Referrals were sent to impacted agencies. Their responses are below.

Wheat Ridge Public Works: No comments or concerns.

Wheat Ridge Building Division: No comments or concerns. Permits will be required for future work on the property (tenant finish, roofing upgrades, etc).

Wheat Ridge Economic Development: No comments or concerns.

Wheat Ridge Police Department: No concerns or concerns.

Arvada Fire Protection District: Arvada Fire can serve the property and has requested construction plans be submitted directly to the Fire District for review and approval prior to issuance of future building permits. A suppression system may be required for the paint booth, pending additional information.

Valley Water District: The district can continue to serve the property.

Fruitdale Sanitation District: No comments or concerns.

Jefferson County Environmental Health: Has no objections. However, the applicant must contact the Colorado Department of Public Health and Environment (CDPHE) regarding a Hazardous Materials Spill Management Plan and Air Pollution Control requirements for the auto repair/paint booth operations.

Xcel Energy: An existing electric transmission line and associated easement crosses the northeast corner of the property. Any activity including grading, landscaping, erosion control or similar activities involving the existing right-of-way will require Public Service Company approval.

Comcast: No comments or concerns.

VI. PUBLIC NOTICING

A required neighborhood meeting was held on November 8, 2017. Nine residents and property owners from the neighborhood attended the meeting. A summary of the meeting and discussion is included in *Exhibit 6, Neighborhood Meeting*.

Pursuant to the requirements of Section 26-114, special use applications can be approved administratively after a ten-day noticing period if no legitimate objections are received. During the ten-day public notification period, staff received three letters of objection *(Exhibits 7-9, Letters).* One objection was from a property owner immediately to the south of the subject property. Staff also received telephone calls from each of the residents who submitted the letters.

Since objections were received, the Community Development Director forwarded the request to the City Council to review and decide upon at a public hearing.

Three primary concerns were raised in the letters received:

1. Drainage: The resident who submitted Letter #1 *(Exhibit 7)* raised concerns about the site draining onto their property and potential contamination from the vehicles parked on site. The drainage issue is an existing condition that has presumably been in place for decades. Because the applicant is not modifying impervious surface or expanding the existing footprint of buildings on the site, they are not required by code to correct drainage issues or install new drainage facilities.
2. Pollution: Letter #2 *(Exhibit 8)*, and to a lesser extent, Letter #1, raised concerns about auto repair shop pollution and potential air and water contamination. The site will be subject to a building inspection before a Certificate of Occupancy can be issued, and must meet all current building codes. The business will also be subject to State and Federal regulations regarding waste and pollution. Staff cannot presume the business will fail to comply with State and Federal regulations, and it must meet local regulations before being permitted to operate. Further, the application was referred to Jefferson County Environmental Health who had no objections to the proposal.
3. Adherence to the Comprehensive Plan: Letter #3 *(Exhibit 9)* suggests that the proposed use is inconsistent with the City's Comprehensive Plan (2009) and Fruitdale Subarea Plan (2007). The Comprehensive Plan is a high level policy document, and is not a document that Staff refers to when reviewing business licenses or Special Use Permits. Staff reviews Special Use Permits for compliance with the applicable review criteria in Section 26-114 of the City Code which do not reference the Comprehensive Plan. The Comprehensive Plan is always referred to if a rezoning is proposed for a site. The City does not mandate or deny the use of specific parcels based on the Comprehensive Plan.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

Having found the application for Case No. SUP-17-04 / SubaPros – a Special Use Permit to allow the operation of a major auto repair facility in the Commercial-One (C-1) zone district – to be complete and in compliance with the majority of the applicable review criteria, staff recommends APPROVAL of the special use request for the following reasons:

1. The special use will not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood.
2. The special use will not create or contribute to blight in the neighborhood by virtue of physical or operational characteristics.
3. The special use will not create adverse impacts greater than allowed under the existing C-1 zoning for the property.
4. The special use will not result in undue traffic congestion or traffic hazards on W. 44th Avenue, Pierson, or Parfet Streets and there is no proposed change to the orientation of parking and access.
5. The existing property design has been in place since at least 1975, including setbacks, heights, parking, bulk, buffering, screening and landscaping. It is compatible with the character of the surrounding areas and is proposed to be cosmetically upgraded by the applicant.

6. The proposed use is compatible with the commercial character of W. 44th Avenue and similar to other existing auto-oriented uses.
7. The special use will not overburden the capacities of the existing streets, utilities, parks, schools and other public facilities and services.
8. There is a history of compliance by the applicant with Code requirements and City processes.
9. No objections from referral agencies have been received.
10. Major auto repair activities are located in buildings that are buffered from adjacent residential uses by parking or lower intensity buildings.

With the following conditions:

1. Landscaping improvements along the W. 44th Avenue frontage and at the corner with Pierson Street will be required before a Certificate of Occupancy may be issued, including:
    a. A four-foot fence along the north property line to screen the parking area,
    b. Irrigation and plant material in the existing ±800-square foot bed at the northwest corner, and
    c. Maintenance of the existing ±800 square foot bed at the northeast corner and along the east property line.
2. Pursuant to Section 26-502.E.12.j of the Wheat Ridge Code of Laws, no parking area shall be used for the sale, storage, repair of, dismantling or servicing of any vehicles, equipment materials or supplies; vehicles stored in excess of seventy-two (72) hours for the purpose of being repaired must be screened from view from adjacent streets and properties by a six-foot-high solid fence.
3. The Special Use Permit shall be granted to the applicant, SubaPros, and shall not be transferred or assigned.

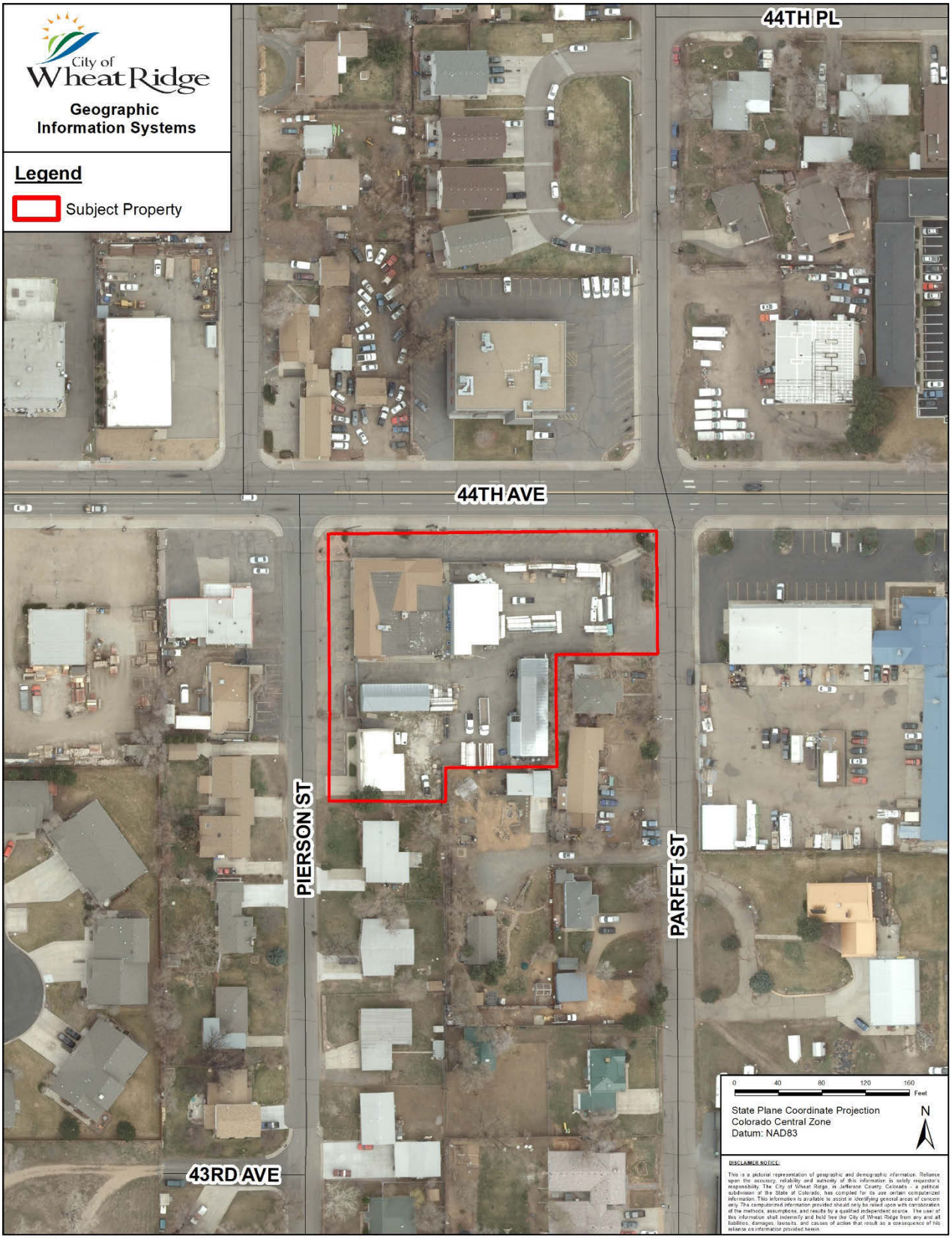


EXHIBIT 1: AERIAL

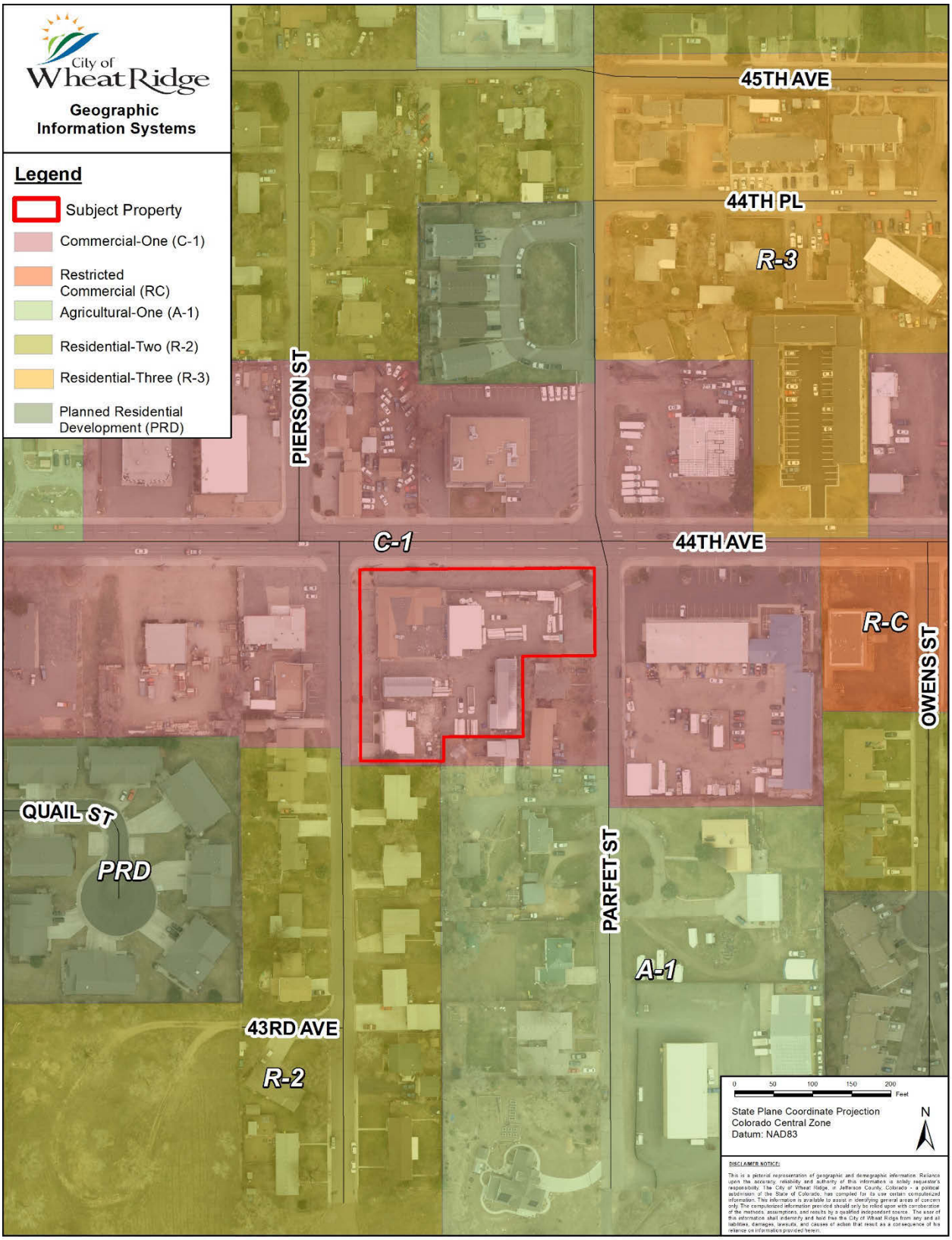


EXHIBIT 2: ZONING MAP

EXHIBIT 3: SITE PLAN

44th & Pierson **FOR SALE**

Wheat Ridge, CO 80033

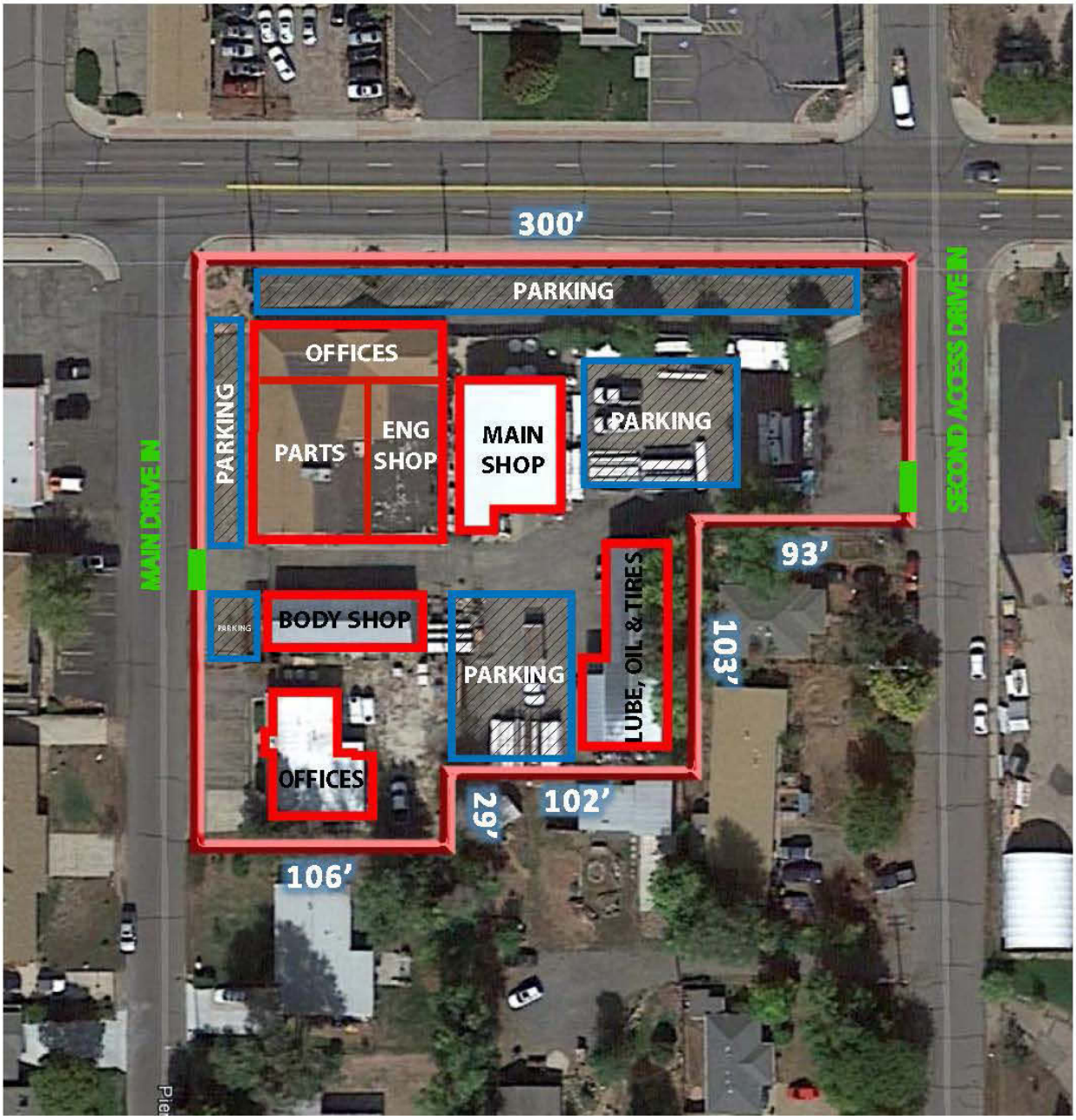


EXHIBIT 4: SITE PHOTOS

The property viewed looking south across W. 44th Avenue, showing the entire W. 44th Avenue frontage. The primary administration building is on the far right of this image.

Another view looking across W. 44th Avenue towards the main administration building. Pierson Street is on the right.

A view of the W. 44th Avenue frontage showing the existing RTD bus stop and parking lot. The parking area is proposed to be repaved. The applicant noted they would also clean up the landscaping buffer.

A view looking northeast from Pierson Street at the 4380 Pierson Street parcel, with an existing converted home that is now an office. The barn-like building in the distance is proposed to be the body shop.

A view of the property looking west from Parfet Street. The existing fences would remain, which help to screen the interior of the lot.

Looking southwest from the corner of W. 44th Avenue and Parfet Street. The existing landscape buffer is poorly maintained, as is the asphalt surface. The existing screening fence would remain.

EXHIBIT 5: CRITERIA RESPONSE

SubaPros Inc.

1. The special use will not have a detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood

A: The special use permit will be in line with the automotive paint and body shop to the west of property, 4x4 dealer/repair on the east side of the property and the automotive dealer on the north side of 44th. Our presence in the neighborhood would not be any detrimental than existing neighboring properties and their uses.

2. The special use will not create or contribute to blight in the neighborhood by virtue of physical or operational characteristics.

A: The entire 1.4(+/-) acre site is entirely fenced and view from the public of internal property operations is not seen. 95% of daily business operations will be conducted behind property fencing/borders.

3. The special use will not create adverse impacts greater than allowed under existing zoning for the property.

A: The property is currently zoned C-1 permitting automotive use. Our use under SUP allows property use under the "full use" category. The special use will not be any different properties/business surrounding property.

4. The special use will not result in undue traffic congestion or traffic hazards or unsafe parking, loading, service or internal traffic conflicts to the detriment of persons whether on or off the site.

A: The SUP permit will not create negative traffic impact for several reasons. 1. Off street for customer parking. 2. Employee parking will be behind fencing to the internal property. 3. Customers pick up/drop off usually 1-3 people at a time and don't arrive/leave at the same time. 4. Outside vendors are few and schedule at different times of month. These will minimize traffic impact to the area.

5. The property is appropriately designed, including setbacks, heights, parking, bulk, buffering, screening and landscaping so as to be in harmony and compatible with the character of the surrounding area and neighborhood. Especially with adjacent properties.

A: Yes. Property has been in place for many decades.

6. The special use will not overburden the capacities of the existing street, utilities, parks, schools and other public facilities and services.

A: The properties incoming power, street access, building placement, yard layout all are in harmony with the use requested.

7. Is there a history of compliance by the applicant and/or property owner with code requirements and prior conditions, if any, regarding the subject property.

A: Unknown. City may have additional information

EXHIBIT 6: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	November 8, 2017
Attending Staff:	Zack Wallace Mendez, Planner II Scott Cutler, Planning Technician
Location of Meeting:	Wheat Ridge Municipal Building
Property Address:	11072 W. 44th Avenue & 4380 Pierson Street
Property Owner(s):	Haderer Trustees
Applicant:	Peter Kula, SubaPros Inc. (under contract to purchase)
Applicant Present?	Yes
Existing Zoning:	Commercial-One (C-1)
Existing Comp. Plan:	Neighborhood Commercial Corridor

Existing Site Conditions: The property is located along W. 44th Avenue between Parfet Street and Pierson Street. The subject property is zoned Commercial-One (C-1), as are the nearby properties located along 44th Avenue. To the north and south of W. 44th Avenue are residential neighborhoods zoned Residential-Two (R-2), Residential-Three (R-3), Planned Residential Development (PRD), and Agricultural-One (A-1). A patchwork of zones and uses exist further to the east and west along W. 44th Avenue.

The site consists of four parcels, three of which are located along W. 44th Avenue and addressed as 11072 W. 44th Avenue. A fourth parcel, 4380 Pierson Street, is located to the south of the other parcels. The four parcels are being sold together. According to the Jefferson County Assessor, 11072 W. 44th Avenue is 52,055 square feet (1.20 acres) and the primary structure was built in 1950. The property at 4380 Pierson Street is 9,147 square feet (.21 acres) and the existing structure on the property was built in 1958, which at some point was converted from a house to a commercial space.

The lots combine to total 61,202 square feet (1.41 acres) in size and contain five buildings.

The site is currently a pump storage facility, with some minor assembly occurring on the site. Based on the City's business license records, it has been operating as such since at least 1999, but the actual start date is not available. It is fenced and includes 35 parking spaces.

Applicant Preliminary Proposal: The applicant is proposing to buy both the W. 44th Avenue and Pierson Street portions, and move their business, SubaPros, from unincorporated Jefferson County into Wheat Ridge. SubaPros is an independently owned auto repair company that specializes in Subaru repairs. They have proposed their various business operations to take place in the existing structures. The primary structure, at the corner of 44th and Pierson, would contain the reception area, the parts department, and the engine assembly area. The building to the east would contain the primary auto repair area. The building to the south of the main building would contain the paint booth. The building at the east of the site would have a secondary repair facility. The building furthest to the south, at 4380 Pierson, would be retained for future use.

The applicant has not proposed major modifications to the existing buildings, except for roof and siding repair, plus whatever upgrades building and fire codes may require. The applicant noted they are improving the landscaping per staff request.

The applicant is currently under contract for all four parcels.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 9 residents and property owners from the neighborhood attended the meeting; see attached sign-up sheets.
- Staff explained the purpose of the neighborhood meeting, and informed the members of the public of the process for the Special Use Permit.
- Staff discussed the site, its zoning and future land use.
- Staff answered some preliminary questions regarding the Special Use Permit process and the reasons why a Special Use Permit is required.
- The applicant presented their proposal for the site.
- Both Staff and the applicant answered questions from the attending neighbors, related to use, operation, City Codes and policies, and the City's guiding documents.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing, if required.

The following issues were discussed regarding the SUP request and proposed development:

- The applicant noted that they need to improve the site and address deferred maintenance, and that the improvements process and SUP are all wrapped into the purchasing process.
- The applicant noted the buildings are steel construction and need to be insulated to make them hospitable for employees.
- The applicant noted they typically process 6-12 vehicles per day, and that most vehicles are in and out of the shop within a day.
- A neighbor noted they drove by the current SubaPros facility near Golden and saw 15-20 vehicles parked on the premises.

  SubaPros stated they occasionally buy cars from customers and work to restore them over the long-term. A labor shortage has slowed the ability to get rid of cars, but the current cars parked there will be moved out. The new property will not have cars parked on the premises

long-term, and there is more space internal to the site which will help with storage. The existing fence will help screen parking on the property.

- What are the operating hours?
  Regular hours are 7:30am to 6:00pm on Monday through Friday. Some work is occasionally wrapped up after 6:00pm, but not every day, and that work is only done inside buildings.
- How will the body shop affect an existing auto body business in the area?
  SubaPros does not specialize in body work and doesn't plan to increase that side of their business. The applicant noted they work within their existing Subaru customer base, and if expansions of the customer base occur, it would be for mechanical work. The small size of the paint booth and body shop is limiting in terms of how many customers may be served. The applicant noted their primary operations are oil changes, suspension repair, wheel bearing repair, and engine repair.
- How does the paint booth smell?
  Paint booths are subject to stringent filtering requirements by building codes and other regulations. This usually does not eliminate odors but it minimizes them. The City has requested the paint booth be moved internal to the site to avoid operating immediately adjacent to neighbors.
- What are the plans for the building at 4380 Pierson Street?
  The Pierson Street building is part of the property sale, but the applicant does not currently have plans for this facility.
- Why is SubaPros investing in a new facility if there are no expansion plans?
  New customers are gained through referral, and they have a high retention rate among existing customers. The applicant noted they are currently renting a facility, and would like to own their facility instead.
- A neighbor expressed concern about noise, traffic, chemicals/pollutants, and disruption to the neighborhood feel. They also pointed out other issues in the surrounding area that were unrelated to the SUP application, including concerns related to Prospect Park and a massage parlor on the north side of 44th Avenue.
  The applicant responded to these concerns and noted that employees and customers would not be driving into the neighborhood, just accessing the site from Pierson Street for drop-offs mostly between 7:30am and 9:30am. He also noted the site would be clearly marked so customers would not unintentionally drive further into the neighborhood.
- A neighbor noted that the Commercial-One (C-1) zoning allows a wide range of uses.
  Staff confirmed this observation, and noted that minor auto repair would be allowed on the site without a Special Use Permit.
- Neighbors were discussing concerns with other existing auto-related businesses on 44th Avenue.
  The applicant noted that there may be some misconceptions about car repair. They provide routine maintenance and do not focus on performance enhancements or "souping up" cars.
- Where would pick-up and drop-off be located?
  Cars would be dropped off at the main building on the corner, in the existing parking area along Pierson Street. Cars waiting for pickup would be parked in the parking area along W. 44th Avenue. No change is proposed to access locations.
- Are there proposals for lighting?
  The applicant noted that some improvements would be required, but no intensive security lights are proposed. The applicant would prefer not to run lights overnight in order to save money on energy bills.

- Neighbors asked the applicant and staff how the SubaPros operations fit into the Envision Wheat Ridge Comprehensive Plan and the Fruitdale Subarea Plan, which calls for mixed-use development along the corridor. There was concern that as a single use, the subject property was not complying with the mixed-use vision.

  The applicant was not aware of the plan documents. Staff noted that the plans are guiding documents and the City could not deny any commercial use allowed by zoning on 44th Avenue because the Fruitdale Subarea plan states the corridor as a whole should be mixed-use. The adopted plans are considerations for zone changes, but not part of the criteria for SUPs (criteria were provided on the handouts).
- How many employees does SubaPros have?

  They currently have 9 employees, including the administration.
- What landscaping improvements will be done?

  The applicant noted the City is requiring the existing landscape buffers along W. 44th Avenue and at the corner with Pierson Street be improved with new plantings. The applicant has plans to re-plant as well as re-pave the site as the current asphalt is substandard. There are also plans to repair the existing roof, and the applicant is working with the sellers to do so.
- How much waste is generated by the facility? Where is trash picked up? Neighbors expressed concerns about the potential for illegal dumping into the storm sewer system.

  The site will have a dumpster, which will be screened behind the existing fence along the east side of the W. 44th Avenue frontage. All oil used on site is recycled, and waste oil is sometimes burned for heat, which is an EPA approved process. Waste coolant and coolant mix leaves the site to be disposed of. Nothing will be disposed of into drains or the sewage system. Spills are cleaned with products such as Floor Dry or PIG absorbent mats. Operational disposal is regulated by building codes and other regulations.
- Are new buildings proposed?

  No, just renovating existing buildings.
- What is the construction timeline and nature of improvements?

  The construction timeline partially depends on the SUP process. Improvements proposed are insulation and electrical work, interior lighting, roofing, paving, exterior painting, and potential drainage reconfiguration.
- The neighbor to the south alleged the subject property drains onto her property.
- A neighbor was concerned about the back-out parking that exists on Pierson Street.

  Staff noted that the City does not currently allow this type of back-out parking adjacent to the right-of-way on new projects, but since there is not new construction, the existing arrangement may continue.

EXHIBIT 7: LETTER #1

December 7 2017

Community Development Director
City of Wheat Ridge, Colorado

RE: Case No. SUP-17-04

To Whom It May Concern:

This letter is to serve as my additional comments/concerns regarding the Special Use Permit application submitted by SubaPros Repair Facility pertaining to the property at 11072 W 44th Avenue & Pierson Street in Wheat Ridge, CO.

I, personally, am neither for nor against said permit application. I would, however, like you to give my concerns ample attention and consideration so that this is addressed and a plan in place to fix these issues prior to this Special Use Permit being approved.

As a bordering neighbor of the property in question, I did attend the Neighborhood Meeting on Wednesday, November 8, 2017; however, the question I posed at the time was neither addressed, nor answered. If you will look at page 4 of your Neighborhood Meeting Notes, the next to the last question posed said, "The neighbor to the south alleged the subject property drains onto her property." The property in question ***does***, in fact, drain onto my property – whether it be from a hard rain, or snow melt, or from someone simply rinsing off the pavement of dirt and grime. This is a very real concern of mine, especially if this Special Use Permit is granted for a "major auto service, repair and maintenance shop" which has derelict vehicles sitting on the property, whether waiting to be repaired or being used for parts or to be "fixed up". As these vehicles leak various fluids onto the ground, it follows through, with the current drainage patterns, that said fluids will be flowing, draining or dripping onto my property, where I have animals that would be negatively affected by same.

I feel that this issue alone violates your Criteria for Review [1.] – the special use will not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood.

Another point I would like addressed are the photos I am attaching of their current facility and "yard" where they have derelict vehicles parked in the lot, as well as a huge mountain of scrap tires piled between their two buildings. I do not believe this would be in compliance with the City of Wheat Ridge's codes. This may or may not be their future plan, but it would seem that this would be in direct violation of your Criteria for Review [2.] – the special use will not create or contribute to blight in the neighborhood by virtue of physical or operational characteristics.

Please feel free to contact me with any questions you may have for me.

Respectfully,

Julie Rochel
4351 Parfet St
Wheat Ridge, CO 80033
720-366-7797

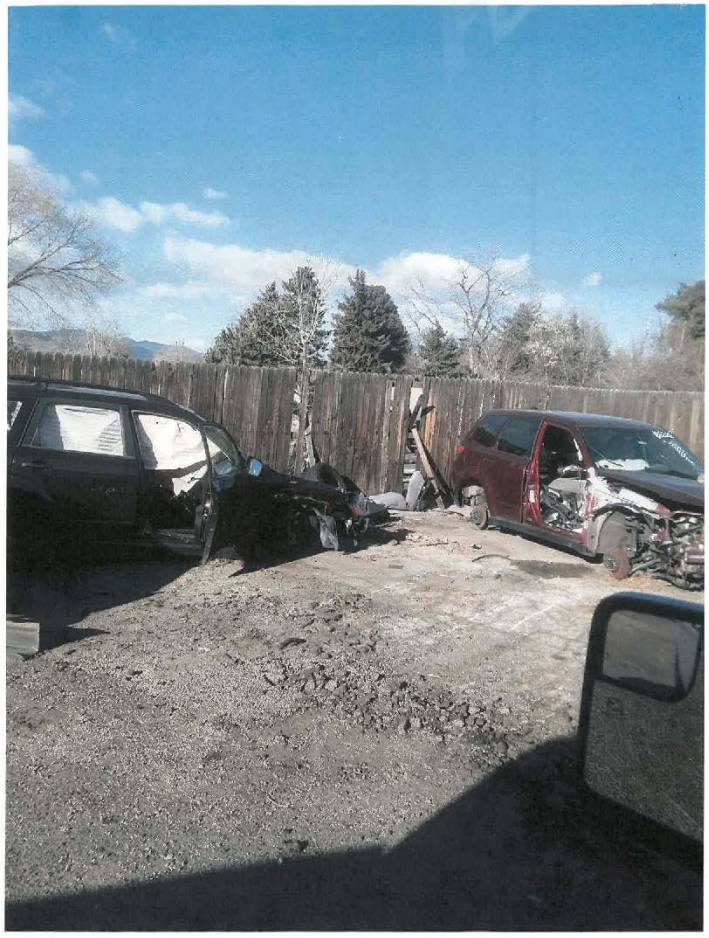


EXHIBIT 8: LETTER #2

received
12-8-17

To City of Wheat Ridge

12/07/17

Property Address: 11072 W. 44th Avenue & 4380 Pierson Street

Case SUP-17-04 (sign difficult to read)

I am writing in regards to the public notice for property at 11072 W 44th Ave. SubaPro to obtain license or to be allowed to move to above noted location ~~regards to the public notice for property at 11072 W 44th Ave~~. My concerns are noise disturbance, light pollution, noise pollution and environmental pollution, all of which negatively affects residents home life, enjoyment and safety of their home, street, neighborhood and surrounding parks and wildlife. Neighborhoods and the city parks are located next door, down the street and less than ½ a mile away.

First I am issuing a complaint in regards to how the Neighborhood Meeting Notes were written. The notes written by the city were in favor of Subapro and did not correctly reflect the concerns of the attendees. More importantly the City of Wheat Ridge, wrote the notes, as if the information provided by SubaPro was proven facts. Example, EPA has approved the waste oil burners. This is not a correct or factual statement, there are multiple factors when using waste oil burners, and types etc. and not everything is approved.

Also, Wheat Ridge left out multiple concerns brought up by the attendees of the neighborhood. For instance, I brought up pollution, water pollution and danger to the wildlife. Not noted. Also, the notes stated that they recycle the waste oil and only burn sometimes. Subapro does not recycle any waste oil, they use it in waste oil burners per what the representative stated to us at the meeting.

I vote against allowing SubaPro to move in to this location and/or receive the special permit/license for the following reasons.

1 - Noise Issues: These are our homes, we live next door and down the street to this property. We have the right to quite enjoyment/livability per Colorado State Statutes. There will be excessive noise pollution due to the repair shops actual function. They will be using drills, doing car repairs, working on vehicles, new and damaged vehicles, we will hear the constant noise from impact wrenches, pneumatic tools, hydrolytic lifts, waste oils collection, trash collections, vehicle parking, and vehicle storage. We have a right to quite livability and enjoyment per Colorado state law.

The traditional definition of noise is "unwanted or disturbing sound". Sound becomes unwanted when it either interferes with normal activities such as sleeping, conversation, or disrupts or diminishes one's quality of life.

Studies have shown that there are direct links between noise and health. Problems related to noise include stress related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity. Noise Induced Hearing Loss (NIHL) is the most common and often discussed health effect, but research has shown that exposure to constant or high levels of noise can cause countless adverse health effects. Prolonged and excessive exposure to noise results in long term harm to your hearing. This is irreversible, once you lose your hearing that's it - it's gone! It accelerates the normal hearing loss we get as we grow older and can cause a permanent sensation of ringing in the ears, known as tinnitus. Less-obvious side effects such as increased pulse rate, blood pressure and breathing rate indicate that noise (and vibration) causes stress. The Noise Effects Handbook, Office of Noise Abatement and Control, US EPA

2 - SubaPro stated they burned waste vehicle oil, and other toxic fluids, such as vehicle cooling fluids, etc. Waste oil in not the best way to reuse oils. Recycling is the best way due to the shortage of fossil fuels.

Per the Environmental Protection Agency rules that went into effect in 2010/2011

Unlike heating oil, waste oil can contain numerous hazardous materials that enter our air when burned per EPA, the smell is not removed per EPA. Even if unburned, waste oil can harm the environment. Proper disposal is crucial. The smell is not removed when burning and creates an odor nuisance issue.

The chemicals found in auto body shops, that people ought not to be exposed to are still used in auto body work. Common solvents are xylene, acetone, alcohol, and sometimes NMP, **for example** Acetone can cause dizziness and irritate the nose, throat, lungs and eyes.

What pollutants are in waste oil smoke?

Waste oil varies in its components, based on how it was used. Often, waste oil contains toxic heavy metals that will be released into the air if burned as fuel. Any fuel that is not designated by EPA as safe to burn (such as heating oil, a safe alternative to waste oil,) may contain harmful air toxics. All waste oil must be tested before it can be burned safely and legally.

Here is an example of possible pollutants from waste oil combustion and their standards taken from ***Allegheny County Health Department Rules and Regulations Article XXI §2105.31***:

Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
PCB's	5 ppm maximum
Ash	0.3 % maximum
Bottom Sediment and Water	2.0 % maximum

A study was done by multiple agencies, including the EPA, in conjunction with research colleges. They found the below to be pollution issues of Auto Repair shops.

Auto Repair Shops Pollution -

In many communities, auto repair shops represent the largest generators of hazardous waste among small businesses. These repair shops have the potential to generate pollution in the vicinity due to the following main activities:

- **Handling of chemicals** may generate environmental pollution (auto repair pollution) through activities associated with usual repair work such as the replacement of auto parts, the cleaning and dismantling of engine and other car components, painting, and even through the regular change of fluids (e.g., oil, transmission fluid). These repair activities introduce or have the potential to introduce contaminants

(handled chemicals) in the environment through accidental spills or leaks, as well as through volatilization of the auto repair solvents during regular handling activities.

- **Waste-generating and management** also have the potential to pollute the environment since the generated waste may be spilled or can leak from storage containers. Additionally, improper waste management involving inappropriate auto repair pollution disposal may also account for environmental pollution at and around auto repair shops. Examples of generated waste include the replaced auto fluids or the used cleaning solvents. These wastes pose a health threat to humans and environment, if they are spilled or not properly collected and disposed of.

The main categories of auto shop pollution and associated individual chemicals/pollutants include, but it is not limited, to:

Auto Repair Pollution Solvents

Auto repair pollution solvents – these are organic solvents used in degreasing/cleaning operations. These are volatile compounds (they transition from a liquid into a gaseous phase under normal temperature and pressure). Examples of such organic solvents are:

- **Chlorinated solvents** which are usually highly toxic in small amounts and highly resistant to environmental degradation (thus persisting in the environment); examples of chlorinated solvents used (mainly in cleaning and degreasing activities) in auto repair shops are:
    - Trichloroethylene (TCE)– probably the most common chlorinated solvent used in auto shops
    - **Carbon tetrachloride (CT)**
    - **Methylene chloride**
    - Perchloroethylene (PCE or PERC)
- **Petroleum hydrocarbons** (contain only carbon and hydrogen) are usually less toxic and more degradable in the environment as compared to chlorinated solvents. Examples of the most commonly used petroleum solvents include:
    - **Toluene**
    - **Xylene**
- **Other organic solvents** – may be less toxic and more degradable than both chlorinated and petroleum solvents and are preferred to those; the most common example is:
    - **Methyl ethyl ketone (MEK)**

Auto Shop Pollution Fluids

Auto shop pollution fluids – include the used replaced engine oil, transmission and brake fluids. These fluids are oil based (organic chemicals such as motor oil or hydraulic oil composed of a mixture of hydrocarbons with elevated boiling point and known under the generic name of heavy petroleum distillates) and may contain a series of toxic heavy metals. The heavy metals usually leak in the auto fluids from a series of parts (such as welds, radiators or other engine components) during normal vehicle operation. Thus concrete contaminants associated with auto pollution fluids include:

- **Heavy oil distillates** (e.g., motor oil, hydraulic fluid)
- **Blended oils and glycol solutions** (constitute transmission and brake fluids)
- **Heavy metals** – various heavy metals may leak out into the environment with the engine fluid

Auto Repair Pollution Antifreeze

Auto repair pollution antifreeze – is represented by the coolant fluids, which contain:

- **Ethylene glycol** (poisonous to animals and humans)
- **Pb** may leach and contaminate the coolant fluid

Auto Repair Pollution Washers

Auto repair pollution washers – is generated through washing cars and auto parts. The washing fluid (usually water) contains:

- **oils**
- **heavy metals and other contaminants from cars;**
- **detergents**

Auto Repair Pollution Refrigerants

Auto repair pollution refrigerants - refrigerants used in air conditioning systems consists mainly in:

- **CFC-12** (Freon 12) was used as refrigerant in cars before 1995, while it is currently banned since it was found to destroy the ozone layer;

- **HFC-134** more recently used – it does not affect the ozone layer but it is a greenhouse gas, which is why replacements are investigated

Auto Shop Pollution Paints

Auto shop pollution paints – the auto paints contain a series of organic solvents, of which commonly used is:

- **Methyl ethyl ketone (MEK)** – this is many times the solvent of choice due to its high volatility and relative high solubility in water. If higher amounts accumulate in the environment, MEK may travel over higher distances with groundwater due to its solubility. Thus, a possibility always exists for this contaminant to spread in the surrounding areas and possibly contaminate neighboring properties (usually within 1 mile of an auto repair shop)

Auto Repair Pollution Rags

Auto repair pollution rags – their improper environmental disposal/storage may result in pollution of the surrounding environment. These rugs usually are contaminated with:

- **Oils** (heavy distillates such as motor oil or hydraulic fluids)
- **Heavy metals** (a suite of metals could leach from the engine parts)

Old Replaced Auto Battery Pollution

Old replaced auto battery pollution – split or broken batteries constitute an environment hazard and should be handled as hazardous waste. This is due to their content of:

- **Acid solutions**
- **Pb**

Auto Repair Pollution Losses

Auto repair pollution losses – last but not least, spills and leaks may occur during the repair work or normal storage of cleaning solvents, paints, engine fluids, etc.

3 – When reviewing the current Subapro property, multiple items were seen on their campus, multiple used cars, multiple repair cars, salvage cars, oil spills, antifreeze spills, dirty storage areas and improper handling of vehicle parts and fluids.

4 – Water Pollution potential

Cars and trucks leave "car dirt", this is bits of tires, brakes, and rusty metal. This increases exponentially at auto repair facilities. Cars and trucks leave oil, grease, and transmission fluid stains on driveways and parking lots. Cars also collect leaking oils and other fluids and can accumulate other "road dirt." Less visible are the tiny exhaust particles that gradually settle out of the air or come down with rain or snow. What happens to the "car dirt," "road dirt," and oils and fluids when it rains or snows? Rain and melting snow wash these pollutants off the vehicles, parking lots and repair facilities. This "car dirt" flow across the pavement, down the gutter, into storm drains, and ultimately into our waterways.

Five quarts of waste oil can create an oil slick the size of two football fields or pollute a million gallons of drinking water.

Antifreeze is very poisonous to people and animals. Because of its sweet taste and smell, antifreeze may attract children or pets and other animals. Drinking only three ounces may kill an adult and even less will kill children or pets and wildlife.

Phosphates in soap are a form of fertilizer that causes excess weed and/or algae growth. Weeds and algae decompose and consume oxygen needed by fish, frogs, and crayfish.

Even on nice days, polluted water continues to flow out of storm sewers. These scenarios are real and negatively affect the environment. Near this area are waterways and classified wetlands.

5 – Prospect Park is less than ½ a mile away from this property. It houses protected migratory birds and other wildlife, including owls, hawks, deer, rabbits, etc. Noise pollution, light pollution and environmental pollutions affect daily biochemistry, physiology, behaviors and daily rhythms of wildlife, the circadian clock thus having negative effects on the health of ecosystem.

6 – The area in which this company wants to move is turning into a car zone, with a spa across the street where sexual acts are performed for pay. The cities plan was to make this area a combination food, art, shops, activity area

going down the mains streets to beautify and positively grow Wheat Ridge. Our neighborhood is starting to look like a ghetto. The adult store down the street, football field to close to homes causing major noise issues soon, the hotel by the park, including the new storage building on Youngfield and 44th are all contributing to the decrease in home value in our neighborhoods and again making it look more like a dirty industrial section of the inner city. Recent waives of graffiti have been showing up, which typically shows in more industrial looking streets and areas as well. In the three mile vicinity near us, there has been at least four vehicle thefts in the last few months. With another car lot, repair shop theft can increase and there is more of a chance of this occurring. Our homes become more visible due to the influx of people scoping out potential areas to rob and to the increased traffic and cliental, add that with the sex parlor across the street and it becomes less safe for families, residents and children.

I again, vote against the special permit or allowing this company to move in.

Melissa Lawrence

4260 Pierson Street

Wheat Ridge Co

80033

melissafreedom@yahoo.com

EXHIBIT 9: LETTER #3

Re case # SUP-17-04, special use permit for major auto repair.

Comment opposing special use permit

received 12-8-17

Submitted by Tom Parchman and Elizabeth Smith, 4255 Parfet St.

12/8/2017

Attention Wheat Ridge Community Development Director.

We live within sight of the properties which are the subject of this case and we strongly oppose the issuance of a special use permit for major auto repair at the proposed location. A major auto repair facility, especially one of this size, (over 60,000 square feet) will harm the surrounding neighborhoods, hamper redevelopment of the neighborhood commercial center at 44th and Parfet and de-rail the positive momentum created by the new Fruitdale School Lofts.

As the authors of the Fruitdale Subarea Plan recognized, Fruitdale is a unique area with great potential. The Fruitdale Lofts, Parkside, and Owens Park, all desirable residential developments, are located less than two blocks from the subject property at 11072 W. 44th Ave. and 4380 Pierson Street. Along with the aforementioned quality housing, there are well maintained office buildings with stable tenants (engineers, attorneys and and federal government workers.) In addition, both Prospect Park and the Wheat Ridge Historical Park are less than three blocks away. Horse properties are interspersed throughout. All of these are land uses consistent with the Fruitdale Subarea Plan. All of these uses benefit the Fruitdale community and all make it a wonderful place in Wheat Ridge. A major auto repair facility spanning the south side of 44th Ave. from Parfet St. to Pierson will detract from the neighborhood's assets and hobble efforts toward achieving the goals stated in the Fruitdale Subarea Plan.

I. A major auto repair facility is a bad fit for Fruitdale.

Fruitdale is a relatively small area "[B]ounded by 1-70 on the north, Lee Street on the east, Clear Creek to the south and just west of Tabor Street to the west." *Wheat Ridge Comprehensive Plan [WRCP]); Fruitdale Sub Area Plan.*

Page 4 of the Fruitdale Subarea Plan states:

> *"West 44th Avenue in the Fruitdale Sub-Area has the potential to become a unique corridor in the City of Wheat Ridge....The area is tucked into a protected corner of the City nestled along the Clear Creek Open Space and has retained elements of the City's historical and agricultural heritage....The Plan recommends embracing this agricultural heritage by encouraging a gardening theme for businesses along the corridor. The Sub-area is the home of Prospect Park,*

the largest of the City Parks, and also the unique Historical Park. Both of the facilities are great assets to the area...." (emphasis ours)

The proposed use is incompatible with the goal of adding a sense of place and destination to an area defined by Prospect Park, the Historical Park and the Clear Creek Open Space. It is also incompatible with embracing Fruitdale's agriculture heritage and encouraging the gardening theme.

Fruitdale in general, and the area surrounding 11072 W. 44th and 4380 Pierson in particular, have seen great improvement over the last twenty years. This momentum needs to be further encouraged with appropriate development. A large repair facility at this location will discourage the high quality, owner occupied residences and the neighborhood businesses suggested by the sub area plan. Although the Fruitdale Lofts, Parkside, Owens Park and newly built or restored homes in the area proposed for the special use permit fit the WRCP definition of an "established area", the neighborhood still has challenges it must overcome before it can meet the goals stated in the area sub plan.

The neighborhood has some problems consistent with the W.R.C.P's definition of a "revitalization area": There are uses inconsistent with established zoning (an industrial vehicle business located in a residential zone and rental housing in a commercial area). Over all, there are more rental properties than is healthy for the neighborhood as well as some poorly maintained homes. In addition, there are run down commercial properties, vacant commercial properties, a "massage parlor", and a "vape lodge" along 44th Ave. The WRCP characterizes a "revitalization area" as one with "Increasing incompatibility of uses....Less stable than established neighborhoods (eg. increasing maintenance problems, higher crime rates, lower rates of owner occupancy.)" The addition of the large auto repair facility planned for 11072 W. 44th Ave and 4380 Pierson St. will exacerbate these problems and hamper revitalization.

II. A major auto repair facility is a bad fit for a neighborhood commercial center.

The Wheat Ridge Comprehensive Plan [WRCP] designates the intersection of 44th and Parfet St. as a "Neighborhood Commercial Center". At page 30, the WRCP states:

"Neighborhood Commercial Centers will feature small clusters of businesses and mixed-uses to serve neighborhood needs (at residential, neighborhood scale), offer unique niche business opportunities and add a "sense of place" and destination within distinct neighborhoods."

The neighborhood commercial center at 44th Ave and Parfet St. needs mixed uses that serve local residents. Approval of the special use in question will not meet that need. The intersections of 44th and Parfet and 44th and Pierson are already saturated with motor vehicle businesses. At the 44th and Parfet intersection there is an auto repair shop on the N.E. corner (Merkles), and a vehicle accessories shop selling ATVs and snow mobiles on the S.E corner (Four to Go). At the S.W. corner of 44th and Pierson there is an auto body shop (Reflections). If a special use permit for major auto repair is granted for the both the S.W. corner of 44th and Parfet and the S.E corner of 44th and Pierson, those two intersections

will have four motor vehicle facilities and a massage parlor. (The notorious "King 7 Spa" is located on the N. E. corner of Pierson St.)

Locating a large auto repair facility, covering over 60,000 sq. ft., will make any mixed uses and "businesses serving the neighborhood at a residential, neighborhood scale" impossible: There will be no spaces for other types of businesses at this neighborhood commercial center. Moreover, the proposed use is incompatible with the goal of "add[ing] a sense of place and destination" to an area defined by Prospect Park, the Historical Park and the Clear Creek Open Space, and with embracing the area's agriculture heritage and encouraging the gardening theme.

Pursuant to the WRCP, page 30, the goals for the intersection of 44th Ave and Parfet St., as a neighborhood commercial center, are:

ELU 2: "Attract quality retail development and actively retain existing retailers to locate in Wheat Ridge."

ELU 4: "Increase the diversity of the land uses."

ELU 5: "Revitalize key redevelopment areas"

NH 2: "Increase housing options."

NH 3: "Increase investment and stability in Neighborhood Revitalization Areas."

NH 4: "Stimulate investment and redevelopment in Neighborhood Buffer Areas."

SF 1: "Establish and maintain a resilient sustainable tax base." It is important to note that according to the WRCP, the strategy to achieve SF 1 is "Focus on attracting strong households and a healthy mix of ages within the community." (WRCP p. 97).

SF 4: "Create a Healthy and Active Community"

Approval of a special use permit for a major auto repair facility will not increase the diversity of land use. It will not lead to more single family owner occupied homes. It will not attract retail development, other than another motor vehicle oriented business. It will not revitalize a commercial area that needs to be revitalized. Because it will discourage owner occupied housing, it will not increase stability in the neighborhood or attract strong households and a healthy mix of ages in the community. Only a greater variety of quality retail establishments will help to reach these goals. Approval of this special use permit will instead hinder any creation of a true neighborhood commercial center 44th and Parfet. Also, it will not create the kind of atmosphere that encourages increased visits to Prospect Park and the Wheat Ridge Historical Park. A coffee shop, small market or hot dog/ice cream place and a place for lunch would do that.

III. A major auto repair facility is a poor fit with an up and coming residential area.

The quality of housing in the residential areas surrounding the proposed special use site is improving. Within the last five years a million dollar home has been built on what was previously and junk yard on Parfet St. south of 44th. Also on Parfet, a home that was once an eye sore and a health hazard (no working furnace, non-functioning septic system, junk strewn yard filled with tall weeds, no trash or garbage removal and animal feces throughout the home and the yard) has been gutted and transformed into a beautiful house with a well landscaped lot. Other new home owners with children have moved in on Parfet and made improvements as well. On both Parfet and Pierson streets south of 44th longtime residents have kept large homes on big lots well maintained. Desireble housing such as that described above is present in the area in addition to the Fruitdale Lofts, Owen's Park and Parkside developments.

While Fruitdale in general, and the area surrounding 11072 W. 44th and 4380 Pierson in particular, have made great strides recently, this momentum needs to be encouraged with appropriate and the area needs more improvement. A large repair facility will discourage the high quality owner occupied residences and neighborhood businesses identified in the sub area plan. Although the Fruitdale Lofts, Parkside, Owens Park and newly built or restored homes in the area proposed for the special use permit fit the WRCP definition of an "established area", the neighborhood has challenges it must overcome before the goals stated in the area sub plan can be met.

A large major auto repair facility at the proposed location does not fit with a high quality residential area, especially because there is no buffer between the proposed special use properties and the homes between there and Clear Creek. The large buildings, and security lighting present at the site can be seen from back yards of most if not all residences on both Pierson and Parfet streets south of 44th. The noise and fumes, as well as the light pollution and the increased traffic generated by an auto repair facility of this size will be a nuisance for all of the residents, especially in the summer when repair bay doors are open. Use of the subject properties for a major auto repair facility will not lead to an increase in property values and it will discourage further investment in single family, owner occupied housing homes in the immediate area.

For the reasons stated above, and for the future of our neighborhood, we strongly urge you to reject the special use permit associated with Case #SUP-17-04.,

City of Wheat Ridge

ITEM NO: 6.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 01-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED ON THE WEST SIDE OF INTERSTATE-70, BETWEEN APPROXIMATELY 34TH AVENUE AND CLEAR CREEK FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO PLANNED MIXED USE DEVELOPMENT (PMUD) (CASE NO. WZ-16-07/CLEAR CREEK CROSSING)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (1/8/18)
☐ ORDINANCES FOR 2ND READING (2/12/18)

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director **City Manager**

ISSUE:
Evergreen Devco, Inc. acquired 109 acres of undeveloped property on the west side of I-70 and south of Clear Creek in December 2016 with the intent of developing a mixed-use commercial and residential development, including a hospital campus as a major employment anchor.

Evergreen has applied for a rezoning of this property from the current Planned Commercial Development (PCD) to a Planned Mixed Use Development (PMUD) designation. In contrast to the previous zoning on the property, which was focused on retail uses, the intent is to create a development with a much broader mix of residential, employment, retail, hotels, restaurants and entertainment.

The applicant is requesting approval of an Outline Development Plan (ODP), supported by a Vision Book that establishes the intended design and architectural themes and materials, as well as a Design Pattern Book that includes the more substantive development regulations.

PRIOR ACTION:

Annexation/Zoning

The approximate 100-acre site is located on the west side of I-70 on the south side of Clear Creek. The properties were annexed into the City in 2005. The annexation was known as the Coors/Cabela's annexation and Cabela's subsequently purchased portions of the Coors properties with the intent of building a new retail store. City Council approved a rezoning of the properties to Planned Commercial Development with approval of an ODP in 2006 and a Final Development Plan for an 185,000 square foot store in August 2006.

Many things changed in the corporate structure of Cabela's shortly after those approvals. Notably, Cabela's became a publicly traded company and their Board of Directors made a decision that they would no longer "self-develop" their properties/stores but would seek a developer partner. Not long after, the economy entered the Great Recession and the project was shelved.

In 2011, the property was rezoned a second time, to accommodate a somewhat smaller Cabela's store as well as a 177,000 square foot Walmart. In all, nearly 1,000,000 square feet of retail/office was proposed in that rezoning, which was an aggressive amount of commercial space to be fully filled.

In 2012, Cabela's made the corporate decision to locate two much smaller stores in Colorado along the I-25 corridor at the north and south ends of the Denver metropolitan area, both of which opened in 2013. Until recently, Walmart continued to be a part of the proposed Clear Creek Crossing project, seeking to locate a Super Walmart in this location, which was part of the 2011 approval. In the summer of 2017, Walmart made the decision not to build in this location.

Environmental Assessment for Road Improvements

When the property was going through the annexation and rezoning process in 2005/2006, there was a parallel process being coordinated through the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) to determine what improvements would be needed to the adjacent street and highway network to serve the 100-acre site. At that time, the final state- and federally-approved Environmental Assessment (EA) required the construction of the following improvements:

- New underpass at 40th (complete)
- Widening to Youngfield and 32nd (complete)
- New on/off ramps from I-70 into the project (under design, funded through 2E bond)
- Construction of Clear Creek Drive from 32nd, north through the project, over Clear Creek and up to SH58
- Construction of an entirely new interchange at SH58 and Clear Creek Drive

The EA required that all of these infrastructure upgrades be fully completed prior to any certificates of occupancy being approved for any portion of the Clear Creek Crossing development. This is an expensive list of public infrastructure projects to design and build, and the scope of these costs has always been a challenging aspect of getting the Clear Creek Crossing project completed.
Based on physical aspects of the site, the project also includes significant site development costs relative to grading, the import of significant amounts of fill materials and the construction of a regional stormwater detention facility.

FINANCIAL IMPACT:

Public/Private Development Agreement

A public/private development agreement was approved as a parallel part of the 2006 zoning entitlement process. That joint development agreement funded all of the public infrastructure, including all of the above noted transportation infrastructure. Whenever the City enters into joint development agreements or public/private partnerships, it is critical to ensure that the deal is mutually beneficial to the City and the developer. Critical to that goal is that the percent of public money that is shared back, such as sales tax revenues, is limited and the term of the share back is as short as possible, so that City's general fund revenues are not impacted for the long term. The original development agreement with Cabela's met those criteria.

In 2011, when the second rezoning was approved, including both Cabela's and Walmart, a joint development agreement was also considered. Several developers considered partnering with Cabela's and ultimately the developer (THF) had extensive negotiations with Cabela's and the City on the structure of a joint development agreement. The terms and assumptions in those draft agreements did not meet the mutually beneficial goals that the City seeks to ensure. In summary, the relative amount of public tax revenue share back was too great and the term of payback was longer than desired by the City. As a result, the parties did not execute an agreement in 2011.

It is anticipated that the City will enter into a joint development agreement with the new developer, Evergreen Devco, to fund portions of the necessary public infrastructure over a period of time through a share back of a portion of the City tax revenues that are generated from this project. The terms of that agreement have not yet been negotiated, pending first the approval of these zoning documents.

BACKGROUND:

Zone Change Request

The applicant is requesting approval of an Outline Development Plan (ODP), supported by a Vision Book that establishes the intended design and architectural themes and materials, as well as a Design Pattern Book that includes the more substantive development regulations.

Specific development proposals for various phases of the development will subsequently be reviewed and approved as Specific Development Plans (SDPs). These SDPs will be reviewed for compliance with the ODP use chart, Vision Book and Design Pattern Book. Specific Development

Plans are reviewed and approved by the Planning Commission, pursuant to the planned development regulations in municipal code.

Before City Council currently is a first reading on a rezoning ordinance, the purpose of which is to set a date and time for City Council public hearing, which is proposed for February 12, 2018. In the intervening time, the rezoning application and ordinance will be referred to the Planning Commission, who are scheduled to conduct a public hearing on January 18, 2018 and forward their recommendations to City Council.

Existing Conditions

The property is undeveloped, with the exception of a portion of the local road network having been built (40th Avenue underpass and short extension). There is an active grading and fill permit that authorizes the import of fill material and overlot grading. Denver Water is under construction for a new 80-inch water line, which replaces two existing water lines that traverse the property and have existed for many years. This multi-year Denver Water project includes boring under I-70 and the Applewood Shopping Center and terminates at the Moffat Treatment Center off of 20th Avenue in Lakewood. The property was previously used as a gravel mine, with Coors at one point anticipating using the property for additional water storage facilities.

Surrounding Land Uses

Properties to the west are generally the Applewood Golf Course and water storage facilities for Coors. Clear Creek is located to the north, along with additional vacant properties owned by Coors and zoned for low intensity office/industrial uses as part of the original Coors/Cabela's ODP. Properties directly to the south are generally highway oriented commercial uses, including a gas station, hotel and restaurants. Properties adjacent to the southwest include larger lot single-family homes located in unincorporated Jefferson County. Across I-70 to the east is the Applewood Village shopping center with various retail/restaurant uses.

Summary of Proposed Zoning

As noted in the Prior Action section of this Council Action Form, much has happened since this property was first approved for a development project in 2006. The country and region have endured the Great Recession and much has changed in the world of retail commercial development.

As noted previously, one of the chief obstacles of completing this project has been how to pay for the vast amount of new road infrastructure that is required. To that end, in 2014, the City initiated an update to the Environmental Assessment (EA) to determine whether the construction of road infrastructure could be phased, reducing the initial cost for the project. The City hired a transportation consultant to determine whether the requirement to build Clear Creek Drive over the creek and up to SH58, including the new interchange, could become a second phase that gets built when properties north of the creek develop in the future.

Alongside the City's traffic consultant, staff have been working with CDOT and FHWA through that analysis. Phasing of a lesser amount of development does appear to be feasible as a phase one

and approval of an update to the EA is anticipated in early 2018. It is important to note that the new mix of uses, including employment, multi-family, retail and entertainment often have varied peak hour traffic, helping to spread the traffic out over the course of a day, reducing congestion at certain intersections and helping to make this phasing possible.

Much like the previous zoning document for the project, the current Outline Development Plan divides the 100-acre site into Planning Areas (PAs) and creates a slightly different list of permitted uses in each of those PAs. The application seeks to ensure a fair amount of flexibility in the land use mix, as the developer is negotiating with numerous potential end users and tenants. Further, based on the adjacent interstate location, a wide variety of land uses may be appropriate in each of the planning areas and help to achieve the vision of a dynamic mixed-use development concept. Following is a brief summary of the new land use concept:

PA-1 – This area is east of Clear Creek Drive and immediately adjacent to I-70 and therefore appropriate for a large variety of commercial retail, office, entertainment and employment uses. Multi-family residential would also be allowed, as would various employment based uses, notably offices, hospitals and research and development. The developer is negotiating with a potential major employer to anchor this planning area and provide a daytime population that would benefit the retail and restaurant components of the project.

PA-2 – This area is also east of Clear Creek Drive, but further removed from I-70. It could have strong potential for multi-family, with the adjacency to Clear Creek and the potential for attractive west facing views. It also has commercial potential and it too has a great deal of flexibility in uses, not knowing specifically how the development program for the project will evolve over time.

PA-3 – This area is adjacent to I-70, Clear Creek Drive and 40th Avenue, offering prime commercial retail, restaurant, and entertainment potential. As a result, residential uses are excluded from this planning area. Motor fueling stations are not allowed in this planning area, as is also the case in PA-1 and PA-2. It is the intent in this planning area to achieve a high degree of walkability and high quality urban design and architecture at the heart of the project.

PA-4 – This area is adjacent on either side of the new on and off ramps from I-70, as such a greater amount of auto oriented uses are allowed, including car washes and restaurant drive-throughs and motor vehicle fueling. Residential uses are not allowed in this more auto-oriented district.

PA-5 – This area is adjacent to PA-6 to the north, a vacant commercial lot to the south, and a portion of the existing single-family residential neighborhood further to the southwest. The physical grade of the property in this planning area is such that it sits somewhat below those adjacent properties. Multi-family is allowed, but more intensive uses such as light industrial are not allowed. With proximity to the I-70 ramps, this district is appropriate for commercial uses, including some auto-oriented uses.

PA-6 – This area was previously planned as the Walmart site and is a large site that can accommodate larger format users, including possibly larger retail users and possibly larger entertainment uses. However, with its western views and adjacency to water it could also have potential for multi-family uses, particularly if PA-2 does not become a multi-family site.

PA-7 – This is a small planning area located at a signalized intersection along Clear Creek Drive, so likely has good potential for smaller format retail, restaurant, office, etc.

PA-8 – This area straddles Clear Creek and was previously acquired from Jefferson County after Foothills (Table Mountain) Animal Shelter was decommissioned and moved. A large portion of PA-8 is in the floodplain and this district will function as privately owned/maintained open space.

Review Process
As noted in earlier comments, approval of the ODP is the first step in a Planned Development process. The ODP approves permitted uses, access configuration for cars, bikes and pedestrians. The Vision Book establishes the architectural design themes, and the Design Pattern Book establishes all of the development regulations for site planning, landscaping, architectural details, etc. These regulatory documents will be used during the Planning Commission's subsequent review of Specific Development Plans for each phase of the project.

The applicant will also be submitting a revised subdivision plat for the development, which will be reviewed and approved by both the Planning Commission and City Council.

It is also worth noting that the developer has proposed the use of an Architectural Control Committee, which many larger projects use to ensure that future designers are incorporating the intent of all of these regulatory documents. The composition of that Committee is described in the Design Pattern Book, will be appointed mutually by the City and the Developer, and typically includes architects and urban designers among its members. That schematic design review process occurs prior to and during the review of an SDP, with the goal being to ensure that projects are being designed with a high quality from the outset.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 01-2018, an ordinance approving the rezoning of property located on the west side of Interstate-70 between approximately 34th Avenue and Clear Creek from Planned Commercial Development to Planned Mixed Use Development on first reading, order it published, public hearing set for Monday, February 12, 2018 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication."

REPORT PREPARED/REVIEWED BY:
Zack Wallace Mendez, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 01-2018
2. Outline Development Plan
3. Vision Book
4. Design Pattern Book

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 01
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED ON THE WEST OF INTERSTATE-70, BETWEEN APPROXIMATELY 34TH AVENUE AND CLEAR CREEK FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO PLANNED MIXED USE DEVELOPENT (PMUD) (CASE NO. WZ-16-07 / CLEAR CREEK CROSSING)

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of requests for land use cases; and,

WHEREAS, Evergreen Devco, Inc. has submitted a land use application for approval of a zone change to the Planned Mixed Use Development (PMUD) zone district with an Outline Development Plan (ODP), Design Pattern Book, and Vision Book for property located west of Interstate-70, between approximately 34th Avenue and Clear Creek; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a Regional Commercial Center west of Interstate 70 and south of Clear Creek; and,

WHEREAS, the proposed planned development will permit a well-designed, innovative development with greater control and specificity of intended development character, use, operations, and maintenance that is not feasible under a standard zone district; and

WHEREAS, the proposed planned development will further promote the public health, safety and general welfare by permitting greater flexibility and innovation in land development based upon this comprehensive, integrated plan.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Upon application by Evergreen Devco, Inc. for approval of a zone change ordinance from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP), Design Pattern Book, and Vision Book for property located west of Interstate-70, between approximately 34th Avenue and Clear Creek , and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change is approved for the following described land:

ATTACHMENT 1

LOTS 1, 2 AND 3, BLOCK 1;
LOT 1, BLOCK 2;
LOT 1, BLOCK 3;
LOT 1, BLOCK 4;
THAT PORTION OF LOT 1, BLOCK 5 AS CONTAINED IN DEED RECORDED DECEMBER 23, 2004 UNDER
RECEPTION NO. F2149072;
LOTS 3 THROUGH 6, BLOCK 5;
AND TRACTS A, B, C AND D;
CLEAR CREEK CROSSING SUBDIVISION FILING NO. 1,
COUNTY OF JEFFERSON, STATE OF COLORADO

Section 2. Vested Property Rights. Approval of this zone change does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of __ to __ on this 8th day of January, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, February 12, 2018 at 7:00 o'clock p.m**., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved as to Form

_____
Gerald Dahl, City Attorney

1st publication:
2nd publication:
Wheat Ridge Transcript:
Effective Date:

CLEAR CREEK CROSSING

AN OFFICIAL PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN
CITY OF WHEAT RIDGE, COLORADO

A PARCEL OF LAND, LOCATED IN THE SE ¼ OF SECTION 19, THE SW ¼ OF SECTION 20,
THE NE ¼ OF SECTION 29, T 3 S, R 69 W, OF THE SIXTH P.M.,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK 1;
LOTS 1 AND 2, BLOCK 2;
LOT 1, BLOCK 3;
LOTS 1, 2 AND 3, BLOCK 4;
AND TRACTS A AND B;
CLEAR CREEK CROSSING SUBDIVISION FILING NO. 2,
COUNTY OF JEFFERSON, STATE OF COLORADO

TOTAL AREA OF ALL PARCELS = 4,791,287 SQ. FT. (109.993 ACRES) MORE OR LESS

NOTE: THE PROPOSED PLANNING AREA LAND VALUES HEREIN HAVE BEEN ADJUSTED TO ACCOUNT FOR THE REVISED ROW DEDICATION.

CHARACTER OF DEVELOPMENT

THE CLEAR CREEK CROSSING MIXED USE DEVELOPMENT IS INTENDED TO PROVIDE THE CITY OF WHEAT RIDGE WITH A DESTINATION DEVELOPMENT THAT PROVIDES A WIDE RANGE OF USES TO HELP GROW THE CITY'S COMMERCIAL, RESIDENTIAL, AND EMPLOYMENT BASES. THROUGH THE USE OF UNIFYING DESIGN ELEMENTS, INCLUDING ARCHITECTURAL STYLE, LANDSCAPE DESIGN, URBAN DESIGN WITH SPECIAL ATTENTION PAID TO ITS PUBLIC SPACES, THIS PROJECT IS ENVISIONED TO BE UNIQUE AND AUTHENTIC IN ITS USES AND ARCHITECTURAL STYLE, WHILE STILL PROVIDING A COHESIVE EXPERIENCE FOR THE USER.

THE OVERALL PROJECT WILL FOCUS ON CREATING STRONG SENSE OF PLACE THAT PROTECTS THE CULTURAL HERITAGE AND PROMOTE CULTURAL AWARENESS AND STRONG KINSHIP TIES. CLEAR CREEK CROSSING WILL CELEBRATE THE INTRINSIC VALUES THAT DEFINE THE CITY OF WHEAT RIDGE AND WILL EMBRACE THE SIMPLE BEAUTIES OF THE LANDSCAPE IN AN AUTHENTIC GESTURE. THE OVERALL DESIGN THEME FOR THE PROJECT IS A MODERN AGRARIAN DESIGN AESTHETIC THAT BLENDS TRADITIONAL AGRARIAN FORMS AND MATERIALS WITH MODERN ARCHETYPES AND USERS. TO ACCOMPLISH THIS THEMING WITHIN THE DISTINCT LAND USES WITHIN THE PROJECT, A GROUP OF DISTRICTS HAVE BEEN ESTABLISHED TO ALLOW A UNIQUE TREATMENT FOR EACH LAND USE WHILE MAINTAINING COHESIVE DESIGN ELEMENTS THROUGHOUT ALL DISTRICTS. THE PROJECT IS ENVISIONED TO BE ONE GROWN FROM THE EARTH WITH A STRONG EMPHASIS ON THE BASE PLANE AND THE BUILDINGS INTEGRATION WITH THE SITE AND SURROUNDING CONTEXT.

WITH THE SITE'S PROXIMITY TO CLEAR CREEK, ALONG WITH THE RICH HISTORY OF THE AREA, THE OVERALL CHARACTER OF THIS DEVELOPMENT WILL FOCUS ON A STRONG CONNECTION TO THE CREEK THROUGH THE USE OF TRAIL NETWORKS, SIGNAGE, WAYFINDING GRAPHICS, AND OTHER SITE AMENITIES.

THIS DEVELOPMENT WILL FOCUS ON A COMMUNITY DRIVEN APPROACH, ACCOMPLISHED BY CREATING CONNECTIONS TO THE SURROUNDING NEIGHBORHOODS FOR EASY ACCESS INTO THE SITE, UNIFYING DESIGN ELEMENTS, AND PROVIDING NUMEROUS OPPORTUNITIES TO SHOP, LIVE, WORK, AND PLAY WITHIN THIS DEVELOPMENT.

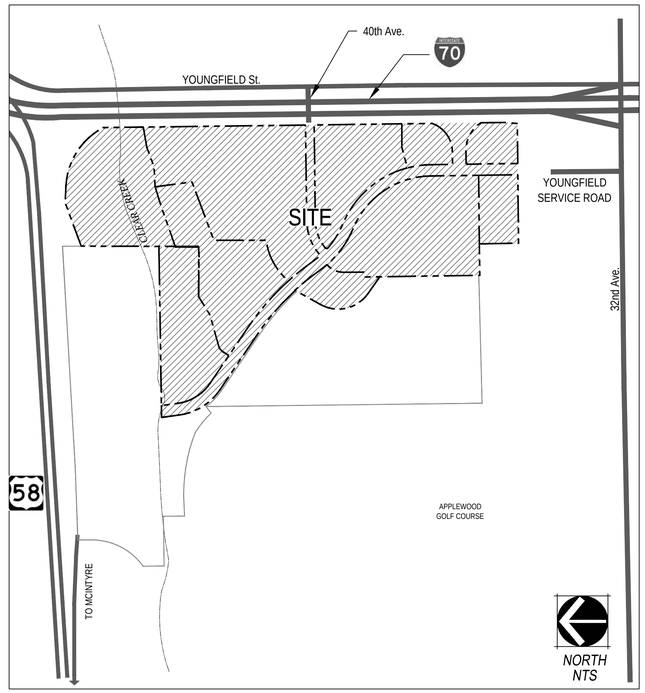
GENERAL NOTE

THIS OUTLINE DEVELOPMENT PLAN IS CONCEPTUAL IN NATURE. SPECIFIC DEVELOPMENT ELEMENTS SUCH AS SITE LAYOUT AND BUILDING ARCHITECTURE HAVE NOT BEEN ADDRESSED ON THIS DOCUMENT. AS A RESULT, A SPECIFIC DEVELOPMENT PLAN MUST BE SUBMITTED AND APPROVED BY THE CITY OF WHEAT RIDGE PRIOR TO THE SUBMITTAL OF BUILDING PERMIT APPLICATION AND ANY SUBSEQUENT SITE DEVELOPMENT.

CASE HISTORY

ANX-05-01, SUP-05-01, WZ-05-01, WZ-05-02, SUP-05-04, SUP-06-05, WZ-06-03, WS-06-01, MS-06-09, MS-06-10, SUP-10-01, ANX-11-01, WZ-11-01, WZ-11-02, WS-11-01, WZ-16-07

VICINITY MAP



SHEET INDEX

01	COVER SHEET
02	LAND USE MAP
03	PERMITTED USES
04	PERMITTED USES CONTINUED

PROJECT TEAM

PREPARED FOR:
CLEAR CREEK CROSSING, L.L.C.
1873 S. BELLAIRE STREET
SUITE 1106
DENVER, CO 80222

PLANNING & LANDSCAPE ARCHITECTURE:
NORRIS DESIGN
1101 BANNOCK STREET
DENVER, CO 80204

ENGINEER:
MARTIN/MARTIN
12499 WEST COLFAX AVENUE
LAKEWOOD, CO 80215

SITE PLANNING:
GALLOWAY
6162 S. WILLOW DRIVE, SUITE 320
GREENWOOD VILLAGE, CO 80111

OWNER'S CERTIFICATE UNIFIED CONTROL STATEMENT

THE BELOW-SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE THAT THE PROPERTY LEGALLY DESCRIBED HEREON WILL BE DEVELOPED AS A PLANNED DEVELOPMENT IN ACCORDANCE WITH THE USES, RESTRICTIONS AND CONDITIONS CONTAINED IN THIS PLAN, AND AS MAY OTHERWISE BE REQUIRED BY LAW. I (WE) FURTHER RECOGNIZE THAT THE APPROVAL OF REZONING TO PLANNED DEVELOPMENT, AND APPROVAL OF THIS OUTLINE DEVELOPMENT PLAN, DOES NOT CREATE A VESTED PROPERTY RIGHT. VESTED PROPERTY RIGHTS MAY ONLY ARISE AND ACCRUE PURSUANT TO THE PROVISIONS OF SECTION 26-121 OF THE WHEAT RIDGE CODE OF LAWS.

_____
CLEAR CREEK CROSSING, L.L.C.

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D. 2018
BY _____.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

_____
BROKEN HILL 3, L.L.C.

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

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BY _____.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I,_____ DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF THE CLEAR CREEK CROSSING DEVELOPMENT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAN ACCURATELY REPRESENTS SAID SURVEY.

_____
SURVEYOR'S SIGNATURE

SURVEYOR'S SEAL

PLANNING COMMISSION CERTIFICATE

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20__ BY THE WHEAT RIDGE PLANNING COMMISSION.

_____
CHAIRPERSON

CITY CERTIFICATION

APPROVED THIS _____ DAY OF _____, _____ BY THE WHEAT RIDGE CITY COUNCIL.

ATTEST

_____ _____
CITY CLERK MAYOR

_____
COMMUNITY DEVELOPMENT DIRECTOR

JEFFERSON COUNTY CLERK & RECORDER

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

I HEREBY CERTIFY THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT _____ O' CLOCK _____ .M. ON THE _____ DAY OF _____ , _____ , A.D., IN BOOK _____ , PAGE _____ , RECEPTION NO. _____.

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

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F 303.892.1186
www.norris-design.com

CLEAR CREEK CROSSING
OFFICIAL PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN
CITY OF WHEAT RIDGE, COLORADO

APPLICANT:
Evergreen
Development | Services | Investments
CLEAR CREEK CROSSING, L.L.C.

1873 S. BELLAIRE STREET
SUITE 1200
DENVER, CO 80222

NOT FOR CONSTRUCTION

DATE:
DECEMBER 14, 2016
MAY 10, 2017
JULY 21, 2017
AUGUST 30, 2017
NOVEMBER 20, 2017
JANUARY 02, 2017

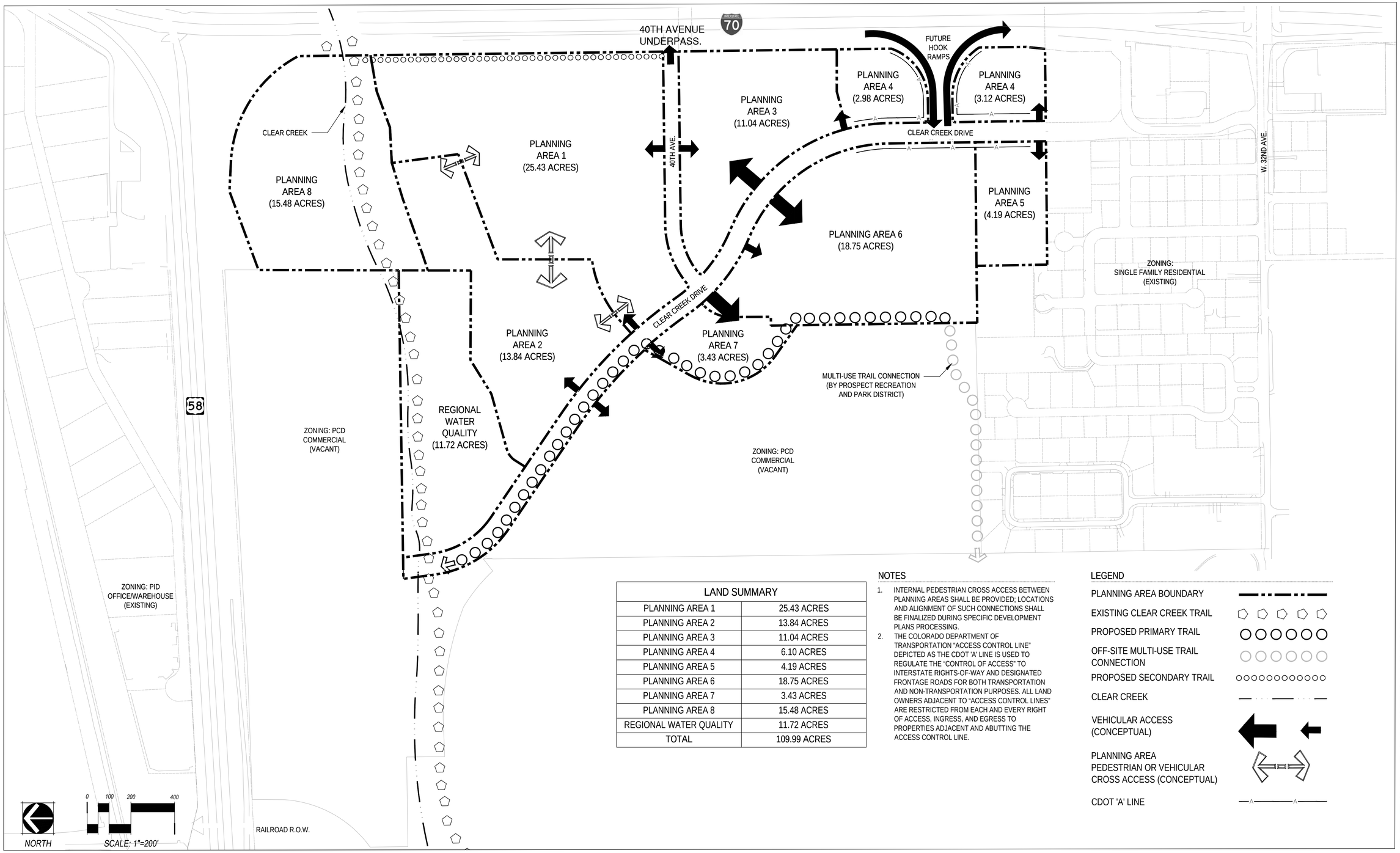
SHEET TITLE:
COVER SHEET

CHECKED BY:
DRAWN BY:

CLEAR CREEK CROSSING

AN OFFICIAL PLANNED MIXED USE OUTLINE DEVELOPMENT PLAN
CITY OF WHEAT RIDGE, COLORADO

A PARCEL OF LAND, LOCATED IN THE SE ¼ OF SECTION 19, THE SW ¼ OF SECTION 20,
THE NE ¼ OF SECTION 29, T 3 S, R 69 W, OF THE SIXTH P.M.,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



LAND SUMMARY	
PLANNING AREA 1	25.43 ACRES
PLANNING AREA 2	13.84 ACRES
PLANNING AREA 3	11.04 ACRES
PLANNING AREA 4	6.10 ACRES
PLANNING AREA 5	4.19 ACRES
PLANNING AREA 6	18.75 ACRES
PLANNING AREA 7	3.43 ACRES
PLANNING AREA 8	15.48 ACRES
REGIONAL WATER QUALITY	11.72 ACRES
TOTAL	109.99 ACRES

NOTES

1. INTERNAL PEDESTRIAN CROSS ACCESS BETWEEN PLANNING AREAS SHALL BE PROVIDED; LOCATIONS AND ALIGNMENT OF SUCH CONNECTIONS SHALL BE FINALIZED DURING SPECIFIC DEVELOPMENT PLANS PROCESSING.
2. THE COLORADO DEPARTMENT OF TRANSPORTATION "ACCESS CONTROL LINE" DEPICTED AS THE CDOT 'A' LINE IS USED TO REGULATE THE "CONTROL OF ACCESS" TO INTERSTATE RIGHTS-OF-WAY AND DESIGNATED FRONTAGE ROADS FOR BOTH TRANSPORTATION AND NON-TRANSPORTATION PURPOSES. ALL LAND OWNERS ADJACENT TO "ACCESS CONTROL LINES" ARE RESTRICTED FROM EACH AND EVERY RIGHT OF ACCESS, INGRESS, AND EGRESS TO PROPERTIES ADJACENT AND ABUTTING THE ACCESS CONTROL LINE.

LEGEND

- PLANNING AREA BOUNDARY
- EXISTING CLEAR CREEK TRAIL
- PROPOSED PRIMARY TRAIL
- OFF-SITE MULTI-USE TRAIL CONNECTION
- PROPOSED SECONDARY TRAIL
- CLEAR CREEK
- VEHICULAR ACCESS (CONCEPTUAL)
- PLANNING AREA PEDESTRIAN OR VEHICULAR CROSS ACCESS (CONCEPTUAL)
- CDOT 'A' LINE

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NOVEMBER 20, 2017
JANUARY 02, 2017

SHEET TITLE:
LAND USE

CHECKED BY:
DRAWN BY:

CLEAR CREEK CROSSING

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A PARCEL OF LAND, LOCATED IN THE SE ¼ OF SECTION 19, THE SW ¼ OF SECTION 20,
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LEGEND:
P: PERMITTED USE
NP: NOT PERMITTED USE
SU: SPECIAL USE

ALLOWED USES	PA-1	PA-2	PA-3	PA-4	PA-5	PA-6	PA-7	PA-8
RESIDENTIAL INCLUDING:								
ASSISTED LIVING FACILITY	P	P	NP	NP	P	P	NP	NP
DWELLING, SINGLE ATTACHED	NP	P	NP	NP	P	P	NP	NP
DWELLING, DUPLEX	NP	P	NP	NP	P	P	NP	NP
DWELLING, MULTIPLE	P	P	NP	NP	P	P	NP	NP
DWELLING, LIVE/WORK	P	P	NP	NP	P	P	NP	NP
PUBLIC, CIVIC AND INSTITUTIONAL INCLUDING:								
COMMUNITY BUILDINGS INCLUDING LIBRARIES, AND MUSEUMS	P	P	P	P	P	P	P	NP
GOVERNMENT AND QUASI-GOVERNMENTAL BUILDINGS AND OFFICES	P	P	P	P	P	P	P	NP
HOSPITAL	P	NP	NP	NP	NP	NP	NP	NP
PARKS, OPEN SPACE, PLAYGROUNDS AND PLAZAS	P	P	P	P	P	P	P	P
PUBLIC USES AND BUILDINGS	P	P	NP	NP	NP	NP	NP	NP
INDOOR AMUSEMENT AND RECREATIONAL ENTERPRISES	P	P	P	P	P	P	P	NP
OUTDOOR AMUSEMENT FACILITIES	P	P	P	P	P	P	P	NP
SCHOOLS, PUBLIC AND PRIVATE, COLLEGES, UNIVERSITIES, TRADE SCHOOLS	P	P	NP	NP	NP	NP	NP	NP
UTILITIES, MAJOR	NP	NP	NP	NP	NP	NP	NP	P
UTILITIES, MINOR	P	P	P	P	P	P	P	P
URBAN GARDENS (SEE 26-637)	P	P	NP	NP	NP	NP	NP	NP
TRANSIT STATIONS, PUBLIC OR PRIVATE	P	P	P	P	P	P	P	NP
WATER STORAGE	NP	NP	NP	NP	NP	NP	NP	P
COMMERCIAL SERVICES AND RETAIL INCLUDING:								
ADULT ENTERTAINMENT	NP	NP	NP	NP	NP	NP	NP	NP
AMUSEMENT FACILITIES OR OUTDOOR RECREATION	P	P	P	P	P	P	P	NP
ANIMAL DAYCARE, INDOOR WITH NO OUTDOOR RUNS OR PENS	P	P	P	NP	P	P	P	NP
APPLIANCE, HOME IMPROVEMENT AND HOME FURNISHING STORES	P	P	P	P	P	P	P	NP
AUTO SERVICE AS AN ACCESSORY TO PRIMARY	P	NP	NP	P	P	P	P	NP
BANKS AND FINANCIAL INSTITUTIONS, NO DRIVE -THROUGH OR DRIVE-UP	P	NP	P	P	P	P	P	NP
BANKS AND FINANCIAL INSTITUTIONS, DRIVE-THROUGH OR DRIVE-UP	P	NP	P*	P	P	P	P	NP
BARS, TAVERNS AND NIGHT CLUBS	P	P	P	P	P	P	P	NP
CAR WASHES, AS ACCESSORY TO RETAIL	NP	NP	NP	P	P	P	P	NP
DAY CARE CENTER, CHILD AND ADULT	P	P	P	P	P	P	P	NP
DRIVE-UP OR DRIVE-THROUGH USES (SEE 26-1106E WHEAT RIDGE MUNI. CODE)	P	NP	P*	P	P	P	NP	NP
DRUG STORES, DRIVE-THROUGH OR DRIVE-UP	P	P	P	P	P	P	P	NP
EATING ESTABLISHMENT, SIT DOWN	P	P	P	P	P	P	P	NP
EATING ESTABLISHMENT, DRIVE-THROUGH OR DRIVE-UP	P	NP	P*	P	P	P	P	NP
GROCERY & SPECIALTY FOOD STORES	P	P	P	P	P	P	P	NP
HAIR, NAIL AND COSMETIC SERVICES	P	P	P	P	P	P	P	NP

* DRIVE-UP OR DRIVE-THRU USES PERMITTED ONLY AS PART OF A MULTI-TENANT BUILDING

NOTES:
1. OUTDOOR DISPLAY ALLOWED AS SHOWN ON THE SPECIFIC DEVELOPMENT PLAN AND IS SUBJECT TO SECTION 26-631 OF THE WHEAT RIDGE CODE OF LAWS. TEMPORARY SALES ARE ALLOWED PURSUANT TO SECTION 26-630 OF THE WHEAT RIDGE CODE OF LAWS.
2. ARCHITECTURAL DESIGN, SITE DESIGN, STREETSCAPE, SIGNAGE, FENCING, LIGHTING AND LANDSCAPING SHALL BE IN CONFORMANCE WITH THE CLEAR CREEK CROSSING DESIGN PATTERN BOOK, KEPT ON FILE WITH THE CITY OF WHEAT RIDGE COMMUNITY DEVELOPMENT DEPARTMENT.

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SHEET TITLE:
USE TABLE

CHECKED BY:
DRAWN BY:

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CITY OF WHEAT RIDGE, COLORADO

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ALLOWED USES, CONTINUED	PA-1	PA-2	PA-3	PA-4	PA-5	PA-6	PA-7	PA-8
COMMERCIAL SERVICES AND RETAIL INCLUDING (CONTINUED):								
HARDWARE STORES	P	P	P	P	P	P	P	NP
LIQUOR STORES	NP	NP	P	P	P	P	P	NP
MOTOR FUELING STATIONS	NP	NP	NP	P	P	P	P	NP
MOTOR VEHICLE SALES, OUTDOOR DISPLAY	NP	NP	NP	NP	NP	NP	NP	NP
MOTOR VEHICLE SALES, INDOOR DISPLAY	P	P	P	P	P	P	P	NP
OPTICAL STORES	P	P	P	P	P	P	P	NP
OUTDOOR STORAGE AS ACCESSORY USE	P	NP	NP	NP	NP	NP	NP	NP
PAWN BROKERS	NP	NP	NP	NP	NP	NP	NP	NP
PERSONAL SERVICES	P	P	P	P	P	P	P	NP
PHOTOCOPYING AND PRINTING	P	P	P	P	P	P	P	NP
PRODUCE STANDS (SEE 26-636 AND 26-613 FOR HOME OCCUPATION	P	P	P	P	P	P	P	NP
RECREATIONAL FACILITIES, COMMERCIAL	P	P	P	P	P	P	P	NP
REPAIR, RENTAL AND SERVICING OF AUTOMOBILES, NO OUTDOOR STORAGE	P	NP	NP	P	P	P	P	NP
RETAIL	P	P	P	P	P	P	P	NP
SPORTING GOODS STORE	P	P	P	P	P	P	P	NP
VETERINARY CLINICS AND HOSPITALS, NO OUTDOOR RUNS OR PENS	P	P	P	P	P	P	P	NP
HOSPITALITY AND ENTERTAINMENT INCLUDING:								
ART STUDIOS AND GALLERIES	P	P	P	P	P	P	P	NP
HOTELS, MOTELS AND EXTENDED STAY LODGING	P	P	P	P	P	P	P	NP
PRIVATE CLUBS AND SOCIAL CLUBS	NP	NP	NP	NP	NP	NP	NP	NP
STUDIOS INCLUDING ART, MUSIC, DANCE,TV AND RADIO BROADCASTING STATIONS	P	P	P	P	P	P	P	NP
TEMPORARY OUTDOOR THEATER / PERFORMANCE	P	P	P	P	P	P	P	NP
THEATERS	P	P	P	P	P	P	P	NP
OFFICE AND INDUSTRIAL INCLUDING:								
MEDICAL AND DENTAL CLINICS	P	P	P	P	P	P	P	NP
OFFICES	P	P	P	P	P	P	P	NP
OFFICE - WAREHOUSE, NO OUTDOOR STORAGE	P	NP	NP	NP	NP	NP	NP	NP
PROCESSING, ASSEMBLY OR LIGHT INDUSTRIAL OPERATIONS	SU	NP	NP	NP	NP	NP	NP	NP
RESEARCH LABORATORIES AND OFFICES	P	P	NP	NP	NP	NP	NP	NP
WAREHOUSE	NP	NP	NP	NP	NP	P	NP	NP
WHOLESALE	NP	NP	NP	NP	NP	P	NP	NP
ANCILLARY USES INCLUDING:								
PARKING FACILITIES (INCLUDING STRUCTURES)	P	P	P	P	P	P	P	NP
TEMPORARY USES INCLUDING:								
SPECIAL EVENTS, INCLUDING FESTIVAL AND FARMERS MARKETS (SEE 26-635)	P	P	P	P	P	P	P	NP
OTHER								
SIMILAR USES PER SECTION 26-309 OF THE WHEAT RIDGE CODE OF LAWS	P	P	P	P	P	P	P	NP

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USE TABLE CONTINUED

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CLEAR CREEK CROSSING

WHEAT RIDGE, CO

VISION BOOK
January, 2018

. . . where a community comes together

Galloway
Planning. Architecture. Engineering.

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Located at the southwest quadrant of Hwy 58 and I-70 in Wheat Ridge, Colorado, Clear Creek Crossing is an 110-acre planned mixed use development, including retail, entertainment, hotel, multi-family residential and employment land uses. With the site's proximity to Clear Creek, the project will include a strong connection to the creek through the use of trail networks to and through the planned development. Clear Creek Crossing's community-driven approach will embrace simplicity in its design, taking cues from the natural beauty and history of the location while taking advantage of visibility and direct accessibility to a major freeway corridor. It will provide the community with exciting new opportunities to live, work, shop, dine, stay and play.

Community is not a place, but the connection among people with something in common - sharing experiences. Where communities connect to the place, that is *Clear Creek Crossing*.

Clear Creek Crossing Outline Development Plan (ODP) includes eight (8) planning areas, each with unique development standards. The site's location at the junction of I-70 and Hwy 58 offers an opportunity for a wide mix of uses within the planned development, given its superb visibility and accessibility, via planned ramps directly into Clear Creek Crossing. The site envelopes a significant portion of Clear Creek and its associated trail, providing existing connections to regional trails and surrounding communities. Refer to the Clear Creek Crossing Official Development Plan for the allowable use chart and a depiction of the individual planning areas. Specific project guidelines and land development standards are detailed in the Clear Creek Crossing Design Pattern Book, intended to provide clear and consistent direction for the future development of the project.

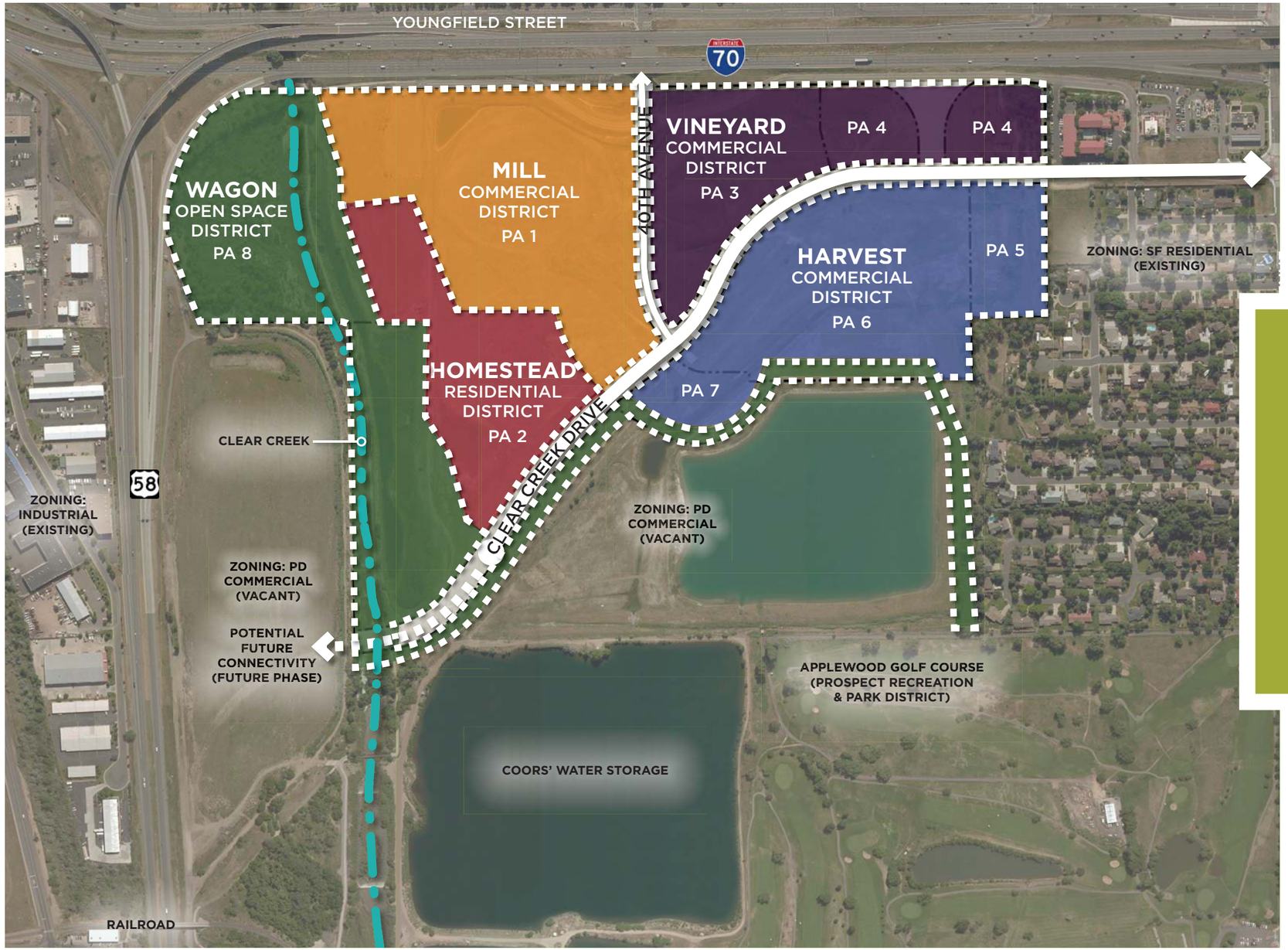
OVERALL CHARACTER OF DEVELOPMENT

The Clear Creek Crossing Planned Mixed Use Development is intended to provide the City of Wheat Ridge with a destination development that includes a wide range of uses to grow the City's commercial, residential, and employment bases. Through the use of unifying design elements, including architectural style, landscape design and urban design with special attention paid to its public spaces, this project will be unique in uses and authentic in its architectural style, while providing a cohesive experience for the user. The development will focus on creating a strong sense of place that respects the cultural heritage, promoting cultural awareness as well as strong kinship ties. Clear Creek Crossing will celebrate the intrinsic values that define the City of Wheat Ridge, seeking to embrace the simple beauties of the landscape in an authentic gesture.

The overall design theme for the project is a modern agrarian aesthetic that blends traditional agrarian forms and materials with modern archetypes and users. To accomplish this theming among the distinct land uses within the project, a group of districts have been established to allow a unique treatment for each land use while maintaining cohesive design elements throughout all districts. The project is envisioned to be one grown from the earth with a strong emphasis on the base plane and building integration with the site as well as surrounding context. With its proximity to Clear Creek, along with the rich history of the area, the overall character of this development will focus on a strong connection to the creek through the use of trail networks, signage, wayfinding graphics, and other site amenities. Clear Creek Crossing will focus on a community-driven approach, accomplished by creating connections to the surrounding neighborhoods for easy access into the site, unifying design elements, and providing numerous opportunities to shop, live, work, and play.

SITE HISTORY

This site has a rich history that extends all the way back to the Colorado Gold Rush. Clear Creek is renowned for its part in the most intense and early mining activity during the Gold Rush of 1859. Later on, this site, also known as the Arapahoe Bar, was the location of the first irrigation ditch and commercial farming operation in Colorado. For over 155 years men, women and children have come to this place to experience the thrill of discovery and the connection with the great Colorado outdoors.



Project Districts

The Clear Creek Crossing Planned Mixed Use Outline Development Plan includes eight planning areas; based on the proposed use within each planning area, distinct groupings or Districts have been created in order to apply distinct and varied treatment that is unique to the use within that district, while maintaining cohesive theming through the use of architecture, landscape, urban design, and signage.

NORTH

0 300 600

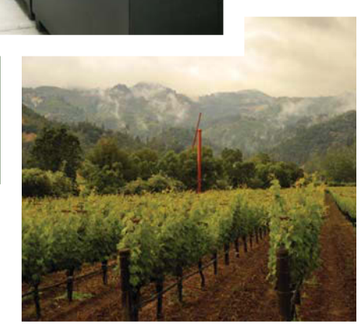
SCALE: 1"=300'

MILL

The Mill District's form follows function of activity and productivity. The employment land use is complemented with raw agrarian materials. Landscape design and form may reflect working mills using key agricultural imagery like storage silos or water wheels as inspiration in this District.

VINEYARD

The Vineyard District includes entertainment, restaurant, and retail uses creating a central social destination. Strong unified architecture and design reflecting cultivated land forms will establish this portion of Clear Creek Crossing creating a unique community experience.

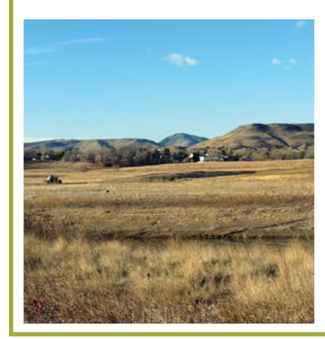


HARVEST

The Harvest District encompasses retail and hospitality uses. Design inspiration comes from cultivated agrarian land patterns. Defined with landscape treatment recalling plentiful harvest, the District is characterized by form following function.

HOMESTEAD

Anchored by multi-family land use, the Homestead District is for dwelling. Agrarian forms in architecture, landscape, and amenities create a community that offers a place to call home. Opportunities for community gardens can reflect the nature of a traditional homestead. The Homestead will make the most of mountain views and proximity to Clear Creek, with strong connectivity to the rest of the community.



WAGON

Consisting of the foot trails and bike ways, the creek area, and scenic views, the Wagon District will be a place of activity and leisure that provides strong connectivity throughout the entire site including convenient access to Clear Creek. The Wagon District will serve the community by providing an important link to the great Colorado outdoors.

The Mill District encompasses employment uses, encouraging medium to high density development, with uses including corporate campus-type uses such as office, research & development, hospital, and university/education uses. Buildings shall be placed according to the requirements of the respective use and in consideration of the characteristics of the site. Parking is likely to be surface with a potential for structured parking where appropriate. Building height, density and setbacks reflect the site's location on an interstate.

MILL

The Vineyard District is comprised of retail and entertainment uses including stores, shop buildings, banks, restaurants including both full-service and quick-serve, theater and gaming. Buildings shall be placed according to the requirements of the respective use and in consideration of the characteristics of the site, while placing a priority on circulation, walkability and common site amenities. Parking will be in surface lots, with potential for structured parking to serve entertainment uses. Site design at the pedestrian level will encourage walkability by connecting users to the planning areas and the various tenants within them. Where possible, siting of buildings should prioritize fronting to public or private streets with parking located behind to help establish place-making.

VINEYARD

Retail, in the form of large format with accessory small retail uses, restaurant and hotel uses will create the Harvest District. Buildings shall be placed according to the requirements of the respective use and in consideration of the characteristics of the site, while placing a priority on circulation and walkability. Parking will be in surface lots. Signage is intended to be "brand-forward" as required by national operators but should coordinate with the overall Clear Creek Crossing signage design.

HARVEST

Multifamily residential uses, including apartment complex and/or townhome formats comprise the Homestead District. Buildings shall be placed according to the requirements of the respective use and in consideration of the characteristics of the site, while placing a priority on circulation and walkability. Parking will be in surface lots. In addition, above grade garages tucked under units in buildings or in separate buildings shall be allowed.

HOMESTEAD

The Wagon District is a multi use trail network connecting to all other Districts by sidewalks. It connects to locations off-site to the north at Clear Creek Trail and to the south, at the planned trail by Prospect Recreation and Park District connecting to the Applewood neighborhood through the existing Applewood Golf Course. The trails will include common surface design, wayfinding signage, trash receptacles, benches and other amenities. Landscaping should be natural and native to the region. Shade shall be provided by trees and a trailhead shade structure with a small surface parking lot at the northern end of the site as well as street parking along Clear Creek Drive will be utilized to provide access to the Clear Creek Trail.

WAGON

Architectural design is grounded in the beauty and history of the site with a modern agrarian aesthetic, blending traditional forms with modern users.

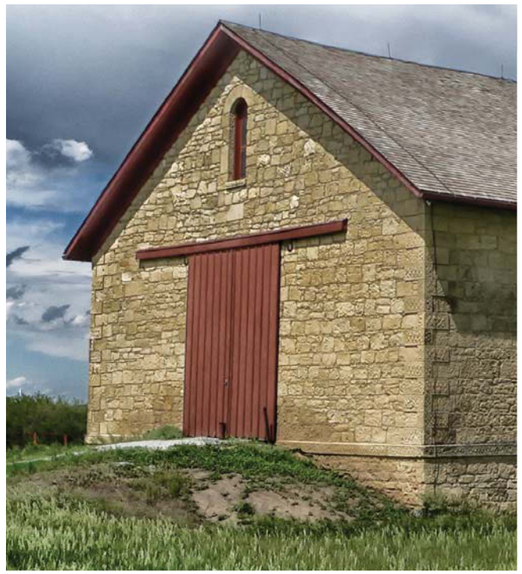
Simple yet expressive structures create a strong sense of place while respecting the cultural heritage of the location.

ARCHITECTURAL INTENT & CHARACTER

With respect to the surroundings of this site as well as its rich history and relation to Clear Creek, the architecture of this development should be one that is grounded in its site, both from a local and regional perspective. While the intent of the development as a whole is intended to create a cohesive and inviting environment, the architectural style of individual buildings is intended to remain flexible in design in order to allow for a unique development and discourage monotony. The architecture is intended to be of a modern expression while including hints of vernacular architectural styles of the Front Range and the Rocky Mountain region. This will manifest itself in the building forms and massing, roof forms, fenestration patterns & openings, overhangs and canopies, materials and finishes, building transparency and the utilization of indoor/outdoor spaces which provide a strong connection to the outdoor lifestyle.

Key themes to be considered to achieve this vernacular Colorado style include modern interpretations of authentic architectural styles including ranch, agrarian, prairie, and western industrial. It is imperative that some flexibility in the following standards and guidelines be considered to allow for architectural variety and franchise architecture, as long as the proposed quality is consistent with these guidelines.

Connected to the rich history of the location as well as its proximity to Clear Creek, simple forms and materials drawn from barns, sheds and stone buildings inspire the modern agrarian design direction. These buildings are utilitarian, with design and materials intended to serve a functional purpose, built to last over time. Pure yet expressive structures, these simple forms are a response to the site and in many ways contemporary in approach.



Key architectural themes

call for a utilitarian approach to building and roof forms arising from basic needs, where every element has a purpose.

Rugged but inviting, these structures reflect the outdoor lifestyle embedded in the culture of the community, manifested through building and roof forms, massing, transparency, fenestration patterns, openings and canopies.

The building forms at Clear Creek Crossing utilize simple modern agrarian archetypes. Buildings are to be broken down into smaller human scaled elements that are seamlessly integrated into the ground plane. Buildings are designed to feel indigenous to the area and representative of the agricultural history of the site.

The roof forms of the buildings are intended to be one of the key design elements for the buildings at Clear Creek Crossing. Buildings will incorporate a variety of roof types, slopes, and materials.

AGRARIAN MATERIAL PALETTE

SECONDARY

BOARD FORMED CONCRETE

STUCCO

CMU

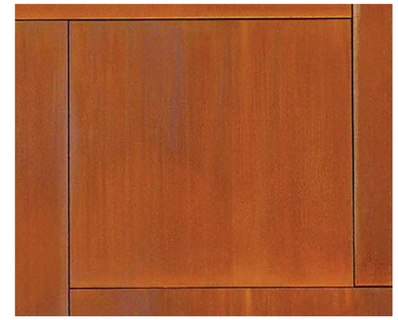
WOOD

BOARD & BATTEN

CEDAR SIDING

RECLAIMED

METAL



WEATHERED

STANDING SEAM

RUSTIC

STONE

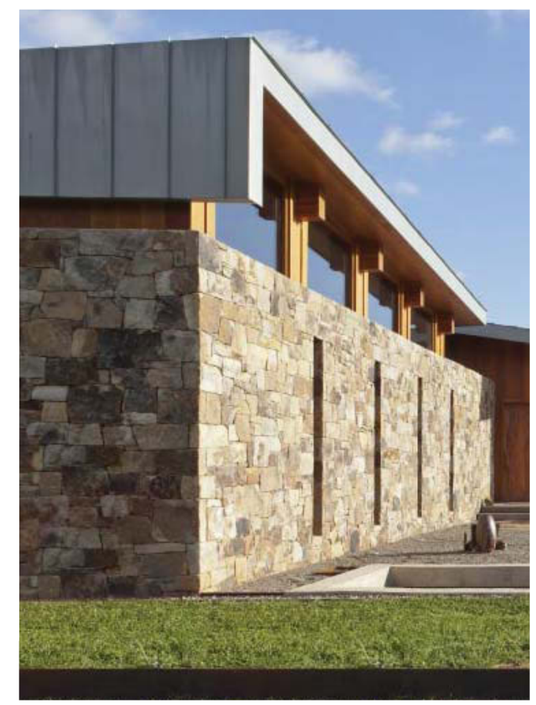
COURSED STONE

CUT STONE

FIELDSTONE

Material palette may apply to architecture, signage and site amenities at Clear Creek Crossing.

Materials should be simplistic in approach to the agrarian design and provide a connection to the natural cues of the site.



The overall material palette for Clear Creek Crossing should be applied using the basic agrarian principles illustrated throughout the Vision Book. Material applications should be authentically applied with a focus on simplicity and an emphasis towards enhancing the building forms.

While a cohesive and inviting environment is the intention, the architectural style of individual buildings may remain reasonably flexible, responding to the needs and expression of the respective uses, as suggested within the Districts.

Mill District

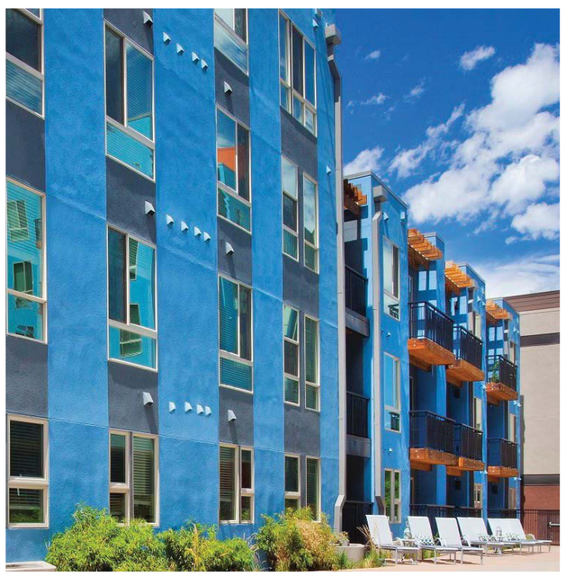
Employment uses including corporate campus facilities, offices, hospital, research and development buildings.

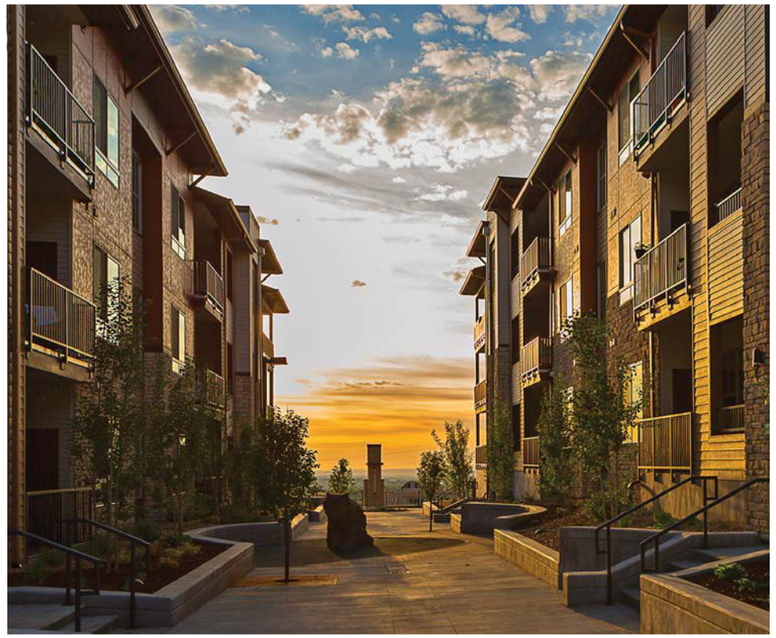
Vineyard District

Retail uses including stores and shop buildings, banks, and restaurants arranged both individually and in a collective format.

Homestead District

Multi-family residential uses including apartments and townhomes.





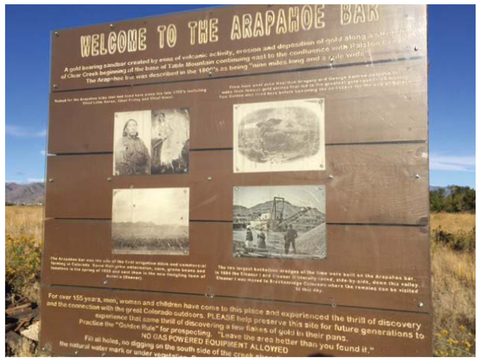
Harvest District

Larger format retail and hotel uses with potential for smaller retail uses as an accessory to the District.

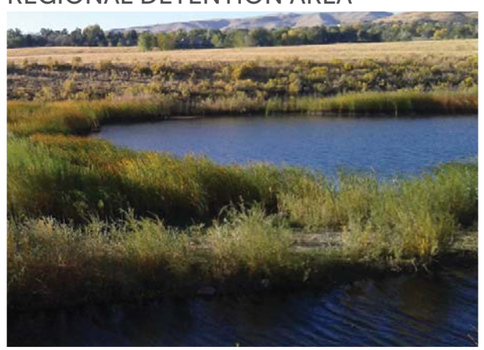
Wagon District

Multi-use trail and sidewalk network connecting the Districts as well as providing a link to Clear Creek and nearby neighborhoods.

ARAPAHOE BAR INTERPRETATIVE SIGN



REGIONAL DETENTION AREA



OBLIQUE AERIAL OF SITE

Existing Clear Creek Trail

A key goal of Clear Creek Crossing is to maintain equivalent opportunities to access the Clear Creek trail system as they exist in the pre-development condition. Parking, interpretive signage, and access points are all considered as amenities to carry into the finished project.

Trail connections throughout Clear Creek Crossing connect pedestrian and bicyclists to the Districts, emphasizing the underlying theme of the development: the great Colorado outdoors. Fundamental to the culture of the surrounding communities, the trail network links to both the existing Clear Creek Regional Trail as well as the surrounding neighborhoods.

NORTH

0 300 600

SCALE: 1"=300'

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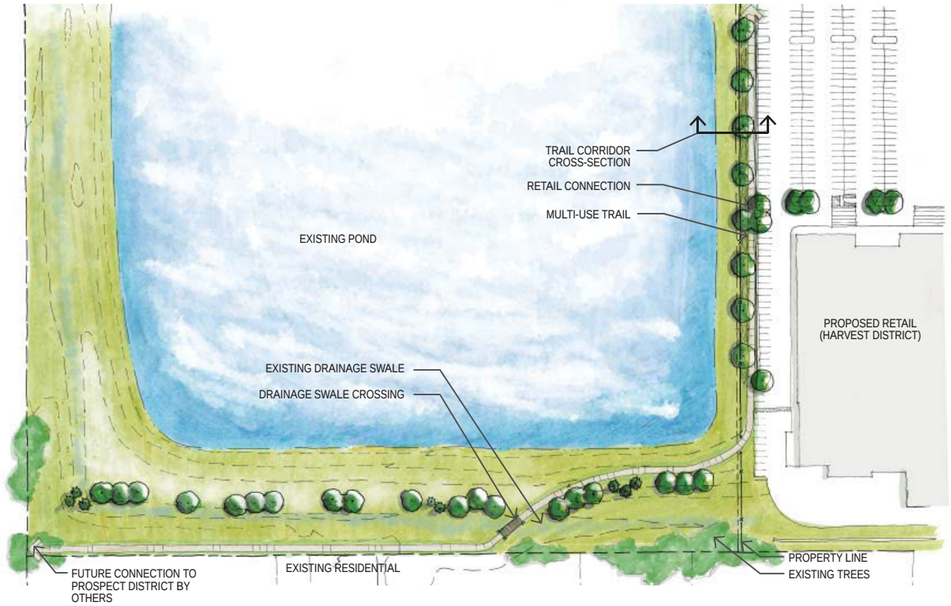
PEDESTRIAN CIRCULATION

CLEAR CREEK CROSSING
WHEAT RIDGE, CO | JANUARY, 2018

NEIGHBORHOOD TRAIL CONNECTION

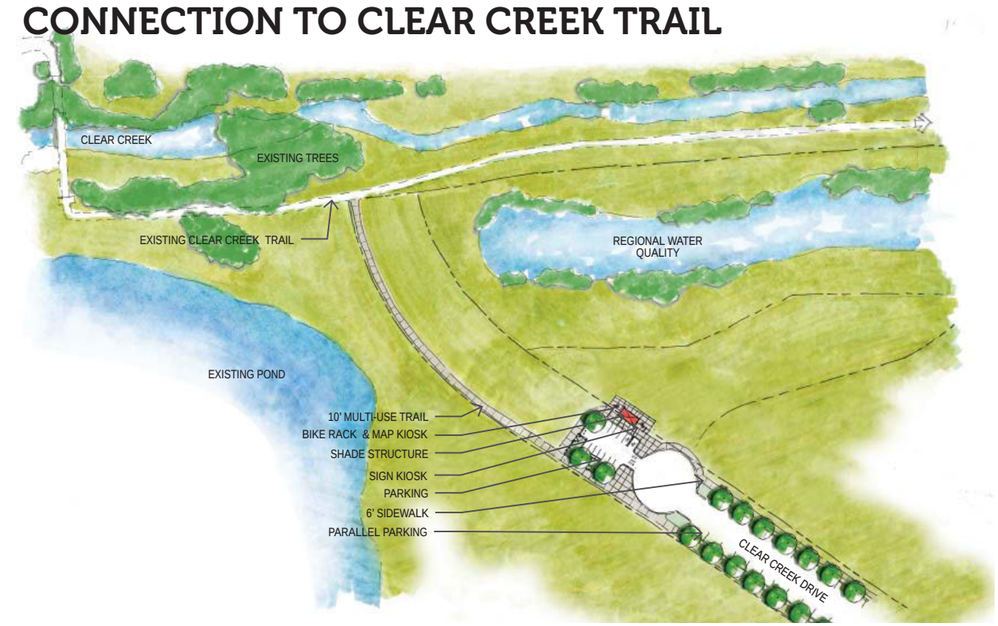


Multi-use trail and sidewalk connections will encourage residents, workers and visitors alike to enjoy the outdoors and stay awhile. With links to Clear Creek as well as connections to the trail connection to Applewood Golf Course planned by the Prospect Recreation and Park District, it is an important amenity to Clear Creek Crossing.

Wider than typical and with offsite connections, the multi-use trail will be suitable for walkers, cyclists and families and will include wayfinding signage, benches and natural landscaping. Parking and a small shelter for users will be located at the northern end of Clear Creek Drive, where the network connects to the Clear Creek Regional Trail.

TRAIL CORRIDOR CROSS-SECTION

CONNECTION TO CLEAR CREEK TRAIL



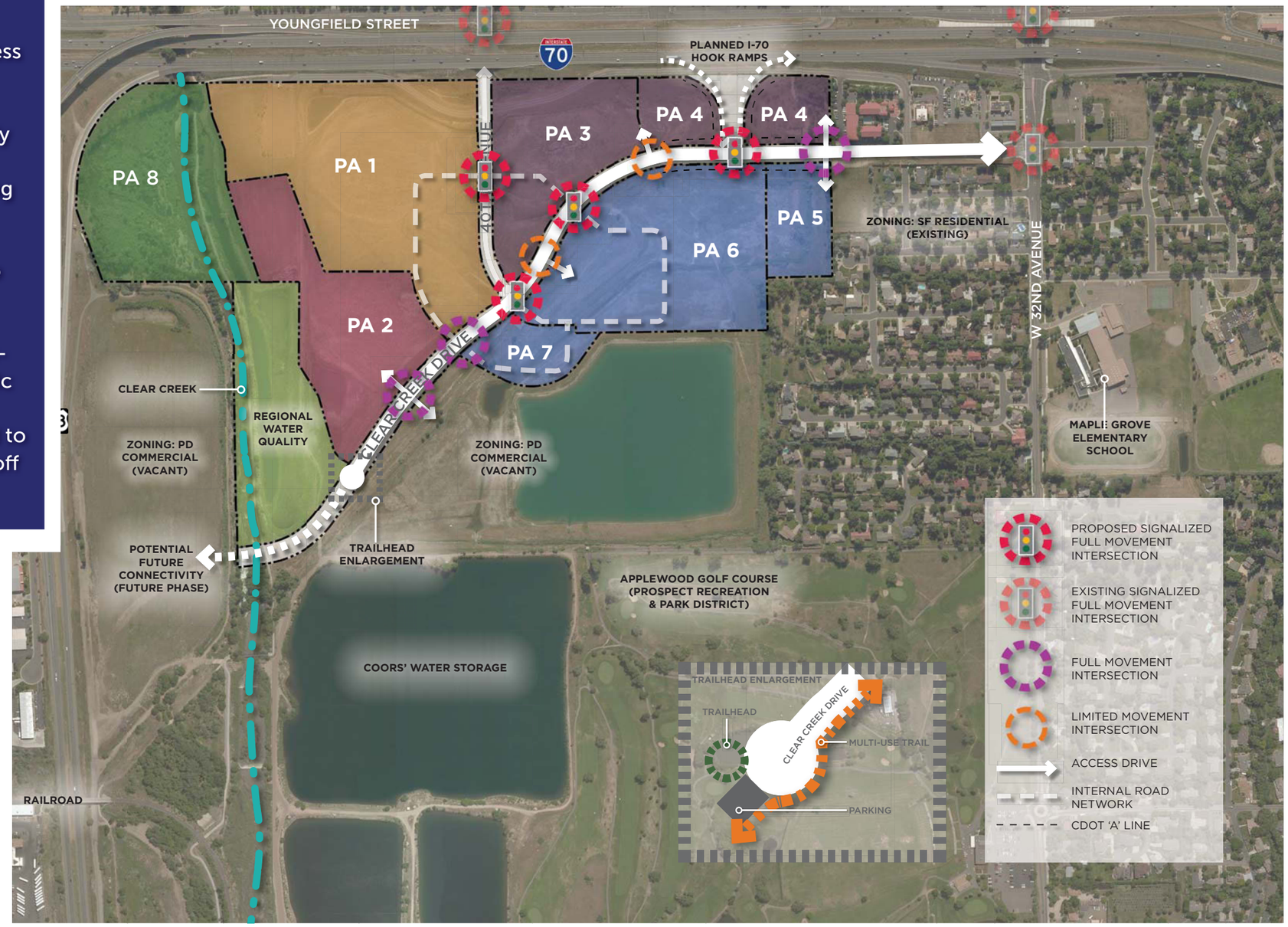
NORTH

*NOT TO SCALE - applies to all graphics on this page.

Note: Both of the above trail alignment and amenity graphics are conceptual in nature and subject to change pursuant to future approvals by the City of Wheat Ridge

Ensuring fluid vehicular circulation and access into and within the development is integral to the success of the project. Traffic through Clear Creek Crossing from the planned I-70 hook ramps must be responsibly managed to provide safe traffic patterns within the areas surrounding the development.

Local drives that provide access into individual planning areas will be finalized at the time of the Specific Development Plan for each developable lot. An update to the 2007 traffic impact study has been prepared to determine future traffic impacts and to recommend necessary on-site and off-site infrastructure improvements.



NORTH

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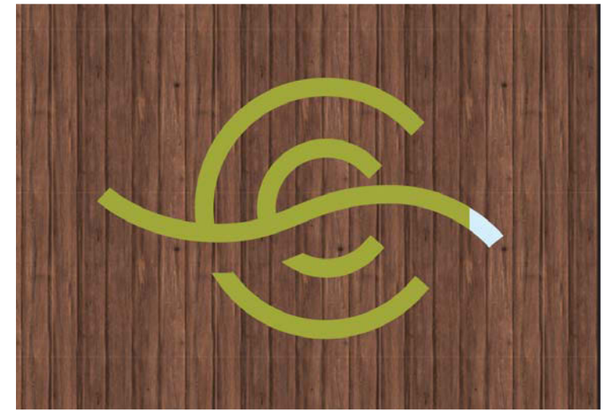
VEHICLE CIRCULATION

Signage design for Clear Creek Crossing further introduces the brand into the built environment. The use of synthetic wood juxtaposed with the contemporary and vibrant acrylic and metal elements, further parallels the relationship between the development, the nearby Clear Creek with its natural trails and the agrarian style found throughout the development.

Primary design consideration is given to legibility and brand recognition in order to provide viewers with clear direction and a sense of arrival.

Freestanding Signs

Clear Creek Crossing site signage allows flexibility while maintaining a brand identity. Through materials and color palette, the freestanding sign family is inspired by the natural and cultural cues that surround the Site.

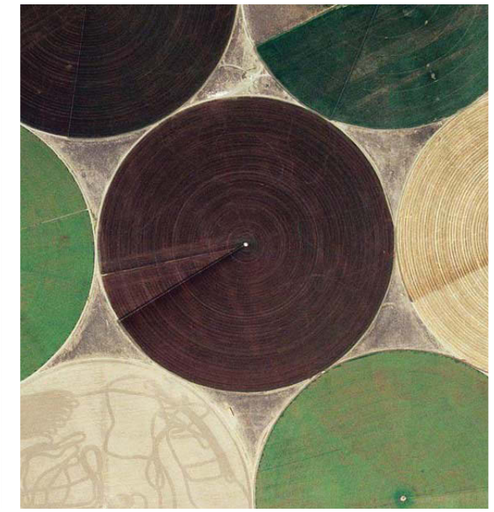


Building Signage

Wall-mounted signs will prioritize legibility and brand recognition, providing clear identification and direction complementary to freestanding signage. Building signage calls for attention to detail, especially at the pedestrian-level and encourages creativity in the Harvest and Vineyard Districts.

High quality landscaping and urban design will unify Clear Creek Crossing and create a place for the community to gather. Landscape treatment will bring added interest to walkways, entries, parking areas, and open space areas. Site amenities will add layers of interest by inviting visitors to stop and enjoy the outdoors with conveniences such as benches, shade, and bike racks.

CROP PATTERNS



SIMPLE NATURAL FORM

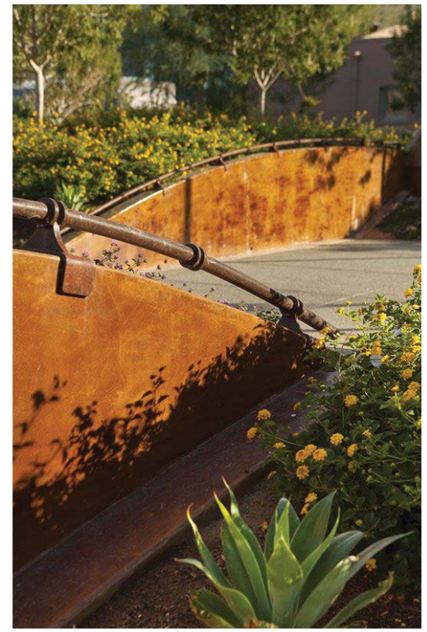
RADIATING LINES

Landscape design inspiration is taken from agrarian land and farming precedents to anchor this project in its rich environmental heritage. Adding to that theme will be a strong focus on creating a naturalized landscape setting that relates closely to Clear Creek and the adjacent foothills. More concentrated urban settings will be developed on the interior of Clear Creek Crossing and will be inspired by this theme.

LANDSCAPE INSPIRATION

In developed areas, raw materials and simple forms will bring unity to the landscape theme. A more naturalized landscape approach is encouraged near the Clear Creek and Trail. Naturalized open space and views will be prioritized wherever feasible.

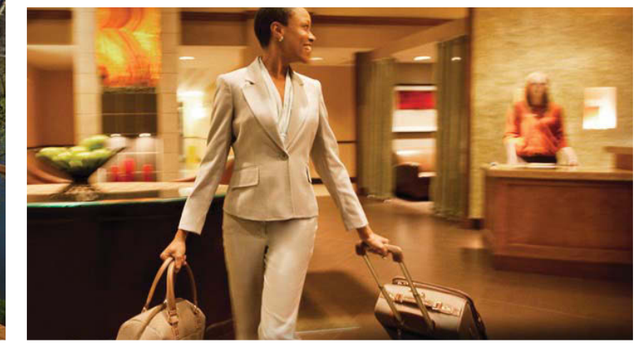
Sustainable, locally appropriate planting and design will be common to the landscape treatment throughout. Overall, the landscape and urban design will focus on creating modern-feeling spaces with a tie to the past using raw, authentic materials.



Clear Creek Crossing is a special development opportunity, offering an excellent I-70 location ripe for a mixed use development. With a community-driven approach to sourcing demand, the planned development will become a place as unique and welcoming as its beautiful location, naturally connecting the community to Clear Creek Crossing.

DINE

STAY

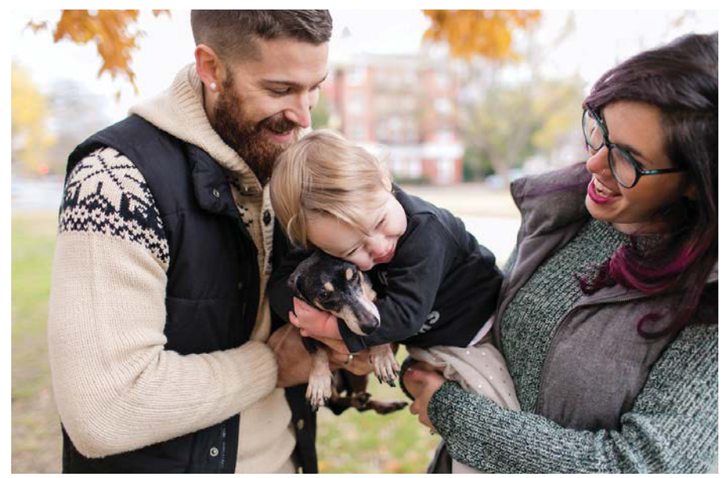


PLAY

SHOP

EXERCISE

WORK



LIVE

SOCIALIZE

Evergreen
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Evergreen Devco is a fully diversified real estate company with deep experience in retail, commercial and multi-family development, asset management, property management and leasing. The development and consulting company was founded in 1974 by Bruce Pomeroy and Andrew Skipper, and has offices in Phoenix, Los Angeles, and Denver and recently expanded into Salt Lake City. Evergreen has completed more than 500 development projects across the United States in more than 175 municipalities.

Galloway
Planning. Architecture. Engineering.

Galloway provides you with superior development solutions for retail, commercial, mixed-use, residential, industrial and infrastructure projects. Our unique, collaborative approach provides all key services under one roof in order to streamline the development process and facilitate communication and coordination between project team members.

Our comprehensive team consists of the most knowledgeable, dedicated and talented individuals in the industry who truly care about your success. We offer thoughtful, creative design solutions at every stage of the process, and our extensive industry knowledge helps minimize surprises throughout the development process.

NORRIS DESIGN
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Established in 1985, Norris Design's strategic partnership in planning, landscape architecture and project promotion encompasses local, regional, national and international projects. We combine responsive service with creative solutions that are grounded in realism to deliver a design that thrives, both today and in the future. Our knowledge and implementation of green building strategies is key to our design process and the success of our projects.

Our designs always reflect our clients' vision, goals and resources. We take great care to ensure that our solutions can be built and built well, not just for an immediate transformation – but a successful continuum that will continue to unfold.

Clients ask us most often if their vision will come to life. At Norris Design we can say "yes" every time.

CLEAR CREEK CROSSING

Clear Creek Crossing is envisioned to be unique and authentic in its variety of land uses, architectural style and use of unifying design elements, providing a cohesive experience for residents visitors, workers and shoppers. The project's design will pay special attention to its public spaces and will respond to the site's unique shape, historical relevance, topographical features, and both proximity and direct access to freeway corridors. With a strong emphasis placed on the base plane and the connection to Clear Creek and its established regional trail system, Clear Creek Crossing will be a place where a community comes together.

www.cccrossing.com

CLEAR CREEK CROSSING

WHEAT RIDGE, CO

Design Pattern Book

January, 2018

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0.0 - DESIGN REVIEW PROCESS

0.0 Schematic Design Review Process

GENERAL COMPLIANCE

Clear Creek Crossing ODP must comply with all applicable statutes, ordinances, rules and regulations promulgated by the City and other governmental entities which have jurisdiction over the Project, including revocable permits in the right-of-way (ROW), Americans with Disabilities Act, building permits, and permits for other public works matters.

APPLICABILITY

All development within Clear Creek Crossing is subject to the Clear Creek Crossing Design Pattern Book. Design review shall be conducted by the Architectural Control Committee (ACC) as established by the Master Developer and the City of Wheat Ridge.

OBJECTIVE

The objective of the design review process is to create a clear, consistent, and predictable process for development at the Project. The ACC shall perform schematic design review prior to the planning review process required and conducted by the City of Wheat Ridge.

SUBMITTAL REQUIREMENTS

The Applicant team shall meet with or submit approved design documents to the ACC at the following four key Project phases: Pre-Application Conference, Schematic Design, Design Development, and Final Recordation Phase. Informal design review meetings may be requested by the Applicant at any point in the development process as necessary to identify solutions on specific issues.

PRE-APPLICATION MEETING

A pre-application meeting shall be held between the Applicant and with both the ACC as well as City of Wheat Ridge to review the scope of the Project, the design review process, and identify all requirements, presumptions and considerations. The Applicant shall submit at the pre-application meeting the following:

- Intent Statement
- Development scope, Project uses and adjacent uses, and Project description
- Context Photos
- Conceptual Site Plan
- Conceptual Elevations, are encouraged
- Any special considerations

SCHEMATIC DESIGN

The Applicant team shall submit a Schematic Design Development Plan to the ACC. The ACC will request a meeting to discuss the application within 14 days from the receipt of the Schematic Design Plan. At this meeting, the Schematic Plan will be reviewed for compliance with the ODP and Design Pattern Book. In addition, the Application will be reviewed for its overall compatibility with the Project Vision Book. The applicant shall submit the following:

- Narrative describing elements of Project design and their compliance with the ODP and DPB.
- Site Plan
- Floor Plans
- Elevations

APPROVAL

The Schematic Design Development Plan shall be reviewed and comments shall be provided by ACC to Applicant within 14 business days after receipt of such submittal. ACC shall approve, recommend revision and re-submittal for subsequent Schematic Design Review or deny the submittal.

0.1 Design Development Review Process

DESIGN DEVELOPMENT

City Staff shall include the Clear Creek Crossing ACC in its referral process as it relates to documents and plans submitted to City of Wheat Ridge within the requirements of Specific Development Plan review and approval processes. The ACC will provide comments on these documents and plans to Wheat Ridge planning staff as requested in referral correspondence. Schematic Design review comments and approval correspondence will be provided to Wheat Ridge planning staff as an attachment to the referral comments. The City of Wheat Ridge Planning Commission has the ability to grant waivers to the standards set forth in this Design Pattern Book through a Specific Development Plan public hearing.

MODIFICATION OF DESIGN STANDARDS

These Design Standards are intended to have some flexibility. The ACC, with Wheat Ridge Community Development Director review and approval, may grant an alternative to a design standard if it finds the Applicant has satisfied the following:

- Alternative is consistent with the stated intent of the design standard.
- Alternative achieves or implements the stated intent to the same degree or better than strict compliance to the design standard would have achieved otherwise.
- Alternative will not create adverse impacts on adjacent developments.

AMENDMENT OF DESIGN PATTERN BOOK

The ACC shall be permitted to recommend amendment of the text of the Design Pattern Book at any time. However, if the ACC elects to amend the text of any of the provisions, such amendment shall not be effective until the ACC obtains written approval of the consent of the Wheat Ridge Community Development Director.

ARCHITECTURAL CONTROL COMMITTEE (ACC)

Committee:

- 3 seats, appointed by mutual agreement between the Developer and City of Wheat Ridge Community Development Director:
- 2 seats held by the Developer
- 1 seat held by City of Wheat Ridge Planning Staff member

Summary of Schematic Review Procedure and Architectural Control Committee's Role:

- Submittal to ACC for Schematic Design Review and Approval
- ACC provides letter to City regarding required schematic design review indicating plans are consistent with the intent of the overall development including any conditions or stipulations of approval.
- City of Wheat Ridge referral to ACC during SDP review and approval processes.
- ACC provides letter from to City regarding SDP document referrals, describing any significant differences from approved schematic design and including any additional comments relative to the design intent of the proposed site plan.

1.0 - PROJECT OVERVIEW

1.1 Property Description

Located at the southwest quadrant of Hwy 58 and I-70 in Wheat Ridge, Clear Creek Crossing is an 100-acre Planned Mixed-Use development, including retail, entertainment, hotel, multifamily residential and employment land uses. With the site's proximity to Clear Creek, the Project will include a strong connection to the creek with its trail networks to and through the planned development. Clear Creek Crossing's community-driven approach will embrace simplicity in its design, taking cues from the natural beauty and history of the location while taking advantage of visibility and direct accessibility to a major freeway corridor, providing the community with exciting new opportunities to live, work, shop, dine, stay and play.

Clear Creek Crossing Outline Development Plan (ODP) includes eight (8) planning areas, each with unique development standards. The site's location at the junction of I-70 and Hwy 58 offers an opportunity for a wide mix of uses within the planned development, given its superb visibility and accessibility, via planned ramps directly into Clear Creek Crossing. The site envelopes a significant portion of Clear Creek and its associated trail, providing existing connections to regional trails and surrounding communities. Refer to the Clear Creek Crossing ODP for the allowable use chart and a depiction of the individual planning areas. Specific Project guidelines and land development standards are detailed in the Clear Creek Crossing Design Pattern Book, intended to provide clear and consistent direction for the future development of the Project.

1.1 Vicinity Map

1.2 Purpose and Guidelines

The Clear Creek Crossing Design Pattern Book, (the “CCC-DPB”) serves as a complementary document to the Clear Creek Crossing Planned Mixed Use Outline Development Plan, (the “CCC-ODP”) approved pursuant to Case No. WZ-16-07. The purpose of the CCC-DPB is to establish design and regulatory guidelines adopted by City of Wheat Ridge, intended as a guiding document that works with the CCC-ODP. Included with the CCC-ODP submittal, the Clear Creek Crossing Vision Book articulates the conceptual design direction of the planned mixed use development, whereas the CCC-DPB and ODP provide the framework for guiding the development requirements and design direction through the various Specific Development Plan approvals that will be processed throughout the duration of Project’s development.

The CCC-DPB establishes guidelines as well as standards for Clear Creek Crossing, through the application of rules and regulations with the intention of creating a unique mixed-use environment optimally suited to its location at the confluence of a state highway and interstate freeway. These guidelines will establish a framework to guide developers, users, tenants and their respective design teams through the process of creating a clear and consistent design aesthetic that will work in unity with each of the Project’s Planning Areas, while contributing to the greater whole that is the City of Wheat Ridge. While the goals established in the CCC-DPB are meant to provide a clear and consistent direction for the initial and future development, they are also intended to be reasonably flexible. As market conditions change and building uses and types evolve over time, these guidelines are intended to encourage a level of design creativity that contributes to the uniqueness and sense of place envisioned for Clear Creek Crossing. The guidelines and standards set forth must strike a balance between flexibility and predictability as follows:

1. Recognize that the Project will be developed over time;
2. Create and maintain a standard of quality that will sustain value;
3. Promote a cohesive development pattern, while allowing for diversity and variety in the design and construction of individual Projects; and
4. Guide city planners, designers, developers and users/owners in making consistent choices that reinforce the Project goals.

1.3 Planning Goals

PROJECT GOAL:

The overall goal for Clear Creek Crossing is to create a thriving mixed use environment that creates a strong sense of place and provides the community with a gathering place in an environment that is safe, comfortable, casual and enjoyable to visitors of all ages. The development plan will guide the combination of a variety of uses such as retail, restaurant, hospitality, entertainment, multifamily residential, office and/or employment into a cohesive Project with strong patterns that are walkable and easily identifiable, with well-balanced groupings of buildings that work together to enhance not only the overall character of the Project, but its surroundings as well. The character of Clear Creek Crossing will be defined by its unique architectural style, pedestrian plazas, multi-use trail connections and cohesive unifying elements that integrate its varied land uses into one Project that enhances the community with its unique identity.

CORE DESIGN OBJECTIVES:

The core architectural and urban design values in the Clear Creek Crossing Development Plan should be implemented through the following objectives:

- Create a diverse, mixed use context that creates a strong sense of place and a destination for the surrounding communities.
- Develop a master site plan that encourages connectivity of uses through vehicular and pedestrian circulation where possible given the constraints present within the site.
- Provide a rich and diverse network of streets and pedestrian walks and bike ways that connect the Project both internally and externally to surrounding neighborhoods, in a meaningful way providing the user with a unique experience not found elsewhere.
- Create a walkable outdoor experience that extends the hours of activities and provides the community with a central gathering space that offers a variety of activities for everyone to enjoy.
- Establish an architectural theme that connects to the history of the site and community, while encouraging progressive design with high quality and efficient materials.

1.4 Document Organization

The Clear Creek Crossing Design Guidelines are organized into six categories:

- Site Design
- Building Design / Architectural Elevations
- Product Standards
- Landscape
- Lighting
- Signage

Each of the topics are then comprised of three major components that shall provide a guide for developers and designers through the process.

- Design Intent
- Design Standards
- Design Guidelines

DESIGN INTENT

The Intent Statement serves as a big picture goal with objectives establishing principles for the design topic. In areas where there may not be a specific Standard or Guideline, the Intent Statements are used to provide the design team with direction in resolving any questions or lack of clarity that the Outline Development Plan does not address. These Intent Statements should not be used, in and of themselves, as Standards or Guidelines.

DESIGN STANDARDS

Design Standards are prescriptive criteria that provide specific directions based on the Intent Statements. These Design Standards denote issues that are considered essential and will use the term “shall” to indicate that compliance is required.

DESIGN GUIDELINES

Design Guidelines provide the designers with additional considerations and alternative ways to accomplish the Intent Statements. The Design Guidelines are not mandatory criteria but will be considered a strong desire of the development. Design Guidelines use the term “should” or “may” to denote direction considered appropriate rather than mandatory in accomplishing the Intent Statement.

1.5 Site Planning Approach

When developing the Clear Creek Crossing site plan, consider physical characteristics and surrounding interests.

1. First and foremost, recognize the impacts of traffic to and through the site, outside of any site design, but given the uses being requested based on relevant market demand. Limit allowable development based on what "Phase Two I-70 Improvements" can support.
2. Consider the relative peripheral location of the site, and how it connects to surrounding established neighborhoods as well as to the region/city.
3. Consider physical characteristics of the site including topography as well as set public street and freeway ramp connections and their related constraints such as A-line, the Colorado Department of Transportation "access control line" is used to regulate the "control of access" to interstate rights-of-way and designated frontage roads for both transportation and non-transportation purposes. All land owners adjacent to "access control lines" are restricted from each and every right of access, from or to any part of Clear Creek Crossing Drive and the west-bound Interstate 70 off and on ramps, including the ability to ingress and egress properties adjacent and abutting the access control. Recognize that there are two streets in the Project, connecting offsite to the east and south and terminating in the Project where they connect to create a signalized intersection within the Project.
4. Ensure that site planning efforts on this phase of CCC will not constrain future phases, including Molson Coors land as well as proposed extension/connection of Clear Creek Dr to Hwy 58, neither of which are included in this ODP.

Set site planning priorities to guide successful Project outcomes.

1. Create marketable parcels to support the feasibility of CCC:
   a. Parcels, especially retail and hotel, should maximize opportunities of an interstate location, focusing on accessibility as well as visibility to broaden market as much as possible, capitalizing on "drive-by I-70" traffic, whether as commute or mountain trip.
   b. Multifamily residential and hotel parcels should capitalize on view corridors as well as connections to other parcels for working and shopping.
   c. Employment parcel should respond to a user's likely site design requirements to maximize marketability, including:
      i. Multiple buildings with varying functions and required interconnectivity,
      ii. Large parking fields to accommodate parking-ratio requirements and optimize access to buildings from parking lots,
      iii. Ring road providing access to parking fields as well as building entrances,
      iv. Allow walls, fencing, security gate, etc. depending upon Employer's operational needs.
2. Recognize that retail sales tax revenues from future users/tenants support the overall feasibility of this Project.
3. Meet parking requirements of users as a peripheral location is vehicle-oriented.

Design circulation networks (vehicular.pedestrian/bicycle) to be effective onsite as well as offsite

1. Consider 'who' will be visiting CCC and facilitate where they need to go, both with the Project and in terms of access to/from CCC:
   a. Employees and Employment Campus Visitors
   b. Apartment residents
   c. Hotel guests
   d. Retail shoppers
   e. Local and "Regional Traffic" Diners
   f. Drive-through customers, whether to bank(s), fuel, restaurants or "other" such as pharmacy, car wash, package pick-up, etc.
   g. Traffic with no intentions of stopping at CCC, including local traffic as well as "bypass" traffic avoiding I-70 issues.
   h. Visitors to Clear Creek Trail, whether driving, walking or cycling to and through the site, potentially with an intention of shopping or dining.
2. Maintain pedestrian/cyclist connectivity. Safety should be a high priority in design.

1.5 Site Planning Approach (cont.)

Determine the overall approach to site planning for the Project, from which development standards will be established.

1. Walkability and connectivity are high priorities for this mixed-use development.
2. Interstate visibility corridors are significant factors in marketability of parcels and drive value for many parcels. Given this consideration, view corridors must be maintained and in many locations along both Clear Creek Dr. and 40th Avenue, the street-oriented building placement is not the best approach to developing an effective master site plan.
3. Natural amenities define the uniqueness of the site and should be embraced whether through view corridors to the mountains and creek, or through a circulation plan that integrates on the on-site multi-use trail and sidewalk system with existing sidewalks and regional trails.

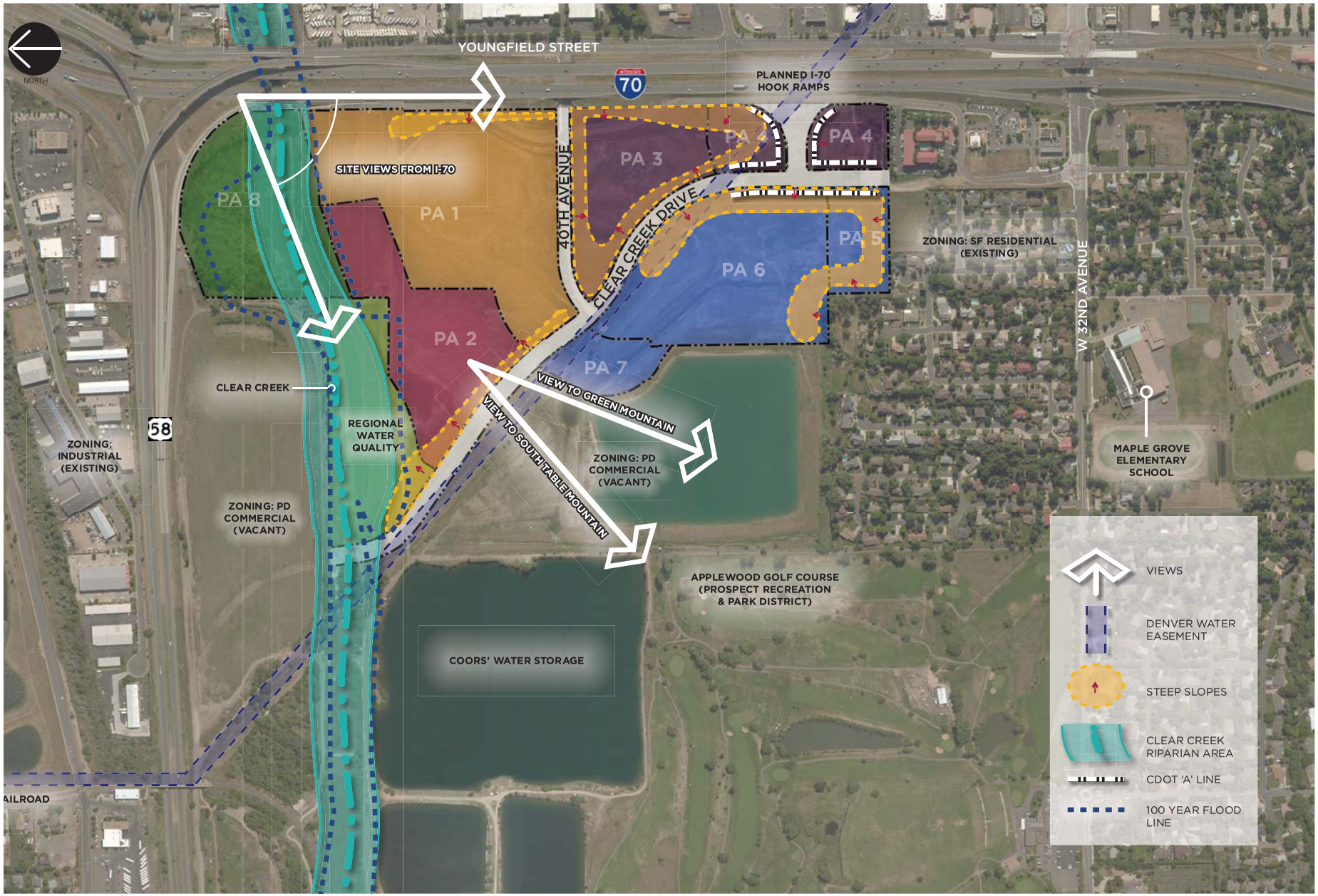
Planning Area (PA) access points should respond to Circulation Plan as well as likely uses within each PA and adjacent PAs.

1. PA site design should respond to street and pedestrian circulation system (see Sections 2.2 Streets & 2.3 Pedestrian Connectivity) as well as future users' site requirements in a way that supports parcel marketability but also promotes the Project vision, connecting the proposed land uses within the Master Plan as well as to the community.
2. PA site design should consider requirements and constraints of physical characteristics of each respective area.
3. PA site design should facilitate connections between planning areas as well as throughout the Project in order to encourage an optimally functioning mixed-use development.

1.5.1 Site Analysis and Constraints

The site planning approach for Clear Creek Crossing is influenced by several key opportunities as well as constraints presented by the existing site conditions that drive the development plan. The proximity to Clear Creek as well as its regional trail, and spectacular views of Green Mountain and South Table Mountain are significant to the site as a whole and especially to Planning Area 2's multi-family residential use; its location directly adjacent to this corridor aims to embrace the Creek and associated views and to provide convenient access for the residents to the Clear Creek Trail. The I-70 visibility corridor drives the location of all the site uses, especially as it pertains to visibility of retail and commercial uses. The CDOT "access line" or "A-Line" which restricts any access drives in this defined area associated with the freeway ramps, limits access point flexibility to several parcels also directing the overall traffic patterns in the development. Also, the steep slopes throughout the site drive where access points can be placed along public roadways and influence opportunities for cross access between planning areas. The Denver Water easement that runs through the site constrains land use options given the restrictions on various elements within that easement. Lastly, the 100-year and 500-year flood plains further constrain the site overall.

1.5.1 Site Analysis and Constraints Diagram



1.6 Concept Description & Site Plan

Clear Creek Crossing will focus on creating a strong sense of place, protecting the area's heritage while introducing a wide array of land uses to a site located at a key confluence of a major traffic corridor. The planned development will celebrate the intrinsic values that define the City of Wheat Ridge, embracing the simple beauties of the landscape in an authentic gesture. Through a community-driven approach, Clear Creek Crossing has been planned around the priority of connecting the surrounding neighborhoods and the Clear Creek Trail. The unified design elements will connect the various uses within the planned mixed use development particularly at the ground plane, with site signage. Pedestrian circulation, and landscape elements providing common visual cues across the development.

Through the use of unifying design elements, including architectural style, landscape design, urban design with special attention paid to its public spaces, this Project is envisioned to be unique and authentic in its uses and architectural style, while still providing a cohesive experience for the user. The overall design theme for the Project is a modern agrarian design aesthetic that blends traditional agrarian forms and materials with modern architypes and users. The Project is envisioned to be one grown from the earth with a strong emphasis on the base plane and the buildings integration with the site and surrounding context. With the site's proximity to Clear Creek, along with the rich history of the area, the overall character of the Project will focus on a strong connection to the creek through the trail networks, signage, wayfinding graphics, and other site amenities.

1.6.1 Concept Site Plan

2.0 - SITE DESIGN

2.1 Development Standards

The CCC-ODP includes eight (8) Planning Areas. Each Planning Area has a distinct set of development standards, providing an overall foundation upon which all future development shall be built. In the CCC-ODP, employment uses abut the interstate within PA-1, providing maximum visibility and access from high traffic corridors, specifically I-70 to the east and Hwy. 58 to the north. Residential uses are thoughtfully placed to the south of Clear Creek and west of the employment uses in PA-2, providing opportunities for beautiful, unobstructed mountain and creek views, as well as excellent trail access. The balance of the planned development allows various commercial uses including retail, office and hotel uses. Refer to the CCC-ODP map for the permitted uses chart by Planning Area.

2.2 Districts

The Districts have been created to define groupings of the eight (8) Planning Areas in the Project. The Districts are intended to provide design direction unique to the use and character of these defined areas, while still maintaining cohesive theming through the use of architecture, landscape, urban design and signage within the Project. There are five unique District types within the Project:

MILL - Employment uses, encouraging medium to high density development, with uses including corporate campus-type uses such as office, research & development, hospital, and university/education uses. Parking is likely to be a combination of surface and structure. Building height, density and setbacks reflect the site's location at the junction of a State highway and on an interstate freeway.

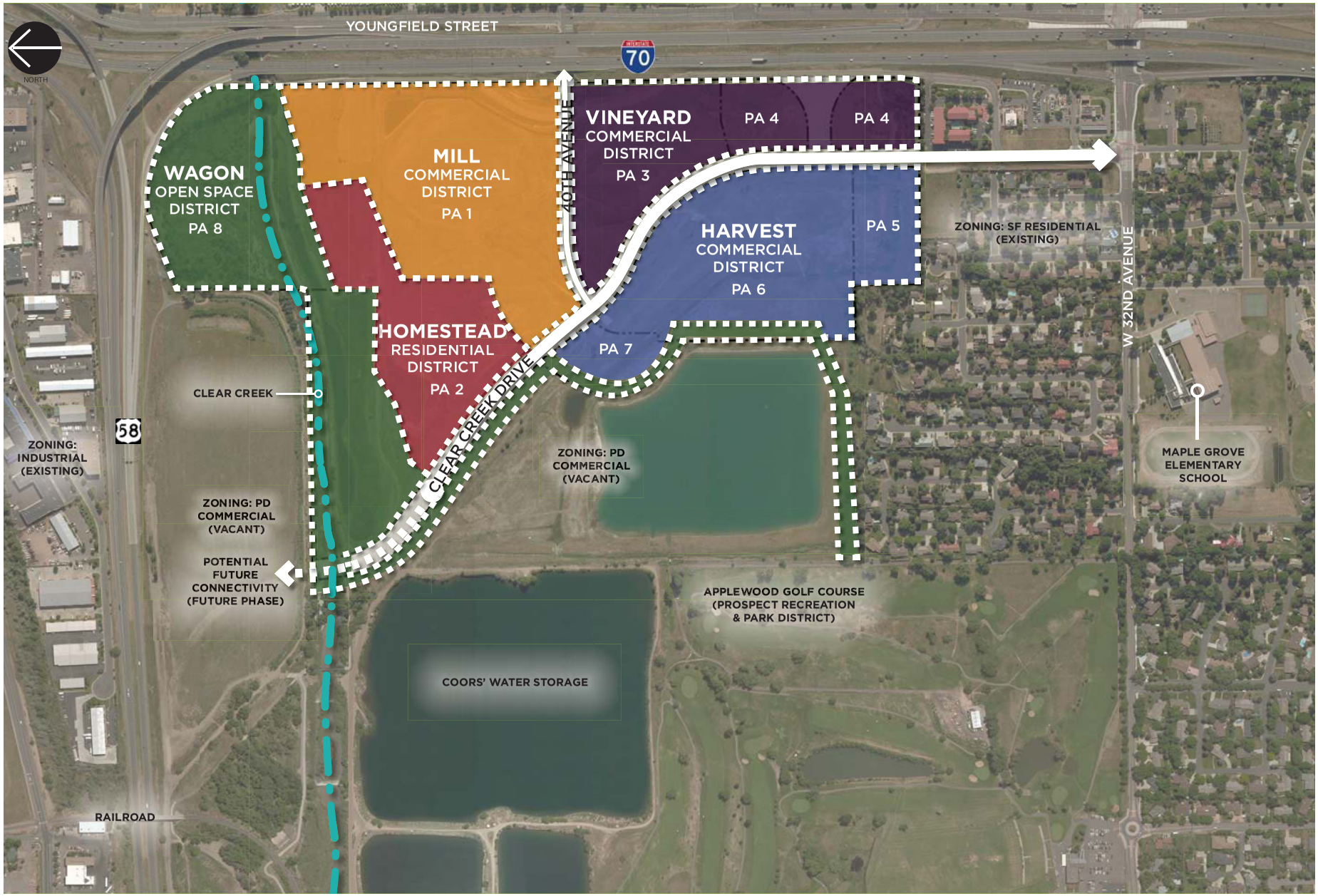
VINEYARD - Retail and entertainment uses including stores, shop buildings, banks, restaurants including both full-service and quick-serve and entertainment including theater and gaming. Buildings shall be placed according to the requirements of the respective use and in consideration of the characteristics of the site, while placing a priority on circulation, walkability and common site amenities. Parking will be in surface lots, with potential for a structure to serve entertainment uses. Site design at the pedestrian level, will take an urban approach in that the site will encourage walkability, connecting Planning Areas and various tenants/users/owners within them. Where possible, siting of buildings should prioritize fronting to public or private streets with parking located behind to help establish placemaking.

HOMESTEAD - Multifamily residential uses, including apartments and/or town home formats. Buildings shall be placed according to the requirements of the use and in consideration of the characteristics of the site, while placing a priority on circulation and walkability to other Districts including the adjacent Clear Creek Trail. Parking will be in surface lots; with above-grade garages tucked under units in buildings or in separate buildings allowed as well.

HARVEST - Retail , in the form of large-format retail with accessory small retail, restaurants and hotel uses will create the Harvest District. Buildings shall be placed according to the requirements of the respective use and in consideration of the characteristics of the site particularly its shape and vehicular/pedestrian connections to other Districts. Parking will be in surface lots with potential for a structure to serve more intense retail or hotel uses. Signage will be "brand-forward" as required by national operators but will meet the requirements of the Clear Creek Crossing Master Sign Package.

WAGON - Multi-use trail and sidewalk networks connect to all other Districts, as well as locations off-site to the north at Clear Creek Trail and to the south, at the planned trail by Prospect District connecting to the existing Applewood Golf Course and adjacent neighborhood. The trails will include common surface design, wayfinding signage, trash receptacles, benches and other amenities. Landscape will be natural and native to the region. Shade will be provided by trees and a small structure near a small surface parking lot located at the end of Clear Creek Dr. Additional street parking will be located along Clear Creek Dr, near Clear Creek and for convenient access to the existing regional trail system.

2.2.1 District Diagram

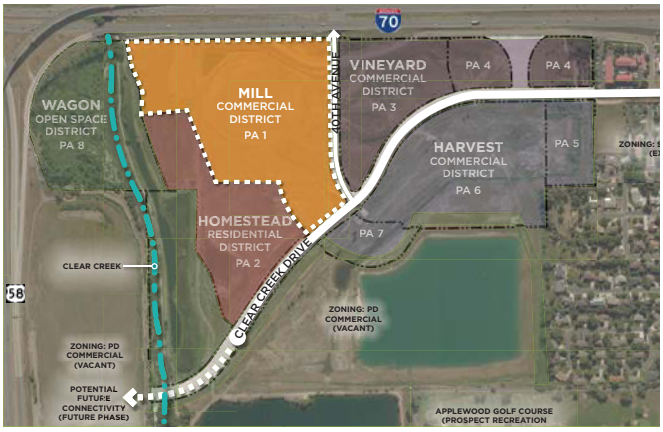


2.2.2 PLANNING AREA 1: MILL DISTRICT

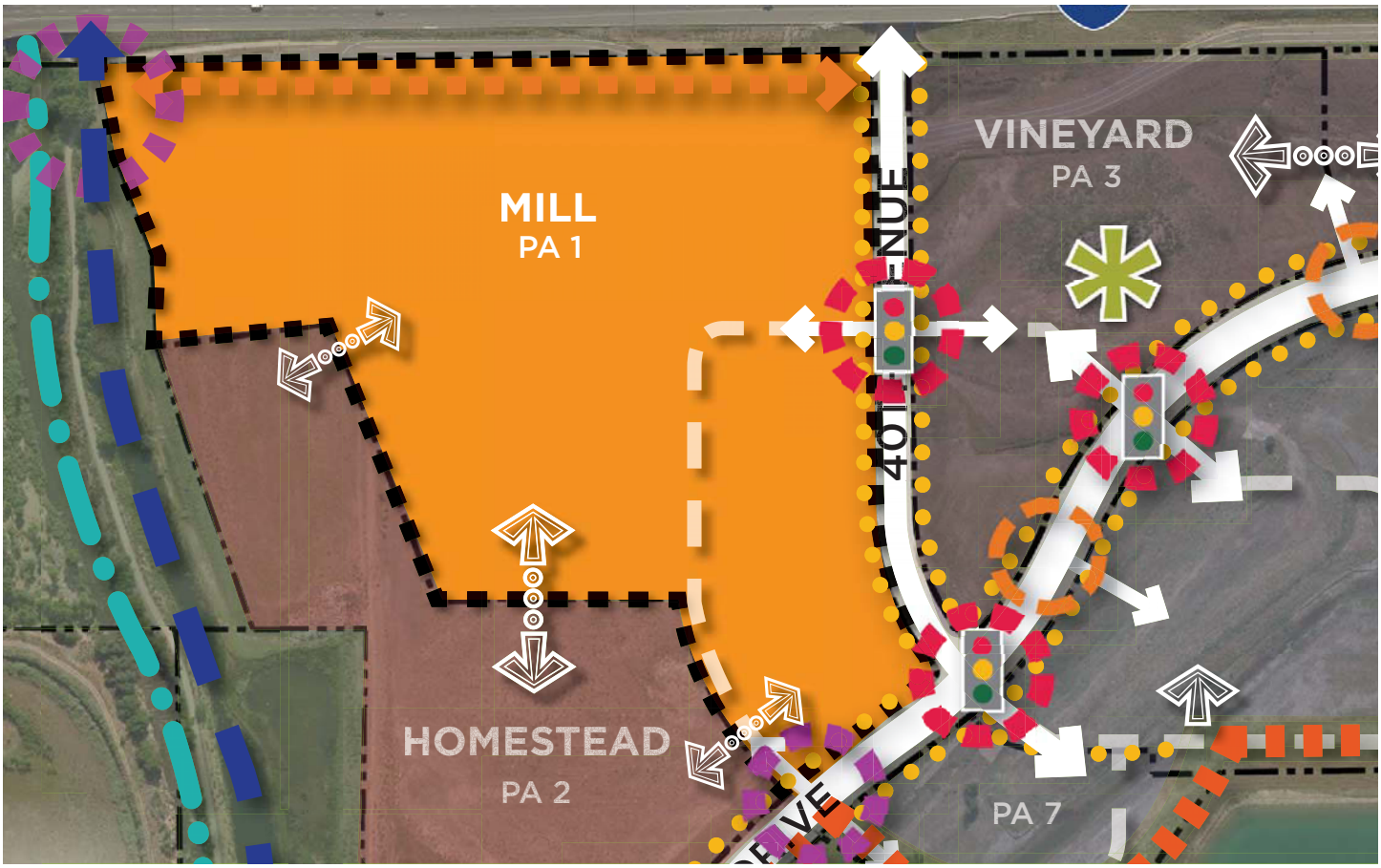
MILL DISTRICT

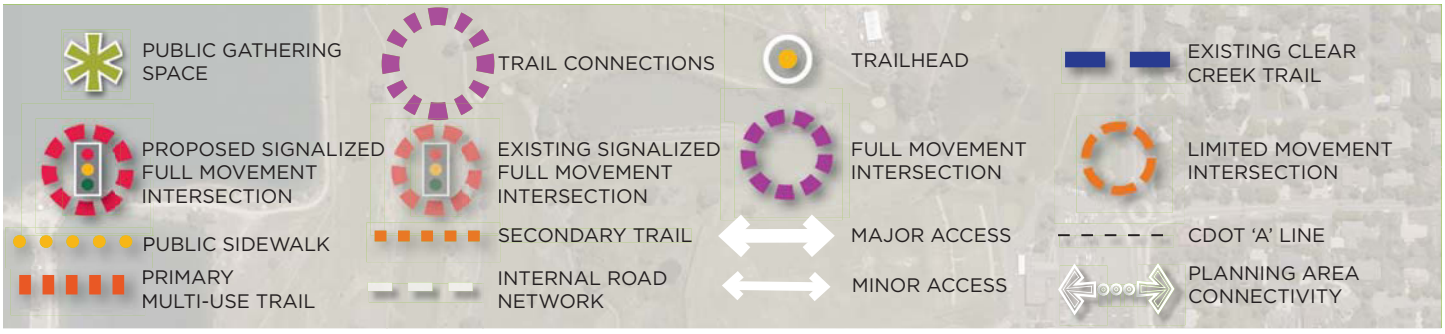
Employment uses encouraging medium to high density development in area adjacent to I-70 and visible from Hwy 58. Consistent with intent, guidelines and standards set forth for design theme and architecture as well as site elements detailed in the Design Pattern Book.

KEY MAP



PLANNING AREA DIAGRAM





DEVELOPMENT STANDARDS: MILL DISTRICT

DEVELOPMENT STANDARDS

PERMITTED USES	*REFER TO CLEAR CREEK CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT FOR ALL PERMITTED USES*	
SETBACKS AND BUILDING ORIENTATION	**PRIMARY EMPLOYMENT USES**	
	• NO MORE THAN 30% OF THE FRONTAGE OF PA-1 MAY HAVE SURFACE PARKING WITHIN 20 FEET OF A ROADWAY. PARKING MUST BE BUFFERED FROM THE ROADWAY BY LANDSCAPING AND / OR A BUILDING	
	• MINIMUM SETBACK ADJACENT TO PA-2 SHALL BE 5' PER STORY	
	COMMERCIAL / RETAIL / OTHER USES	
	PRIMARY STREET FRONTAGE: CLEAR CREEK DRIVE	
	• AT LEAST 50% OF THE PROPERTY'S FRONTAGE ALONG CLEAR CREEK DRIVE MUST CONTAIN A BUILDING WITHIN THE REQUIRED 0-20 FOOT BUILD-TO AREA	
	SECONDARY STREET FRONTAGE: 40TH AVENUE	
	• AT LEAST 30% OF THE PROPERTY'S FRONTAGE ALONG 40TH AVENUE MUST CONTAIN A BUILDING WITHIN THE REQUIRED 0-20 FOOT BUILD-TO AREA	
	• WHERE THE PROVIDED BUILD-TO EXCEEDS THE MINIMUM REQUIREMENT, THE EXCESS SHALL BE TRANSFERED TO MEET THE STANDARD ON THE OTHER STREET FRONTAGE	
	• MINIMUM SETBACK ADJACENT TO PA-2 SHALL BE 5' PER STORY	
	• NOTE: BUILDING PLACEMENT, HEIGHT, DENSITY AND SETBACKS REFLECT THE SITE'S LOCATION AT THE JUNCTION OF A STATE HIGHWAY AND AN INTERSTATE FREEWAY	
MAXIMUM LOT COVERAGE	80%	
MINIMUM LANDSCAPE REQUIRED	20%	
MAXIMUM BUILDING HEIGHT	PRIMARY EMPLOYMENT USES:	90'-0"
	COMMERCIAL / RETAIL / OTHER SINGLE COMMERCIAL USES:	62'-0"
	MIXED USE (DEFINED AS VERTICAL INTEGRATION OF USES):	90'-0"
PARKING	SURFACE AND/OR STRUCTURED PARKING PER SECTION 2.3.4 (PARKING AND SERVICE) AND SECTION 3.8 (PARKING STRUCTURES). ALL PARKING SHALL MEET THE CITY OF WHEAT RIDGE STANDARDS, CHAPTER 26, ARTICLE V, SEC. 26-501	
BICYCLE PARKING	BICYCLE PARKING PER SECTION 2.4.1 (BICYCLE PARKING) 1 BICYCLE SPACE PER EVERY 20 AUTOMOBILE PARKING SPACES, BUT NO LESS THAN 4 SPACES	
	REFER TO SECTION 3.0 (BUILDING DESIGN)	
	REFER TO SECTION 4.0 (MATERIALS)	
	REFER TO SECTION 5.0 (LANDSCAPE)	
	REFER TO SECTION 6.0 (LIGHTING)	
SIGNAGE	REFER TO SECTION 7.0 (SIGNAGE)	
OTHER REQUIREMENTS	PLAZA AND GATHERING AREA REQUIREMENT, REFER TO SECTION 2.7	
	PUBLIC ART REQUIREMENT, REFER TO SECTION 2.9	

FIGURE 1:

PLANNING AREA 1: EMPLOYMENT USES

BUILDING ORIENTATION AND SETBACKS ILLUSTRATION (NOT TO SCALE)

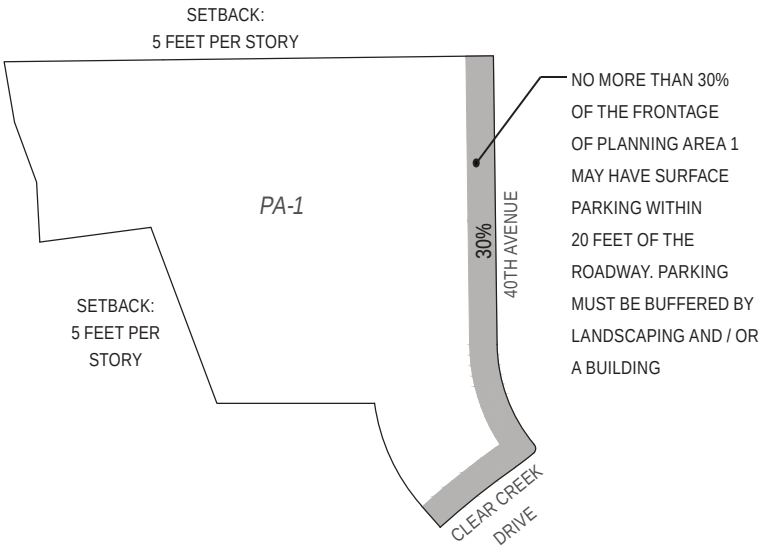


FIGURE 2:

PLANNING AREA 1: COMMERCIAL / RETAIL / OTHER USES

BUILDING ORIENTATION AND SETBACKS ILLUSTRATION (NOT TO SCALE)

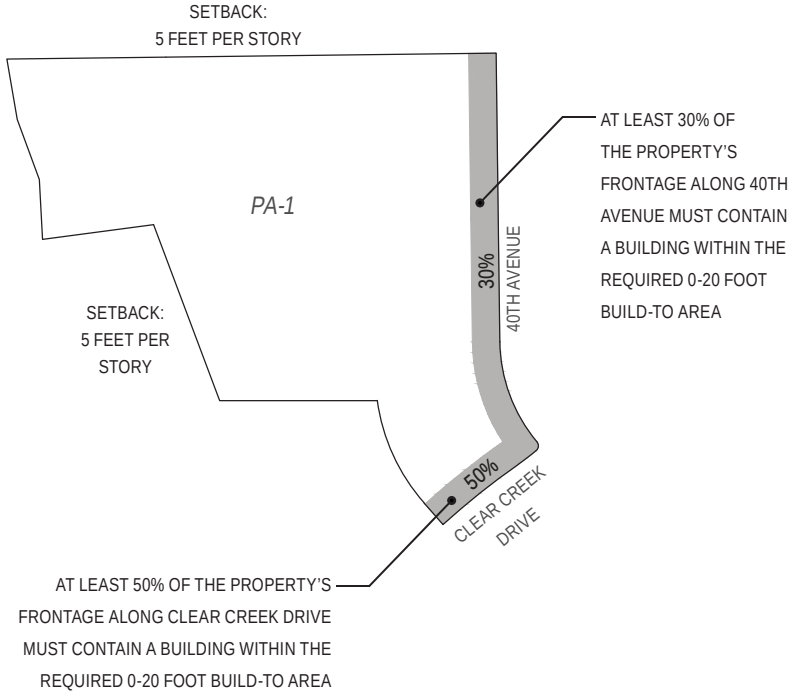
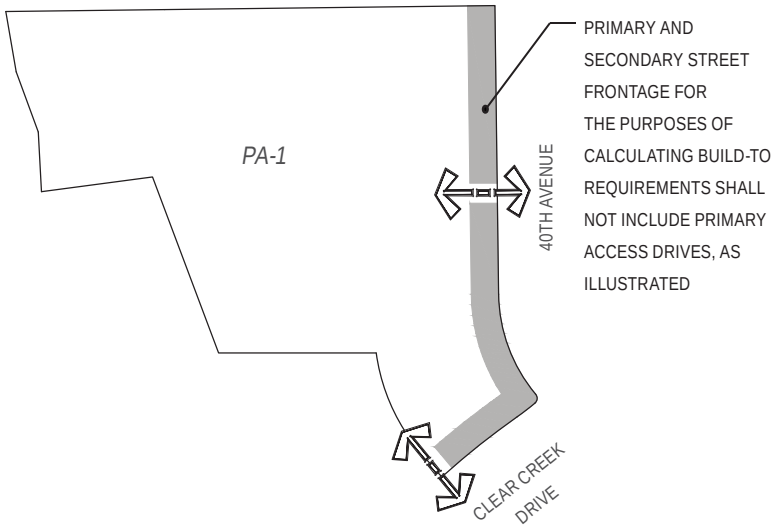


FIGURE 3:

PLANNING AREA 1

PRIMARY AND SECONDARY FRONTAGE ILLUSTRATION (NOT TO SCALE)

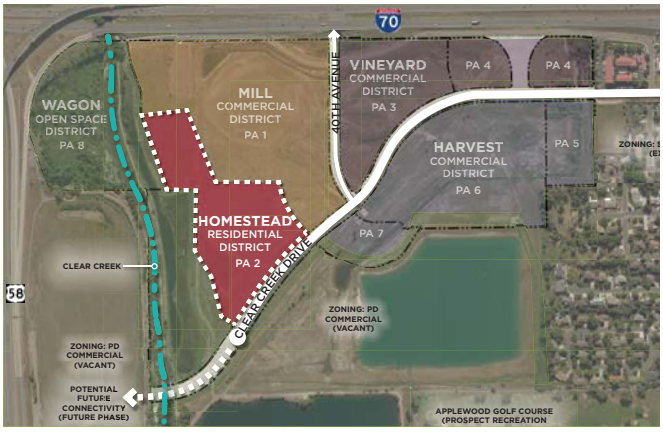


2.2.3 PLANNING AREA 2: HOMESTEAD DISTRICT

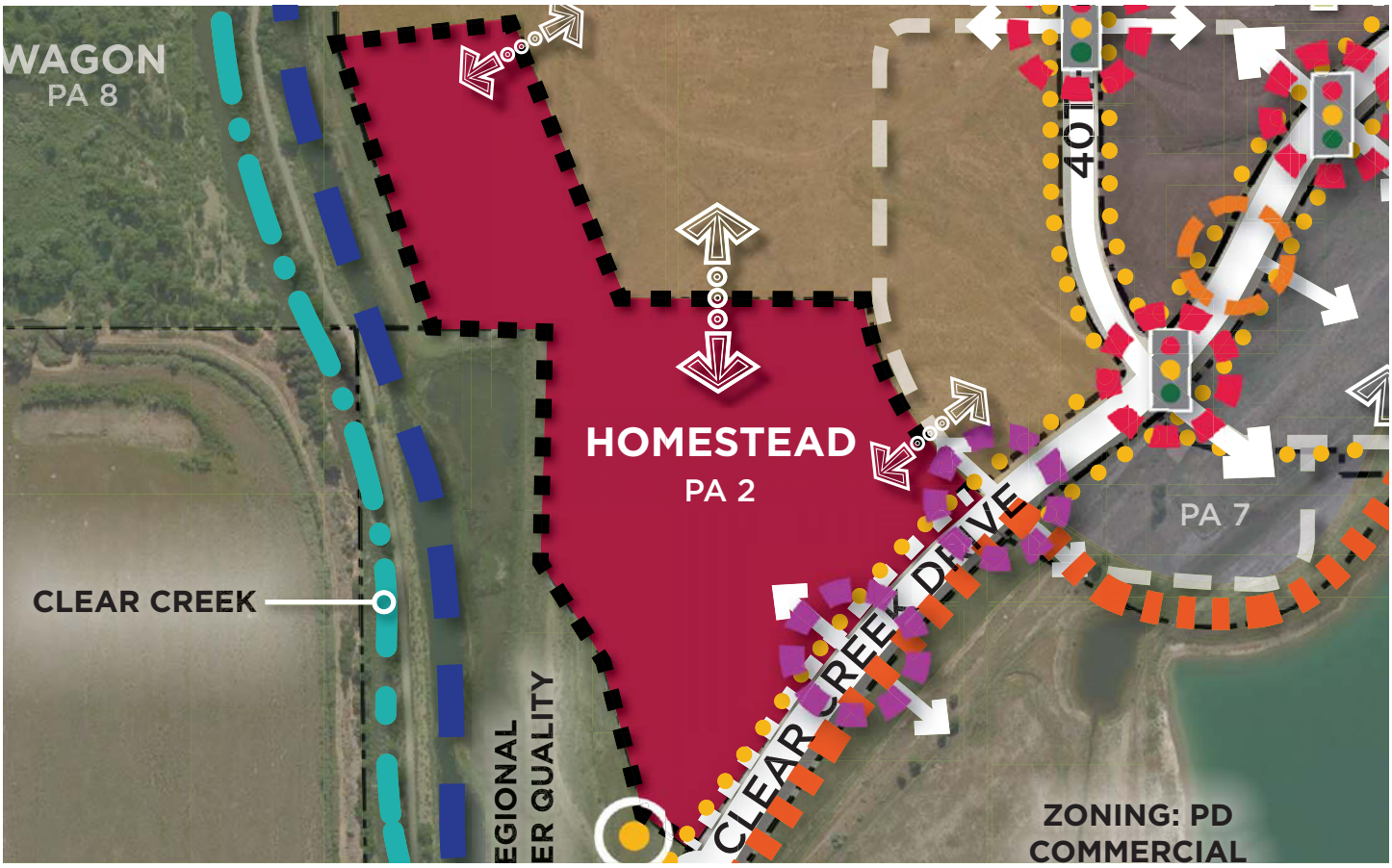
HOMESTEAD DISTRICT

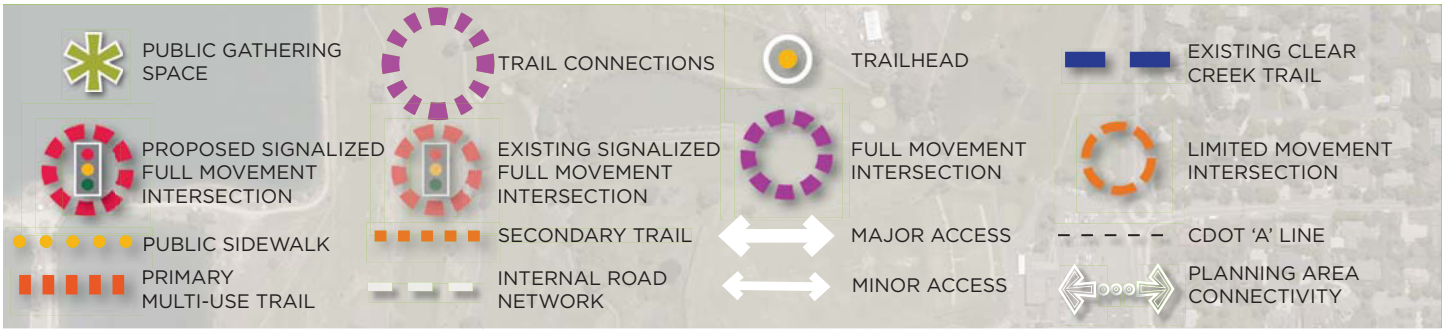
Residential uses encouraging medium to high density development at a location adjacent to I-70 and visible from Hwy 58. Consistent with intent, guidelines and standards set forth for design theme and architecture as well as site elements detailed in the Design Pattern Book. Flexibility to shift the Homestead District to other planning areas that allow residential uses.

KEY MAP



PLANNING AREA DIAGRAM





DEVELOPMENT STANDARDS: HOMESTEAD DISTRICT

DEVELOPMENT STANDARDS

PERMITTED USES	*REFER TO CLEAR CREEK CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT FOR ALL PERMITTED USES*	
SITE PLANNING	BUILDINGS SHALL BE PLACED ACCORDING TO THE SETBACKS OUTLINED BELOW. GIVEN PLANNING AREA'S ADJACENCY TO CLEAR CREEK TO THE NORTH AND MOUNTAIN VIEWS TO THE SOUTH, BUILDINGS SHALL BE PLACED TO CAPTURE VIEWS. PEDESTRIAN CONNECTIVITY TO ADJACENT USES AS WELL AS WITH THE TRAIL NETWORK IS REQUIRED. WHEN MULTI-FAMILY USES ARE PROPOSED IN OTHER PLANNING AREAS, THE FOLLOWING DEVELOPMENT STANDARDS FROM THE HOMESTEAD DISTRICT SHALL APPLY: MINIMUM LANDSCAPE REQUIRED, MAXIMUM BUILDING HEIGHT, PARKING, BICYCLE PARKING, BUILDINGS / ARCHITECTURE, MATERIALS, LANDSCAPE, LIGHTING, SIGNAGE, AND OTHER REQUIREMENTS.	
SETBACKS AND BUILDING ORIENTATION	**RESIDENTIAL USES**	
	PRIMARY FRONTAGE: CLEAR CREEK ORIENTATION	
	• AT LEAST 50% OF THE PROPERTY'S FRONTAGE ALONG CLEAR CREEK MUST CONTAIN A BUILDING WITHIN 0-20 FEET OF THE PROPERTY LINE ORIENTED TOWARD CLEAR CREEK	
	SECONDARY FRONTAGE: CLEAR CREEK DRIVE	
	• AT LEAST 30% OF THE PROPERTY'S FRONTAGE ALONG CLEAR CREEK DRIVE MUST CONTAIN A BUILDING WITHIN THE REQUIRED 0-20 FOOT BUILD-TO AREA	
	NON-RESIDENTIAL USES:	
	PRIMARY FRONTAGE: CLEAR CREEK DRIVE	
	• AT LEAST 50% OF THE PROPERTY'S FRONTAGE ALONG CLEAR CREEK DRIVE MUST CONTAIN A BUILDING WITHIN 0-20 FEET OF THE PROPERTY LINE	
	SECONDARY FRONTAGE: INTERNAL DRIVE	
	• AT LEAST 30% OF THE PROPERTY'S FRONTAGE ALONG THE INTERNAL DRIVE MUST CONTAIN A BUILDING WITHIN THE 0-20 FOOT BUILD-TO AREA	
	• NOTE: BUILDINGS SHALL BE PLACED ACCORDING TO THE REQUIREMENTS OF THE USE AND IN CONSIDERATION OF THE CHARACTERISTICS OF THE SITE, WHILE PLACING A PRIORITY ON CIRCULATION AND WALKABILITY TO OTHER DISTRICTS INCLUDING THE ADJACENT CLEAR CREEK TRAIL	
MAXIMUM LOT COVERAGE	80%	
MINIMUM LANDSCAPE REQUIRED	20%	
MAXIMUM BUILDING HEIGHT	SINGLE USE, COMMERCIAL:	56'-0"
	MIXED USE (DEFINED AS VERTICAL INTEGRATION OF USES):	90'-0"
	RESIDENTIAL USES:	65'-0"
PARKING	SURFACE AND/OR STRUCTURED PARKING PER SECTION 2.3.4 (PARKING AND SERVICE) AND SECTION 3.8 (PARKING STRUCTURES). ALL PARKING SHALL MEET THE CITY OF WHEAT RIDGE STANDARDS, CHAPTER 26, ARTICLE V, SEC. 26-501	
	1.0 SPACE PER 1 BEDROOM MFR UNIT	
	2.0 SPACES PER 2-3 BEDROOM MFR UNIT	
	2.5 SPACES PER 4 BEDROOM MFR UNIT	
	PLUS 1.0 GUEST SPACE PER 10 SPACES	
BICYCLE PARKING	BICYCLE PARKING PER SECTION 2.4.1 (BICYCLE PARKING) 1 BICYCLE SPACE PER EVERY 10 UNITS, BUT NO LESS THAN 3 SPACES	
BUILDINGS / ARCHITECTURE	REFER TO SECTION 3.0 (BUILDING DESIGN) AND 3.10.2 (MULTI-FAMILY ARCHITECTURE)	
MATERIALS	REFER TO SECTION 4.0 (MATERIALS)	
LANDSCAPE	REFER TO SECTION 5.0 (LANDSCAPE)	
LIGHTING	REFER TO SECTION 6.0 (LIGHTING)	
SIGNAGE	REFER TO SECTION 7.0 (SIGNAGE)	
OTHER REQUIREMENTS	PLAZA AND GATHERING AREA REQUIREMENT, REFER TO SECTION 2.7	
	PUBLIC ART REQUIREMENT, REFER TO SECTION 2.9	

FIGURE 1:

PLANNING AREA 2: RESIDENTIAL USES

BUILDING ORIENTATION AND SETBACKS ILLUSTRATION (NOT TO SCALE)

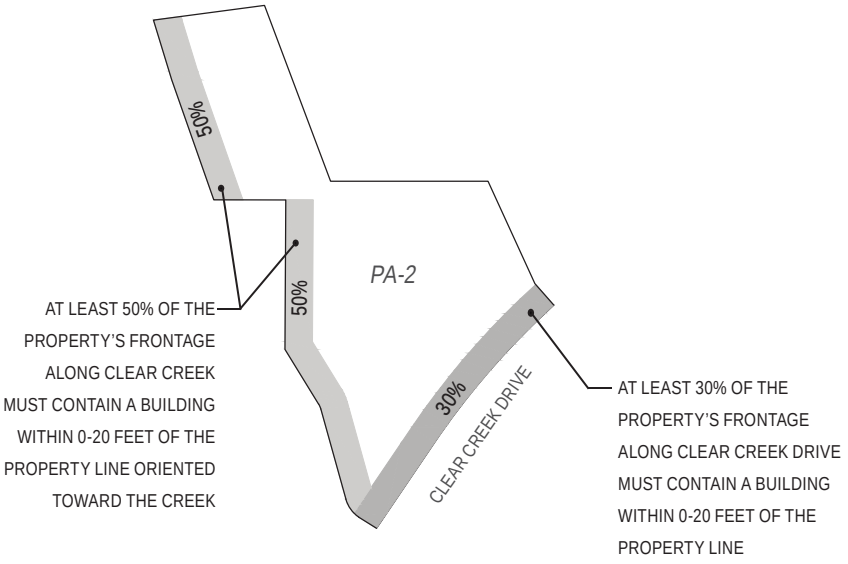


FIGURE 2:

PLANNING AREA 2: NON-RESIDENTIAL USES

BUILDING ORIENTATION AND SETBACKS ILLUSTRATION (NOT TO SCALE)

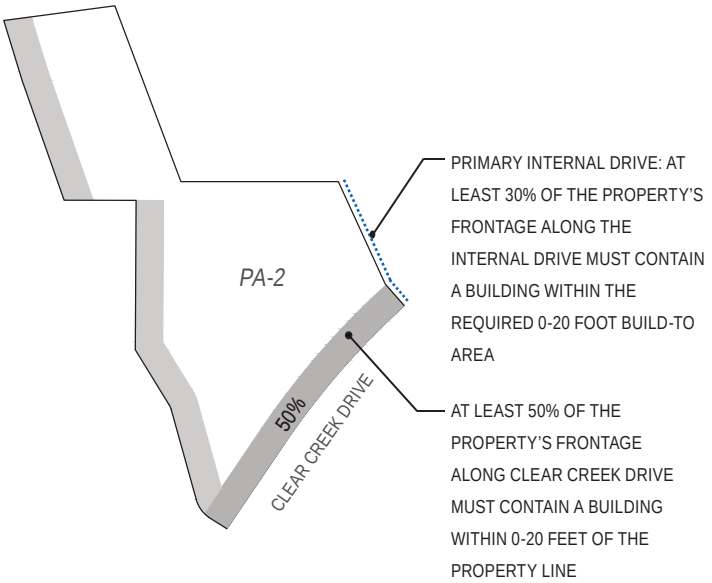
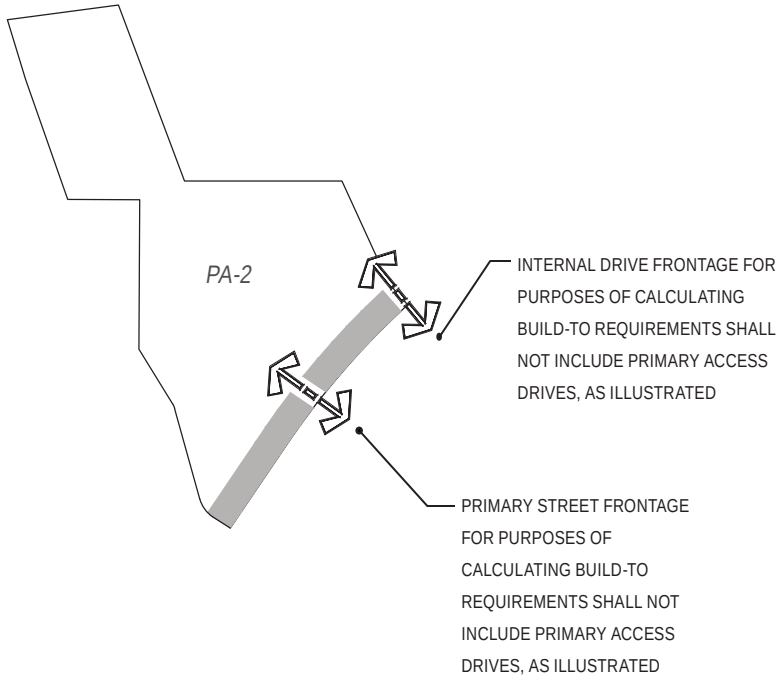


FIGURE 3:

PLANNING AREA 2

PRIMARY AND SECONDARY FRONTAGE ILLUSTRATION (NOT TO SCALE)



2.2.4 PLANNING AREAS 3-4: VINEYARD DISTRICT

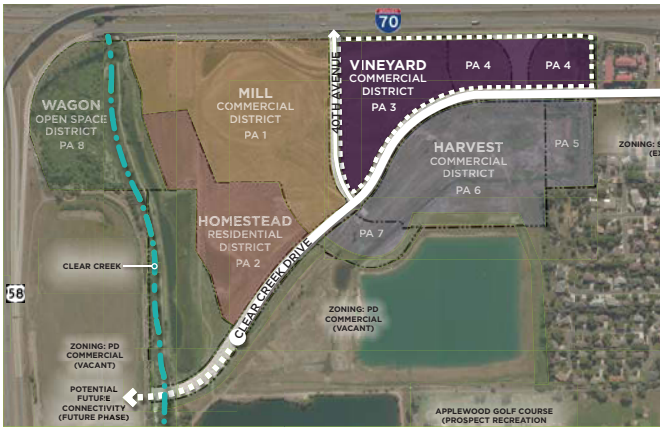
VINEYARD DISTRICT

Planning Area 3: Commercial uses including retail, restaurant and entertainment at a highly visible and accessible location adjacent to I-70.

Planning Area 4: Commercial uses including retail and restaurant on highly visible and accessible pad locations north and south of the planned westbound I-70 hook ramps.

Consistent with intent, guidelines and standards set forth for design theme and architecture as well as site elements detailed in the Design Pattern Book.

KEY MAP



PLANNING AREA DIAGRAM

DEVELOPMENT STANDARDS: VINEYARD DISTRICT

DEVELOPMENT STANDARDS: PLANNING AREA 3

PERMITTED USES	*REFER TO CLEAR CREEK CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT FOR ALL PERMITTED USES*	
SITE PLANNING	BUILDINGS SHALL BE PLACED ACCORDING TO THE SETBACKS OUTLINED BELOW. BUILD-TO STANDARDS FOR PLANNING AREA 3 SHALL BE REQUIRED ON CLEAR CREEK DRIVE, 40TH AVENUE AND/OR PRIVATE INTERNAL DRIVES. REFER TO SECTION 2.3.4 FOR FURTHER STANDARDS AND GUIDELINES.	
SETBACKS AND BUILDING ORIENTATION	PRIMARY FRONTAGE: CLEAR CREEK DRIVE	
	• AT LEAST 50% OF THE PROPERTY'S FRONTAGE ALONG CLEAR CREEK DRIVE MUST CONTAIN A BUILDING WITHIN THE REQUIRED 0-20 FOOT BUILD-TO AREA	
	SECONDARY FRONTAGE: 40TH AVENUE	
	• AT LEAST 30% OF THE PROPERTY'S FRONTAGE ALONG 40TH MUST CONTAIN A BUILDING WITHIN THE REQUIRED 0-20 FOOT BUILD-TO AREA	
	• WHERE PROVIDED BUILD-TO EXCEEDS THE MINIMUM REQUIREMENT, THE REQUIRED BUILD-TO REQUIREMENT ALONG THE OTHER STREET FRONTAGE MAY BE REDUCED BY AN EQUAL AMOUNT. THIS TRANSFERABILITY APPLIES TO 40TH AVENUE, ' CLEAR CREEK DRIVE, AND THE INTERNAL PRIVATE DRIVE	
	• A SETBACK OF 5 FEET PER STROY SHALL APPLY FROM THE PROPERTY LINE ABUTTING INTERSTATE 70	
	• MODIFICATIONS AND VARIATIONS TO THE BUILD-TO CAN BE APPROVED DURING THE SDP PROCESS, WHERE THE INTENT OF THE BUILD-TO REQUIREMENT IS BEING MET	
	• NO PARKING SHALL BE ALLOWED WITHIN 50 FEET OF THE RIGHT-OF-WAY AT THE INTERSECTION OF CLEAR CREEK DRIVE AND 40TH AVENUE, ONLY BUILDINGS, LANDSCAPING AND HARDSCAPING SHALL BE PERMITTED (SEE PA-3 AND PA-4 SITE PLANNING ILLUSTRATION)	
MAXIMUM LOT COVERAGE	80%	
MINIMUM LANDSCAPE REQUIRED	20%	
MAXIMUM BUILDING HEIGHT	SINGLE USE, COMMERCIAL:	56'-0"
	MIXED USE (DEFINED AS VERTICAL INTEGRATION OF USES):	90'-0"
	RESIDENTIAL USES:	65'-0"
PARKING	SURFACE AND/OR STRUCTURED PARKING PER SECTION 2.3.4 (PARKING AND SERVICE) AND SECTION 3.8 (PARKING STRUCTURES). ALL PARKING SHALL MEET THE CITY OF WHEAT RIDGE STANDARDS, CHAPTER 26, ARTICLE V, SEC. 26-501	
	1.0 SPACE PER 1 BEDROOM MFR UNIT	
	2.0 SPACES PER 2-3 BEDROOM MFR UNIT	
	2.5 SPACES PER 4 BEDROOM MFR UNIT	
	PLUS 1.0 GUEST SPACE PER 10 SPACES	
BICYCLE PARKING	BICYCLE PARKING PER SECTION 2.4.1 (BICYCLE PARKING) 1 BICYCLE SPACE PER EVERY 10 UNITS, BUT NO LESS THAN 3 SPACES	
BUILDINGS / ARCHITECTURE	REFER TO SECTION 3.0 (BUILDING DESIGN) AND 3.10.2 (MULTI-FAMILY ARCHITECTURE)	
MATERIALS	REFER TO SECTION 4.0 (MATERIALS)	
LANDSCAPE	REFER TO SECTION 5.0 (LANDSCAPE)	
LIGHTING	REFER TO SECTION 6.0 (LIGHTING)	
SIGNAGE	REFER TO SECTION 7.0 (SIGNAGE)	
OTHER REQUIREMENTS	PLAZA AND GATHERING AREA REQUIREMENT, REFER TO SECTION 2.7	
	PUBLIC ART REQUIREMENT, REFER TO SECTION 2.9	

DEVELOPMENT STANDARDS: VINEYARD DISTRICT

DEVELOPMENT STANDARDS: PLANNING AREA 4

PERMITTED USES	*REFER TO CLEAR CREEK CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT FOR ALL PERMITTED USES*	
SITE PLANNING	BUILD-TO STANDARDS ARE NOT REQUIRED ON CLEAR CREEK DRIVE IN PLANNING AREA 4	
SETBACKS AND BUILDING ORIENTATION	FRONT (ADJ. STREET):	15'-0"
	SIDE (ADJ. STREET):	10'-0"
	REAR (ADJ. STREET):	15'-0"
MAXIMUM LOT COVERAGE	80%	
MINIMUM LANDSCAPE REQUIRED	20%	
MAXIMUM BUILDING HEIGHT	50'-0"	
PARKING	SURFACE AND/OR STRUCTURE PARKING PER SECTION 2.3.4 (PARKING AND SERVICE) AND SECTION 3.8 (PARKING STRUCTURES)	
BICYCLE PARKING	BICYCLE PARKING PER SECTION 2.4.1 (BICYCLE PARKING) 1 BICYCLE SPACE PER EVERY 20 AUTOMOBILE PARKING SPACES, BUT NO LESS THAN 4 SPACES	
BUILDINGS / ARCHITECTURE	REFER TO SECTION 3.0 (BUILDING DESIGN)	
MATERIALS	REFER TO SECTION 4.0 (MATERIALS)	
LANDSCAPE	REFER TO SECTION 5.0 (LANDSCAPE)	
LIGHTING	REFER TO SECTION 6.0 (LIGHTING)	
SIGNAGE	REFER TO SECTION 7.0 (SIGNAGE)	

FIGURE 1:

PLANNING AREAS 3 & 4: ALL ALLOWABLE USES

BUILDING ORIENTATION AND SETBACKS ILLUSTRATION (NOT TO SCALE)

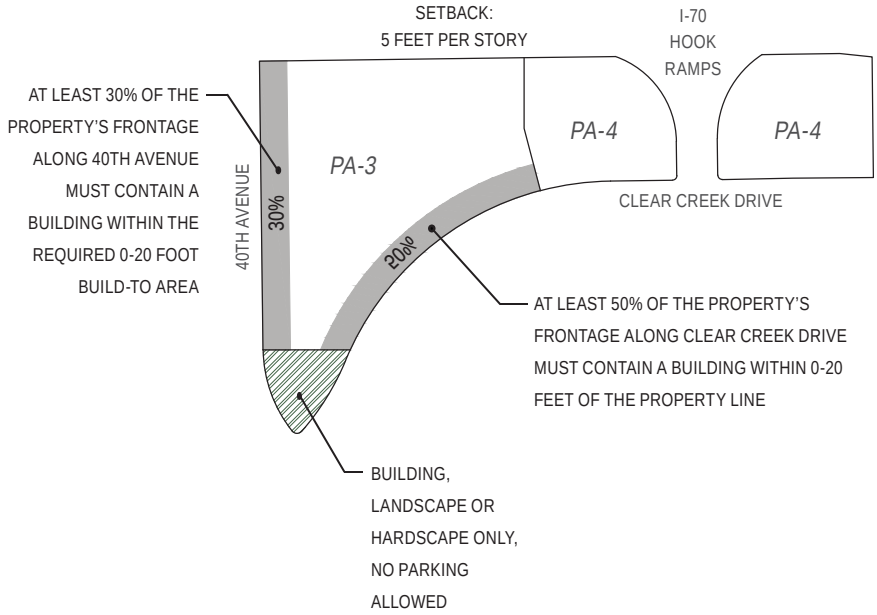
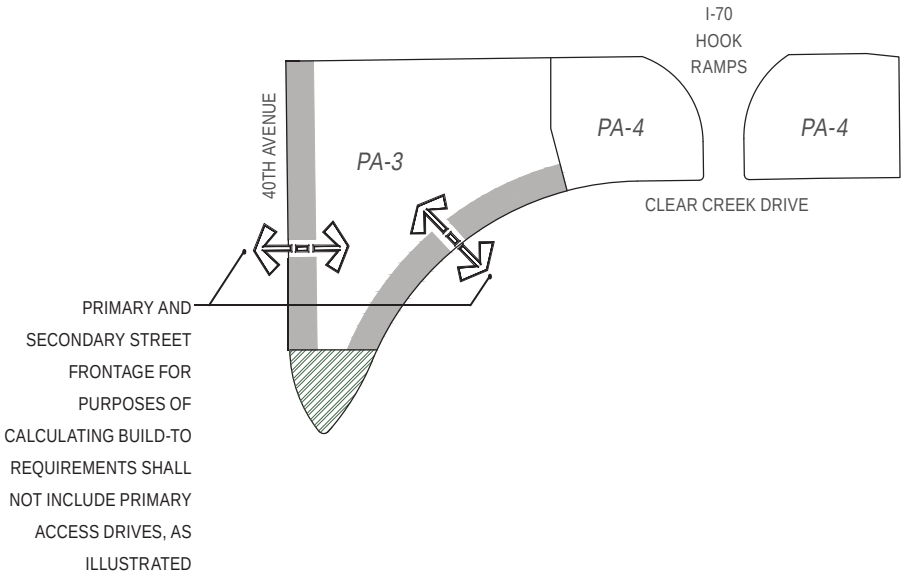


FIGURE 2:

PLANNING AREAS 3 & 4

PRIMARY AND SECONDARY FRONTAGE ILLUSTRATION (NOT TO SCALE)



2.2.5 PLANNING AREAS 5-7: HARVEST DISTRICT

HARVEST DISTRICT

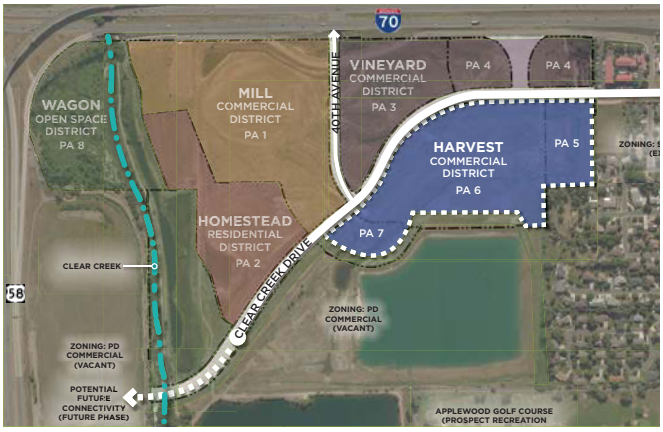
Planning Area 5: Commercial uses including retail, restaurant and hotel on accessible pad sites along Clear Creek Drive.

Planning Area 6: Commercial uses including retail, restaurant and entertainment at a highly visible and accessible location adjacent to I-70.

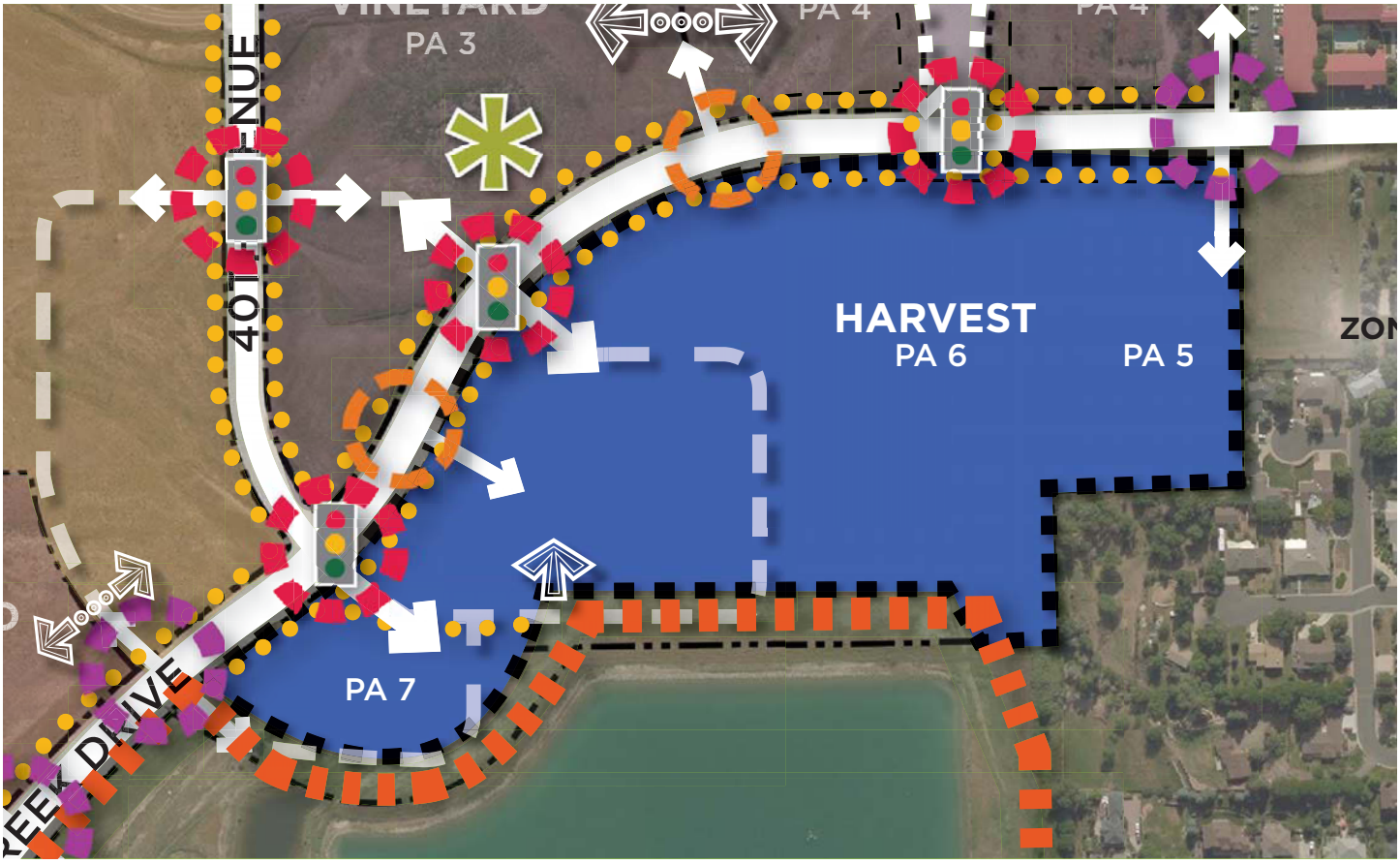
Planning Area 7: Commercial uses including retail, restaurant and hotel on accessible pad sites along Clear Creek Drive at the 40th Avenue intersection.

Consistent with intent, guidelines and standards set forth for design theme and architecture as well as site elements detailed in the Design Pattern Book.

KEY MAP



PLANNING AREA DIAGRAM



PUBLIC GATHERING SPACE
TRAIL CONNECTIONS
TRAILHEAD
EXISTING CLEAR CREEK TRAIL
PROPOSED SIGNALIZED FULL MOVEMENT INTERSECTION
EXISTING SIGNALIZED FULL MOVEMENT INTERSECTION
FULL MOVEMENT INTERSECTION
LIMITED MOVEMENT INTERSECTION
PUBLIC SIDEWALK
SECONDARY TRAIL
MAJOR ACCESS
CDOT 'A' LINE
PRIMARY MULTI-USE TRAIL
INTERNAL ROAD NETWORK
MINOR ACCESS
PLANNING AREA CONNECTIVITY

DEVELOPMENT STANDARDS: HARVEST DISTRICT

DEVELOPMENT STANDARDS

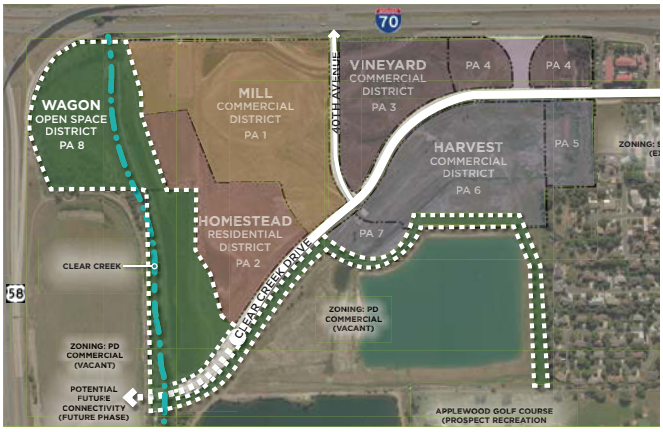
PERMITTED USES	*REFER TO CLEAR CREEK CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT FOR ALL PERMITTED USES*
SITE PLANNING	BUILDINGS SHALL BE PLACED ACCORDING TO THE SETBACKS OUTLINED BELOW. BUILD-TO STANDARDS ARE NOT REQUIRED ON CLEAR CREEK DRIVE IN PLANNING AREA 5, 6, OR 7. REFER TO SECTION 2.3.4 FOR FURTHER STANDARDS AND GUIDELINES. WHEN MULTI-FAMILY USES ARE PROPOSED IN THE HARVEST DISTRICT (PA-5, PA- 6, OR PA-7), THE FOLLOWING DEVELOPMENT STANDARDS FROM THE HOMESTEAD DISTRICT SHALL APPLY: MINIMUM LANDSCAPE REQUIRED MAXIMUM BUILDING HEIGHT, PARKING, BICYCLE PARKING, BUILDINGS / ARCHITECTURE, MATERIALS, LANDSCAPE, LIGHTING, SIGNAGE, AND OTHER REQUIREMENTS
SETBACKS AND BUILDING ORIENTATION	PLANNING AREA 5
	• MINIMUM SETBACK IS 5' PER STORY • WHERE DEVELOPMENT ABUTS A LOW DENSITY RESIDENTIAL USE, A 20 FOOT SETBACK LANDSCAPED WITH GRASS AND TREES AND/OR SHRUBS SHALL APPLY
	PLANNING AREA 6
	• BUILDINGS SHALL BE ORIENTED PROXIMATE TO PRIMARY PEDESTRIAN ROUTES WITHIN AND AMONG THE PLANNING AREA, TO BE APPROVED DURING SDP REVIEW • ALONG THE SOUTHERN AND WESTERN PROPERTY LINES OF THE PLANNING AREA, A MINIMUM SETBACK OF 5 FEET PER STORY SHALL APPLY • WHERE DEVELOPMENT ABUTS A LOW DENSITY RESIDENTIAL USE, A 20 FOOT SETBACK LANDSCAPED WITH GRASS AND TREES AND/OR SHRUBS SHALL APPLY
	PLANNING AREA 7:
	• MINIMUM SETBACK OF 5 FEET PER STORY SHALL APPLY
MAXIMUM LOT COVERAGE	80%
MINIMUM LANDSCAPE REQUIRED	20%
MAXIMUM BUILDING HEIGHT	65'-0"
PARKING	SURFACE AND/OR STRUCTURE PARKING PER SECTION 2.3.4 (PARKING AND SERVICE) AND SECTION 3.8 (PARKING STRUCTURES)
BICYCLE PARKING	BICYCLE PARKING PER SECTION 2.4.1 (BICYCLE PARKING) 1 BICYCLE SPACE PER EVERY 20 AUTOMOBILE PARKING SPACES, BUT NO LESS THAN 4 SPACES
BUILDINGS / ARCHITECTURE	REFER TO SECTION 3.0 (BUILDING DESIGN)
MATERIALS	REFER TO SECTION 4.0 (MATERIALS)
LANDSCAPE	REFER TO SECTION 5.0 (LANDSCAPE)
LIGHTING	REFER TO SECTION 6.0 (LIGHTING)
SIGNAGE	REFER TO SECTION 7.0 (SIGNAGE)

2.2.6 PLANNING AREAS 8: WAGON DISTRICT

WAGON DISTRICT

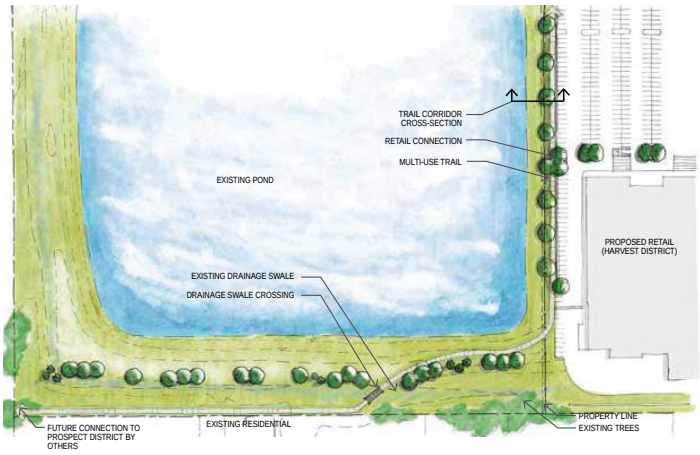
Multi-use trail, open space and water storage land uses, connected by a pedestrian network that links to the Clear Creek Regional Trail. Consistent with intent, guidelines and standards set forth for design theme and architecture as well as site elements detailed in the Design Pattern Book.

KEY MAP

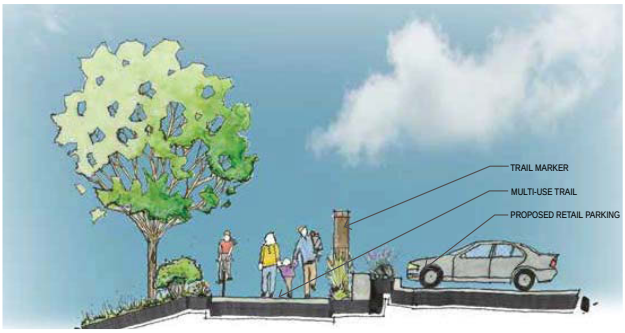


MULTI-USE TRAIL

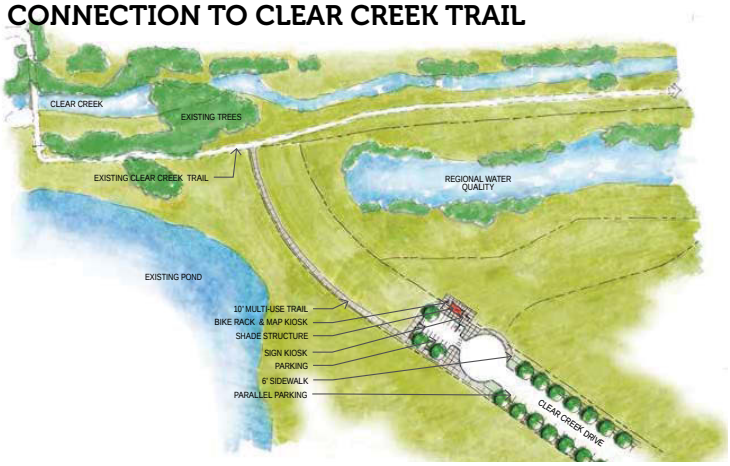
NEIGHBORHOOD TRAIL CONNECTION



TRAIL CORRIDOR CROSS-SECTION



CONNECTION TO CLEAR CREEK TRAIL



Note: Both of the above trail alignment and amenity graphics are conceptual in nature and subject to change pursuant to future approvals by the City of Wheat Ridge

DEVELOPMENT STANDARDS: WAGON DISTRICT

DEVELOPMENT STANDARDS

PERMITTED USES	*REFER TO CLEAR CREEK CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT FOR ALL PERMITTED USES*
SETBACKS	10'-0" FROM ALL PROPERTY LINES
BUILDING ORIENTATION	N/A
MAXIMUM LOT COVERAGE	20%
MINIMUM LANDSCAPE REQUIRED	80%
MAXIMUM BUILDING HEIGHT	35'-0"
UPPER STORY STEPBACKS	N/A
OPEN SPACE	REFER TO SECTION 2.8 (OPEN SPACE AND VIEWS)
TRAILS AND SIDEWALKS	INTERCONNECTED SYSTEM INCLUDES SIDEWALKS, BIKE PATHS, MULTI-USE TRAILS AND TRAIL HEADS. CIRCULATION DESIGN PER SECTION 2.3.1 (PUBLIC TRAILS, SIDEWALKS AND BIKE LANES) AND TRAIL AMENITIES PER SECTION 5.6 (TRAIL FURNISHINGS).
PARKING	SURFACE PARKING LOT AND STREET PARKING SHALL SERVE THE CLEAR CREEK TRAIL AT THE CLEAR CREEK DRIVE CUL-DE-SAC TERMINATION, PER SECTION 2.2.3 (PUBLIC STREET SECTIONS). ALL PARKING SHALL MEET THE CITY OF WHEAT RIDGE STANDARDS, CHAPTER 26, ARTICLE V, SEC. 26-501
BICYCLE PARKING	BICYCLE PARKING PER SECTION 2.4.1 (BICYCLE PARKING) AND SECTION 5.6 (TRAIL FURNISHING) 1 BICYCLE SPACE PER EVERY 20 AUTOMOBILE PARKING SPACES, BUT NO LESS THAN 4 SPACES
BUILDINGS / ARCHITECTURE	REFER TO SECTION 3.0 (BUILDING DESIGN)
MATERIALS	REFER TO SECTION 4.0 (MATERIALS)
LANDSCAPE	REFER TO SECTION 5.0 (LANDSCAPE)
LIGHTING	REFER TO SECTION 6.0 (LIGHTING)
SIGNAGE	REFER TO SECTION 7.0 (SIGNAGE)

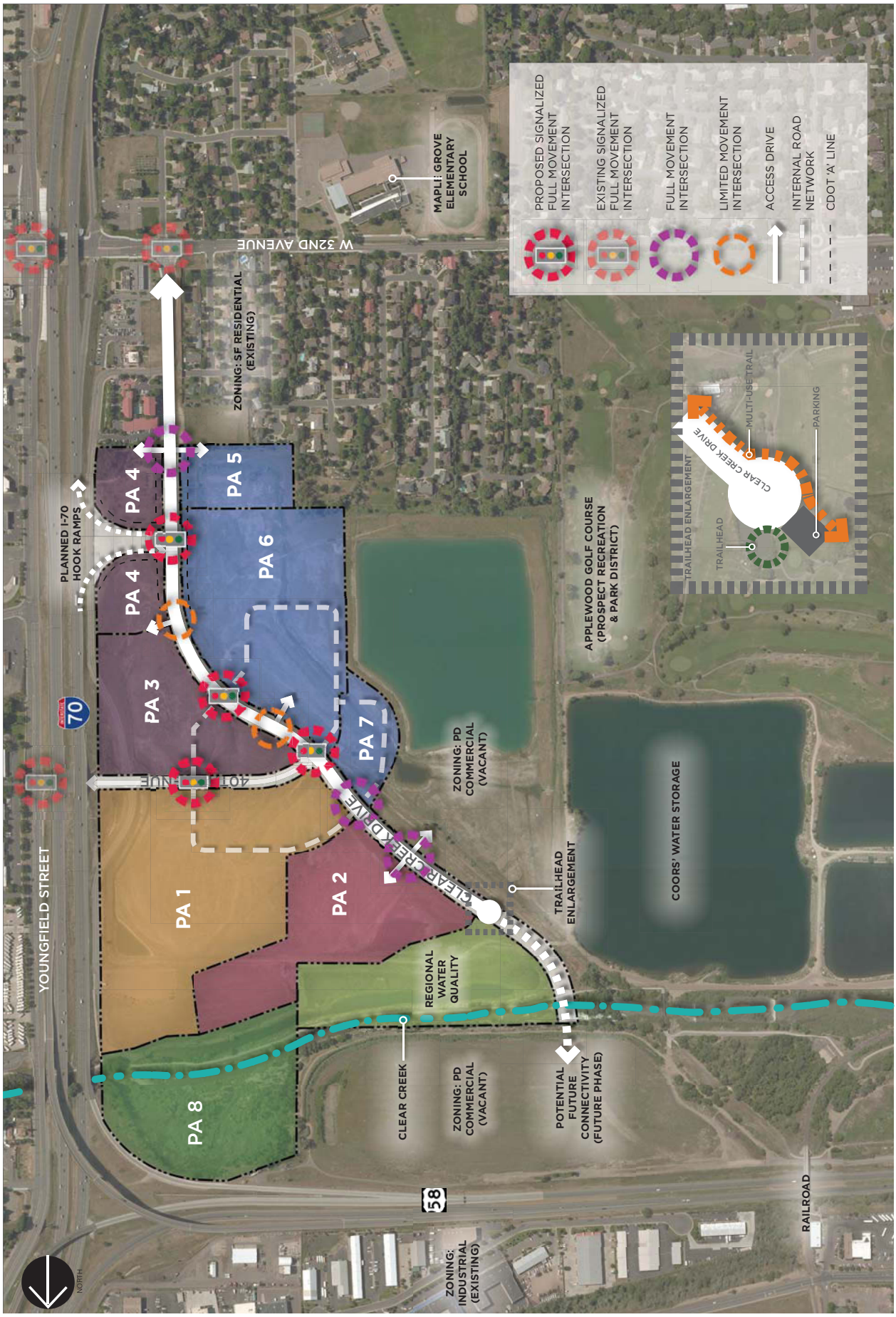
2.3 Streets

Access to the surrounding thoroughfares will provide multiple opportunities to enter the development including connections planned for the Project density and trips produced. Four access points are planned to accommodate the development, including a direct access to and from Interstate 70 through the use of planned hook ramps, a 40th Avenue underpass connection to Youngfield Road, a connection to the south to 32nd Avenue and a future extension of Clear Creek Drive to the north of Clear Creek Crossing and connecting with Highway 58.

There are two primary streets within Clear Creek Crossing, both extending and connecting to existing streets adjacent to the Site. Clear Creek Drive is a planned four-lane street with a dedicated turning lane extending southerly to its alignment with the existing Youngfield Service Rd, where it connects to 32nd Ave at a signalized intersection, just west of the existing I-70 freeway bridge. To the north, Clear Creek Drive will cross a planned signalized intersection with the planned I-70 ramps, aligned at approximately 38th Ave, after which the collector street will cross the Site diagonally to the northwest, intersecting with 40th Ave. Clear Creek Drive will terminate near the northwest boundary of the Site in a cul-de-sac near a planned trailhead and trail, which will connect to the existing Clear Creek Regional Trail, along the creek. A future phase of the development to the north and west future phase eventually will extend the street beyond the cul-de-sac to its proposed connection with Hwy 58. The other planned primary street which runs east/west within the Site, 40th Avenue is a two-lane street with a dedicated turning lane aligned to connect to existing 40th Ave, just east of the Site boundary at its intersection with Youngfield Service Rd. The existing 40th Ave is also a two-lane street with a dedicated turning lane, extending westerly, under the I-70 40th Ave bridge where the street intersects and terminates at Youngfield Rd.

The Project will require a variety of intersection types and design to enhance safety and connectivity throughout the site. Within Clear Creek Crossing, there are four signalized full movement (primary) intersections and five additional full movement and two limited movement intersections at various planned drive locations, primarily along Clear Creek Dr. Treatments of the planned primary intersections, including the I-70 ramp entrance to Clear Creek Dr, as well as the 40th Ave and Clear Creek Dr intersection may utilize design enhancements to include, raised crosswalks, change in pavement pattern and/or materials and additional signage.

2.3 Street Map



2.3.1 Public Street Design and Circulation

DESIGN INTENT

- Introduce a street and sidewalk pattern, orientation, and hierarchy that encourages walkability between and through the Districts.
- Design and construct streets that support a multi-modal environment, including vehicular, pedestrian and bicycle traffic.
- The streetscape treatments should be an element that provides continuity throughout the Project.
- Maintain pedestrian safety at primary intersections within the Project.
- Signage on streets should be a cohesive design element that clearly identifies the Project and its users from the streets

Vehicular, Pedestrian and Bicycle Network

Landscaped streetscape

Enhanced paving at crosswalks

DESIGN STANDARDS

- Ensure clear sight lines are maintained at public street intersections to provide for vehicular, pedestrian, and bicycle safety.
- Public street design shall follow the appropriate street section templates included in 2.3.3 Public Street Sections in this document.
- Clear lane marking and signs for bicycle and vehicle travel shall be maintained throughout the Project's public streets.
- Vehicle access driveways on public streets shall meet the following requirements:
    - No vehicle access driveways may be closer than twenty-five (25) feet to any property line except when used for joint access for two (2) or more parcels within a planning area. Flexibility in this requirement is allowed should the Planning Areas be further subdivided in the future.
    - Vehicle access drives on the same parcel shall be spaced at not less than 100' intervals.
    - Curb cuts in commercial districts shall not be more than 35' in width when serving an individual parcel and shall not in any instance be less than 20'.
    - All curb cuts and driveways shall be not less than 10 degrees off perpendicular to the street it serves.
- Any potential vehicular traffic conflicts with users of multi-use trails shall be minimized.
- Tree lawns (area between sidewalk and street) shall be landscaped with street trees and sod, or in lieu of sod a combination of shrubs, ornamental grasses, and perennials.
- Street tree selection and planting design along public streets shall be designed to unify the project through consistent application of landscape patterns.
- Landscape design within tree lawns shall not interfere with walkability, accessibility, or safety along public streets.

DESIGN GUIDELINES

- Shared curb cuts and driveways are encouraged between multiple parcels. Where access points are shared or where adherence to these standards would leave a parcel without vehicular access, curb cut setback or spacing requirements may be adjusted.
- Use of wayfinding signage to communicate access to trail connection amenities is highly encouraged. Provide wayfinding signage at key locations along public streets.
- Use of enhanced paving crosswalks or other alternative methods of making pedestrian travel for clarity and safety is highly encouraged.
- Landscape islands with pedestrian walkways may be incorporated at street intersections, amenity spaces, or building entrances creating clear separation from vehicular and pedestrian circulation.

2.3.2 Private Street Design and Circulation

Pedestrian walking zone

DESIGN INTENT

- Assure through internal streets that traffic is dispersed efficiently and safely providing ease of entry to the Project, as well as exit from the various Districts.
- Establish logical, safe and attractive connections to and throughout the development.
- At Project's vehicular entry points, provide clear separation from bicycles and pedestrians.
- Minimize conflicts between vehicles and pedestrians by limiting curb cuts along pedestrian centric streets.
- Encourage site access drives that promote effective circulation among adjacent parcels within the Project.

DESIGN STANDARDS

- Internal streets shall include a Pedestrian Walking Zone (sidewalk) and an Amenity Zone.
- Pedestrian walking zones shall be unobstructed and clear along all streets. Private zones should connect to adjacent streets and Walking Zones through a combination of concrete w/ pattern, texture, or concrete pavers.
- The Amenity Zone shall be a minimum of six ft. (6') wide and contain trees, pedestrian lighting, streetscape elements, wayfinding, signage, and furnishings to maintain Project continuity .
- Pedestrian Walking Zones and bicycle lanes shall prioritize safety in design, particularly in areas near the planned I-70 ramps.
- The branching height of mature trees shall be a minimum of eight (8') feet in height for unobstructed Walking Zones.
- Walking Zones shall be organized to create a continuity of walkable areas throughout the Project.

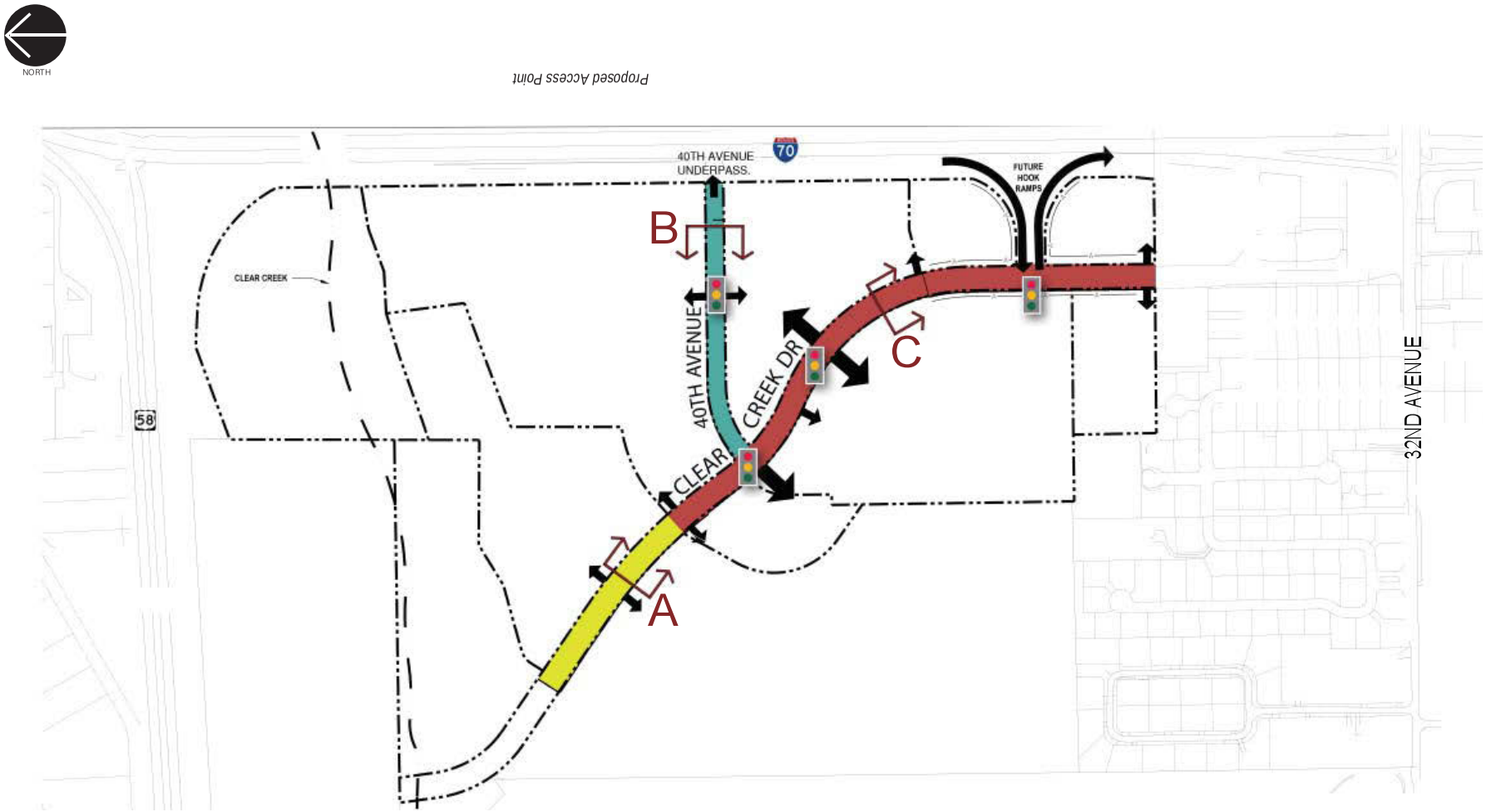
Landscaping to enhance pedestrian zones

DESIGN GUIDELINES

- Specialty intersection treatments are encouraged to support pedestrian traffic.
- Throughout the Project the streets should be visually cohesive through the use of similar or complementary streetscape elements, hardscape treatments and planting.
- Street trees should be selected to create a continuous canopy at maturity allowing 30' spacing where available.
- A specialty paving system or pattern, with or without a change in material is encouraged at primary street intersections with the Walking Zone.
- Signage on streets should be a cohesive design element that clearly identifies the Project and its users from the streets.

Landscaped amenity zone

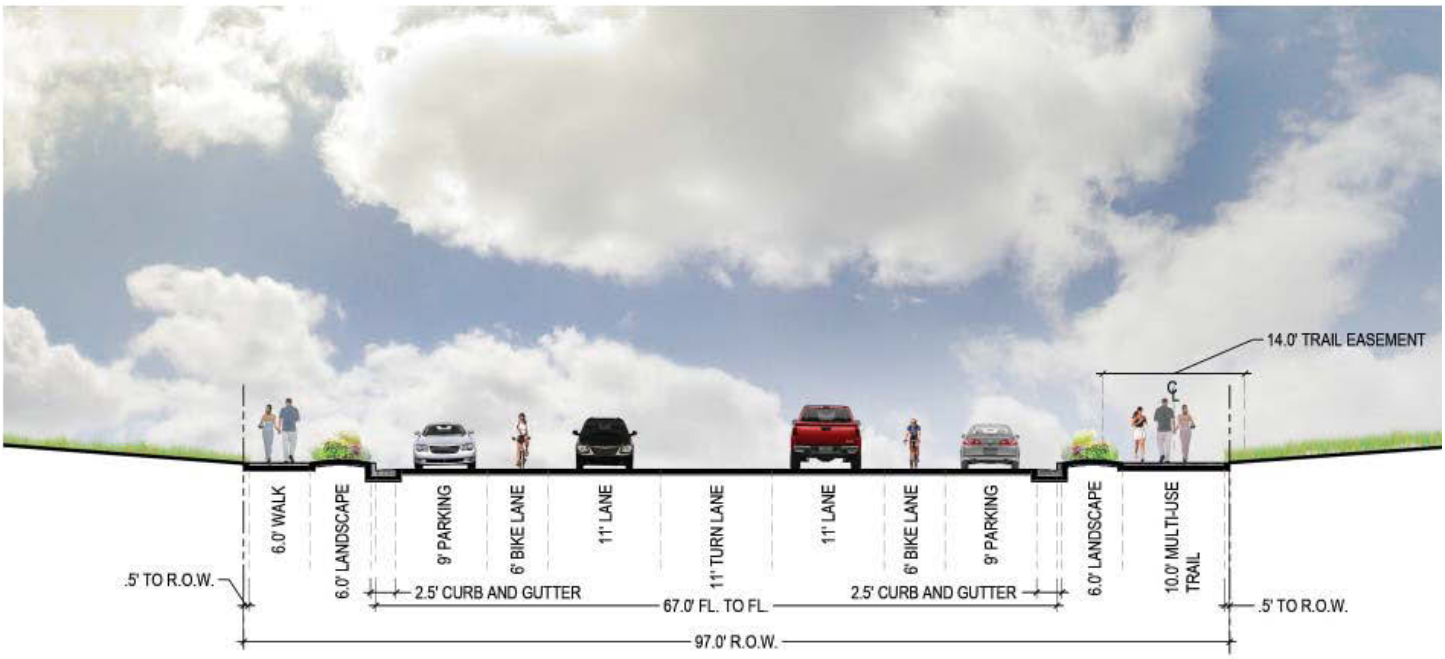
2.3.3 Public Street Section



ROAD SECTION - R.O.W. WIDTHS	
SECTION A	97' R.O.W.
SECTION B	71' R.O.W.
SECTION C	93' R.O.W.

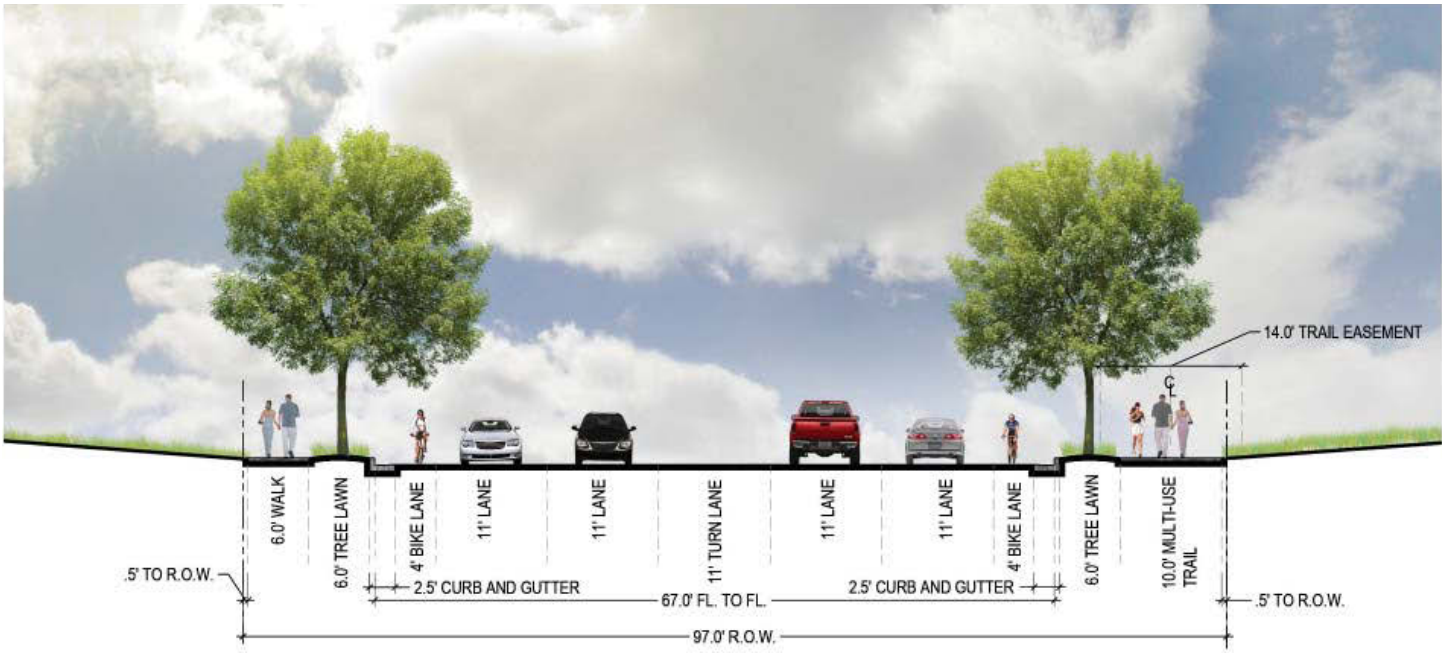
KEY MAP

2.3.3 Public Street Sections (cont.)



SECTION A

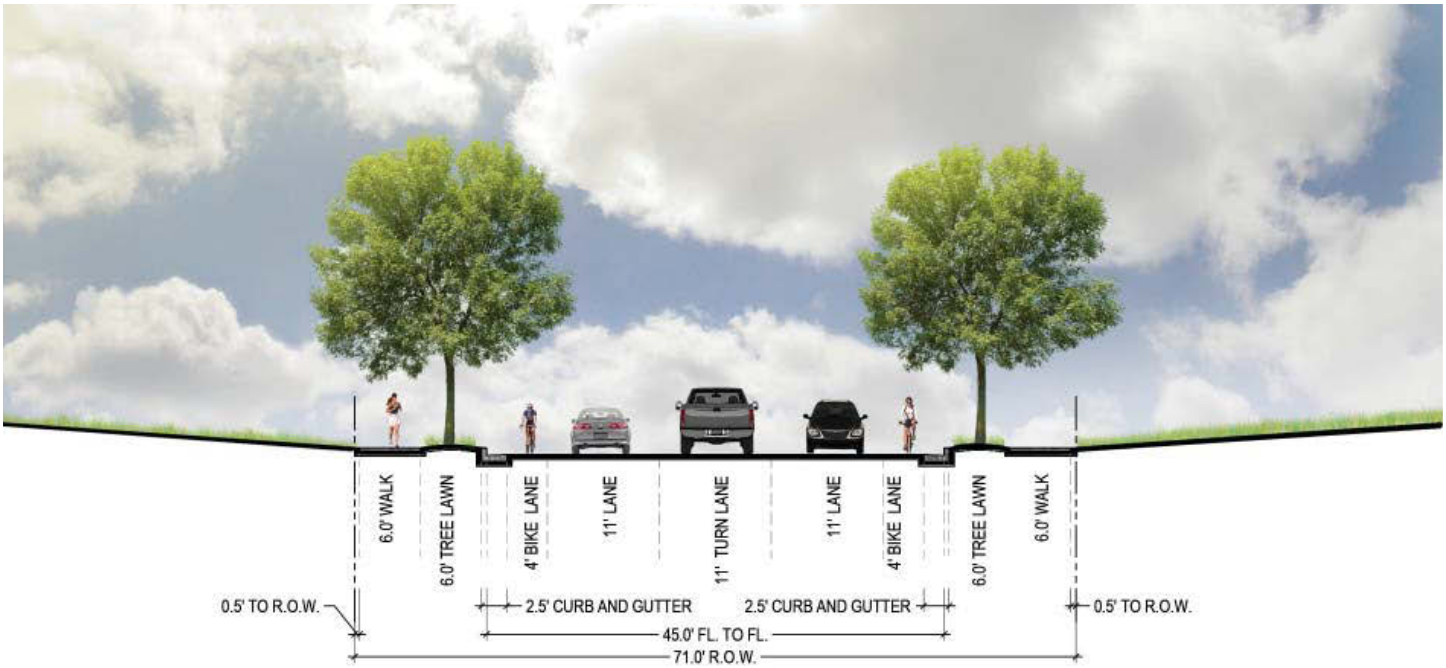
CLEAR CREEK DRIVE



CLEAR CREEK DRIVE

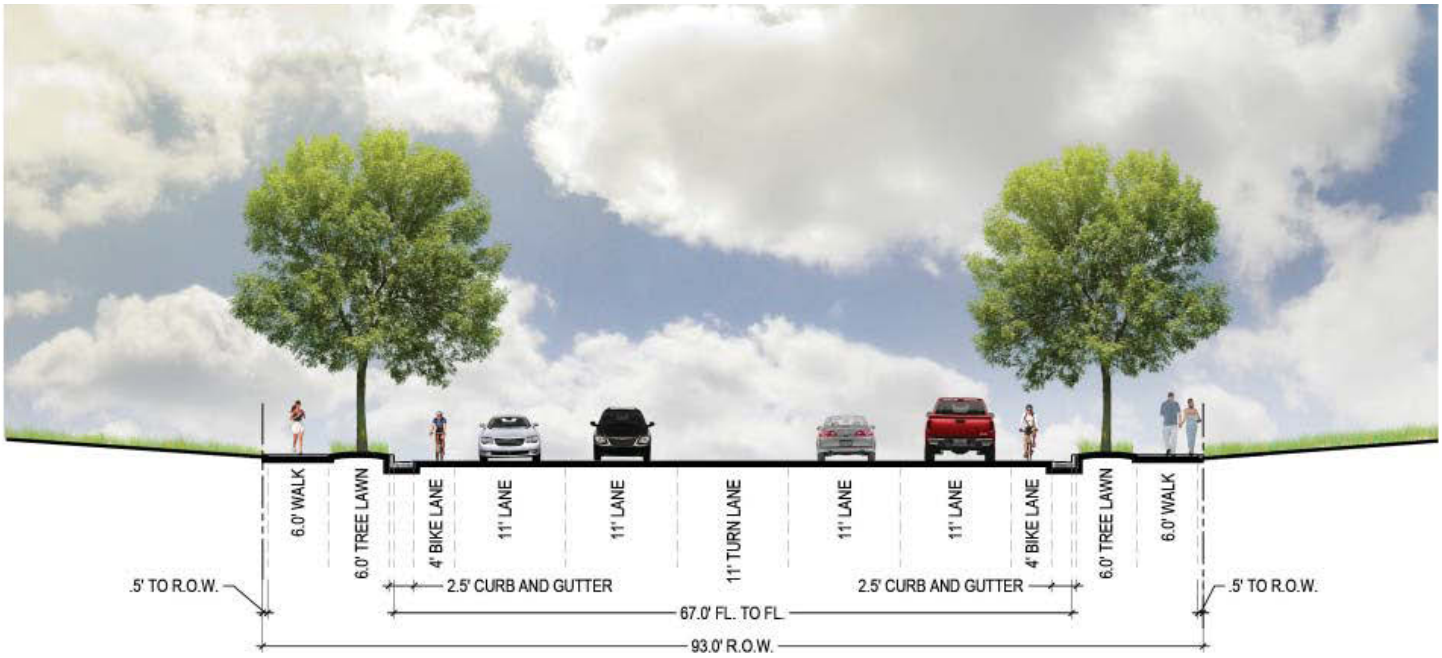
POTENTIAL FUTURE - SECTION A

2.3.3 Public Street Sections (cont.)



SECTION B

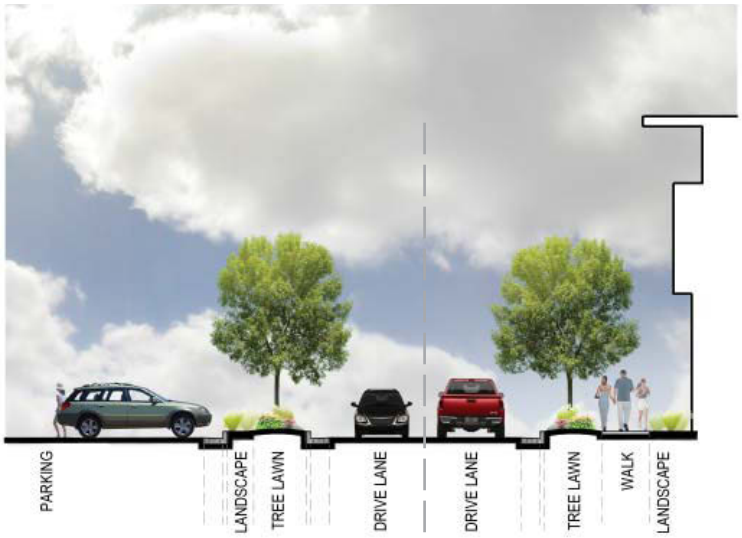
40TH AVENUE



SECTION C

CLEAR CREEK DRIVE

2.3.4 Conceptual Private Street Section



PRIVATE DRIVE

PRIVATE DRIVE

The above conceptual private street section is intended to provide an idea of the spatial feel of the internal private drives. Actual internal access drives will be proposed, reviewed and approved by the City of Wheat Ridge at the time of the Specific Development Plan. The above graphic demonstrates two street section instances, the left demonstrating a street abutting a parking field primarily applicable to the Harvest and Mill Districts and the right side of the section demonstrating a more pedestrian oriented section likely to be proposed in the Vineyard District.

2.4 Pedestrian Connectivity

A major component of Clear Creek Crossing is pedestrian connectivity, both internal to the site, as well as externally to existing adjacent neighborhoods and the Clear Creek Trail. This connectivity is intended to serve the needs of the community encouraging use of the trail. Access to the Clear Creek Trail will be of importance in site planning efforts for the Development, as Clear Creek and its associated trail not only drives the design inspiration of Clear Creek Crossing, but also provides a regional connection to the community that should be celebrated.

Special emphasis placed on quality and functionality of the pedestrian environment improves social interaction, connects the existing fabric of the adjacent neighborhood and encourages travel from destination to destination within the larger community without the use of a motor vehicle.

2.4.1 Pedestrian Connectivity Map

2.4.2 Public Trails, Sidewalks & Bike Lanes

DESIGN INTENT

- Provide entry points to the Project for vehicles, bicycles, and pedestrians.
- Create a vibrant streetscape environment that focuses on the pedestrian and complements the vision for a walkable, mixed-use planned development.
- Provide clear paths of travel for bicyclists, pedestrians, and vehicles with designated areas of travel to minimize conflicts.
- Encourage a safe and convenient pedestrian and bicyclist experience at the Project, maintaining safety as the highest priority.
- Provide direct and comfortable pedestrian connections between developed uses and publicly accessible open space including Clear Creek Trail and plazas within the Project.
- Incorporate a public amenity zone with enhanced streetscape amenities including street trees, plantings, benches, and pedestrian lighting that form a cohesive image for the Project.

Multi-Use trail

Multi-modal connections

Comfortable and direct connections

DESIGN STANDARDS

- Vehicular access shall be designed to minimize any conflicts between streets and primary pedestrian or bicycle access at the Project.
- Detached sidewalks with tree lawns (which shall include street trees) or attached sidewalks with Amenity Zones (which shall include street trees in cut-outs) between the curb and walking zone shall be provided.
- Streets, pedestrian networks and bike routes shall be connected to the existing development in the surrounding area.
- Sidewalks shall be at least six (6') feet wide and the Amenity Zone shall be at least six (6') feet wide.
- A system of pedestrian sidewalks shall be provided and designed to provide direct access and convenient connections to and between the following:
    - All site amenities or publicly accessible open spaces and plazas.
    - Public and private sidewalks on adjacent properties that extend to adjoining land uses, developments, and public facilities such as parks, green-ways, schools, recreational facilities and public office buildings.
- Pedestrian lighting shall be provided on streets that are considered major pedestrian environments within the Project. At plaza and trail locations, site amenities shall support the pedestrian and cyclist experience, providing adequate and convenient facilities.

DESIGN GUIDELINES

- Primary intersections may be set apart with aesthetic design elements that mirror the significance of the signalized full movement.
- Landscape should consider its purpose as a visual cue and unifying element. Landscape in the Amenity Zones should not impede circulation for any of the modes of travel through the Project.
- Where possible, private amenity zones should be utilized to provide additional pedestrian amenities, such as benches or planters. Additional seating areas within the streetscape, especially near corners and areas with high pedestrian traffic, are encouraged.

2.4.3 Pedestrian Access & Circulation

DESIGN INTENT

- Create an inviting environment that has clear circulation paths from parking areas to building entries.
- Provide accessibility for pedestrians to safely navigate within Districts as well as between them.
- Provide clear, visually interesting accessible routes for pedestrians to navigate through the mid-points of blocks and intersections.
- Provide direct and comfortable pedestrian connections between developed uses and publicly accessible open space including Clear Creek Trail and plazas within the Project.

Pedestrian connections

Clear walkways along building facade

Material change at walkways

DESIGN STANDARDS

- An on-site system of pedestrian walkways shall be provided and designed to provide direct access and convenient connections to and between the following:
  - Primary entrances to each primary building, including pad site buildings;
  - All surface parking areas or parking structures;
  - Nearby site amenities.
- Walkways must be clear of low branches, vegetation and similar impediments.
- Areas within the Project where the pedestrian walkway crosses a parking area or internal street, the walkway shall be clearly differentiated through a change in color or material.
- Pedestrian walkways shall be continued across driveways and drive aisles in parking lots.
- Where walkways occur along a building facade, the required walkway must be clear of door swings, exterior display areas, shopping cart storage, and similar impediments.

DESIGN GUIDELINES

- The number of curb cuts should be minimized to the extent possible and be shared between uses and parking areas except in retail.
- Drop off areas for specific uses such as hotels, employment, and residential areas may be allowed when deemed appropriate and not in conflict with the general pedestrian and vehicular traffic patterns.
- Connections between pedestrian walking zones and multi-use trails are encouraged.
- Design of pedestrian elements should be cohesive throughout the Project, serving as a visual connector between the Districts.

2.5 Parking and Service

Landscaped Parking Islands

Aggregate Landscaping

DESIGN STANDARDS

- Parking requirements by use are set forth in the Development Standards Table in Section 1.7 of this document.
- When a parking lot or loading area is placed between the public right-of-way and a building, or adjacent to existing residential uses, view-obscuring screening shall be established between the ROW or residential use and the parking area and composed of live plantings, berms, or walls, or a combination thereof. The height of the screening shall be subject to the sight distance triangle requirements.
- Drive-through lanes are allowed within a "build-to" area as long as lane(s) is (are) screened with 3' tall landscaping, berming, and/or wall.
- Landscaped islands and/or medians are required in larger parking areas to minimize the aesthetic impacts of large, uninterrupted parking areas. Large areas of surface parking shall be divided by landscaped medians, accordingly:
  - All parking areas in excess of twenty-five (25) spaces shall have at least one (1) interior landscaped island per twenty-five (25) spaces. For double bay parking this space may be reduced to one parking lot island per thirteen (13) double bay parking spaces.
  - Each such landscaped island shall occupy the equivalent of one (1) parking space (minimum) and each such required island shall be landscaped with a minimum of one (1) two-inch caliper tree or larger and four (4) shrubs or accepted groundcover.
  - Parking lot islands shall be irrigated with an automated sprinkler and have raised concrete curbs.
  - No landscaping within landscaped islands may obstruct visibility for vehicles entering, maneuvering in, or exiting the parking lot.
- Parking lots over 400 spaces shall be broken up into smaller lots with landscaped pedestrian paths leading to primary building entrances.
- Stacking for drive-through facilities shall not be located directly adjacent to existing residential uses.
- Multifamily parking shall not be placed within the minimum frontyard setback. Where the sideyard or rearyard setback is adjacent to a public street, a landscape buffer of at least 10 feet is required.

DESIGN INTENT

- Promote a walkable, pedestrian-friendly site with minimizing visual impact of parking areas.
- Encourage a visually appealing appearance of surface parking areas while maintaining adequate facilities to serve various uses within the Project.
- Consider shared parking as a way to promote connectivity through the Project.
- Accommodate and encourage multi-modal transportation usage which may reduce parking through parking reductions.
- Provide adequate lighting levels to create a safe, secure environment while limiting negative impacts on adjacent properties.

Landscaped Parking Islands

DESIGN GUIDELINES

- The visibility of parking from the street should be minimized.
- Shared parking between users is encouraged.
- The use of perimeter walls, berms, landscaping, or placement of buildings may be used to reduce the visual impact of parking areas.
- Parking Structures are encouraged where appropriate and cost effective within the development to help manage large expanses of parking lots as well as to encourage effective pedestrian connectivity within the Project.
- In order to minimize large expanses of parking, interior landscaped pedestrian paths are suggested to break up large lots and provide safe pedestrian connection to the primary building entrances.
- Minimize surface parking where possible through the use of Shared Parking and Parking Reductions as outlined in 26-501.

Landscaped Parking Islands

2.6 Bicycle Parking

Bicycle parking

DESIGN INTENT

- Accommodate and encourage multi-modal transportation usage which may reduce parking lot sizes overall through parking reductions.
- Provide adequate bicycle parking facilities to encourage cycling as a viable transportation mode for visitors and residents of the Project.
- Encourage the connection between Clear Creek Trail and the Project by providing conveniently located bicycle parking in all Districts.
- Maintain safety for cyclists through thoughtful location of bicycle parking facilities.

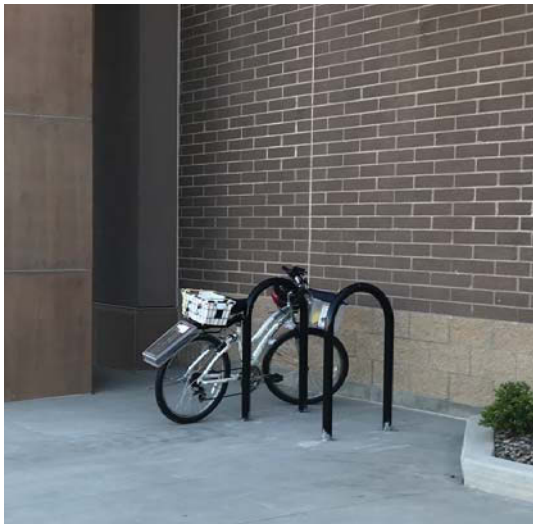
DESIGN STANDARDS

- Bicycle parking requirements by use are set forth in the Development Standards Table on Page 12 of this document.
- The required bicycle rack is the “inverted U” type and shall count as two (2) bicycle spaces. Other types of bicycle racks may be approved by the community development director
- Parking for bicycles shall be provided on site and shall be well-lit areas as near to the building or facility entrance as possible but not more than fifty (50) feet away.

Bicycle parking

DESIGN GUIDELINES

- Bicycle parking should be encouraged near RTD bus stops to facilitate multi-modal transportation.
- Bicycle parking facilities should be safely accessible from streets and multi-use trails.
- Where possible, bicycle parking areas should utilize already existing weather protected areas such as building overhangs.
- Bicycle parking facilities should include provisions for storage and locking of bicycles in secure racks, or equivalent installation, in which the user may lock both the bicycle frame and wheels to the rack.



Bicycle parking

2.7 Service & Loading Areas

DESIGN INTENT

- Minimize visibility and impact of service areas by locating parking and service access away from primary building access points, and pedestrian activity areas, providing screening as necessary.
- Eliminate conflicts between service areas, on-site vehicular circulation and pedestrian connections.
- Provide clean, safe and functional service areas behind buildings.

Trash enclosure screening

Minimize visibility of service areas

Solid screening

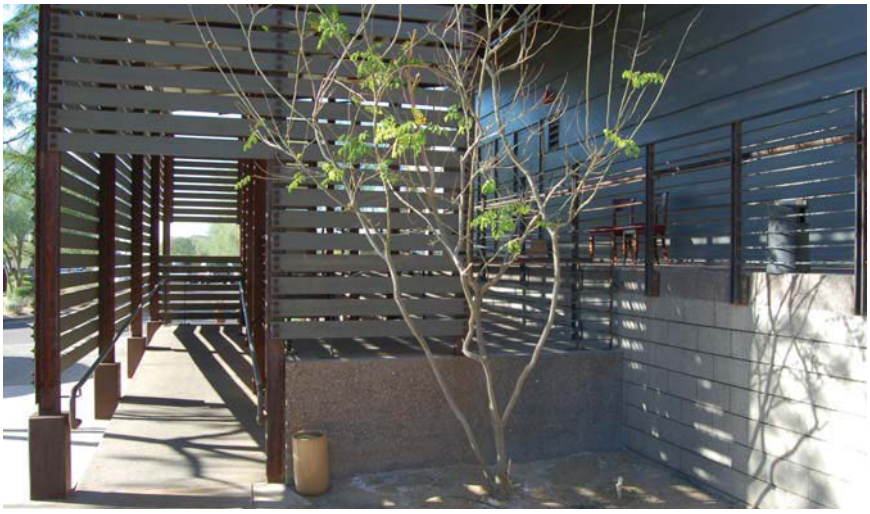
DESIGN STANDARDS

- Loading shall not occur from any public street, major interior drive, nor occupy or intrude into any fire lane or required parking spaces. Where possible, loading docks must be located on the site so as not to be viewed from major roads, access ways, or residentially zoned property.
- On-site loading shall not be located near pedestrian-use areas such as sidewalks, plazas, or open spaces.
- Service and delivery activities shall be separated from primary building access points and shall be screened from the public view and avoided along the street.
- Sufficient loading and maneuvering space shall be provided for trucks and other service vehicles.
- Locate service areas and associated equipment (i.e. dumpsters, loading docks) away from residential zones, to limit smell and visual disturbance.
- Service areas that are visible from public/private streets will be screened from view with walls matching the architectural character of the building to which it is attached, or through extensive landscaping.
- 8'-0" Max. height for screen wall.
- Trash dumpsters shall be shielded from view by solid screen walls with a gate or door at least 6'-0" in height, creating a trash enclosure.
- Trash dumpsters may not project above the trash enclosure.
- Trash enclosures may not be located within five feet of windows, doors, combustible walls or roof eaves.
- Trash enclosures may not be located between the building and street unless screened from visibility.

DESIGN GUIDELINES

- Combining multi-tenant trash receptacles and service areas is encouraged to maximize operations efficiency and minimize obstacles in pedestrian zones.
- Screen walls and trash enclosures should be similar in design and materials within the various Planning Areas.

2.8 Fencing & Screening



Screen Wall

DESIGN STANDARDS

- Service and delivery facilities and utility appurtenances such as gas meters, transformers, and switch gear shall be separated from the primary public building entries and shall be screened if visible from the public right-of-way.
- All fencing must exhibit a high quality design and construction reflecting the architectural character, color and material of the building or buildings to which it is attached or directly related.
- Screening enclosures for refuse container and service areas shall be consistent with building architecture and shall utilize similar materials.
- Screen walls and fences shall be a minimum of one foot higher than the object being screened, but not more than eight feet high on all sides where access is not needed.
- An opaque metal gate shall be included where required for complete screening.
- All fences and railings must be securely fastened in place in pavement or footings.
- Pool enclosure fence = 60” minimum height.

DESIGN GUIDELINES

- Where topography or building forms create special conditions, screen wall height, and / or location requirements may be modified.
- Where building form or architecture suggests that ancillary structures or walls contrast with the primary building, fences and screen walls may differ in design and materials from the primary building.
- Fencing may be combined with low walls for enhanced design.
- When possible, equipment screens should be placed back from building edges so as to not negatively affect building mass and scale.
- Fencing and walls in the commercial, retail and high density residential areas of Clear Creek Crossing should be as minimal as possible.
- The height of fences and walls may vary depending on the purpose and location. Where pedestrian access needs to be limited, a fence or wall as high as 4 feet may be used. Where a parking lot screen is required, the fences or walls may be as low as 3 feet. Where a fence, wall or railing provides a safe barrier between severe grade changes, a minimum height of 42 inches must be provided.

DESIGN INTENT

- Minimize the visual presence of off-street service functions, such as deliveries and refuse pick up, by locating service areas away from primary public points.
- Screen or buffer service areas, refuse containers and mechanical/utility equipment from views from streets, open spaces and adjacent properties.
- Provide security for private and common spaces not open to the general public.

Screen Wall

Site Fencing

Screen Wall

2.9 Walls

DESIGN INTENT

- Walls, particularly in visible areas, will incorporate or give the appearance of field stone and natural stone to create an agrarian feel.
- Wall design, particularly in areas adjacent to ROW, should incorporate color and materials to complement the architecture and provide a unifying element throughout the Project.
- Wall types will vary depending on visibility from the R.O.W.
- Highly visible walls in pedestrian areas should be designed with materials for the pedestrian scale.

Natural Stone

DESIGN STANDARDS

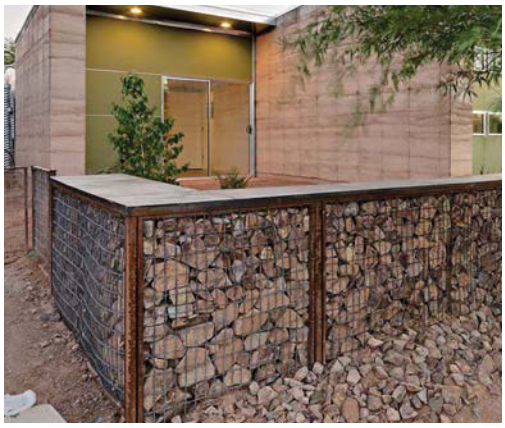
- Walls shall meet City of Wheat Ridge minimum standards as reflected in the Architectural and Site Design Manual.
- Large retaining walls where hidden from view can be MSE type walls.
- Incorporate tiering of walls where possible and provide planting area between tiered wall partitions.
- Select materials for high quality and durability.
- Where segmental block walls are used, the masonry units shall have multiple sizes, textures, or a randomized pattern to add interest.
- Provide blended color throughout block selection to be visually appealing.

Segment Block

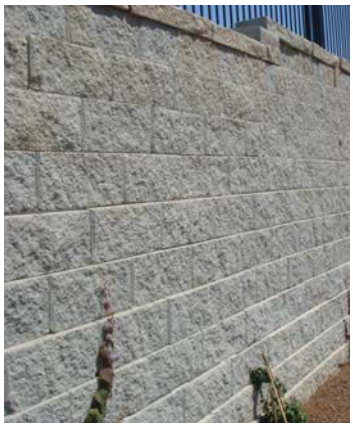
DESIGN GUIDELINES

- Emphasize raw material in gathering areas. May include board formed concrete or gabion type walls.
- Utilize landscape design to screen retaining walls where visible from the ROW.
- Walls visible from the R.O.W. should have an enhanced finish similar to field stone or natural stone and may include faux stone products.

Board Form



Gabion



MSE

2.10 Plaza & Gathering Areas

Plazas and gathering areas

DESIGN INTENT

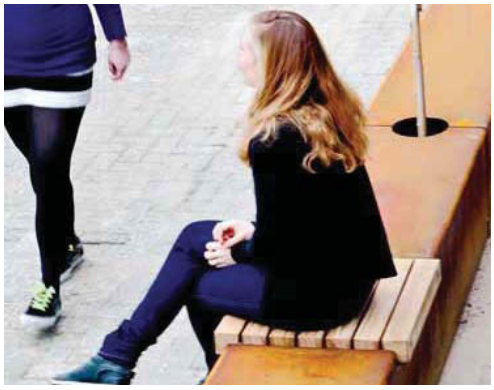
- Provide spaces that are open and inviting to the public, which serve as areas for relaxation and community interaction, and create variety and interest in the public realm.
- Allow for spaces adjacent to building and public rights-of-way than can accommodate special amenities such as café seating, public art, water features, and planters.
- Design spaces that can accommodate high levels of pedestrian use.
- Create a comfortable night ambiance in publicly accessible open space and plazas utilizing adequate light levels to achieve safety and efficient wayfinding.
- Provide multi-functional spaces that can accommodate special events and functions.

DESIGN STANDARDS

- Plaza/gathering areas shall be required in PA1, PA3, and PA6 only.
- Plaza/gathering areas shall provide a minimum of 5,000 square feet within each Planning Area; designated plaza/gathering areas may be divided into up to five (5) non-contiguous locations within each Planning Area, as required.
- Locate plazas and gathering areas for high visibility and public safety.
- Each plaza shall provide at least one (1) tree for every 1000 square feet of plaza area.
- A minimum of 15% of the plaza shall be composed of planting materials (grass, ground covers, planting beds, etc.)
- Deciduous shade trees shall be provided near seating areas.
- Lighting shall be designed to illuminate pedestrian pathways and provide for human safety and security.
- Paving materials shall incorporate colored, patterned or decorative concrete, crusher fines, brick or stone pavers, exposed aggregates and/or other decorative finish elements.
- At least two of each of the following design elements shall be incorporated in the Homestead, Mill, Vineyard and Harvest Districts:
    - Plazas or courtyards that contain open eating areas, landscaping, and/or fountains. Where possible, buildings should be placed to enclose these spaces on three sides. These areas shall count toward the minimum required landscaped area established in Chapter 26 of the Code of Laws.
    - Pedestrian activities such as seating areas, arcades, bike racks, benches and seat walls should be placed on site, close to building entrances.
    - For multi-family residential properties, open space shall incorporate amenities for play or congregation. Acceptable amenities include play structures, picnic tables, benches, community gardens, doggie yard or sporting area/fields.

DESIGN GUIDELINES

- Design of plazas should take into consideration ease of maintenance and snow removal.
- Paving/hardscape should be considered as the primary surface treatment, with landscaping and or turf as secondary surface treatments.
- Where possible, permeable paving or landscaping should be used to reduce water run off on site.
- Trash receptacles should not be placed immediately adjacent to benches or other seating areas.
- Other amenities, such as water features, public art, power outlets, and drinking fountains, should be incorporated into a plaza.
- Plaza standards may be modified for special plaza conditions, configurations, functions or size.
- Plazas should be oriented to take advantage of views and sun exposure.
- Plazas should feature entrances to retail spaces along their perimeter where possible to activate the space.
- Keep lighting fixtures at a pedestrian scale. Light bollards, step, and walkway lights are encouraged.



2.11 Open Space & Views

DESIGN INTENT

- Open space should feature high-quality amenities and encourage pedestrian activity.
- In site planning, emphasize views toward the foothills and other prominent natural features around the site including Clear Creek.
- Public areas and landscape features should embrace scenic view corridors unique to the Project's location.

Site Views

Multi-use trail

DESIGN STANDARDS

- Site planning, landscape design and building orientation as well as placement shall respect the site's natural beauty as well as existing view corridors.
- Site planning shall require pedestrian connections from the planning areas to points of accessibility to the multi-use trail system, whether direct of indirect.
- Detention areas may be used as open space, provided that they are designed to be usable and do not allow standing water.
- Multi-use trails, not included in rights-of-way, may be used as open space.

Site Views

DESIGN GUIDELINES

- All open spaces should be designed with quality hardscape and planting materials. Ornamental trees and other plantings that provide seasonal interest are encouraged.
- Open spaces should be oriented to take advantage of views and sunlight; where possible, open spaces should connect visually and physically to adjacent sidewalks and multi-use trails.
- Rooftop amenities and patios are encouraged to maximize opportunities for the enjoyment of scenic views of both the mountains and the creek.

2.12 Public Art

DESIGN INTENT

- Engage the City's diverse communities by creating collaborations between artists and community members to achieve works of artistic excellence.
- Creatively express the memory, values, traditions, customs or aspirations of community members.
- Support the opportunity for public art to respond to the character and history of particular places.
- Use public art and the public input process to promote a sense of unity among various groups within a community.

Mural

Sculptural art

Sculptural art

DESIGN STANDARDS

- Exterior art may be in the form of sculptures, statues, paintings or fountains. Art should be located where it is visible from the public right-of-way or in a prominent location in a public plaza.
- Public Art is required in the Mill, Vineyard and Harvest Districts (Planning Areas 1,3, and 6).
- All Public Art shall be submitted to the Design Review Process of the ACC.
- All Public Art installations shall be approved by the City of Wheat Ridge Cultural Commission.
- The ACC will interview and approve the artists for these amenities.

DESIGN GUIDELINES

- Locate artwork in public plazas near major entries or where otherwise visible and accessible for public enjoyment.
- The provision of public art is encouraged and may be functional or purely an art form.
- Public art should be considered a complement to other amenities in plazas, private amenity zones, public amenity zones or other public areas.
- Public art should not compete with or detract from buildings or storefronts, nor should it obstruct pedestrian walkways or vehicular traffic.
- Public Art may include but is not limited to: sculpture, two-dimensional works, wall murals and graphics, hardscape, towers, landscape and water features. Art installations should be constructed of durable and maintainable materials such as stone or metal.
- Public Art shall be encouraged in any of the Planning Areas where it is not required, with exception of PA-4.
- Proposed public art should represent a reasonable investment relative to the scale of the development within the Planning Area.

3.0 - BUILDING DESIGN

3.1 Building Form, Height, and Massing

DESIGN INTENT

- Create building forms that are consistent with the Agrarian style of architecture defined in the Clear Creek Crossing Vision Book.
- Provide for continuity between the Districts and varied building types.
- Form the building edges that reinforce pedestrian activity and create a sense of place.
- Enhance corners and facades of buildings with architectural elements that support their function as 'gateway' buildings as well as providing iconic features throught the Project.
- Provide visual interest at pedestrian levels, reduce the bulk of large buildings and use architectural features and materials to reflect the Project's character.
- Create buildings with mass and form that provide a human-scale relationship between structures, streets and open spaces/plazas.

Varied roof form

Agrarian forms

Clear delineation of building entries

Creating a sense of place

DESIGN STANDARDS

- Buildings shall use a graduation of the building height and mass through modulation of the building form.
- Roof forms longer than 100' shall be broken with a vertical change of not less than 2' in height.
- Building masses shall provide a clear delineation of entries through the use of varied building forms and roof elements.
- The base of buildings shall provide visual mass utilizing a variety of materials that grounds the building and ties it into the Agrarian theme of the Project.
- Buildings shall utilize forms (such as corner elements, protruded or recessed bays, changes of materials or, expressed structural elements), to transition between higher and lower buildings.
- Architectural features such as corners or tower elements shall be 4 sided elements and clearly be differentiated at the parapet line if all sides are visible from a primary public right of way.
- Architectural details shall occur on all four sides of the building to reduce the back of house appearance.
- Roof forms and parapet heights should be varied, and where appropriate, should emphasize the facade articulation and variation of building materials. Roof forms over 50 linear feet shall incorporate at least two of the following:
    - Changes in roof or parapet height
    - Decorative cornice or eave treatment
    - Differentiation in material and/or color
    - Changes in roof type, such as hipped or gabled rooflines and modulated flat roof lines.

DESIGN GUIDELINES

- EIFS may be used as a material for roof top screening or enclosures.
- Consider views from neighboring buildings in the design and enclosure of rooftop equipment.
- Consider the possibility of rooftop patios, green roofs, or decorative ballast on flat roofs.
- Encourage rooftop activation that captures scenic views of the mountains and Clear Creek.

3.2 Pedestrian Oriented Design

Activate pedestrian zones

DESIGN STANDARDS

- Ground floors along primary pedestrian routes shall be given extra attention to achieve a higher level of architecture, by using pedestrian scaled facades.
- Overhanging elements shall be a minimum of 10-ft above the sidewalks except for signage.
- Overhanging pendant/blade signs and awnings may extend as low as 8-ft.
- A variety of large overhangs, projecting roof forms, extension of entries or overhead trellises shall be encouraged in pedestrian areas to provide cover and visual interest to the public areas.
- High Quality durable building materials shall be used in major pedestrian areas.
- Special attention is required to manage rain water, snow melt, etc. in pedestrian areas in order to mitigate hazards, damage and nuisances in these areas.

DESIGN GUIDELINES

- Canopies, awnings, blade signs, balconies, and other architectural elements may overhang and extend from buildings, creating shade, amenities and pedestrian scale signage in order to activate buildings and encourage pedestrian traffic close to buildings.

DESIGN INTENT

- Use the location of building walls to define pedestrian areas and streetscapes at a human scale.
- Reinforce pedestrian activity and create a pedestrian-friendly environment.
- Create continuity of edges to articulate the pedestrian walking zone.

Outdoor seating

Sculptural design in pedestrian zones

Durable materials

Pedestrian scale environment

3.3 Variety and Scale

DESIGN INTENT

- Create buildings that provide visual interest and variety.
- Create buildings that provide human scale in the lower portions of the public facing facades.
- Create buildings that are contextual with the Districts and transition well to adjacent Districts.
- Take advantage of view corridors into the site, using a variety and a range of building scale to pique curiosity of traffic on adjacent highways and freeways.

Use of varied materials

Projecting architectural elements

Modern Agrarian aesthetic

Creative use of materials and signage

DESIGN STANDARDS

- Buildings shall be designed to accommodate human scale, providing interest and variety, using the following:
- Expression of architectural or structural modules.
- Varied window sizes, shapes, and patterns pertaining to visible/logical changes in massing and/or function.
- Varied shadow patterns using Projecting architectural elements.
- Variation of material modules, joints and connection details, surface relief, color and texture.
- Building form such as recessed or Projecting bays or balconies, contrasting shapes, or changes in basic modules
- Emphasis of building entries or important corners through Projecting or recessed forms, detail, color or materials, or windows/glazing.
- Facades or forms of a building that face the pedestrian or open space shall receive a high level of design attention and detailing, using materials consistent with Clear Creek Crossing Building Design Standards.
- Breaking up long building facades is required. Maximum length of blank wall along pedestrian zone is 20 horizontal feet

DESIGN GUIDELINES

- Portions of the street-facing facade that are stepped back from the facade should be allowed greater simplicity in façade detailing and scale.
- Buildings that are immediately adjacent to residential neighborhoods should minimize the impact of building height, shadow and sun exposure on adjacent properties.
- Buildings closest to major highways should embrace scale as an opportunity to mirror the intensity of nearby traffic, whereas buildings closer to pedestrian routes should scale to a more human level in design of architectural elements.

3.4 Building Facades

DESIGN STANDARDS

- All building facades visible from a street or public space shall provide a level of finished architectural quality and be designed to the human scale. Each facade that is visible from a street or public space shall incorporate at least three of the following elements:
  - Reveals
  - Belt courses
  - Cornices
  - Deep overhangs a minimum of 3 feet in depth
  - Expression of a structural or architectural repeating element of at least one foot in depth
  - Recessed windows and/or storefronts
  - Color and/or texture differences
  - Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression
- When changes in plane and material occur, materials shall return to the inside corner of the projecting element.
- For buildings taller than one story or setback 20 feet or more from the street, changes in plane depth to achieve facade articulation should be greater than one foot.
- Each facade that faces a street or public space shall have at least one variation in plane depth, a minimum of one foot for every 50 linear feet of the length of the facade. Non-permanent features such as canopies or awnings will not qualify as variation. Plane depth variation may be accomplished through elements such as:
  - Upper level stepbacks
  - Dormers
  - Recessed entries
  - Porticos
  - Recessed windows and/or storefronts
  - Offset in the general plane of the facade including columns, pilasters, protruding bays, reveals, fins, ribs, balconies, cornices or eaves.
- Building parapet heights shall be varied and provide vertical relief to the parapet line. Parapet changes should be proportionate to the building element that it reflects; at a minimum there must be at least of (1) foot in height in difference from the adjacent parapet.
- For facades longer than 200 feet, at least one major identifying feature shall be incorporated into the building design. This feature shall be one of the following or a similar feature that creates visual interest: cupola, rotunda, spire, dome or clock.
- Base elements shall not exceed two stories in height unless overall height of the building form and massing dictate a taller base.
- Base elements shall be detailed to enhance the architectural character of the streetscape and provide pedestrian friendly scale.
- Provide appropriate building accent lighting above street level to highlight architectural elements.

DESIGN INTENT

- Emphasize important elements, and attract interest in buildings along primary view corridors.
- As the physical constraints of the site allow, shape the location of building walls to define and contain the street space in a way that reinforces pedestrian activity and creates a coherent “place”.
- Provide human-scaled architectural elements through changes in plane, material, texture and detail.
- Moderate scale changes between adjacent buildings.
- Take advantage of opportunities to enhance the arrival experience, terminate vistas, and identify building entries.

DESIGN GUIDELINES

- Large areas of undifferentiated or blank building facades should be avoided.
- Where buildings have base, middle, and top, floor lines in buildings should be articulated, helping to differentiate each layer.
- Scaling elements and details should be integral with the building form and construction, not a thinly applied façade.
- Variation in building scaling and detail should relate to the scale and function of pedestrian-active uses along the facade, creating human-scale design to support entrances, plazas, patios and amenity areas.
- Both horizontal and vertical architectural scaling patterns should be used.

Varied treatment of adjacent facades

Enhanced arrival experience

3.5 Building Transparency

DESIGN STANDARDS

- Ground floor transparency shall be measured by the length of transparent area between 0 feet and 10 feet above finish floor divided by the total length of that same building facade.
- Windows used to meet the transparency requirements shall comply with the following standards:
  - Windows shall be a minimum of 5 feet in vertical dimension.
  - Window glazing shall be clear and shall transmit at least 65% of the visible daylight.
  - There shall be no reflective coatings on the first surface of the glass.
  - Open display of individual merchandise is permitted.
  - Where operationally required for screening of utility spaces such as kitchens, stock rooms, offices, etc. of commercial uses, use of graphic window coverings shall be permitted including vinyl decals or other artistic screening materials.

DESIGN GUIDELINES

- A variety of glass types may be used at or above the ground floor, such as translucent glass, etched glass, glass block, acrylic channel glass, as long as the minimum transparency standards are met.
- Operable openings that integrate indoor and outdoor spaces are encouraged where uses permit and is relevant to the building use.
- Opaque glass or spandrel glass may be used but may not be counted towards meeting the minimum percentage for transparency.
- Low-E coating are encouraged on the second and third surfaces to provide greater energy conservation.
- Sun screens and shades are encouraged as long as they don't significantly obstruct views through the windows.
- A lower ratio of transparency to opacity may be allowed on the upper floors of buildings if additional architectural treatments are provided.
- Retail or restaurant uses: Where a retail or restaurant use occupies the ground floor, the facade facing the primary street shall be at least 60% transparent. All other facades facing a street or public space shall be at least 30% transparent.
- All other residential uses (excluding retail/restaurant): The facade facing the primary street shall be at least 40% transparent. All other facades facing a street or public space shall be at least 25% transparent.
- Residential uses: Where a residential use occupies the ground floor, windows shall be provided where appropriate to create visual interest, while also balancing the need for residents' privacy.
- Transparency shall be calculated as the percentage of clear, non-reflective glass within the area between three (3) feet and eight (8) feet above the first floor finished elevation.
  - Transparent doors and window mullions shall count as transparent area.
  - Structural elements and opaque or reflective glass shall not be counted as transparent area.
  - Glass display cases may count toward transparent area if they give the appearance of windows and are maintained with items of interest, including window display graphics that do not include advertisements.
  - For retail or restaurant uses on corner lots, the minimum transparency required for the primary street facade may be transferred to the secondary street facade provided that the primary street transparency is not less than 30%.

DESIGN INTENT

- In Districts with commercial uses provide glazing on the ground floor that increases the visibility of active uses or goods.
- Create a pedestrian-friendly street environment and encourage visitors to walk between multiple destinations within the Project.
- Reveal the activity of the building to the pedestrian, to activate and secure the street.

Ground floor transparency

Ground floor transparency

Window display graphic

3.6 Building Entries

DESIGN INTENT

- Visually emphasize the major entry or entries to a building or ground floor use.
- Provide convenient access to buildings from streets, drives and pedestrian corridors.
- Enhance the scale, activity, and function of the public streets.
- Promote the convenience of pedestrian activity and circulation along the street by creating external, street-oriented entries.

Recessed entrance

Change in material

Greater amount of transparency

DESIGN STANDARDS

- Buildings shall provide at least one primary building entry oriented to or visible from a public right-of-way. A corner building may combine two required entrances in one “corner entrance”.
- Street oriented building entries shall be directly connected to the public sidewalk by a paved walk, stair or ramp.
- The primary entry of each building shall be emphasized through at least two of the following:
  - Changes in the wall plane or building massing
  - Differentiation in material and/or color
  - Higher level of detail
  - Enhanced lighting
  - Greater amount of transparency
- The following are standard acceptable entrance types:
  - Flush: An entrance on the same plane as the subject building facade.
  - Recessed Entrance: An entrance inset behind the plane of the subject building facade by no more than 10 feet.
  - Corner Entrance: An angled or rounded street-facing entrance located on the corner of a building 45 degrees to the intersecting streets.

DESIGN GUIDELINES

- Primary entries that are located on the side of a building may be allowed so long as they are visible from the public right-of-way and are directly connected to the public sidewalk by a paved walk, stair, or ramp.
- Where parking is located internal to the site, multiple building entries are encouraged to allow direct access to the buildings.

3.7 Awnings and Canopies

Cantilevered details

DESIGN INTENT

- Create clear identifiable entry points for specific users.
- Enhance the pedestrian-oriented design and attractiveness, adding visual interest.
- Enhance the pedestrian environment, reinforce building patterns and rhythms.
- Create shade and comfort on the sidewalks.

DESIGN STANDARDS

- Generally, awnings shall be cantilevered from the building face to keep the sidewalk as clear and unobstructed as possible.
- Awnings shall be an integral part of the architectural design of the building to which they are attached and shall be compatible with the building.
- No back lit awnings shall be permitted.
- Awnings shall be durable and designed with high quality materials.

Identifiable entries

DESIGN GUIDELINES

- Awnings should be unique, creative and pedestrian in scale.
- Awnings should be consistent with and relate to the facade of the building.
- Awnings should be durable and designed with high quality materials.
- Awnings should be positioned so that signage is not obstructed.

Modern Agrarian aesthetic

Unique materiality

Provide shade in pedestrian zones

3.8 Parking Structures

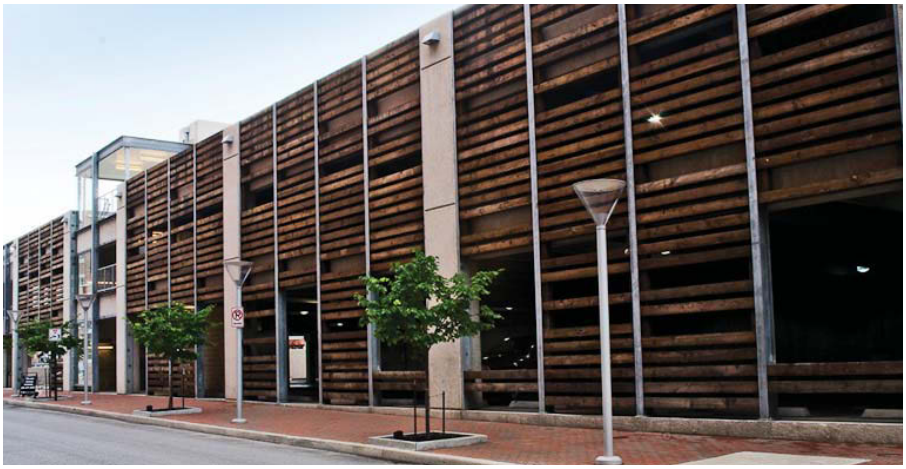
DESIGN INTENT

- Mitigate the visual impact from parking garages onto public streets, open spaces and residential units such as glare of vehicle headlights, and the light trespass of internal lighting.
- Create parking structures with signage that clearly identify parking opportunities and fit within the context of the District.
- Provide ground floor pedestrian-active fenestration within parking garage facades that adjoin a public street or open space.
- Avoid large areas of undifferentiated or blank walls along public streets or open spaces.

Durable materials

Durable materials

Durable materials



Durable materials

DESIGN STANDARDS

- Spandrel panels, decorative panels or walls shall be at least 3 foot 6 inches high in order to conceal the headlights of parked cars from pedestrians on the opposite side of the street.
- Rooftop parking deck lighting shall be limited to 20 feet in height, and shall be low cut-off type fixtures.
- Parking structures that front on public streets, shall include retail, commercial, or office on 40% of the ground level.
- Enhanced architecture with upgraded materials shall be required on first floor (minimum).
- Parking garage facades oriented to public streets shall include a minimum of three (3) architectural elements that provide variety and human scale, such as the following:
  - Expression of building structure;
  - Differing patterns or sizes of openings.
  - Changes in plane of walls.
  - Changes in material, pattern or color.
  - Expression of material or cladding system modules;
  - Joint patterns and attachment details.
  - Signs, art or ornament graphics integral with the building.
  - Quality, durable materials with smaller scaled modules, patterns, or textures.
  - Concealment of the parking garage interior at the street or aggregated open space-facing ground floor level.

DESIGN GUIDELINES

- Encourage parking garage facades adjoining public pedestrian areas to be partially or wholly concealed behind a building structure that can accommodate other active uses such as commercial, institutional or residential.
- When public garages occur along major street frontages, ground floor activation/uses should be implemented.
- Architectural and/or pedestrian active use standards for a parking garage may be waived if planned future building phases conceal the parking garage or add further building elements that provide pedestrian active uses or architectural interest to it.
- Where it is impractical due to depth or slope to include ground floor activation or to conceal the garage behind other street facing uses, the architectural treatment of the street facing garage façade, especially the ground floor, should be fenestrated or screened for variety and human scale.

3.9 Roof Top Design

DESIGN INTENT

- Reduce the visual clutter of rooftop equipment as seen from the street.
- Reduce equipment noise impacts onto adjacent residential uses.
- Incorporate rooftop screening elements into the architectural design of the building.

Screened rooftop equipment

Screen wall

Rooftop views

DESIGN STANDARDS

- Roof mounted mechanical, electrical and communication equipment that is visible from public streets, adjacent to residential uses or open spaces shall be screened from public view.
- Rooftop design shall be designed either to be unobtrusive or subordinate to the building's form and façade architecture, or should be designed to complete the building's architectural expression.
- Sloped roofs are acceptable. If asphalt shingles are used they must be high quality architectural shingles.
- Rooftop equipment shall be screened via extended parapet or other compatible screening material.
- Roof top patios shall not be oriented to adjacent residential properties located within 300 feet.

DESIGN GUIDELINES

- EIFS may be used as a material for roof top screening or enclosures.
- Consider views from neighboring buildings in the design and enclosure of rooftop equipment.
- Encourage rooftop activation that captures scenic views of mountains and Clear Creek including rooftop patios, green roofs or decorative ballast on flat roofs.

3.10.1 Multifamily - Site Planning

Pedestrian circulation

DESIGN INTENT

- Site design approach is suburban with buildings setback from the street and parking lots internal to the development, minimizing their view from surrounding street(s).
- Take advantage of view corridors from the site, providing residents opportunities to enjoy adjacency to Clear Creek as well as mountain vistas to the South and West of the site.
- Design site with a convenient system of travel for residents, including connections within the site as well as to adjacent street(s).

DESIGN STANDARDS

- Any parking lot adjacent to a public street shall be screened by a combination of a minimum 5-foot wide landscape buffer and a vertical screening device, 30” to 42”
- Where a parking lot abuts a property with a residential use such as where the Mill District shares a boundary with the Homestead District, a minimum 10-foot wide landscape buffer is required between the parking lot and the adjacent property line.
- On-street parking on adjacent streets may count toward minimum required visitor parking and requires approval by Public Works Department.
- For multi-family residential properties, open space shall incorporate amenities for play or congregation. Acceptable amenities include play structures, picnic tables, benches, or sporting area/fields.

Landscape buffers

DESIGN GUIDELINES

- Pedestrian circulation should be incorporated into the design of each site with a network of walkways into, across, and through the site.
- Parking lots should be arranged to maximize the connectivity and continuity of pedestrian walkways and minimize the distances pedestrians must travel between buildings. Wherever possible, parking lots should be placed in locations internal to the site, where they are not visible from the street.
- Parking areas should be in safe, convenient locations for residents and guests. Carports and garages are encouraged for resident parking spaces.
- Subject to approval of Community Development and Public Works Departments, detention areas may be used as open space.

Carports

3.10.2 Multifamily - Architecture

DESIGN INTENT

- Create building forms that are consistent with the Modern Agrarian style of architecture defined in the Clear Creek Crossing Vision Book – Homestead District.
- Provide visual interest at pedestrian levels, reducing the bulk of large buildings through architectural detail, landscaping and site amenities.
- Place buildings on the site in a way that reinforces pedestrian activity and creates a coherent place.
- Relate building height and scale to neighboring properties.

Varied roof heights

Defined entrances

Material variation

Reinforce pedestrian activity

Material variation

DESIGN STANDARDS

- Facade detail: Building facades visible from a street or public space shall provide a level of finished architectural quality and be designed to the human scale.
- Facade articulation: Each facade that faces a street or public space shall have at least one variation in plane depth, a minimum of one foot for every 50 linear feet of the length of the facade. Non-permanent features such as canopies or awnings will not qualify as variation.
- Primary entrance: The primary entry of each building shall be emphasized through at least two of the following:
  - Changes in wall plane or building massing
  - Higher level of detail
  - Enhanced lighting
- Transparency: Where a residential use occupies the ground floor, windows shall be provided where appropriate to create visual interest, while also balancing the need for residents' privacy.
- Fenestration: At least 25% of each facade shall contain openings such as doors, windows, or balconies.
- Multiple unit entrances: For buildings with multiple exterior entrances to multiple units, each unit's entrance shall be defined with recessed entrance, projecting entrance, change in height, change in material
- Buildings shall be constructed of durable materials. Approved materials include, but are not limited to:
  - Stone
  - Integral colored textured concrete block
  - Hard coat stucco
  - Synthetic stone and masonry materials
  - Fiber Cement Siding/Panel
- Material variation: All building facades visible from a street or public space shall employ differentiation in materials and/or colors
- When multiple garages or carports are attached as one structure, there shall be a clear delineation between parking stalls or garages.

DESIGN GUIDELINES

- Roof forms and parapet heights should be varied, and where appropriate, should emphasize the facade articulation and variation of building materials.
- Accessory structures such as carports, garages, and storage units should be designed to be consistent with the primary building(s) and to avoid monotonous facades. Wherever possible, garage doors should be placed so that they are not visible from the street.
- Service, loading, and utility areas should be screened from view and minimize impact to surrounding properties.

4.0 - MATERIALS

4.1 Building Materials

DESIGN INTENT

- Utilize materials that are compatible with the modern Agrarian design aesthetic.
- Encourage human-scaled buildings through the use of well-detailed and articulated materials, individually and in combination.
- Use materials that convey a sense of quality, permanence and attention to detail, creating a rich variety of materials, colors and textures.
- Use materials that support a more sustainable environment.
- Ensure that building facades are visually active and are appropriately scaled through the use of varied architectural details, materials, textures and colors.
- Use of materials to create continuity between buildings and Districts.

Modern Agrarian materials

Mix of materials

Accent stone

DESIGN STANDARDS

- Buildings shall be comprised of materials from the Agrarian Materials Palette consisting of Primary and Secondary Materials.
- Alternative materials are allowed but are required to be submitted by the applicant as such, subject to ACC and City of Wheat Ridge approval.
- Materials shall be selected with the objectives of quality and durability appropriate to the development.
- Building color schemes shall tie building elements together, relate separate buildings to each other, and shall be used to enhance the architectural form and character of the building.
- Intense bright or florescent colors shall be limited in use, as accents or to create brand identify and shall not be the predominate color on any wall or roof of a building.
- Primary materials shall consist of more than 50% of the overall buildings material palette.
- Primary materials shall be focused in areas where public interaction and visibility is more prominent.
- Secondary materials shall be utilized in non-pedestrian areas or areas that are less visible from public view.
- Buildings should incorporate at a minimum of (3) primary materials.
- Facades at street level that are adjacent to the public right-of-way, private streets or sidewalks shall be constructed of material that is durable and appropriate to pedestrian contact.
- EIFS is not allowed at ground level or adjacent to primary pedestrian activity areas without appropriate hard surface material treatment to protect lower portion of wall.

DESIGN GUIDELINES

- Building colors should utilize earth and other natural tones as found in the surrounding environment as their primary consideration.
- Building materials at the pedestrian level should respond to the character of the streetscape environment through scale, texture, color and detail.
- In selecting materials, consideration should be given to ongoing maintenance and vandalism.
- Natural wood siding or an equivalent synthetic product should be considered for use in areas as accent features on the buildings.
- Building materials should incorporate new technologies and materials when possible in order to promote sustainability and energy resource responsibility.

4.2 Building Material Types

PRIMARY BUILDING MATERIALS:

A. STONE: A variety of stone options are available throughout the Project. The three primary stone options shall be the following:

- Field Stone: Large random sized shapes laid in a random pattern.
- Coursed Stone: Varied sizes of cut and tumbled stone with natural face features laid in an ashlar coursing.
- Cut Stone: Regular sized stone modules laid in traditional masonry patterns, i.e. running bond, stacked bond, etc.

B. METAL: A variety of metal options are available through the Project. Colors are to be consistent with the overall Project. Bright colors are discouraged and shall not make up more than 20% of the building's surface area.

- Natural copper, rust colored, bronze or zinc finishes having self-healing patinas are preferred over painted finishes.
- The three primary metal panel options are the following:
  a. Standing Seam: Metal panels that utilizes a raised seam in a regular pattern or spacing.
  b. Ribbed or Corrugated: Metal panels that have curved or ribbed linear patterns.
  c. Flat Panel: Metal panels that have a flat surface and utilize dry or wet sealed joints in rhythmic or random patterns for articulation.

C. WOOD: A variety of wood products are available through the Project: The three primary wood finishes are the following:

- Board and Batten: Flat panel
- Pre-finished or painted wood panels with protruding vertical smaller wood strips creating a regular vertical pattern.
- Cedar Siding: Natural rough sawn or milled cedar lap siding with overlapping or flush joints. May be installed in vertical or horizontal patters and can be used on vertical or horizontal surfaces.
- Reclaimed Wood or Barnwood: Wood that has been reclaimed and has a natural aged aesthetic.
- Additional Wood Note: Synthetic or Alternative wood options may be utilized in lieu of natural wood if it is deemed to be unfit for the application but the desired look is to mimic or represent a wood product..

D. FIBER CEMENT PANELS: Acceptable material. Colors and textures to be complementary to overall development.

E. GLASS: All glass or glazing is considered a primary building material and counts towards the overall building materials percentage.

F. ARCHITECTURAL PRECAST & DECORATIVE STONE ELEMENTS: Include caps, lintels, cornices. All aforementioned are acceptable. Colors shall be complementary to overall Project.

SECONDARY BUILDING MATERIALS:

A. COLORED AND TEXTURED CONCRETE MASONRY UNITS (CMU): Standard gray colored CMU is NOT acceptable, unless covered by another building finish material. Split faced or honed CMU must be used as the primary element when exposed to view. CMU shall not be painted except where not visible from public streets or walkways.

B. MASONRY BRICK: Acceptable material. Colors and textures to be complementary to overall development. Design and detail is to be varied and interesting and not portray a neo traditional or faux historic character. Shall not be painted unless requested and approved by the Community Development Director.

C. STUCCO: Acceptable material. Generally discouraged at the bases of buildings and adjacent to pedestrian walkways. Should have natural stone aggregates and texture. Standard sand or quartzputz textures are prohibited. Break up large components and fascias through the use of joints and changes in plane and color to maintain scale of the facade.

D. EIFS: Allowed on the ground floor, street facing facades directly abutting the R.O.W. in a limited amount (20%) and should only be used as ornamental details such as parapet caps, cornices, belt courses, window details, etc.

- Allowed material in non-pedestrian areas such as loading areas and internal courtyards not visible from public view.
- Allowed on the upper floors (2nd Floor and above) on all building types but may not exceed 75% of the façade material including windows and fenestration.
- If located on the ground floor in any location of a building shall have a masonry or stone base provided as a water table feature.
- In limited applications EIFS or Synthetic Stucco may be used as a primary building materials that exceeds the above requirements at the discretion of the ACC and the City of Wheat Ridge's Planning Director's approval.
- EIFS reveals are required to break up big fields of EIFS walls.

Mix of materials

Mix of materials

5.0 - LANDSCAPE

5.1 General Landscape Design

Seasonal landscaping

DESIGN STANDARDS

- The Project shall meet the City of Wheat Ridge Landscape Regulations as referenced in the Code or Ordinances, Chapter 26-502.
- The Project shall utilize the concepts of water-wise and xeriscape landscaping as a means to water conservation in a semi-arid climate.
- Specified plant materials shall meet industry standards and City requirements and be suited to the environment.
- Landscape and irrigation design shall reduce the impact of drought on landscape and provide for efficient water usage.
- All landscaped areas shall be irrigated with an underground automatic irrigation system. All new irrigation systems shall utilize automatic rain shut-off technology.
- Artificial turf or artificial plants are not allowed.
- Reference the recommended plant list in Appendix C. Final plant selection to be reviewed at time of specific plan review.

DESIGN GUIDELINES

- Use plants with more naturalized form in the buffers and open spaces throughout the Project, whereas planting selection for central gathering spaces should complement the form and architecture of the surrounding buildings and amenities.
- Select trees, shrubs and perennials for their hardiness and demonstrated success in this semi-arid environment.
- Encourage lower water use turf grasses in select locations. In high visibility areas, manicured turf or ground cover should be used to maintain a well-kept appearance. In other areas, native and/or adapted grass plantings may grow to maintain a naturalized appearance.
- Utilize high efficiency irrigation systems capable of adjusting water application according to plant's needs.
- Inconspicuous landscape lighting shall be provided to enhance landscape features.
- General landscape design, including the location of landscape areas, their type, form and materials, should aim to control erosion and prevent sedimentation in municipal water drainage systems.

DESIGN INTENT

- Obtain landscape design inspiration from native regions proximate to the site as well as from the site's rich cultural history.
- Complement the overall modern agrarian design theme with landscape design through use of consistent patterns, texture, and form.
- Provide seasonal interest and visual enhancement of the Project.
- Create an overall landscape design that is ecologically sensitive, demanding fewer resources than a typical landscape.
- Promote diversity of tree and plant material, while maintaining sustainable, water-wise, and low maintenance landscape approaches.
- Utilize landscape to enhance site user experience by emphasizing views, providing screening, and offering a comfortable experience in outdoor spaces throughout the Project.
- Promote a walkable, pedestrian friendly site utilizing landscape design to enhance the site experience.
- Improve the appearance of surface parking areas with landscape that complements without creating hindrances.
- The metropolitan district will maintain and install 40th Avenue and Clear Creek Drive Right of Way landscaping on both sides of the road, with the exception of the Coors frontage along Clear Creek Drive.

Agrarian aesthetic

5.2 Landscape Design Within Districts

DESIGN INTENT

- Emphasize the modern agrarian design theme as a commonality among all Districts.
- Coordinate the landscape design between and through the Districts including landscape areas surrounding buildings, parking lots, streetscape, plaza areas or other gathering spaces, as well as the multi-use trails, which connect to regional trail systems including Clear Creek.
- Create distinct patterns within each District through plants selection and overall design while still providing cohesive elements throughout the Project that relate back to the overall theme. Use of each District's distinct character can further drive the landscape design. Refer to the Clear Creek Crossing Vision Book precedents for District character guidance.
- Provide consistent landscape elements and materials throughout the Project, while adhering to the District design direction as well as guidelines and standards for other elements outlined herein.

Agrarian aesthetic

Agrarian aesthetic

Design cues from site and site history

DESIGN STANDARDS

- In all Districts, any area of the lot not covered by building, parking, walkways, storage, service areas or display shall receive landscape treatment.
- Within commercial zones landscaping shall not be less than 20% of the gross lot size. No more than 30% of the total landscape coverage can be manicured turf.
- Within multi-family residential zones landscaping shall not be less than 30% of the gross lot size. No more than 60% of the total landscape coverage can be manicured turf.
- When a use / structure is adjacent to an existing residential use, a 20 foot landscape buffer is required in addition to the required setback

DESIGN GUIDELINES

- Plant materials should be predominantly drought tolerant species suitable to the climate and/or native to the region.
- Where substantial pedestrian traffic and informal recreational activities are likely to occur, irrigated turf, either native or non-native, may be used so long as the overall plant palette is primarily drought tolerant. High water use turf types should be confined to high visibility areas, such as tree lawns, and active parks, retail/commercial building frontages.
- Consider use of low water demand turf varieties such as Texas hybrid bluegrass, buffalo grass, blue grama grass, and tall fescue grass in low visibility, passive areas, and areas outside of retail/commercial building frontages.
- To enhance the water quality leaving the site, water may be treated with water quality ponds or swales where appropriate. Water quality ponds or swales should be designed with the naturalized landscape strategy in mind.

5.3 Trees, Shrubs & Plants

DESIGN STANDARDS

- Specified plant materials shall meet industry standards and City requirements and be suited to an urban environment.
- Artificial turf or artificial plants are not allowed.
- All new plantings shall meet these minimum size requirements:
  - Deciduous Trees: 2-inch caliper
  - Ornamental Trees: 2-inch caliper
  - Evergreen and coniferous trees: 6-feet tall
  - Shrubs: #5 container
  - Vines, perennials, and ornamental grasses: #1 container
  - Mass Ground covers: #1 container
- Street trees, whether on public or private property, shall conform to the plant list contained in the City of Wheat Ridge Streetscape Design Manual.
- Deciduous trees in key public gathering areas shall be up-sized to 2.5" caliper.
- Reference the recommended plant list in Appendix C. Final plant selection to be reviewed at time of specific plan review.

DESIGN GUIDELINES

- Strong patterning in landscape layout is encouraged throughout the project to communicate the agrarian design theme. Design form should emphasize simple lines and agricultural character.
- To ensure the landscape design provides an appealing and low-maintenance result, avoid over-use of a single plant species or excessively large mono-culture plant groupings. Evergreen and deciduous plants, as well as cool and warm season grasses should be mixed with enough variety to provide seasonal interest and visual enhancement.
- Select trees and other plant materials that are drought tolerant and suitable to the climate or native to the region.
- Natives should be given preference where appropriate.
- Native plants should be used in designated natural areas and trail corridors to transition from developed areas to open space and the Clear Creek Trail.
- Adapted and commonly accepted species may be used in high visibility areas. Use the recommended plant list in Appendix C as a guide for plant characteristics when selecting plants.

DESIGN INTENT

- Convey a strong connection to agrarian land patterns as a design theme through landscape planting design.
- Maintain both variety and distinct geometry in the landscape to recall cultivated land. Maintain strong year-round form in landscape design utilizing variety within landscape layout and plant selection.
- Plant massings and monocultures can contribute to communicating the agrarian design theme. However, large plant massings should be designed in a way that can accommodate plant life cycles or disease within a species without detracting from the overall landscape appearance and character.
- Provide seasonal interest and visual enhancement of the Project.
- Utilize landscape design to add value to the community while maintaining sustainable, water-wise, and low maintenance landscape approaches.

Seasonal landscaping

5.4 Streetscapes

Interactive design elements

DESIGN INTENT

- Create a functional streetscape environment that unifies the Project while providing necessary amenities to pedestrians.
- Provide unique character by using cohesive plantings, street trees, and other amenities within the Project.
- Create a streetscape that promotes overall pedestrian circulation in a safe manner.
- Encourage pedestrian activity on the sidewalk, supporting adjacent activities such as shopping, dining, strolling and gathering.
- Each District's character should drive the landscape design, with agrarian style influencing elements within the streetscape.

DESIGN STANDARDS

- Amenity Zone shall be a minimum of 6 (six) feet in width. Reference the Wheat Ridge Streetscape Design Manual for further information on Amenity Zone design.
- Trees must be provided within a required Amenity Zone, with minor adjustments for elements such as signage, light pole spacing, driveways, or required public/private utility facilities.
- Street lights shall be placed as generally required by the City of Wheat Ridge standards.
- Trees shall be located in tree openings that are 6' x 10' minimum with an understory treatment that contains either sod, ornamental grasses, perennials, shrubs or a combination thereof.
- Avoid random changes in street tree species. One tree species on both sides of street shall be utilized on the same block.
- Vary street tree species in logical locations to limit potential impacts from loss of a particular species. Utilize trees with similar form, color, and texture characteristics for design continuity.
- Aside from trees, the R.O.W. landscape from the back-of-curb and the property line shall not exceed a height of 36" above the level of the roadway.

Pedestrian scaled elements

DESIGN GUIDELINES

- Active uses should be placed along the streets to encourage and enhance pedestrian circulation within Districts, and enhance overall experience. Follow industry standards to address potential public safety concerns.
- Streets should be visually consistent and a have a cohesive rhythm created by street trees, plantings, furnishings, paving, and lighting.
- Street furnishings, trees and amenities should occupy consistent, well defined amenity zones parallel to the pedestrian walking zone.
- Sidewalk uses, outdoor seating, street-carts and vendors are subject to compliance with all applicable City laws and regulations, and are encouraged outside of the pedestrian walking zone.
- Temporary lighting for special events and holidays is allowed and should be used for decorative purposes only.

Agrarian aesthetic

5.5 Site Furnishings

DESIGN INTENT

- Enhance the pedestrian experience along public rights-of-way as well as within the Districts through use of appropriate site furniture.
- Provide visual cohesiveness through site furnishings that are consistent and complementary throughout the Project while also allowing for distinctive variation within each District.
- Although site furniture in each District may vary, site furniture selection should achieve a recognizable agrarian style through the use of common materiality and form.
- Provide necessary elements for pedestrian comfort and convenience, as well as site orderliness.
- Complement the simple agrarian materiality relating to architecture, paving, walls, etc.

Site Furnishings

Site Furnishings

DESIGN STANDARDS

- Benches along sidewalks shall be oriented so they will not impede pedestrian movement.
- A consistent standard for site furniture shall be developed before any installation is approved.
- Seating shall be placed near building entrances, plazas, and gathering spaces.
- Site furniture shall meet minimum City of Wheat Ridge and ADA requirements.
- Placement of site furniture shall complement the overall walkability of the development.
- Bicycle and scooter parking shall utilize cohesive and consistent bicycle parking fixtures.
- A minimum of one bench is suggested for every 200 feet of commercial building frontage. Benches shall be grouped where appropriate.
- At least one trash and one recycling receptacle shall be located at each main building entry, common courtyard, or seating area.
- Raw, simple materials such as corten steel, concrete and natural wood or wood-look shall be emphasized in furnishings to relate to the modern agrarian theme.
- A simple unified color palette and agrarian feel shall be maintained in site furnishing choices.

DESIGN GUIDELINES

- Maintenance, safety, and comfort should be considered in the selection, design and placement of site furniture.
- Site furniture should be used to create public open spaces and plazas where heavy pedestrian use is anticipated.
- Adequate quantities of site furniture should be implemented in all public areas, including benches, bicycle racks, and trash receptacles.
- Patio seating for restaurants, coffee houses, or similar uses is encouraged.
- Within plazas and gathering spaces more unique site furniture is encouraged to provide added visual interest and promote the use of these spaces.

5.6 Trail Furnishings

DESIGN INTENT

- Provide furnishings along the multi-use trail for comfort and convenience, as well as cleanliness.
- Create visual continuity across the Project by connecting trail furnishings to the agrarian style.
- Enhance the Trail with amenities to better serve those who live, work, and play nearby.
- At the trailhead, provide adequate site amenities to serve a larger group of users such as parking and other facilities commonly found along the regional Clear Creek Trail.
- Locate trail benches to provide respites for enjoyment of key views of surrounding natural features or points of interest.

Trail Head Example

Bicycle Parking

DESIGN STANDARDS

- Benches shall be located along the perimeter of the Trail and out of the main throughways.
- Trail furnishings shall not block the minimum unobstructed pedestrian walking zones.
- Simple forms emphasizing concrete, wood, and steel shall be used. Manufactured, wood-look materials are acceptable.
- 42” height 3-rail fence with wire mesh shall be used where necessary for trail user safety and must be compatible with site furnishing design direction. Trail fencing shall comply with Parks & Recreation Guidelines as well as City of Wheat Ridge Code.

Site Furnishings

DESIGN GUIDELINES

- Maintenance, safety, and comfort should be a primary consideration in the type, design, and placement of trail furniture.
- Site furniture should be placed along trail in locations that have heavy pedestrian use.
- Durable, high quality site furniture should be employed along the trail.
- Bicycle parking for convenience of visitors to the trail should be located so that stopping at the Project to shop or dine is convenient.
- Adequate quantities of site furniture should be provided in all public areas, including benches, bicycle racks, and trash receptacles.

6.0 - LIGHTING

6.1 Street and Parking Area Lighting

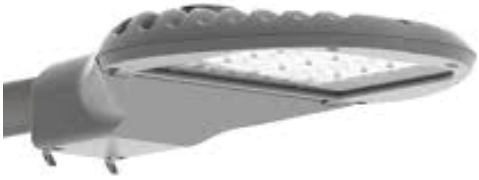
DESIGN INTENT

- Lighting design provides an opportunity to unify the Project through connectivity of fixtures, harmonizing with the agrarian theme.
- The street and parking area light fixture design should be minimalistic with a clean appearance that diminishes visually during the day time without detracting from the overall design theme.
- Streets and parking areas should be illuminated in a consistent, attractive and unobtrusive manner that minimizes light pollution, light trespass and glare.
- Lighting provides an opportunity to demonstrate energy efficiency and promote sustainability initiatives at the Project.

Parking Lot Lighting

DESIGN STANDARDS

- Provide adequate lighting for safety and security following IESNA illumination guidelines.
- All exterior lights for streets, parking drives, walkways and buildings shall be LED.
- Pole height shall not exceed 25 feet, including pole base height.



LED lighting

Downcast lighting

DESIGN GUIDELINES

- Parking area light fixtures should complement the lighting of adjacent streets and properties using consistent fixtures, LED color temperature and illumination levels.
- Street lighting fixture placement should create an organized appearance that is coordinated with the location of trees, curb cuts, signage and other design features to provide a coordinated and consistent streetscape.
- Light poles should be located in a manner that provides a unified, organized appearance throughout the development, with spacing that meets the lighting criteria standards, as outlined.
- Accessories and banners may be included in pole and fixture design if there is a clear connection to the overall agrarian design theme.
- Lighting design should minimize light pollution, light trespass, uplight and glare.

6.2 Pedestrian Lighting

DESIGN STANDARDS

- Provide adequate lighting for safety and security following IESNA illumination guidelines. This shall include areas providing pedestrian connection to the primary multi-use trail.
- All light fixtures shall be integral LED type.
- Light fixtures and pole height shall not exceed 14 feet (this includes the pole base height).
- Lighting shall be directed to the pedestrian zone avoiding glare to adjacent areas.
- Lighting shall be designed to provide even and uniform light distribution.
- Pedestrian light fixture design shall be of a consistent type, color temperature and illumination levels.

DESIGN GUIDELINES

- When pedestrian lighting is used on streets or in parking areas it should be distinguishable, clearly defining the pedestrian path of travel.
- Raw, simple materials and finishes should be emphasized in lighting components to relate to the modern agrarian design aesthetic to complement the overall unifying theme of the Project.
- Lighting within Districts should be relevant and useful, connecting to the character and use of each respective District.
- Various post attachment methods may be used, but priority should be given to maintaining a cohesive look throughout the Project.
- Lighting design should minimize light pollution, light trespass, uplight and glare.

DESIGN INTENT

- Lighting on-site will promote a safe environment in all areas.
- Incorporate pedestrian lighting at a useful and appealing scale to create visual interest in public areas, plazas and on-site amenities.
- Use lighting fixtures as a design element that unifies the Districts through connections to the modern agrarian style at the Project.

Streetscape / Pedestrian lighting

Streetscape lighting

Pedestrian scale lighting

6.3 Accent Lighting

DESIGN INTENT

- Enhance night-time views of buildings with accent lighting highlighting key amenities and architectural elements.
- Incorporate pedestrian lighting to enhance the building entrances and facilitate ease of circulation.
- Accent lighting fixtures should enhance and unify the Districts through connection to the agrarian style of the Project.
- Select accent lighting for highlighting key areas of the site as appropriate.
- The accent lighting design should add to the character and aesthetic appeal of the Project.
- Enhance or highlight key architectural elements and informational displays.
- Accent lighting fixture selection should enhance and unify the Districts through connection to the modern agrarian style of the Project.
- The accent lighting should minimize light pollution, light trespass, uplight and glare.

Accent lighting

Selective use of accent lighting

Accent Lighting

DESIGN STANDARDS

- Lighting shall be used to highlight entrances and other prominent architectural features to provide clear direction for both pedestrian and vehicular traffic through the Districts.
- Fixture color selection shall correlate with the material palette as well as natural color choices. Galvanized aluminum or similar finishes are also acceptable.
- Simple, rustic, or plain forms shall be emphasized over ornate or decorative styles.
- A unified color temperature and lamp type shall be maintained wherever possible.
- Fixtures shall contain only low wattage bulbs that are not greater than fifty lumens per bulb (equivalent to a seven watt C7 incandescent lamp); LED lamps are preferred.
- Light fixtures shall be approved by the ACC and the City of Wheat Ridge.

DESIGN GUIDELINES

- Accent lighting design should minimize light pollution, light trespass, up-light and glare.
- The overall scale of architectural accent lighting should be proportional to the building or structure to which the fixture is mounted.
- Public gathering areas are encouraged to utilize decorative lighting, overhead string lighting or outdoor track lighting, as long as it connects to the character and use of the District.
- Low level bollards, tree accent lights, or similar accent lighting should be provided in key landscape areas for night-time interest and wayfinding.
- Holiday lighting is encouraged.

Accent lighting to highlight pedestrian spaces

6.4 General Light Standards and Intensity

DESIGN INTENT

- The light intensity levels within all areas should correspond to use and potential hazards.
- Lighting should provide adequate for adequate safety and security.
- Lighting should not be placed to cause glare or excessive light spillage on neighboring sites.
- Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.

DESIGN STANDARDS

- All exterior lights for streets, parking drives, walkways and buildings shall be LED (light emitting diode), casting a white light.
- Full cut-off fixtures shall be used on all exterior locations.
- A photometric lighting plan is required for all Specific Development Plans to ensure adequate and appropriate light levels are provided for each site condition.
- Light levels at the property line shall be measured as line of sight from five (5) feet above the ground at the property line to the nearest and brightest light source on the property. Light plans shall reflect the theoretical light levels at the property line using this method.
- Lighting plans shall identify the light loss factors (adjustments for dirt and age of fixture/lamp) for all types of exterior lights proposed. The specified lighting levels for any use are maximums under any fixture and are the light levels allowed without adjustments for light loss factors.
- All canopy lights shall be recessed so that no lens or light source drops below the ceiling surface of the canopy.
- Site lighting shall conform to the standards contained in the Lighting for Exterior Environment RP-33-99 by the Illuminating Engineering Society of North America (IESNA).

DESIGN GUIDELINES

- Lighting shall provide uniform illumination in compliance with the following maximum levels of light fixture illumination:

*Commercial and Retail Uses Minimum to Maximum**	
Parking Lots	*1.0 to 5.0 foot-candles*
Driveways	*1.0 to 2.0 foot-candles*
Property Line	*No Minimum to 0.10 foot-candle (line of sight)*
Walkways	*2.0 to 2.0 foot-candles*
Canopy Areas / Entryways	*5.0 to 5.0 foot-candles*
Loading Docks	*5.0 to 5.0 foot-candles*
Bikeways, Multi-Use Trails	*1.0 to 2.0 foot-candles*
Courts, Plazas, Terraces	*1.5 to 2.0 foot-candles*

*Values given are a minimum average maintained horizontal, foot-candles which are measured at the average point of illumination between brightest and darkest areas, 4-5 feet above the ground surface. (Source: IES Lighting Handbook - 4th Edition)

7.0 - SIGNAGE

7.1 Conceptual Signage

DESIGN INTENT

- Creates a unified signage family, encouraging well-placed shared signs throughout the development.
- Provide guidelines and standards for master sign plans to be submitted for each planning area, or portion thereof at least two (2) acres or more in size which is under unified control either by ownership, legal association or leasehold.
- Through materials, parallels the relationship between the development and the nearby Clear Creek with its natural trails as well as the Project's agrarian design theme.
- An innovative design approach to signage is encouraged and is important to establishing the Project's unique brand and image.
- Accommodates the varied needs of a large mixed-use planned development with a functional signage program that supports a wide spectrum of uses and visitors.

DESIGN STANDARDS

- All signage shall be designed according to the standards and guidelines of the signage family.
- Two types of signage shall be allowed at the Project: free-standing signage or site signs and wall-mounted signage or building signs.
- Temporary signs shall be allowed according to City Code.
- All signs shall be constructed of materials from the Clear Creek Crossing palette, see Section 4.0.
- All sign design including color and materials, must be submitted to the ACC and the City for review and approval, respectively.
- All illuminated signage shall comply with Section 26-503 of the Zoning and Development code.
- Signage locations must generally comply with the Project Signage Map and/or general specifications for placement of signs as determined by type included herein.
- All signs must comply with Chapter 26 of the Zoning and Development Code, including sight triangle requirements, subject to a future master sign plan, as approved by the Planning Commission.

DESIGN GUIDELINES

- Overall signage design should embrace the use of natural materials, juxtaposed with the contemporary materials, using a natural color palette, accented by one or more vibrant colors.
- Sign design should correspond to the set signage family; variations may be allowed subject to ACC review and City approval.
- Signage should have simple, modern, and efficient style that connects to the Project's agrarian theme and the material palette, with some flexibility allowed to accommodate users, whether more creative or more programmed.
- Signage should be designed to minimize clutter, with an emphasis on managing locations to minimize conflicts, blockages and obstructions of both circulation patterns and view corridors.

7.2 Signage Family

BRAND DESIGN

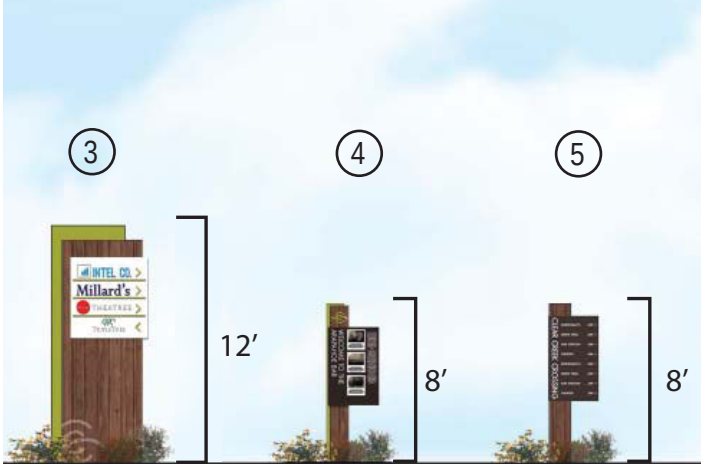
The brandmark “C” and “Clear Creek Crossing” are both die cut through the various materials to reveal the layered aspects of both the literal materials and the diversity of businesses and services offered at this development.

Detail on the signage creates dimensionality and interaction between the natural wood material and the refined metal, again reinforcing the relationships betw Clear Creek and the Project and uniquely identifies Cl Creek Crossing with a logo: a beautiful natural amenit along with its associated regional trail, both crossing through the newly developed site. The accent color is a fresh and modern green, inspired by new growth at the Project with the option to further expand upon and integrate additional brand accent colors.

Landmark ID

7.2 Signage Family, Cont.

1. *Primary Monument*
2. *Major Tenant ID*
3. *Secondary Monument*
4. *Interpretive / Trail Head*
5. *Wayfinding*
6. *Project ID*

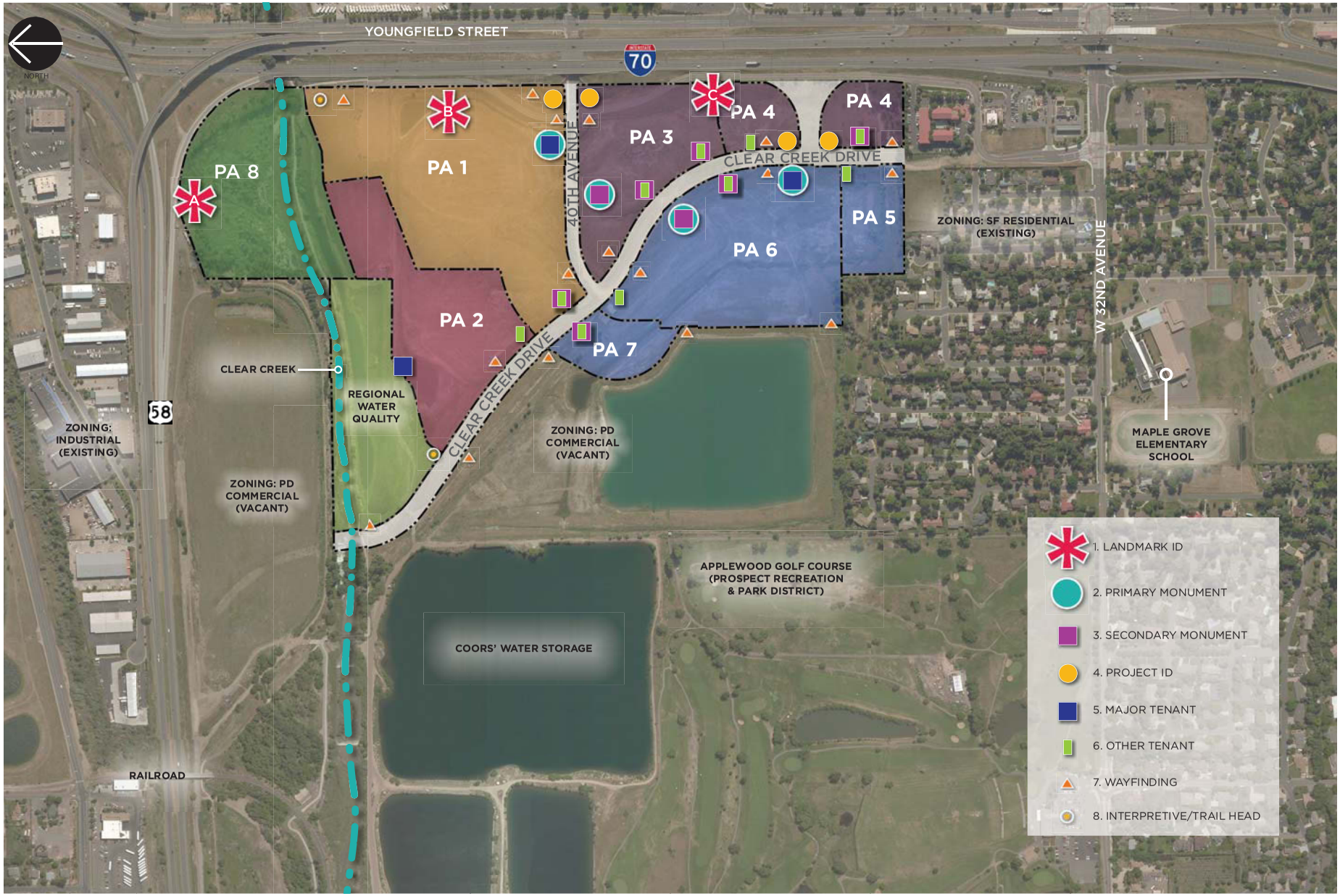


7.2 Signage Family, Cont.

SIGNAGE						
REFER TO SECTION 7.0 SIGNAGE OF THIS DOCUMENT FOR ADDITIONAL INTENT, GUIDELINES, AND STANDARDS						
	SIGN TYPE	PLANNING AREA*	MAX SIGN AREA	MAX NUMBER OF SIGNS	MAX. SIGN HEIGHT	MIN. SETBACK
FREESTANDING SIGNAGE	LANDMARK ID*	1,3,8	900 SF	3	75'	30'
	PRIMARY MONUMENT*	1,3,6	400 SF	4	20'	10'
	SECONDARY MONUMENT*	1,3,4,6,7	150 SF	10	12'	5'
	MAJOR TENANT ID*	1,2,3,6	150 SF	4	12'	5'
	OTHER TENANT *	1,2,3,4,5,6,7,8	50 SF	12	8'	5'
	PROJECT ID	1,3,4	50 SF	4	6'	5'
	WAYFINDING	1,2,3,4,5,6,7,8	25 SF	8	8'	5'
	INTERPRETIVE/TRAIL HEAD	1,2	25 SF	2	8'	5'
	*MAXIMUM TOTAL NUMBER OF TENANT RELATED SIGNS:			26		
BUILDING SIGNAGE	TOTAL SIGN AREA PERMITTED EQUAL TO:	LENGTH OF ELIGIBLE WALL X 1 SQUARE FOOT (SEE SECTION 7.5 FOR WALL ELIGIBILITY)				
	PRIMARY WALL-MOUNTED SIGN	1,2,3,4,5,6,7,8	MAXIMUM = TOTAL SIGN AREA (SF) ALLOWED			
	SECONDARY WALL-MOUNTED SIGN	1,2,3,4,5,6,7,8				
	UNDER CANOPY SIGN	1,2,3,4,5,6,7,8				
	PROJECTING SIGN	1,2,3,4,5,6,7,8				
	PAINTED & CREATIVE SIGN	3,4,6				
	OTHER SIGNS	PER CITY OF WHEAT RIDGE STANDARDS, CHAPTER 26, ARTICLE V, 26-701				

** Note: The following sign location graphic map is conceptual and intended to give an idea of the overall sign plan for the site. The signage allowance chart dictates the total number of signs allowed.*

7.3 Signage Map



7.4 Freestanding Signs

DESIGN STANDARDS

- Freestanding signs will consist of the following types of site signage:
  - Landmark ID Monument
  - Primary Monument
  - Secondary Monument
  - Project ID Monument
  - Major Tenant Sign
  - Other Tenant Sign
  - Wayfinding Signage
  - Interpretive / Trail head Signage
- Landmark ID Monument Signs shall be designed to be visible by traffic along the adjacent highways, with clear identification of CCC as well as major tenants, with no more than six tenant panels. Maximum height of these signs shall be 50 feet, unless the panels are not visible to nearby highway traffic; Landmark signs may be up to 75 feet and only as tall as necessary to provide adequate visibility.
- Monument and Project ID signs establish the character and identify of the development and shall be sited in key locations, primarily at intersections or important access drives.
- Project ID signs identify the development and shall be sited in key locations, primarily at intersections or important gateways. Project ID and Monument signs are intended for a similar purpose; these sign types shall be interchangeable at gateway locations and key intersections.
- Major Tenant signs shall include freestanding signs for users >30,000 SF.
- Other Tenant signs shall not be required to connect to the sign family but should follow all other standards and shall be located on the lot which they advertise.
- All freestanding signs shall be integrated into the streetscape, complementing items such as plantings, trees, paving patterns, and street furnishings.
- No signs shall obstruct designated sidewalks.
- Designated setback requirements begin at edge of ROW. The materials of freestanding signs shall be similar or closely related to the materials of the primary structures.
- Variations in design and location from Master Signage Plan are allowed subject to approval of the Community Development Director.
- All signs must comply with the method of measuring the surface area of the sign as outlined in Chapter 26 of the Zoning and Development Code.
- All signs must comply with sight triangle requirements as outlined in Chapter 26 of the Zoning and Development Code.

DESIGN INTENT

- Develop freestanding sign family for the site that allows some flexibility while maintaining a brand identity for the site that serves to connect the Districts.
- Through materials and color palette, design a freestanding sign family that is inspired by the natural and cultural cues that surround the site's location
- Create a balance in both design and placement of site signage, so that the Project brand is unique while the users/tenants logos are prominently placed appropriately based on relative significance within the overall development.

DESIGN GUIDELINES

- Visibility, location of trees and vegetation, and compatibility with the surrounding landscaping and hardscaping should be considered in the placement and design of signs.
- Sign lighting should be consistent with the lighting of building elements and storefront lighting.
- Signs adjacent to residential neighborhoods should be turned off after business hours.
- Sign lighting should be designed to minimize light pollution, in compliance with dark sky principles. Pedestrian lights shall be semi-cutoff fixtures at a minimum.
- Except for Other Tenant signs, all sign types should have simple, modern, and efficient style that connects to the sign family and material palette.
- A Master Sign Plan shall be submitted for each Planning Area, and shall conform to the overall intent, standards and guidelines set forth in this document.

7.4 Freestanding Signs (cont.)

LANDMARK ID MONUMENT

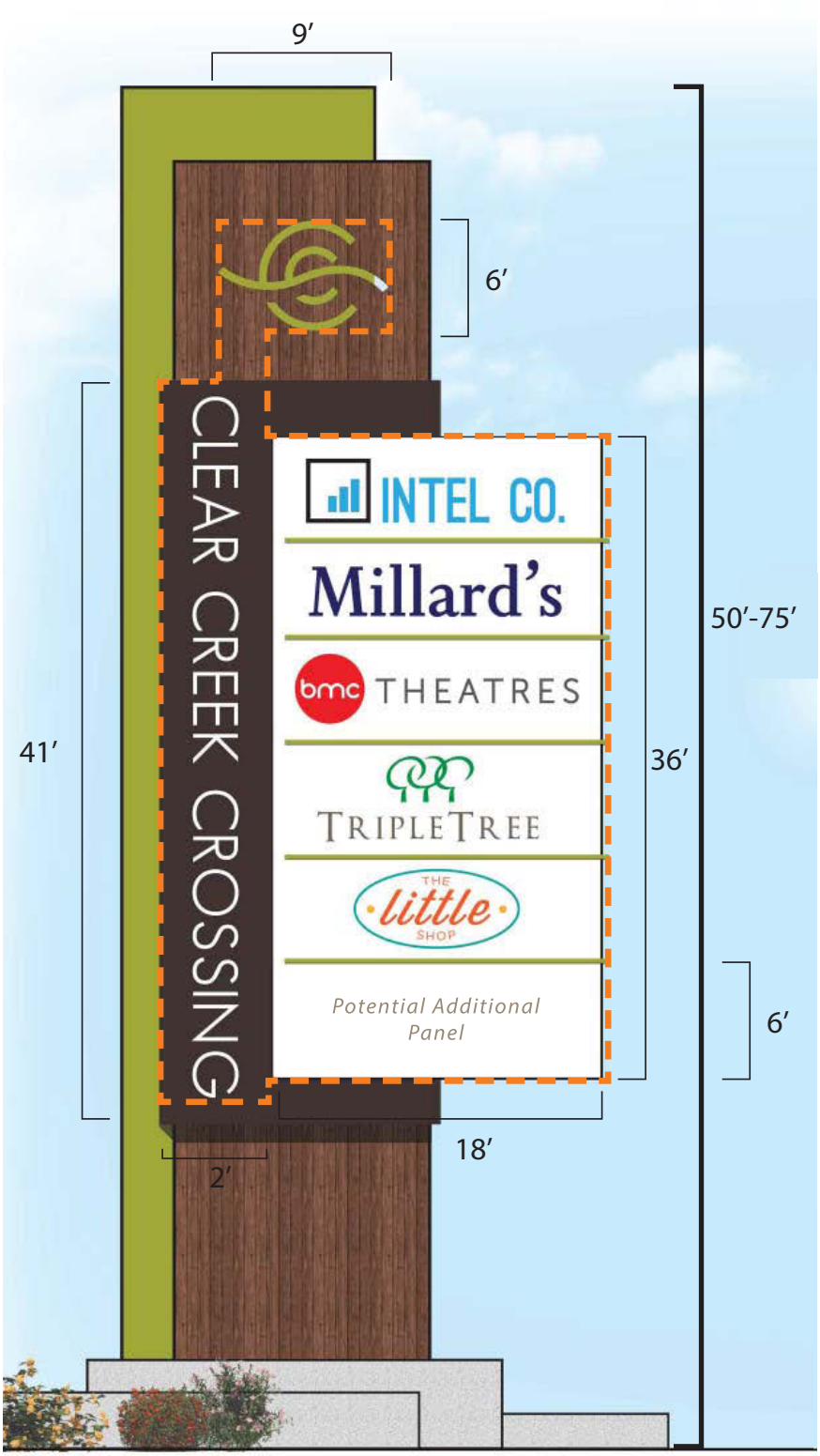
Freestanding sign, significant in height to allow visibility from freeway and highway corridors

Maximum area:	900 SF
Maximum height:	50'-75'
Minimum setback:	30'
Maximum number in project:	3
Maximum number of panels:	6 (per sign)

- Signs may be internally illuminated
- May utilize a digital reader board
- Signs must be placed within a landscaped area

SIGNAGE AREA CALCULATION

	Dimensions	Total
CCC Logo	9' x 6'	54 SF
'Clear Creek Crossing':	41' x 2'	82 SF
Store Panels (6)	6' x 18'	648 SF
Total Sign Area:		784 SF



Landmark ID

7.4 Freestanding Signs (cont.)

PRIMARY MONUMENT

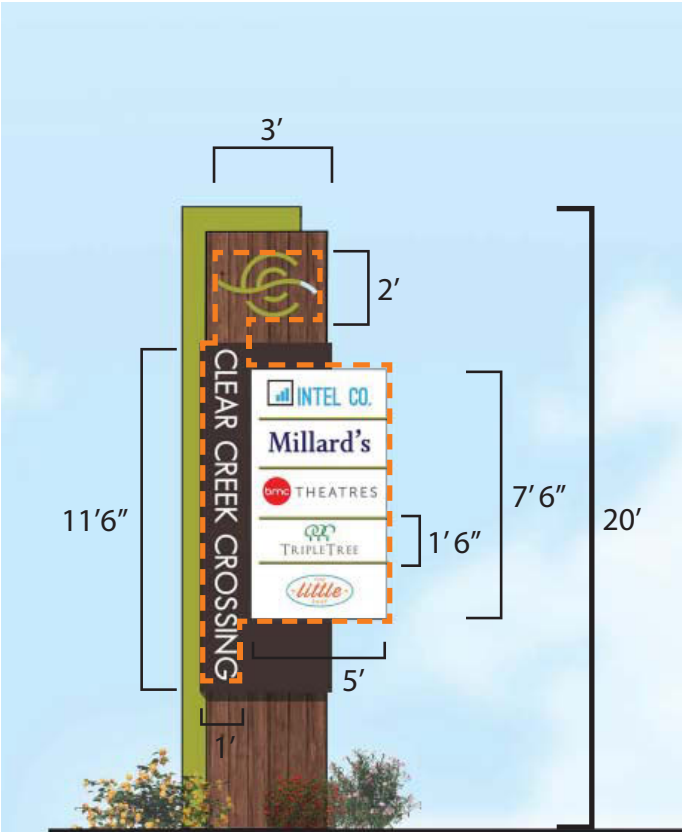
Freestanding sign, providing prominent onsite identification of both CCC and its most significant retail, entertainment and employment uses at CCC. Primary Monument Signs will be encouraged to minimize the total number of Major Tenant Signs

Maximum area:	400 SF
Maximum height:	20'
Minimum setback:	10'
Maximum number in project:	3
Maximum number of panels:	6 (per sign)

- Signs may be internally illuminated
- Signs must be placed within a landscaped area

SIGNAGE AREA CALCULATION

	Dimensions	Total
CCC Logo	3' x 2'	6 SF
'Clear Creek Crossing':	11'-6" x 1'	11.5 SF
Major Tenant / User Panels (6)	5' x 1" 6"	45 SF
Total Sign Area:		62.5 SF



Primary Monument

SECONDARY MONUMENT

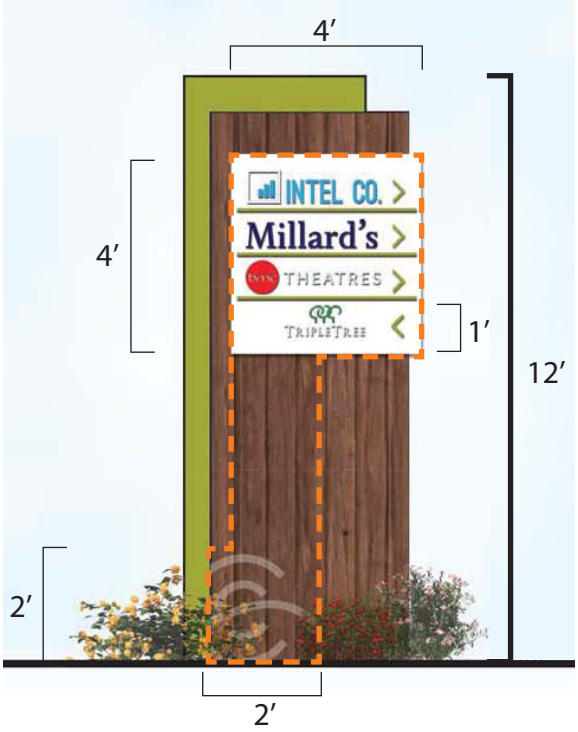
Freestanding sign, designed to identify CCC as well as smaller tenants/users. Located along public streets, near access drives within CCC. Secondary Monument signs will be encouraged to minimize the total number of 'Other Tenant signs.

Maximum area:	150 SF
Maximum height:	12'
Minimum setback:	5'
Maximum number in project:	6
Maximum number of panels:	4 (per sign)

- Signs may be internally illuminated
- Signs must be placed within a landscaped area

SIGNAGE AREA CALCULATION

	Dimensions	Total
CCC Logo	2' x 2'	4 SF
Tenant / User Panels (4)	4' x 1'	16 SF
Total Sign Area:		20 SF



Secondary Monument

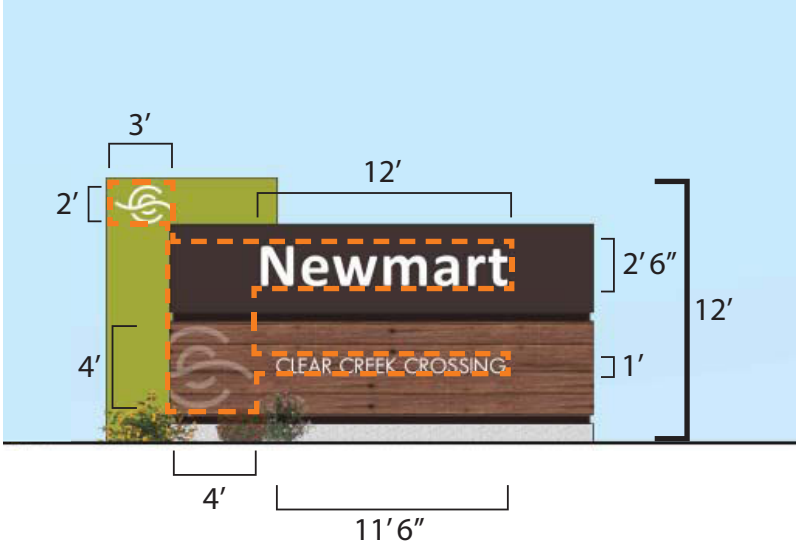
7.4 Freestanding Signs (cont.)

MAJOR TENANT MONUMENT

Freestanding signs are associated with large commercial or employment users, generally greater than 30,000 square feet. Designed to associate with the CCC signage family, Major Tenant signs provide clear identification of the tenant along a public street within CCC. Primary Monument signs will be encouraged to minimize the total number of Major Tenant signs.

Maximum area:	150 SF
Maximum height:	12'
Minimum setback:	5'
Maximum number in project:	5

- Identification of CCC is required
- Signs may be internally illuminated
- Signs must be placed within a landscaped area



Major Tenant

SIGNAGE AREA CALCULATION

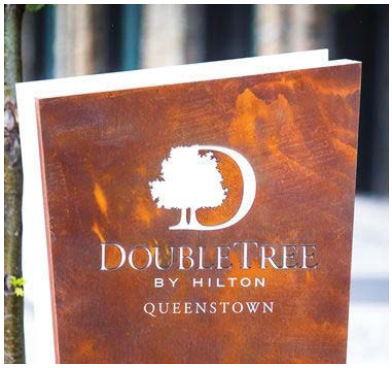
	Dimensions	Total
CCC Logo	3' x 2' / 4' x 4'	22 SF
'Clear Creek Crossing':	11'-6"' x 1'	11.5 SF
Major Tenant Logo	12' x 2'-6"	30 SF
Total Sign Area:		63.5 SF

OTHER TENANT SIGN

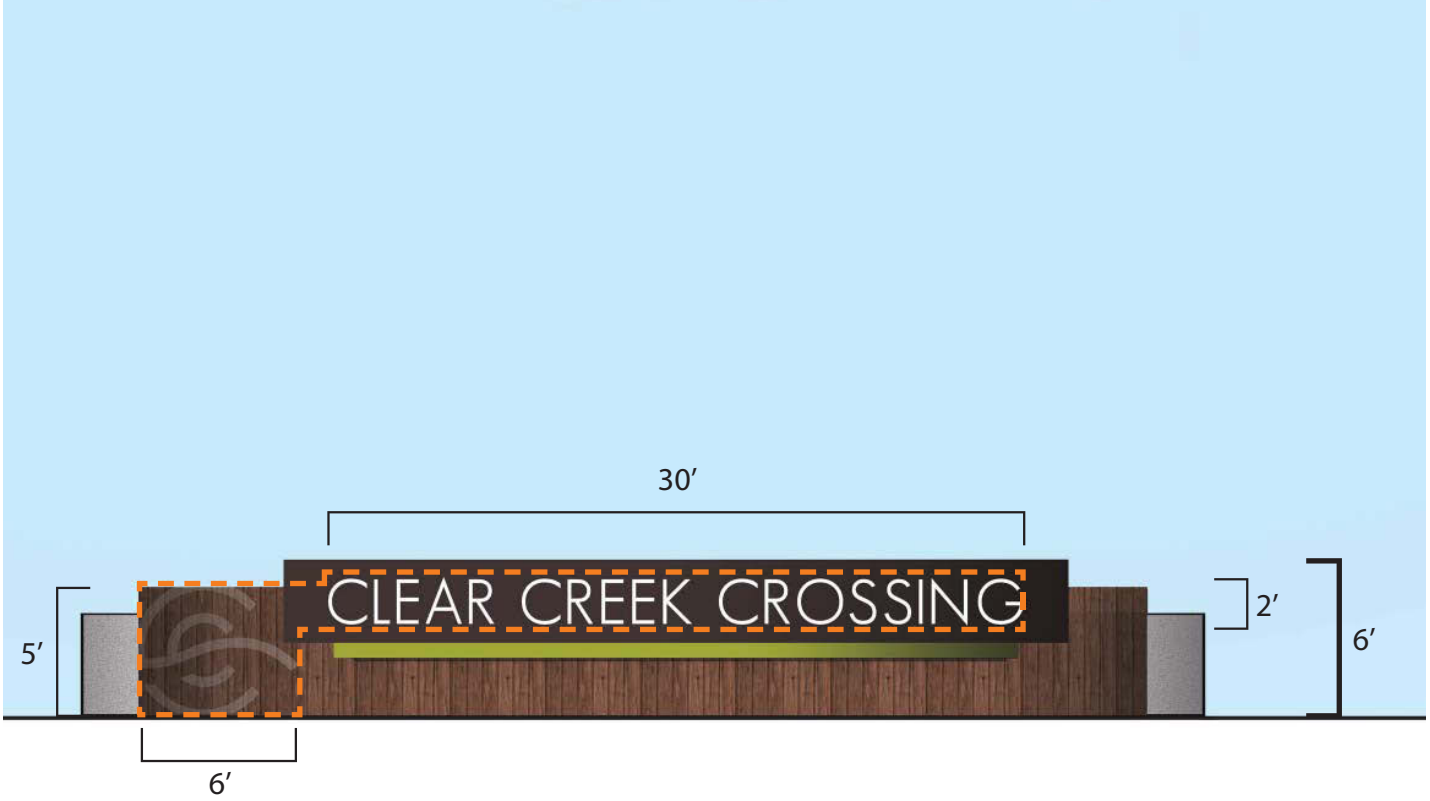
Freestanding 'Other' signs are associated with residential, commercial or employment users. Designed to associate with the CCC signage family, other tenant signs provide clear identification of the tenant within the boundaries of the lot, either on public street or visible from a public street within CCC. Secondary Monument signs will be encouraged to minimize the total number if Other Tenant signs.

Maximum area:	50 SF
Maximum height:	8'
Minimum setback:	5'
Maximum number in project:	12

- Identification of CCC is required
- Signs may be internally illuminated
- Signs must be placed within a landscaped area



7.4 Freestanding Signs (cont.)



Project ID

PROJECT ID

Freestanding Project ID signs are located at gateway entrances to CCC at the I-70 ramps and 40th Avenue. The Project ID signs are designed to convey a sense of arrival as well as an identification of CCC that connects to the balance of the signage family design. Flanked signs are encouraged in a well landscaped buffer. Length of the sign at its base should be guided by site characteristics and may employ a wrap design.

Maximum area:	250 SF
Maximum height:	6'
Minimum setback:	5'
Maximum number in project:	4

- Signs may be internally illuminated
- Signs must be placed within a landscaped area

SIGNAGE AREA CALCULATION

	Dimensions	Total
CCC Logo	5' x 6'	30 SF
'Clear Creek Crossing':	30' x 2'	60 SF
Total Sign Area:		90 SF

7.4 Freestanding Signs (cont.)

INTERPRETIVE / TRAIL HEAD

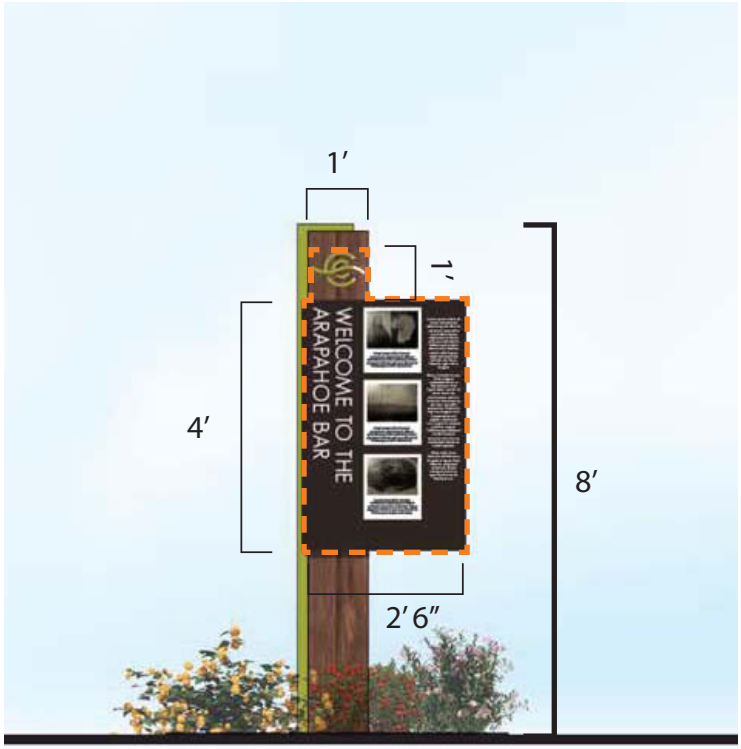
Freestanding Interpretive / Trail head signs are directional signs associated with the multi-use trail and have the similar design and scale of the Wayfinding signs within the Project. The Interpretive / Trailhead signs are located where they best assist pedestrians, hikers and cyclists.

Maximum area:	25 SF
Maximum height:	8’
Minimum setback:	5’
Maximum number in project:	2

- Signs may be internally illuminated
- Signs must be placed within a landscaped area

SIGNAGE AREA CALCULATION

	Dimensions	Total
CCC Logo	1’ x 1’	1 SF
Info Panels	4’ x 2’-6”	10 SF
Total Sign Area:		11 SF



Interpretive / Trail Head

WAYFINDING

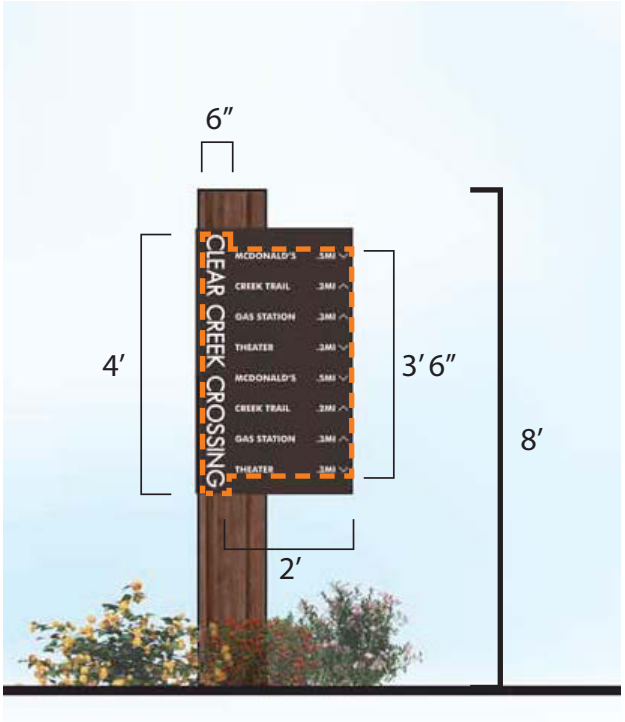
Freestanding Wayfinding signs are directional signs within the Project, providing distance/direction to tenants/users, trails and other CCC Project amenities. Wayfinding signs are located where they can provide guidance within CCC.

Maximum area:	25 SF
Maximum height:	8’
Minimum setback:	5’
Maximum number in project:	8

- Signs may be internally illuminated
- Signs must be placed within a landscaped area

SIGNAGE AREA CALCULATION

	Dimensions	Total
‘Clear Creek Crossing’:	0’-6”’ x 4’	2 SF
Info Panels	3’-6” x 2’	7 SF
Total Sign Area:		9 SF



Wayfinding

7.5 Building Signs

DESIGN INTENT

- Identify individual retail shops, anchor tenants, commercial tenants, or Project with wall mounted signs as required.
- Intended to be visible from both building entrances as well as traffic thoroughfares, depending upon orientation.
- Through materials and style, connects to building architecture.
- Prioritize legibility and brand recognition, providing clear identification and direction complementary to freestanding signage.

DESIGN STANDARDS

- Building signs shall consist of the following types:
  - Primary Wall Mounted Tenant Sign
  - Secondary Wall Mounted Tenant Sign
  - Under Canopy Sign
  - Projecting Sign
- Total allowable wall sign area shall be determined for each user by calculating the linear footage of eligible sign frontage and allowing one (1) square foot of signage per lineal foot of eligible frontage.
- In determining wall eligibility, only the footprint of the structure can be used. The floor area of gas station and drive-thru canopies cannot be applied toward the freestanding sign allowance.
- Total allowable wall sign area may be re-distributed among signs provided signs are located on an eligible building frontage.
- Building signs shall be constructed of durable materials permanently affixed to an exterior surface of any building, wall or structure.
- Building signs shall not extend more than 15 inches beyond the wall, with exception of projecting signs, which are allowed when oriented toward pedestrians..
- Signs placed upon marquees, canopies or awnings shall be considered as signs.
- Sign design shall correspond to a set signage family, with variations allowed subject to approval of the Community Director.
- Building signs located within 300 feet of and/or highly visible from existing residential uses shall be constructed either with an opaque background and translucent text and symbols, or with a dark (not white, off-white, light gray, cream or yellow) background and generally lighter colored text and symbols.
- House or building address number signs shall be consistent with section 26-639 of the Zoning and Development Code.

DESIGN GUIDELINES

- Painted signs and other creative signage expressions, including possible unique roof signage, are encouraged in Vineyard and Harvest Districts only, subject to approval of ACC and at the sole discretion of the Community Development.
- Building sign lighting should be designed to minimize light pollution, in compliance with dark sky principles.

7.5 Building Signs (cont.)

Primary Wall Mounted Tenant Sign:

These signs identify the individual tenants within the building and are located on the exterior of the building in which the tenant is located. These signs should be located on the side of the building that is considered the primary entry/exit to the tenant space. For tenants with a corner entry, the tenant may choose which side is considered primary. Tenants are permitted multiple signs on the primary entry/exit facade of the building, as long as the overall permitted sign area is not exceeded.

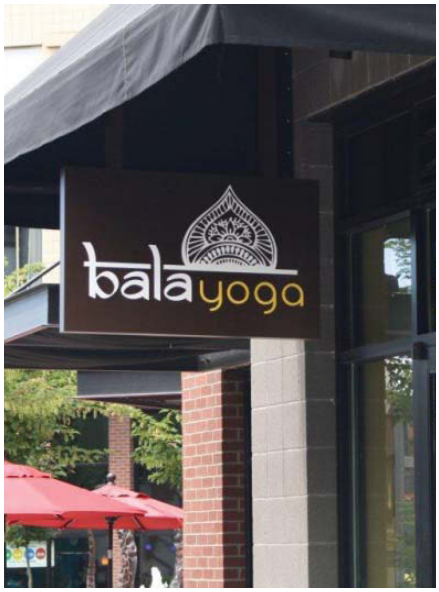
Secondary Wall Mounted Tenant Sign:

Tenants are also permitted secondary wall mounted signs that may be placed on a non-entrance/exit side of the building that contains the tenant's space. Secondary Wall Mounted Signs are permitted provided they face public right-of ways, parking areas, private streets or drives. Secondary signs may not exceed the size of primary signs on the same building.

7.5 Building Signs (cont.)

Under Canopy Sign:

In addition to the wall mounted tenant signs, each tenant is permitted one pedestrian-oriented under canopy or arcade sign with a maximum area of 6 SF. These under canopy signs are not permitted to be internally illuminated, must maintain 9' vertical clearance above pedestrian walkways, and shall only contain the tenant name and logo associated with the space. May use up to 50% of the allowed wall sign allocation for canopies



Projecting Sign:

Projecting signs are defined as signs affixed to any building, wall or structure, extending beyond the building more than 15". Projecting and wall signs are not permissible on the same wall. Tenants are allowed one projecting sign per street frontage per business and should be oriented toward pedestrians. Sign area is limited to 1 SF for each foot of height of the building to which the sign is attached. The maximum height is the top of the wall or parapet, and signs may not be roof mounted. The maximum Projection is 10'. The sign must maintain a minimum distance of 7'from the street frontage or sidewalk.

Painted & Creative Signs:

These signs are expressive and intended to be used sparingly, in order to maximize impact while maintaining a tasteful aesthetic at the Project. Limited to use in the Vineyard and Harvest Districts, artistic signs shall count toward total allowed sign area fro wall mounted signs. Individual designs are subject to the approval of the ACC and the Community Development Director.

APPENDIX A : GLOSSARY OF TERMS

Glossary of Terms

The terms included here are terms that are consistently referenced throughout this design guidelines and standards document.

Active Use

A use that invites and plans for pedestrian activity.

Acrylic Channel Glass

Channel glass wall system consisting of self-supporting translucent glass channels and an extruded metal perimeter frame. The end result is a wall that obscures vision but allows light to pass through.

Amenity Zone

The portion of the public rights-of-way adjacent to the back of the curb reserved for amenities. The purpose of the amenity zone is to locate elements of the streetscape, such as trees, benches, lights, bicycle racks and trash receptacles, in a consolidated area outside of the pedestrian walking zone.

Applicant

Any owner, developer, builder, or other person seeking approval from the City as required by these Urban Design Standards and Guidelines.

Architecture Review Board

The applicant will have a Covenants, Controls, and Restrictions review board that will review all development for the compliance with this Official Development Plan prior to submission to the City of Wheat Ridge. After review of the proposal, a letter of approval or disapproval will be submitted to the City.

Tenants of the development will have the opportunity to design and develop their own buildings and storefronts, which designs will be reviewed by the Covenants, Controls, and Restrictions review board.

The Covenants, Controls, and Restrictions review board reserves the right to reject any submittal that does not comply with the intent of this document.

Block

For purposes of these Standards and Guidelines, a tract of land within the Site bounded by public streets, private streets, or by private drives.

Build-to Line

A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows, canopies, awnings and similar appurtenances, must be erected.

CDOT 'A' Line

The Colorado Department of Transportation "access control line" depicted as the CDOT 'A' Line is used to regulate the "control of access" to interstate rights-of-way and designated frontage roads for both transportation and non-transportation purposes. All land owners adjacent to "access control lines" are restricted from each and every right of access, from or to any part of Clear Creek Crossing Drive and the west-bound Interstate 70 off and on ramps, including the ability to ingress and egress properties adjacent and abutting the access control.

Detached Sidewalk

A paved walkway that is not attached to the street curb or a building and is commonly separated from the curb by a tree lawn or by an amenity zone.

Glossary of Terms

Developer

The owner of a site, or a Project proponent or agent authorized by the owner to act on behalf of the owner in the design and construction of any development within the site.

EIFS

Exterior Insulating Finishing System.

Façade

The exterior vertical walls of a building and any face of a building given special architectural treatment.

Fenestration

The arrangement, proportioning and design of windows and openings within a building façade.

Floor Area Ratio (FAR)

The ratio of gross floor area of a building to the area of the zone lot on which the building is located.

Furnishings

Any of numerous types of street furniture, fixtures, or equipment most commonly used on commercial streets. Examples include pedestrian lights, benches, newspaper vending boxes, trash receptacles, planters, tree grates, fences railings, bicycle racks, mailboxes, fountains, kiosks, and public telephones.

Gabion Wall

A gabion is a cage, cylinder, or box filled with rocks used for landscaping. A gabion wall is a retaining wall made of stacked stone-filled gabions tied together with wire.

LEED® Certification, Leadership in Energy and Environmental Design.

Green Building Rating System, developed by the U.S. Green Building Council (USGBC), which provides a suite of standards for environmentally sustainable design.

Live Work buildings

A building type that has a commercial use on the main floor and residential above or attached.

Mixed Use Buildings

The use of a structure that combines or integrates both residential and non-residential uses in the same structure/building.

Modification

Any departure from a standard or requirement contained in these Urban Design Standards and Guidelines as reviewed during the Design Review Process (Chapter 10.0).

Mechanically Stabilized Earth (MSE)

Mechanically Stabilized Earth or MSE walls stabilize unstable slopes and retain soil on steep slopes and under crest loads.

Non-Residential Uses

All uses of property other than residential use.

Open Space

Open Space is defined to include plazas and landscape areas open to the sky. This definition includes both green landscapes and hardscape areas outside of the public rights-of-way.

Parking Structure

Any building or part of a building wherein more than three (3) motor vehicles are or can be housed or stored, including, but not limited to, parking decks and multilevel parking structures.

Park

An area of land which is developed or intended for development with landscaping and other features which promote recreational activities, passive or active, by the public. May be either publicly or privately owned.

Parkway

Parkways are typically characterized by landscape features such as broad medians incorporating tree and shrub masses, spacious tree lawns and linear tree plantings flanking wide streets. The term parkway and boulevard are often used interchangeably.

Pedestrian Active Uses.

Business or activities that engages the interest of people passing by on adjacent sidewalks and allows views into store windows and building interiors.

Pedestrian Walking Zone

The portion of sidewalk either within public rights-of-way or on private property, between the amenity zone and the building related zone and reserved for unimpeded pedestrian travel. The purpose of the pedestrian walking zone is to provide an area outside of the amenity zone the remains clear for pedestrian walking. See Illustration No. 2.

Plaza

An open area at ground or elevated level accessible to the public at all times, and not within the right-of-way, which is unobstructed from its lowest level to the sky, although it may contain arbors, trellis, gazebos, picnic covers, sun shades and other non-enclosed roof-like forms that add to the usability and enjoyment of outdoors. The majority of the surface is hardscaped, but any portion of a plaza occupied by landscaping, statuary, pools, and open recreation facilities shall be considered to be a part of the plaza for the purpose of computing a floor area premium credit. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas or pedestrian ways accessory thereto.

Quality

Refers to the use of a material that is low maintenance, will stand up to wear and tear and is appropriate for the intended use or design application.

Glossary of Terms

Quartzputz

Quartzputz is one of the original stucco textures. Not an acceptable texture at Clear Creek Crossing.

Retail

Any space or building used for the sale of goods to the ultimate consumer for direct consumption and not for resale.

Right-of-Way

The area of land under public ownership and commonly reserved for public use as a street, which may also include areas devoted to tree lawns, sidewalks, trails, bicycle paths, benches, and other public amenities and subsurface utilities.

Scale

The perceived size of a building, space, or roadway in relation to a human or automobile that affects the apparent size of street spaces and how comfortable they feel to pedestrians and drivers. Architectural design details and overall organization of the street can affect scale.

Story

Where the term “story” is used in the various zone districts for the purpose of determining setback from perimeter lot lines for nonresidential buildings, each twelve (12) feet of building height shall be considered a story, and for residential buildings, each ten (10) feet of building height shall be considered a story

Street Trees

Trees that line the street in a right-of-way between the curb and the abutting property line, or pedestrian path.

Streetscape

A term generally referring to pedestrian amenities and landscape improvements located within the public-right-of-way or public easement. The term “streetscape” generally refers to the public amenity zone, the unobstructed pedestrian zone and the pedestrian amenities, furnishings and landscape improvements such as tree lawns or trees in grates.

Terminating Vistas

A term generally referring to points of interest at the end of certain important street view corridors through the Development.

Tree Lawn

The area of lawn or planting between the curb and the detached sidewalk where street trees are planted.

Wayfinding

How occupants traverse a space. Supplemented with signage and the built environment.

APPENDIX B : MATERIAL LIST

Materials

STONE

- Field Stone: Large random sized shapes laid in a random pattern.
- Coursed Stone: Varied sizes of cut and tumbled stone with natural face features laid in an ashlar coursing.
- Cut Stone: Regular sized stone modules laid in traditional masonry patterns, i.e. running bond, stacked bond, etc.

METAL

- Standing Seam: Metal panels that utilizes a raised seam in a regular pattern or spacing.
- Ribbed or Corrugated: Metal panels that have curved or ribbed linear patterns.
- Flat Panel: Metal panels that have a flat surface and utilize dry or wet sealed joints in rhythmic or random patterns for articulation.

WOOD

- Board and Batten: Flat panel prefinished or painted wood panels with protruding vertical smaller wood strips creating a regular vertical pattern.
- Cedar Siding: Natural rough sawn or milled cedar lap siding with overlapping or flush joints. May be installed in vertical or horizontal patters and can be used on vertical or horizontal surfaces.
- Reclaimed Wood or Barnwood: Wood that has been reclaimed and has a natural aged aesthetic.
- Additional Wood Note: Synthetic or Alternative wood options may be utilized in lieu of natural wood if it is deemed to be unfit for the application but the desired look is to mimic or represent a wood product.

FIBER CEMENT PANELS

- Nichiha - Acceptable material. Colors and textures to be complementary to overall development.

GLASS

- All glass or glazing is considered a primary building material and counts towards the overall building materials percentage.

PRECAST & DECORATIVE STONE ELEMENTS

- Include caps, lintels, cornices. All aforementioned are acceptable. Colors shall be complementary to overall Project.

SECONDARY MATERIALS

- COLORED AND TEXTURED CONCRETE MASONRY UNITS (CMU): Standard gray colored CMU is NOT acceptable, unless covered by another building finish material. Split faced or honed CMU must be used as the primary element when exposed to view. CMU shall not be painted except where not visible from public streets or walkways.
- MASONRY BRICK: Acceptable material. Colors and textures to be complementary to overall development. Design and detail is to be varied and interesting and not portray a neo traditional or faux historic character. Shall not be painted.
- STUCCO: Acceptable material. Generally discouraged at the bases of buildings and adjacent to pedestrian walkways. Should have natural stone aggregates and texture. Standard sand or quartzputz textures are prohibited. Break up large components and
- ARCHITECTURAL PRECAST CONCRETE: Shall be integrally colored and may be textured if desired. May be used as a veneer applied over an independently constructed enclosure and substrate. Break up large components and fascias through the use of joints and changes in plane and texture to maintain scale of the facade.
- EIFS or Synthetic Stucco: Allowed on the ground floor, street facing facades directly abutting the R.O.W. in a limited amount (20%) and should only be used as ornamental details such as parapet caps, cornices, belt courses, window details, etc.

APPENDIX C : PLANT LIST

Plant List

DECIDUOUS CANOPY TREES

Scientific Name	Common Name
Acer Miyabei 'Morton'	State Street Maple
Catalpa speciosa	Western Catalpa
Celtis occidentalis	Western Hackberry
Gleditsia triacanthos inermis 'Imperial'	Imperial Honeylocust
Gleditsia triacanthos inermis 'Shademaster'	Shademaster Locust
Gymnocladus dioicus	Kentucky Coffeetree
Populus x acuminata	Lanceleaf Cottonwood
Populus sargentii	Plains Cottonwood
Quercus macrocarpa	Burr Oak
Ulmus Parvifolia 'Emerii'	Allee Elm

ORNAMENTAL TREES

Scientific Name	Common Name
Acer grandidentatum	Bigtooth Maple
Amelanchier x grandiflora	Autumn Brilliance Serviceberry
Betula occidentalis fontinalis	Western Red Birch
Craetageus crus-galli 'Inermis"	Thornless Cockspur Hawthorn
Crateagus phaenopyrum	Washingtion Hawthorn
Korelreuterisa paniculatat	Goldenrain Tree
Malus X 'Spring Snow'	Spring Snow Crabapple
Prunus americana	American Plum
Syringa reticulata	Japanese Tree Lilac

EVERGREEN TREES

Scientific Name	Common Name
Abies concolor	White Fir
Juniperus scopulorum	Rocky Mountain Juniper
Picea pungens	Colorado Spruce
Picea engelmanni	Engleman Spruce
Pinus aristata	Bristlecone Pine
Pinus edulis	Pinyon Pine
Pinus flexilis	Limber Pine
Pinus nigra	Austrian Pine
Pinus ponderosa	Ponderosa Pine

EVERGREEN SHRUBS

Scientific Name	Common Name
Arctostaphylos 'Panchito'	Panchito Manzanita
Cotoneaster dammeri 'Coral Beauty'	Coral Beauty Cotoneaster
Euonymus Fortunei 'Emerald Gaiety'	Emerald Gaiety Euonymus
Picea pungens 'Globosa'	Globe Spruce
Picea pungens 'R.H. Montgomery'	R.H. Montgomery Spruce
Pinus mugo 'Slowmound'	Slowmound Mugo Pine
Pinus mugo 'Tannenbaum'	Tannenbaum Mugo Pine
Pinus mugo 'White Bud'	White Bud Mugo Pine
Juniperus communis 'Mondap'	Alpine Carpet Juniper
Juniperus sabina 'Monna'	Calgary Carpet Juniper
Juniperus sabina 'Buffalo'	Buffalo Juniper
Juniperus virginiana 'Blue Arrow'	Blue Arrow Juniper
Yucca filamentosa 'Ivory Tower'	Ivory Tower Yucca

DECIDUOUS SHRUBS

Scientific Name	Common Name
Amelanchier alnifolia	Saskatoon Serviceberry
Amorpha fruticosa	False Indigo
Aronia arbutifolia 'Brilliantissima,	Brilliant Red Chokeberry
Aronia melanocarpa 'Iriquois Beauty'	Dwarf Chokecherry
Buddleia davidii	Butterfly Bush
Caryopteris x clandonensis	Blue Mist Spirea
Cercocarpus intricatus	Littleleaf Mountain Mahogany
Chamaebatiaria millefolium	Fernbush
Chrysothamnus nauseous	Rabbitbrush
Cornus sericea 'Isanti'	Isanti Dogwood
Forsythia 'Arnold Dwarf'	Arnold Dwarf Forsythia
Lonicera involucrate	Twinberry Honeysuckle
Mahonia repens	Creeping Oregon Grape
Philadelphus microphyllus	Littleleaf Mockorange
Physocarpus monogynus	Mountain Ninebark
Prunus besseyi	Western Sandcherry
Prunus besseyi 'Pawnee Buttes'	Pawnee Buttes Sandcherry
Rhus Glabra	Smooth Sumac
Rhus trilobata	Three Leaf Sumac
Ribes cereum	Golden Currant
Rosa woodsii	Woods Rose
Salix purpurea 'Nana'	Dwarf Arctic Blue Willow

Scientific Name	Common Name
Spiraea Japonica 'Goldflame'	Goldflame Spirea
Spriaea Nipponica 'Snowmound'	Snowmound Spirea
Spirea Japonica 'Little Princess'	Little Princess Spirea
Symphoricarpos albus	Snowberry
Syringa patula 'Miss Kim'	Miss Kim Lilac
Syringa vulgaris	Common Purple Lilac
Physocarpus monogynus	Mountain Ninebark
Prunus besseyi	Western Sandcherry
Prunus besseyi 'Pawnee Buttes'	Pawnee Buttes Sandcherry
Rhus Glabra	Smooth Sumac
Rhus trilobata	Three Leaf Sumac
Ribes cereum	Golden Currant
Rosa woodsii	Woods Rose
Salix purpurea 'Nana'	Dwarf Arctic Blue Willow
Spiraea Japonica 'Goldflame'	Goldflame Spirea
Spriaea Nipponica 'Snowmound'	Snowmound Spirea
Spirea Japonica 'Little Princess'	Little Princess Spirea
Symphoricarpos albus	Snowberry
Syringa patula 'Miss Kim'	Miss Kim Lilac
Syringa vulgaris	Common Purple Lilac

Plant List (Cont)

ORNAMENTAL GRASS

Scientific Name	Common Name
Andropogon Gerardii	Big Bluestem
Bouteloua curpitendula	Side-Oats Grama
Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Grama Grass
Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass
Deschampsia caespitosa	Tufted Hairgrass
Miscanthus sinensis 'Adagio'	Adagio Maiden Grass
Panicum virgatum	Switchgrass
Schizachyrium scoparium	Little Bluestem
Sporobolus heterolepis	Prairie Dropseed

PERENNIALS

Scientific Name	Common Name
Achillea millefolium	Common White Marrow
Aquilegia caerulea	Native Columbine
Arnica cordifolia	Heartleaf Arnica
Coreopsis tinctoria	Plains Coreopsis
Erigeron speciosus	Aspen Daisey
Dalea purpurea	Purple Prairie Clover
Delphinium virescens	Plains Larkspur
Gaillardia aristata	Blanket Flower
Geranium richardsonii	Richardson Geranium
Iris missouriensis	Rocky Mountain Wild Iris
Liatris puncata	Spotted Gayfeather
Oenothera caespitosa	Tufted Evening Primrose
Penstemon strictus	Rocky Mountain Penstemon
Ratibida columnifera	Mexican Hat
Rudbeckia hirata	Black Eyed Susan
Thermopsis divaricarpa	Gold Banner
Yucca glaua	Soapweed
Zinnia Grandiflora	Rocky Mountain Zinnia

City of Wheat Ridge

ITEM NO: 7.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 02-2018 – AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE APPROVAL OR OTHER APPROVAL FOR A FREESTANDING EMERGENCY ROOM FACILITY

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (1/8/2018)
☐ ORDINANCES FOR 2ND READING (1/22/2018)

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney **City Manager**

ISSUE:
In April of 2017, the Council adopted a one-year moratorium on the submission, acceptance, processing and approval of applications and requests related to freestanding emergency room facilities. This ordinance extends the moratorium period for an additional 120 days, to and including August 27, 2018.

PRIOR ACTION:
On April 11, 2016, City Council adopted Ordinance 1595 placing a 365-day temporary moratorium on the submission, acceptance, processing and approval of applications and requests related to freestanding emergency room facilities and extended the moratorium by another 365 days through the adoption of Ordinance No. 1616.

FINANCIAL IMPACT:
The potential loss of license, permit, application and similar fees associated with applications for freestanding emergency room (ER) facilities for an additional 120 days is likely nominal.

BACKGROUND:
Freestanding ERs continue to increase in number and popularity. In Colorado, the number of freestanding ERs rose from two in 2012 to at least 35 by mid-2016. These facilities provide emergency medical treatment and care similar to a hospital-based ER. Ambulances deliver to these freestanding facilities and many offer more sophisticated on-site services – such as radiology and lab services – than urgent care facilities. These types of facilities continue to be unregulated by the state.

Freestanding ERs likely generate land use impacts that are more akin to hospitals than to other medical facilities, such as clinics, doctor's offices and urgent-care facilities. Unlike these other types of medical facilities, freestanding ERs accommodate ambulance and other emergency-vehicle traffic and they are often open 24/7. They produce light, noise, glare and traffic beyond that of a non-emergent medical care facility. It is therefore appropriate to study and evaluate whether the City's existing zoning regulations adequately address freestanding ER facilities.

In the past, there have been media stories on freestanding ERs and patient confusion between freestanding ERs and urgent care facilities. Because freestanding ERs are not currently licensed or regulated by the state, patients may also be uninformed about the relative costs, benefits, advantages and disadvantages of visiting a freestanding ER versus a hospital-based ER. It is therefore appropriate for Council to study and evaluate whether the City should enter the licensing arena specific to these facilities and adopt some local licensing requirements for them.

This Ordinance continues to maintain the status quo (no freestanding ERs within the City) while the Council studies these policy issues and adopts further legislation if it deems appropriate.

RECOMMENDATIONS:
Staff recommends approving the extension of the temporary moratorium.

RECOMMENDED MOTIONS:
"I move to approve Council Bill No. 02-2018 - an ordinance extending the temporary moratorium on the submission, acceptance, processing, and approval of applications and requests for a permit, license, land use approval or other approval for a freestanding emergency room facility, on first reading, order it published, public hearing set for Monday, January 22, 2018 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 02-2018 - an ordinance extending the temporary moratorium on the submission, acceptance, processing, and approval of applications and requests for a permit, license, land use approval or other approval for a freestanding emergency room facility for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Carmen Beery, City Attorney's Office
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 02-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
Council Bill No. 02
Ordinance No. _____
Series 2018

TITLE: AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE APPROVAL OR OTHER APPROVAL FOR A FREESTANDING EMERGENCY ROOM FACILITY

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, City staff has interpreted the City's current zoning regulations as permitting freestanding emergency room facilities to locate within the Mixed Use-Commercial and Planned Hospital Development zone districts only; and

WHEREAS, the Council finds that freestanding emergency room facilities may cause land use impacts that are different than those caused by other detached health care facilities due to the extended hours that emergency facilities may be open; and

WHEREAS, in response to the increase in the number and popularity of freestanding emergency room facilities over the past several years, the Council determined that it was necessary and desirable to examine the City's zoning laws and business licensing regulations governing freestanding emergency room facilities to ensure that such facilities are appropriately located; and

WHEREAS, additionally, the Council and City staff held a reasonable belief that the state legislature might adopt statewide legislation governing freestanding emergency room facilities that could potentially affect the desired parameters of local regulations on the topic; and

WHEREAS, as a result, by and through the adoption of Ordinance No. 1595, the Council previously acted to impose a one-year moratorium through April 27, 2017 on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

ATTACHMENT 1

WHEREAS, by and through the adoption of Ordinance No. 1616, the Council extended the one-year moratorium through April 27, 2018 on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

WHEREAS, the state legislature did not adopt such legislation during the 2017 session but Council and City staff have recently learned that the state legislature is considering legislation during the 2018 session; and

WHEREAS, the Council therefore finds that it is prudent and desirable to extend the moratorium for an additional one hundred and twenty (120) days, to permit the careful study and evaluation of various local regulatory options with an expectation that such regulations would operate without an additional state regulatory gloss; and

WHEREAS, the extension of the moratorium on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium Extended. The temporary moratorium imposed on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval for any freestanding emergency room facility originally adopted by Ordinance No. 1616 is hereby extended for an additional one hundred twenty (120) days, to and including August 27, 2018. The extension period adopted hereby shall commence and be measured from the date the original moratorium period expires. The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such facilities during this moratorium extension period.

Section 3. Definition of freestanding emergency room facility. For purposes of this Ordinance, a “freestanding emergency room facility” is and means a medical facility that is not physically attached to a hospital facility that has the capability of providing medical care and services to patients with emergency medical conditions in a manner similar to emergency rooms located within hospitals. Features of a freestanding emergency room facility may include, but are not limited to, expanded hours of operation, drive-lanes or vehicle bays to accommodate ambulance arrivals and departures, board-certified emergency physicians, board-certified emergency nurses, on-site lab and imaging capabilities and similar equipment, services and treatments not commonly available in urgent-care facilities.

Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium period extended by this Ordinance, City staff shall review and analyze the City's existing regulations governing freestanding emergency room facilities, as directed by the Council, and present any proposed amendments thereto to the Council. The Council declares that it will give due and timely consideration to recommended changes to the Code.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 8th day of January, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for January 22, 2018 at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved As To Form

_____
Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

ITEM NO: 8.
DATE: January 8, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: **COUNCIL BILL NO. 03-2018 – AN ORDINANCE AMENDING CHAPTER 7 OF THE WHEAT RIDGE CODE OF LAWS REGARDING ELECTIONS TO ENSURE CONSISTENCY AND COMPATIBILITY WITH THE COLORADO MUNICIPAL ELECTION LAWS**

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (01/08/2018)
☐ ORDINANCES FOR 2ND READING (01/22/2018)

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney **City Manager**

ISSUE:
Amending Chapter 7 of the Code, as it relates to Elections, by deleting those sections which are adequately covered and governed by state law.

PRIOR ACTION:
None

FINANCIAL IMPACT:
None

BACKGROUND:
Staff has determined that it would be prudent to delete those portions of Chapter 7 of the Code, regarding elections, which are sufficiently covered by state law (in C.R.S. 31-10-101 et seq., also known as the "Colorado Municipal Election Code," as well as related portions of title 1, C. R. S.) This ensures consistency and compatibility with state law, and also removes the need to amend the City Code every time there is a change in these sections of the state law.

RECOMMENDATIONS:
Staff recommends approval of the ordinance.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 03-2018, an ordinance amending Chapter 7 of the Wheat Ridge Code of Laws regarding elections to ensure consistency and compatibility with the Colorado Municipal Election Laws, on first reading, order it published, public hearing set for Monday, January 22, 2018 at 7:00 p.m. in City Council Chambers, and that it take effect upon adoption and signature of the Mayor and City Clerk."

Or,

"I move to postpone indefinitely Council Bill 03-2018, an ordinance amending Chapter 7 of the Wheat Ridge Code of Laws regarding elections to ensure consistency and compatibility with the Colorado Municipal Election Laws for the following reason(s) ___ _____."

REPORT PREPARED BY:
Gerald Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 03-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 03
ORDINANCE NO. _____
Series 2018

AN ORDINANCE AMENDING CHAPTER 7 OF THE WHEAT RIDGE CODE OF LAWS REGARDING ELECTIONS TO ENSURE CONSISTENCY AND COMPATIBILITY WITH THE COLORADO MUNICIPAL ELECTION LAWS

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, pursuant to that authority, the City has previously enacted Chapter 7 of the Code of Laws of the Code of Wheat Ridge, Colorado (the "Code") to govern elections within the City; and

WHEREAS, C.R.S. 31-10-101 et seq., also known as the "Colorado Municipal Election Code," as well as related portions of title 1, C. R. S., govern many aspects of the conduct of elections held within the City; and

WHEREAS, the Council now finds it efficient and desirable to streamline its Code regarding elections by repealing certain sections of Chapter 7, which are adequately covered and governed by state election laws, specifically those portions concerning reporting requirements, filing and timeliness requirements, violations and penalties, and automatic recount.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. The following sections of Chapter 7 are hereby repealed:

Section 7-5 - Reporting requirements; candidates;
Section 7-6 - Reporting requirements; persons;
Section 7-7 - Filing; where to file; timeliness;
Section 7-9 - Violations; penalties; and
Section 7-11 – Automatic recount.

Section 2. The remaining sections of Chapter 7 are renumbered accordingly.

Section 3. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise

invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. **Effective Date.** This Ordinance shall take effect upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 8th day of January, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for January 22, 2018 at 7:00 p.m. in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ___ to ___, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved as to Form

_____
Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us