# AGENDA

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

**April 9, 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 Study Session Notes of March 19, 2018

## PROCLAMATIONS AND CEREMONIES

Arbor Day
Mental Health Month
Jefferson Center 60th Anniversary
Victim's Rights Week 2018

## 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 an Agenda Item, please sign the GENERAL AGENDA ROSTER.

c. Citizens who wish to speak on a Public Hearing item, please sign the PUBLIC HEARING ROSTER before the item is called to be heard.

d. 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 award ITB-18-05, 2018 Overlay Project Base Bid and Bid Alternate 1 to Martin Marietta Materials, Westminster, CO, in the amount of $1,374,430.02, with a contingency amount of $68,720.00
   b. Motion to award ITB-18-03, 2018 Concrete Rehabilitation and ADA Improvements Project Base Bid, and Bid Alternates 1 and 2 to the Perfect Patch Asphalt Company, Commerce City, CO, in the amount of $403,652.20, with a contingency amount of $20,200
   c. Resolution 20-2018 – amending the 2018 General Fund Budget in the amount of $2,216 for the purpose of appropriating Grant Awards for the installation of two bike repair stations along the Clear Creek Trail
   d. Motion to approve payment to Kaiser Permanente for April 2018 membership billing in the amount of $198,233.22

**PUBLIC HEARING AND ORDINANCES ON SECOND READING**

2. Council Bill 07-2018 – approving the Rezoning of property located at 6320 West 44th Avenue from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N) (Case No. WZ-18-02/Wedgewood)

**ORDINANCES ON FIRST READING**

3. Council Bill 08-2018 – amending Article VII (Sign Code) of Chapter 26 of the Wheat Ridge Code of Laws (Case No. ZOA-18-01)

**DECISIONS, RESOLUTIONS AND MOTION**

4. Resolution 21-2018 – adopting a Cultural Vision for the City of Wheat Ridge

5. Resolution 22-2018 – amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $213,310 and awarding a contract to CZB LLC for a Neighborhood Revitalization Strategy Update

**CITY MANAGER'S MATTERS**

**CITY ATTORNEY'S MATTERS**

**ELECTED OFFICIALS' MATTERS**

**ADJOURNMENT**

**STUDY SESSION NOTES**
**CITY OF WHEAT RIDGE, COLORADO**
**City Council Chambers 7500 W. 29th Avenue**
**March 19, 2018**

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

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; City Attorney, Gerald Dahl (arrived at 7:03pm); Parks and Recreation Director, Joyce Manwaring; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Administrative Services Director, Heather Geyer; Police Chief, Daniel Brennan; other staff and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

**Vivian Vos** (WR) pointed out a number of places in the Council Rules where she felt the wording is confusing, or contains what seem to be errors, duplications, or inconsistencies. She made note of the rule that citizen comments are not to be censored and noted that sometimes people are stopped in the middle of speaking.

1. Staff Report(s)

Chief Brennan announced that tomorrow night the superintendent is having a school safety panel for law enforcement at Lakewood High School from 6:00-8:30pm. There will be a panel on school safety, followed by information from each of the agencies and the schools; then there will be sub-groups for each articulation area. The public is invited.

Mr. Goff reminded everyone of the neighborhood meeting with the developer for Clear Creek Crossing this Thursday at 7pm at the Rec Center.

2. Strategic Plan Update

Mr. Goff began with a review of how the 2035 Vision was created last year. The strategic plan process included hiring a facilitator, study sessions, and input from CIRSA. The City Council retreat included small groups (with the assistance of staff and the facilitator) and a brainstorming process.

Mr. Goff read the vision statement Council produced, noting there weren't major changes from the previous vision statement. The 8 Vision Topics help define the goals.

1) Attractive and inviting city
2) A community for families
3) Great neighborhoods
4) Choice of economically viable commercial areas

5) Diverse transportation
6) Commitment to environmental stewardship
7) Residents are proud of their home town
8) Residents enjoy an active healthy lifestyle

He read through the goals for each Vision Topic and noted there are 28 separate goals, which include 55 separate strategies. Due to time constraints at the retreat staff categorized the strategies and prioritized them. Some strategies didn't fit with a goal.

Councilmember Mathews suggested he'd like to see a place on the website where citizens could find all the main City documents – such as Charter, Code, Comp Plan, NRS, etc. Having them all in one handy place would be more user/citizen-friendly. Mr. Goff said all the documents are on the website, but staff probably has more familiarity with them. Ms. Geyer said she appreciated the feedback and they will look into what can be done.

There was discussion about how to proceed. Mr. Goff recommended that tonight is not meant to go over the whole document. He would like some direction about top priorities and clarification about what Council's intentions are with certain strategies.

Following discussion there was consensus to focus on items that need clarification and/or more direction tonight (the items in the gold boxes), and to prioritize next time. Councilmembers will email Mr. Goff their top ten priorities.

Council went through each vision topic and addressed only the strategies that need clarification (gold boxes). The City Manager and Department heads contributed to the discussion. As each strategy was discussed, consensus votes were taken.

<u>Vision Topic 1: Attractive and inviting city</u>

*Goal 3 Underground utility lines in commercial corridors*

Strategy 3.2 Create a ballot question to expedite undergrounding of utilities
Consensus to remove this strategy and put it on a list for future discussion.

*Goal 4: Expand proactive code enforcement*

Strategy 4.1 Stricter, more proactive code enforcement:
Chief Brennan gave background on current code enforcement activity – TLC, etc.
Consensus to keep this on the list.

Strategy 4.2 Establish a rental inspection program:
Consensus to remove from the list altogether.

Strategy not goal-specific Investigate and develop an incentive program for homeowner investment:
Consensus to move this to a list for future consideration.

<u>Vision Topic 2: A community for families</u>

*Goal 4.1 Create a baseline for "live, work and play" metrics:*

Mr. Goff indicated this would require outside help. There was discussion about how to even get baseline assessments and what to do with the information.
Consensus to move this to a list for the future -- to revisit after the survey.

Vision Topic 3: Great neighborhoods

*Goal 2: Facilitate neighbor-to-neighbor relations*

Strategy 2.1 Identify historical neighborhoods:
Mr. Johnstone advised it would be necessary to hire a consultant for this. Is it architectural design characteristics? What is the goal when they are identified? Goal is to identify with signage and do marketing.
Consensus to keep it on the list, but remove the word "historical"; and to move it to a list for future consideration.

Strategy 2.2 Identify neighborhood captains and provide support for them.
Suggestion to eliminate this strategy.

Strategy 2.4 Create and support neighborhood internet sharepoint programs

Consensus to move Strategies 2.1, 2.2, and 2.4 to the list for future discussion.

*Goal 3: Create a Complete Streets Program and assessment*

Mr. Brink explained the Complete Streets Program concept that appeared 15 years ago. We routinely do all these things now as a matter of course.
Consensus to remove Goal 3 from list.

Vision Topic 4: Economically viable commercial areas

*Goal 2: Provide support to existing commercial areas*

Strategy 2.1: Finalize design of 38th Avenue streetscape
Street is due for resurfacing and restriping this year; it will be coming up.
Consensus to retain the strategy.

Strategy 2.2: Funding for business area marketing and organized support
Explanation. Continue the same things we're doing now and provide update.

Strategy 2.3 Incentivize priority business clusters
Originally intended for TOD site. Have a marketing budget in economic dev.
Consensus to keep this on the list as it may include other areas.

Strategy 2.4 Maintain and expand commercial grant/loan program
WRBD does this. 3 large façade grants coming this year.
Consensus to update this strategy.

*Goal 3: Identify emerging redevelopment areas*

Strategy 3.2 Initiate proactive rezoning
Mr. Johnstone said the Mixed Use zoning has covered this. He gave examples of various areas. Really no areas where we can or need to do this. The process is working pretty well. Discussion. What about ADU's? Suggestion to have citizen zoning committees. Mr. Goff said NRS plan will be coming soon; it will address ADU's. Suggestion to ask large property owners (public and private) what their long term goals are.
Consensus to amend Strategy 3.1 to include "Identify large property owners", and eliminate Strategy 3.2

*Goal 4: Become a leader in technological infrastructure*
This goal has no strategies. Possible to put on a ballot issue if legislature does not act. Consensus to bring this up again in June when the legislature is finished.

Councilmember Urban was asked to craft a strategy that included the issues of high speed internet, fiber optic availability, and City use of technology.

A break was taken at 8:06p.m. The study session resumed at 8:13p.m.

Vision Topic 5: Diverse transportation
*Goal 1: Improve and identify areas of need for public transportation*
Strategy 1.2 Support rideshare programs like Uber and Lyft
The idea was to **not** put roadblocks in place that hinder the use.
Consensus to remove Strategy 1.2.

Strategy 1.3 Investigate feasibility of a bike share program
Include the Sustainability Committee? Cyclers don't think it's viable now.
Consensus to keep it on a list for future discussion.

*Goal 5: Increase multi-modal access to G Line stations*
Strategy 5.1 Identify and prioritize connectivity options to the G Line.
Ongoing. Doing well. Doesn't need to be "gold". List as "Ongoing". Leave as is.

Strategy 5.2 Implement circulator bus service between the G line, commercial centers and the Seniors Resource Center. Discussion. Leave it on the list.

Strategies not associated with a specific goal:
- Maintain bike lanes. Remove this. It's in the bike ped master plan
- Support transportation maintenance companies. This dealt with keeping bus shelters clean. Consensus to delete this strategy.
- Discuss how to finance the DIRT Task Force Projects
  This is part of 2E. Only need to update the financing.

Vision Topic 6: Commitment to environmental stewardship No discussion needed.

Vision Topic 7: Residents are proud of their hometown
*Goal 2: Create five additional opportunities for meaningful citizen engagement*
Keep doing what we're doing. Change to "update".

*Goal 3: Increase public participation by 20% in all city-wide meetings*
Strategy 3.2 Assess current level of public participation and needs of residents
This will be updated from the survey.

*Items not associated with a specific goal*
- Identify choice destination metrics to inform future work plans. Agree to delete.

- Create a charter commission to update the City Charter to increase pride in Wheat Ridge government.
  Suggest this should be done by the citizens -- not top down. This is on a future agenda. Agreed to keep it on the list.
- Fund a loan program thru the Housing Authority.Already have some programs thru Localworks and WRBD. Don't need to include the HA. Localworks has not been doing this. Mr. Johnstone asked what the role of the HA is without cash.

3. Review of City Council Rules of Order and Procedure

Council Rules of Order and Procedure were last amended on July 11, 2016.

City Council went through the rules -- section by section. City Attorney Dahl took notes and will provide a rewrite incorporating the agreed-upon changes.

Section II. Citizen's Rights

- Consensus to have Mr. Dahl rewrite all of II.A
- 9. Clarify councilmembers
- 8. Must be read in three minutes
- 10 Don't need the rule. Consensus to delete it.

Section III

- Add a reference to chair swearing in speakers at public hearings.
- There is no reference to quasi-judicial hearings. Mr. Dahl will add that.
- Consensus to keep Special Study Session public comments at the beginning of the regular meeting.
- Soften the language about when the council rules should be amended
- III B Clarify wording in the nomination process. Dispense with paper nomination.
- F.5 Correct the formatting issue
- Clarify wording about Mayor's ability to meet with two councilors at one time, and that it requires no public notice or openness to the public.

Section IV. Meetings and Meeting Procedures

- IV.D. Executive Session Suggested to add a #4 that says all state sunshine laws will be followed. Discussion. There was no objection to including a reference to state statutes or that open meetings laws will be followed.
- These was discussion about what can and cannot be done in Executive Sessions. Consensus to continue to do what we've been doing.

Section V.C.8 Fiscal Notes. Why is this in the Council Rules? Mr. Goff recalled this was added in the past to make sure all council actions included the fiscal impact.

Section III.B.4. Consensus that the mayor pro tem's responsibility to arrange for orientation for new elected officials will include orientation about the Council Rules.

Section V.F(p. 11) Ordinances on 1st Reading
Councilmember Pond asked to have the final phrase of the second paragraph removed.

4. Elected Officials' Report(s)

George Pond thanked everyone who came to the District 3 meeting.

Mayor Starker reported he and Mr. Goff attended the National League of Cities in Washington DC. They met with our Colorado congressman and senators. A report will follow.

**ADJOURNMENT**: The Study Session adjourned at 10:26 p.m.

Janelle Shaver

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 9, 2018

_____

Tim Fitzgerald, Mayor pro tem

City of Wheat Ridge

ITEM NO: 1a.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: MOTION TO AWARD ITB-18-05, 2018 OVERLAY PROJECT BASE BID AND BID ALTERNATE 1 TO MARTIN MARIETTA MATERIALS, WESTMINSTER, CO, IN THE AMOUNT OF $1,374,430.02, WITH A CONTINGENCY AMOUNT OF $68,720.00**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

**Public Works Director** **City Manager**

**ISSUE:**
The annual Street Resurfacing Project was developed to provide needed maintenance treatments to a number of selected streets by priority in accordance with the citywide maintenance plan. The program is intended to extend the life of pavement on streets that are structurally sound. For the 2018 project, 38th and 44th Avenues are programmed to be overlaid along with other selected local streets. The project also includes the following: striping maintenance of high volume streets throughout the City by priority, and spot pavement patching citywide. This project is the last of three preventive maintenance projects that the City will implement this year.

Bids were opened on March 22, 2018, and four came in lower and one higher than the engineer's estimate. As a result, staff is recommending that the lowest responsive bidder, Martin Marietta Materials, be awarded a contract for the Base Bid and Bid Alternate 1 in the amount of $1,374,430.02.

**PRIOR ACTION:**
None

**FINANCIAL IMPACT:**
Funding for this program has been approved in the 2018 Capital Improvement Program budget Preventive Maintenance Projects line item 30-303-800-884 in the amount of $2,000,000. In addition to street resurfacing (overlay work), this amount is also intended to cover other preventative maintenance contracts such as overlay, slurry seal and crack filling.

Performing this project is expected to extend the useful life of the streets treated from seven years (collector streets) to fifteen years (low volume residential streets).

**BACKGROUND:**
Bids for the 2018 Overlay and Concrete Rehabilitation Project were opened on March 22, 2018. All five bids received met the initial bid requirements with four bids below and one above the engineer's estimate. The low bidder was Martin Marietta Materials, Westminster, CO, with a total bid amount of $1,374,430.02. Award is based on the lowest responsive and responsible bid that meets all of the bid requirements, is qualified to perform the work, and is within available budget.

The 2018 Overlay Project is comprised of the following:

Base Bid - Pavement overlay of 38th Avenue (Wadsworth Blvd to Sheridan Blvd) and a number of local streets throughout the City by priority.

Alternate 1 - Pavement overlay of 44th Avenue from Xenon Street to about I-70 eastbound ramps.

| **Bid Ranges** | | **Engineer Estimate** |
|---|---|---|
| Base Bid: | $1,240,613.04 - $1,453,895.50 | $1,365,015.70 |
| Alternate: | | |
| #1 | $133,816.98 - $188,337.50 | $160,280.00 |

Bid Alternate 1 is for paving of additional streets by priority.

The 2018 contract includes the option to renew for two additional one-year periods subject to the Contractor providing satisfactory performance during the previous contract period. During this option period, beginning November 1 of each year, the City shall give written notification to the Contractor of Notice of Intent to Renew, if the City intends to exercise its option to renew.

The lowest responsible and responsive bidder, Martin Marietta Materials of Westminster, CO, has met the bid and qualification requirements. The price for the Base Bid and Bid Alternate 1 is $1,374,430.02. In addition, a 5% contingency amount of $68,720 is requested to cover the cost of unforeseen or additional work items that may be encountered during the course of the project.

**RECOMMENDATIONS:**
Based upon the contractor's demonstrated capabilities and performance on previous projects and due to available budget, Staff recommends that a contract be awarded to Martin Marietta Materials that includes the Base Bid and Bid Alternate 1 as outlined above.

**RECOMMENDED MOTION:**
"I move to award ITB-18-05, 2018 Overlay Project Base Bid and Bid Alternate 1 to Martin Marietta Materials, Westminster, CO, in the amount of $1,374,430.02, with a contingency amount of $68,720.00."

Or,

"I move to deny the award of ITB-18-05, 2018 Overlay Project Base Bid and Bid Alternate 1 to Martin Marietta Materials, Westminster, CO, for the following reason(s) _____."

**REPORT PREPARED/REVIEWED BY:**
Steve Nguyen, Engineering Manager
Jennifer Nellis, Purchasing Agent
Scott Brink, Director of Public Works
Patrick Goff, City Manager

**ATTACHMENTS:**
1. Bid Tab Sheet
2. Project Map

Subject to review for completeness and accuracy.

City of Wheat Ridge

**PROJECT: ITB-18-05**
**2018 OVERLAY PROJECT**
**DUE DATE/TIME: THURSDAY, MARCH 22, 2018 BY 1 P.M. LOCAL TIME**

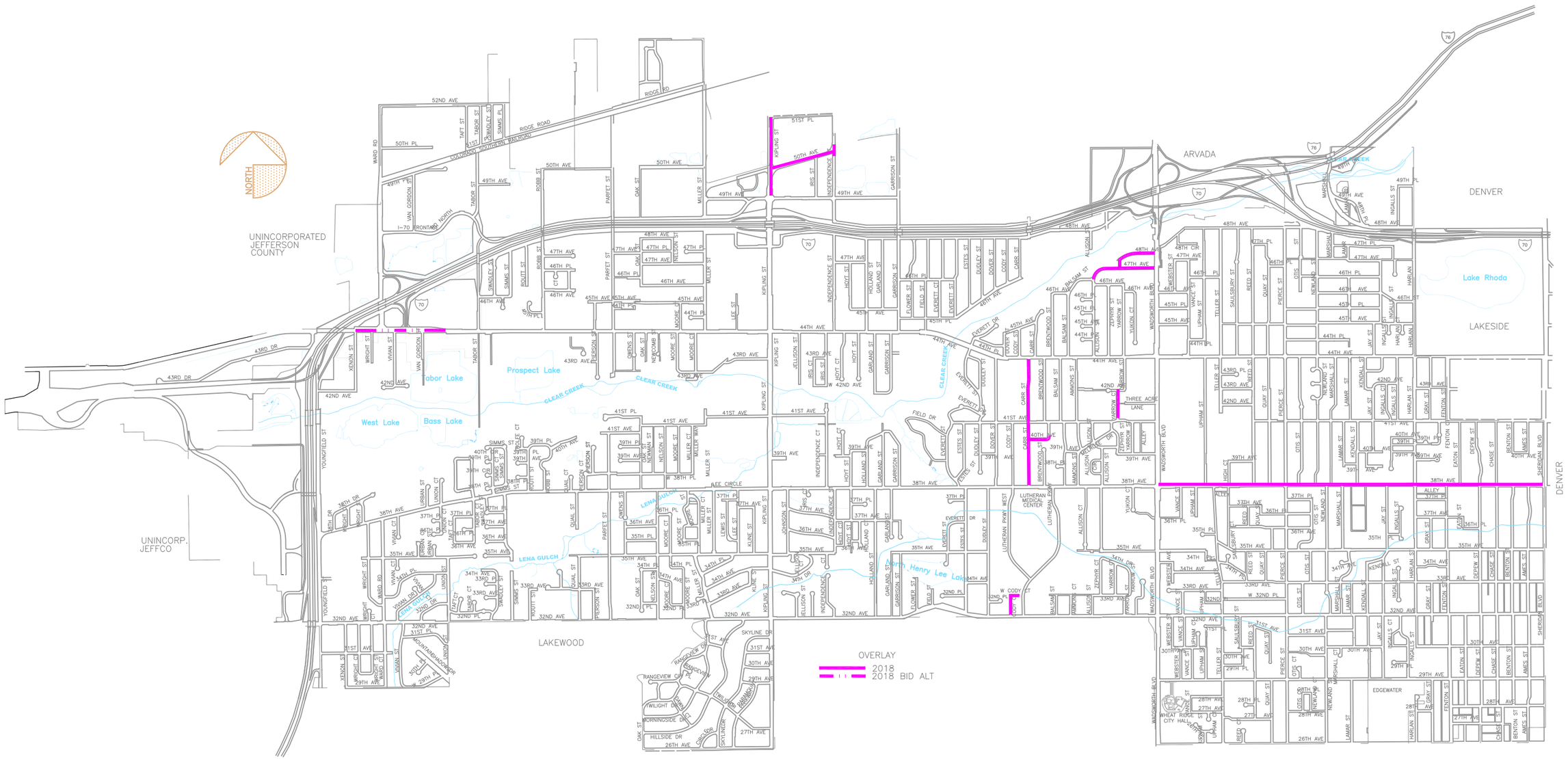
**REQUESTED BY: RUSS HIGGINS / DUANE DUBBEL - PUBLIC WORKS**
4HM **OPENED BY: JENNIFER NELLIS, PURCHASING AGENT**
KH **WITNESSED BY: KIRBY HOLLUMS, BUYER II**

| VENDOR | APC Construction Co llc | Asphalt Specialties Co | Brannon Sand & Gravel Co llc | Martin Marietta Materials, Inc | PLM Asphalt & Concrete llc |
|---|---|---|---|---|---|
| LOCATION | Golden | Henderson | Denver | Lakewood | Aurora |
| BIDDER ACKNOWLEDGEMENT FORM -p3 | yes | yes | yes | yes | yes |
| ACKNOWLEDGE ADDENDUM (1) | 1 | 1 | 1 | 1 | 1 |
| CONTRACTOR'S QUALIFICATION FORM | yes | yes | yes | yes | yes |
| LIST OF SUB-CONTRACTORS | yes | yes | yes | yes | yes |
| NON-DISCRIMINATION ASSURANCE FORM | yes | yes | yes | yes | yes |
| ILLEGAL ALIEN COMPLIANCE | yes | yes | yes | yes | yes |
| NON-COLLUSION AFFADAVIT | yes | yes | yes | yes | yes |
| KEEP JOBS IN COLORADO FORM | yes | yes | yes | yes | yes |
| BID BOND | yes | yes | yes | yes | yes |
| PRICING SCHEDULE | yes | yes | yes | yes | yes |
| Sub-Total REVISED Page 26 | $1,056,132.96 | 1,086,899.00 | 1,052,195.25 | $1,034,713 | $1,169,410.50 |
| Sub-Total REVISED Page 27 | $230,723.40 | 198,100.00 | 240,047.50 | $205,900.42 | $284,485.00 |
| TOTAL Base Bid | $1,286,856.36 | $1,284,999.00 | $1,292,242.75 | $1,240,613.04 | $1,453,895.50 |
| REVISED Bid-Alt. 1 Page 28 | $136,822.64 | $159,977.50 | $148,391.00 | $133,816.98 | $188,337.50 |

**ATTACHMENT 1**

# CITY OF WHEAT RIDGE

## 2018 OVERLAY




**ATTACHMENT 2**

City of Wheat Ridge

ITEM NO: 1b.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: MOTION TO AWARD ITB-18-03, 2018 CONCRETE REHABILITATION AND ADA IMPROVEMENTS PROJECT BASE BID, AND BID ALTERNATES 1 AND 2 TO THE PERFECT PATCH ASPHALT COMPANY, COMMERCE CITY, CO, IN THE AMOUNT OF $403,652.20, WITH A CONTINGENCY AMOUNT OF $20,200**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

**Public Works Director** **City Manager**

**ISSUE:**
The City performs concrete rehabilitation on an annual basis in conjunction with asphalt overlay projects and to address American Disability Act (ADA) requirements as guided by the City ADA Transition Plan. The 2018 Concrete Rehabilitation and ADA improvement project consists of ramp, gutter and sidewalk replacement on streets scheduled for asphalt overlay, ADA improvements along 38th Avenue as prioritized by the ADA Transition Plan and public improvements associated with development at 3715 Pierce Street.

Bids were opened on March 6, 2018, and six were received. Four responsive bids came in higher than the Engineer's Estimate. Staff recommends that the lowest responsive bidder, The Perfect Patch Asphalt Company, be awarded a contract for the Base Bid and Alternate Bids 1 and 2 in the amount of $403,652.20 with a contingency of $20,200.

**PRIOR ACTION:**
None

**FINANCIAL IMPACT:**
Funding for these programs has been approved in the following 2018 Capital Improvement Program budget line items:

| Program | Account Number |
|---|---|
| ADA Improvements | 30-303-800-861 |
| Preventive Maintenance Projects | 30-303-800-884 |
| Public Improvement Projects, Development Related | 30-303-800-851 |

Costs associated with Base Bid in the amount of $335,154 and Bid Alternate 1 in the amount of $52,848.20 will be paid out of both 30-303-800-861 and 30-303-800-884. Costs associated with Bid Alternate 2 in the amount of $15,650 will be paid out of 30-303-800-851.

**BACKGROUND:**
The 2018 Concrete Rehabilitation and ADA Improvements Project is comprised of the following:

Base Bid - Concrete ramp, gutter and sidewalk replacement on streets scheduled for asphalt overlay

Alternate 1- ADA improvements, locations by priority along 38th Avenue as guided by the ADA Transition Plan

Alternate 2- Public improvements associated with development at 3715 Pierce Street

| Bid Ranges | | Engineer Estimate |
|---|---|---|
| Base Bid: | $335,154.00 - $386,680.00 | $228,525.00 |
| Alternates: | | |
| #1 | $52,848.20 - $56,520.00 | $46,950.00 |
| #2 | $12,311.40 - $21,200.00 | $12,898.00 |

Bid Alternate 1 is for high priority ADA mobility improvements as identified in the City's ADA Transition Plan for improvements along that portion of 38th Avenue scheduled for new asphalt. This area is identified as a high priority because of the location of Stevens' Elementary, higher use pedestrian crossings and a business district with either no ramps or outdated ramps.

Bid Alternate 2 is for construction of 160 feet of sidewalk in conjunction with private redevelopment at 3715 Pierce Street to close an existing gap along Pierce Street. This property proceeded through a plat consolidation process to convert an existing office space into two studio apartments. The applicant was not required to construct public improvements along Pierce Street by the defined process. However, the current parking configuration requires vehicles to back out into the public right-of-way, which is not allowed by Municipal Code. Public Works staff

proposed a solution to this issue by reconfiguring the parking lot with the opportunity to place a sidewalk adjacent to the new parking lot to create a safer condition.

**RECOMMENDATIONS:**
Based upon the contractor's demonstrated capabilities and performance on previous projects and available budget, Staff recommends that a contract be awarded to The Perfect Patch Asphalt Company that includes the Base Bid and Bid Alternates 1 and 2.

**RECOMMENDED MOTION:**
"I move to award ITB-18-03, 2018 Concrete Rehabilitation and ADA Improvements Project Base Bid and Bid Alternates 1 and 2, and approve subsequent payments to The Perfect Patch Asphalt Company, Commerce City, CO, in the amount of $403,652.20, with a contingency amount of $20,200."

Or,

"I move to deny the award of ITB-18-03, 2018 Concrete Rehabilitation and ADA Improvements Project Base Bid and Bid Alternates 1 and 2, and subsequent payments to the Perfect Patch Asphalt Company, Commerce City, CO, for the following reason(s) _____ _____.

**REPORT PREPARED/REVIEWED BY:**
Steve Nguyen, Engineering Manager
Jennifer Nellis, Purchasing Agent
Scott Brink, Director of Public Works
Patrick Goff, City Manager

**ATTACHMENTS:**
1. Bid Tab Sheet
2. Project Map

Subject to review for completeness and accuracy.

City of Wheat Ridge

**PROJECT: ITB-18-03**
**2018 Concrete Rehab / ADA Improvements**
**DUE DATE/TIME: TUESDAY, MARCH 6, 2018 BY 1 P.M. LOCAL TIME**

**REQUESTED BY: RUSS HIGGINS / CHAD ENSLEY - PUBLIC WORKS**
JHM **OPENED BY: JENNIFER NELLIS, PURCHASING AGENT**
KH **WITNESSED BY: KIRBY HOLLUMS, BUYER II**

| ALLOWED VENDOR (PRIME) | Jalisco International Inc | Lobos Structures | Majestic Concrete Contractors | PLM Asphalt & Concrete | Silvas Construction Inc |
|---|---|---|---|---|---|
| LOCATION | Commerce City | Denver | Golden | Aurora | Brighton |
| BIDDER ACKNOWLEDGEMENT FORM -p3 | yes | no - DQ | yes | yes | yes |
| ACKNOWLEDGE ADDENDUM (1) | yes | | yes | yes | yes |
| CONTRACTOR'S QUALIFICATION FORM | yes | yes | yes | yes | yes |
| NON-DISCRIMINATION ASSURANCE FORM | yes | yes | yes | yes | yes |
| ILLEGAL ALIEN COMPLIANCE | yes | yes | yes | yes | yes |
| LIST OF SUB-CONTRACTORS | yes | | yes | yes | yes |
| NON-COLLUSION AFFADAVIT | yes | yes | yes | yes | yes |
| KEEP JOBS IN COLORADO FORM | yes | yes | yes | yes | yes |
| BID BOND | yes | yes | yes | yes | yes |
| PRICING SCHEDULE | yes | yes | yes | yes | yes |
| Sub-Total REVISED Page 18 | $ 208,620.00 | | DQ - wrong form | $ 200,674.00 | $ 204,800.00 |
| Sub-Total Page 19 | $ 178,060.00 | | | | $ 145,350.00 |
| TOTAL Base Bid | $ 386,680.00 | $ - | #VALUE! | $ 357,888.50 | $ 350,150.00 |
| Bid-Alternate 1 - Page 20 | $ 56,520.00 | | | $ 57,025.00 | $ 67,680.00 |
| Bid-Alternate 2 - Page 21 | $ 15,100.00 | | | $ 12,311.40 | $ 21,200.00 |



**ATTACHMENT 1**

City of Wheat Ridge

**PROJECT: ITB-18-03**
**2018 Concrete Rehab / ADA Improvements**
**DUE DATE/TIME: TUESDAY, MARCH 6, 2018 BY 1 P.M. LOCAL TIME**

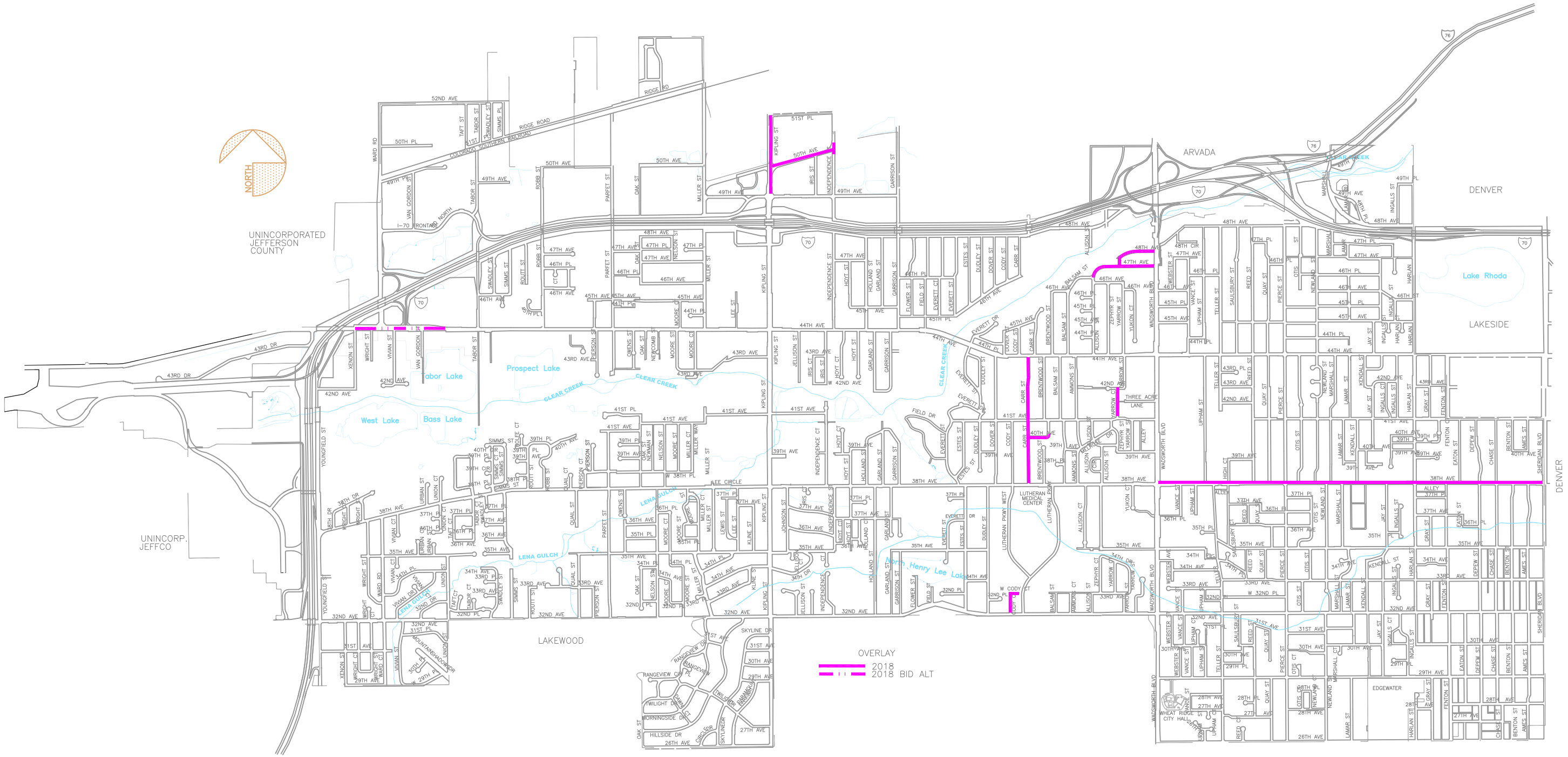
**REQUESTED BY: RUSS HIGGINS / CHAD ENSLEY - PUBLIC WORKS**
**OPENED BY: JENNIFER NELLIS, PURCHASING AGENT**
KH **WITNESSED BY: KIRBY HOLLUMS, BUYER II**

| | | | | | |
|---|---|---|---|---|---|
| ALLOWED VENDOR (PRIME) | The Perfect Patch Asphalt Co | | | | |
| LOCATION | Commerce City | | | | |
| BIDDER ACKNOWLEDGEMENT FORM -p3 | yes | | | | |
| ACKNOWLEDGE ADDENDUM (1) | yes | | | | |
| CONTRACTOR'S QUALIFICATION FORM | yes | | | | |
| NON-DISCRIMINATION ASSURANCE FORM | yes | | | | |
| ILLEGAL ALIEN COMPLIANCE | yes | | | | |
| LIST OF SUB-CONTRACTORS | yes | | | | |
| NON-COLLUSION AFFADAVIT | yes | | | | |
| KEEP JOBS IN COLORADO FORM | yes | | | | |
| BID BOND | yes | | | | |
| PRICING SCHEDULE | yes | | | | |
| Sub-Total REVISED Page 18 | $ 166,930.00 | | | | |
| Sub-Total Page 19 | $ 168,224.00 | | | | |
| TOTAL Base Bid | $ 335,154.00 | $ - | $ - | $ - | $ - |
| Bid-Alternate 1 - Page 20 | $ 52,848.20 | | | | |
| Bid-Alternate 2 - Page 21 | $ 15,650.00 | | | | |
| | | | | | |

# CITY OF WHEAT RIDGE

## 2018 OVERLAY

City of Wheat Ridge
PUBLIC WORKS



City of Wheat Ridge

ITEM NO: 1c.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: RESOLUTION NO. 20-2018 - A RESOLUTION AMENDING THE 2018 GENERAL FUND BUDGET IN THE AMOUNT OF $2,216 FOR THE PURPOSE OF APPROPRIATING GRANT AWARDS FOR THE INSTALLATION OF TWO BIKE REPAIR STATIONS ALONG THE CLEAR CREEK TRAIL**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

**Parks and Recreation Director** **City Manager**

**ISSUE:**
The Parks and Recreation Department applied for and received a Jefferson County Public Health grant in the amount of $2,216 to purchase two additional bike repair stations for installation along the Clear Creek Trail. A budget amendment is required to appropriate these unanticipated grant funds for expenditure.

**PRIOR ACTION:**
Resolution #35-2014 was passed authorizing and supporting the City's commitment to encourage healthy opportunities for members of the community.

**FINANCIAL IMPACT:**
The purchase price for two bike repair stations is $2,216. The Parks and Recreation Department does not have the funding to complete this project without acceptance of the grant award.

**BACKGROUND:**
The Parks and Recreation Department maintains 7 miles of the Clear Creek Trail from west of the gold panning area to east of Creekside Park. There is currently one bike repair

station at the Kipling West Trailhead which was donated by Whole Foods. The Parks and Recreation Department recommends the installation of additional bike repair stations along the Clear Creek Trail. Bike repair stations at the Youngfield Trailhead and Creekside Park will provide users a station every two miles of trail through Wheat Ridge. The additional bike repair stations will match the Kipling West station and will come equipped with screwdrivers, Allen wrenches, box wrenches, tire levers, air pump and more.

**RECOMMENDATIONS:**
Staff recommends the approval of the budget amendment to allow for award acceptance to purchase two bike repair stations for installation along the Clear Creek Trail.

**RECOMMENDED MOTION:**
"I move to approve Resolution No. 20-2018, a resolution amending the 2018 General Fund budget in the amount of $2,216 for the purpose of appropriating grant awards for the installation of two bike repair stations along the Clear Creek Trail."

Or,

"I move to postpone indefinitely Resolution No. 20-2018, a resolution amending the 2018 General Fund budget in the amount of $2,216 for the purpose of appropriating grant awards for the installation of two bike repair stations along the Clear Creek Trail for the following reason(s) _____."

**REPORT PREPARED/REVIEWED BY:**
Matt Anderson, Parks and Recreation Analyst
Margaret Paget, Forestry and Open Space Supervisor
Joyce Manwaring, Parks and Recreation Director
Patrick Goff, City Manager

**ATTACHMENTS:**
1. Resolution No. 20-2018

**CITY OF WHEAT RIDGE, COLORADO**
**RESOLUTION NO. 20-2018**
**Series of 2018**

**TITLE: A RESOLUTION AMENDING THE 2018 GENERAL FUND BUDGET IN THE AMOUNT OF $2,216 FOR THE PURPOSE OF APPROPRIATING GRANT AWARDS FOR THE INSTALLATION OF TWO BIKE REPAIR STATIONS ALONG THE CLEAR CREEK TRAIL**

**WHEREAS,** the Parks and Recreation Department wishes to install bike repair stations for Clear Creek Trail users; and

**WHEREAS,** grants have been awarded from Jefferson County Public Health for this project; and

**WHEREAS,** these grant awards were not appropriated in the 2018 budget; and

**WHEREAS,** an amendment to the general fund budget is required to expend these funds; and

**WHEREAS,** the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a Resolution.

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

**THE FOLLOWING AMENDMENT TO THE GENERAL FUND IS HEREBY APPROVED:**

A supplemental budget appropriation in the amount of $2,216 to account #01-605-650-660 and the amendment of revenues accordingly for the purpose of appropriating grant awards for bike repair stations.

**DONE AND RESOLVED** this 9th day of April 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

City of Wheat Ridge

ITEM NO: 1d.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: MOTION TO APPROVE PAYMENT TO KAISER PERMANENTE FOR APRIL 2018 MEMBERSHIP BILLING IN THE AMOUNT OF $198,233.22**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

**Administrative Services Director** **City Manager**

**ISSUE:**
For 2018, the City offers employees two medical plans through Kaiser Permanente; a High Deductible plan and Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees who choose to enroll. April billing is in the amount of $198,233.22 which requires City Council approval.

**PRIOR ACTION:**
Approval of February and March 2018 Kaiser bills.

**FINANCIAL IMPACT:**
While monthly costs vary depending on the number of employees and dependents enrolled, for 2018 these costs will average around $195,000 per month. The April 2018 bill is for active and COBRA membership billing. Monthly bills over $75,000 will be brought to City Council for approval.

**BACKGROUND:**
Kaiser Permanente has been the City of Wheat Ridge's medical plan provider for several years. Based on the City's shift to two deductible plans and a robust wellness program, Kaiser plan renewals have been minimal compared to the market the past two years.

**RECOMMENDATIONS:**
It is our recommendation to pay the April 2018 Kaiser bill.

**RECOMMENDED MOTION:**
"I move to approve payment to Kaiser Permanente for April 2018 membership billing in the amount of $198,233.22."

Or,

"I move to deny the payment to Kaiser Permanente for April 2018 membership billing in the amount of $198,233.22 for the following reason(s) _____."

**REPORT PREPARED/REVIEWED BY:**
Tamara Dixon, Human Resources Manager
Heather Geyer, Administrative Services Director
Patrick Goff, City Manager

**ATTACHMENTS:**
1. 2018 April Kaiser Bill

KAISER PERMANENTE®

Kaiser Permanente
Membership Administration
P.O. Box 203009
Denver, CO 80220-9009

MB 03 000068 11398 H 2 A

CITY OF WHEAT RIDGE
CITY OF WHEAT RIDGE ACTIVES
ATTN: CHRISTINE JONES
7500 W 29TH AVE
WHEAT RIDGE, CO 80033-8001

GROUP-BILLGROUP-REGION: 00181-01-16

Invoice Creation Date: March 02, 2018

Bill Period Dates: 04/01/2018-04/30/2018
Invoice Number: 0021064955
Bill Date: 03/02/2018
Amount Due: $779,275.37
PLEASE PAY BY: 03/31/2018

000068 1/12

Please send payments only to the following address:
Kaiser Permanente
Membership Administration
Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

For Billing Inquiry:
TABITHA MARIE LEE - CSCC
Phone: 866-868-7220

Please mail all membership changes to:
Kaiser Permanente
Membership Administration
P.O. Box 203009
Denver, CO 80220-9009

Or, send membership changes to either:
Fax: 866-311-5974
Email: csc-den-roc-group@kp.org

Did you know you could process your membership changes online at kaiserpermanente.org?

**GROUP-BILLGROUP-REGION: 00181-01-16 (RETURN THIS PORTION WITH YOUR PAYMENT)**

CITY OF WHEAT RIDGE
ATTN: CHRISTINE JONES
7500 W 29TH AVE
WHEAT RIDGE, CO 80033-8001

**Invoice Number:** 0021064955
**Bill Period Date:** 04/01/2018

**Please pay this amount:** $779,275.37
-Jan thru March Dues

**Payment must be received by:** 03/31/2018

Provide Billing Unit number(s) on check and make it payable to:
Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

**Amount Paid:** 195,694.51

**ATTACHMENT 1**

1600181000001000000000002106495504012018031810000000779275370000000000000004

KAISER PERMANENTE®

Kaiser Permanente
Membership Administration
P.O. Box 203009
Denver, CO 80220-9009

MB 02 000307 22048 H 3 A

CITY OF WHEAT RIDGE
CITY OF WHEAT RIDGE - COBRA
ATTN: CHRISTINE JONES
7500 W 29TH AVE
WHEAT RIDGE, CO 80033-8001

GROUP-BILLGROUP-REGION: 00181-02-16

Invoice Creation Date: March 14, 2018

Bill Period Dates: 04/01/2018-04/30/2018
Invoice Number: 0021162304
Bill Date: 03/14/2018
Amount Due: $10,154.84
PLEASE PAY BY: 03/31/2018

000307 1/6

Please send payments only to the following address:
Kaiser Permanente
Membership Administration
Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

For Billing Inquiry:
TABITHA MARIE LEE - CSCC
Phone: 866-868-7220

Please mail all membership changes to:
Kaiser Permanente
Membership Administration
P.O. Box 203009
Denver, CO 80220-9009

Or, send membership changes to either:
Fax: 866-311-5974
Email: csc-den-roc-group@kp.org

Did you know you could process your membership changes online at kaiserpermanente.org?

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**GROUP-BILLGROUP-REGION: 00181-02-16 (RETURN THIS PORTION WITH YOUR PAYMENT)**

CITY OF WHEAT RIDGE
ATTN: CHRISTINE JONES
7500 W 29TH AVE
WHEAT RIDGE, CO 80033-8001

**Invoice Number:** 0021162304
**Bill Period Date:** 04/01/2018

**Please pay this amount:** $10,154.84

-Jan,feb,march Dues 7616.13

**Payment must be received by:** 03/31/2018

Provide Billing Unit number(s) on check and make it payable to:
Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

**Amount Paid:** 2,538.71

1600181000002000000000002116230404012018031810000000010154840000000000000

City of Wheat Ridge

ITEM NO: 2.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: COUNCIL BILL NO. 07-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6320 WEST 44TH AVENUE FROM NEIGHBORHOOD COMMERCIAL (N-C) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-02/WEDGWOOD)**

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING (03/12/2018)
☒ ORDINANCES FOR 2ND READING (04/09/2018)

QUASI-JUDICIAL: ☒ YES ☐ NO

**Community Development Director** **City Manager**

**ISSUE:**
The applicant is requesting approval of a zone change from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) for property located at 6320 W. 44th Avenue. The purpose of the rezone is to allow the property to be utilized commercially, residentially, or a mix of the two.

The proposed rezoning area includes one parcel, the total size of which is approximately one quarter of an acre.

**PRIOR ACTION:**
Planning Commission heard the request at a public hearing on March 1, 2018, and recommended approval. The staff report and meeting minutes from the Planning Commission meeting are attached.

**FINANCIAL IMPACT:**
The proposed zone change is not expected to have a direct financial impact on the City. Fees in the amount of $857.25 were collected for the review and processing of Case No. WZ-18-02.

**BACKGROUND:**

The property is located at 6320 W. 44th Avenue in the northeast quadrant of the City, directly south from Hopper Hollow Park. The property is currently zoned Neighborhood Commercial (N-C) which allows a limited range of commercial uses, such as office, general business, retail sales, and service establishments, which are oriented towards the local community and neighborhood.

The primary structure on the property was originally built in 1948 as a single-family dwelling and has served a variety of purposes over the years. The City's building permit records show that commercial signage was approved for the property in 1973. Additionally, the City's sales tax records show that commercial business licenses were issued in 2003, 2006, and 2012.

*Surrounding Land Uses*

The site is zoned Neighborhood Commercial (N-C), and surrounding properties include a variety of zoning designations and land uses. To the north of the subject property along 44th Avenue are properties zoned Commercial-One (C-1), Neighborhood Commercial (N-C), and Mixed Use-Neighborhood (MU-N), all of which serve smaller scale commercial services, with the exception of one parcel which is occupied by Hopper Hollow Park. As you move further north from 44th Avenue, the zoning transitions to Residential-Two (R-2) and Residential-Three (R-3), which allow for medium density development in the form of single-family, two-family, and multi-family residential properties. To the east and west are properties zoned Restricted Commercial (R-C), Neighborhood Commercial (N-C), and Residential-Two (R-2). To the south is a neighborhood comprised of R-2 zoning, with the land use matching that zoning designation, with mostly single-family homes.

*Current and Proposed Zoning*

The proposed zone district, MU-N, provides for similar smaller-scale, neighborhood-serving commercial services as the existing N-C zone district. The significant difference between the existing and proposed zone districts is in the treatment of residential uses. In the N-C zone district, residential uses are permitted on a very limited basis per section 26-626 of the city code. Existing residential uses may continue, but new residential uses must be accessory to a commercial use. Because the subject property was previously converted entirely to a commercial use, it cannot be converted back to a primary residential use under the current N-C zoning.

Unlike in Neighborhood Commercial, new single family residential is a permitted use in the Mixed Use-Neighborhood zone district. The zone change would allow the property to be used residentially, commercially, or for a mix of residential and commercial.

At this time, the applicant is not proposing any new development or modifications to the site. If the property is redeveloped in the future under the proposed MU-N zoning, an administrative site plan review would be required to confirm that proposed development meets the standards of the mixed use zone district.

**RECOMMENDED MOTION:**
"I move to approve Council Bill No. 07-2018 an ordinance approving the rezoning of property located at 6320 West 44th Avenue from Neighborhood-Commercial (N-C) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-02/Wedgwood), on second reading and that it take effect 15 days after final publication for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the Code of Laws."

Or,

"I move to deny Council Bill No. 07-2018 an ordinance approving the rezoning of property located at 6320 West 44th Avenue from Neighborhood-Commercial (N-C) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-02/Wedgwood), on second reading for the following reasons: _____"

**REPORT PREPARED/REVIEWED BY:**
Zack Wallace Mendez, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

**ATTACHMENTS:**
1. Council Bill No. 07-2018
2. Planning Commission staff report with attachments
3. Planning Commission hearing minutes

**CITY OF WHEAT RIDGE**
**INTRODUCED BY COUNCIL MEMBER DAVIS**
**COUNCIL BILL NO. 07**
**ORDINANCE NO. _____**
Series of 2018

**TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6320 WEST 44TH AVENUE FROM NEIGHBORHOOD COMMERCIAL (N-C) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-02 / WEDGWOOD)**

**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,** Chris Wedgwood has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood (MU-N) zone district for property located at 6320 West 44th Avenue; and,

**WHEREAS,** the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses along W. 44th Avenue by virtue of it being designated a neighborhood commercial corridor; and,

**WHEREAS,** the City of Wheat Ridge Planning Commission held a public hearing on March 1, 2018 and voted to recommend approval of rezoning the property to Mixed-Use-Neighborhood (MU-N) *,*

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Upon application by Chris Wedgwood for approval of a zone change ordinance from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) for property located at 6320 W. 44th Avenue, 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:

THAT PART OF BLOCK 11, LAKE VIEW SUBDIVISION, DESCRIBED AS FOLLOWS: BEGINNING AT A POING 83 FEET WEST OF THE NORTHEAST CORNER OF THE EAST ONE-HALF OF THE NORTH ONE-HALF OF SAID BLOCK 11; THENCE WEST 75 FEET; THENCE SOUTH 150 FEET; THENCE EAST 75 FEET; THENCE NORTH 150 FEET TO THE POINT OF BEGINNING, EXCEPT PORTION THEREOF DESCRIBED IN BOOK 679 AT PAGE 375,

ALSO KNOWN AS 6320 W. 44TH AVENUE, WHEAT RIDGE, CO 80033

**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 7 to 0 on this 12th day of March, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 9, 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: March 15, 2018
2nd publication:
Wheat Ridge Transcript:
Effective Date:

**CITY OF WHEAT RIDGE**
**PLANNING DIVISION STAFF REPORT**

| | | | |
|---|---|---|---|
| **TO**: | Planning Commission | **MEETING DATE:** | March 1, 2018 |
| **CASE MANAGER**: | Zack Wallace Mendez | | |
| **CASE NO. & NAME**: | WZ-18-02 / Wedgwood | | |
| **ACTION REQUESTED**: | Approval of a zone change from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N). | | |

| | |
|---|---|
| **LOCATION OF REQUEST**: | 6320 W. 44th Avenue |
| **APPLICANT (S)**: | Chris Wedgwood |
| **OWNER (S):** | Rostyslaw Kuzmych Trust Number One |
| **APPROXIMATE AREA**: | 11,250 square feet (0.258 acres) |

| | |
|---|---|
| **PRESENT ZONING**: | Neighborhood Commercial (NC) |
| **COMPREHENSIVE PLAN**: | Neighborhood Commercial Corridor |

**ENTER INTO RECORD**:

| | | | |
|---|---|---|---|
| (X) | CASE FILE & PACKET MATERIALS | (X) | COMPREHENSIVE PLAN |
| (X) | ZONING ORDINANCE | (X) | DIGITAL PRESENTATION |

**Location Map**

**JURISDICTION:**

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

## I. REQUEST

The trustee of the trust which holds ownership of 6320 W. 44th Avenue has permitted her real estate agent to submit this application requesting approval of a zone change from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) on the property. The zone change will allow the property to be used for residential or commercial uses, as well as a mix of residential and commercial uses (mixed-use or live/work).

## II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located at 6320 W. 44th Avenue. The property is approximately a quarter of an acre in size and located on the south side of 44th Avenue, directly south of Hopper Hollow Park. Currently the property contains two structures (*Exhibit 1, Aerial*). The main structure was likely originally constructed as a house in 1948, per the Jefferson County Assessor. It is unclear when the accessory structure was constructed, but historic aerials of the property suggest it may have been constructed at the same time as the main structure. The City is unaware of when this structure was converted from a residential structure to a commercial structure, but did issue a sign permit in 1973 for a real estate office, and has issued three business licenses for this property since 2003, none of which were indicated to be home occupations. Additionally, Jefferson County cites the structure type to be "Office/Converted Res," indicating at some point in the past this structure was knowingly converted from a home into an office. Per the Municipal Code, a historically residential use on commercially zoned property is allowed to continue in perpetuity, however once the structure/property is converted to a commercial property, it cannot be reverted back to a residential property. The property is currently for sale, and there has been interest from several potential buyers who wished to utilize it as a live/work property (*Exhibit 3, Applicant Letter*). This is not allowed under the current zoning.

The site is zoned Neighborhood Commercial (N-C), and the surrounding properties include a variety of zoning designations and land uses. To the north of the subject property is 44th Avenue and Hopper Hollow Park. To the northwest across 44th Avenue are three properties zoned Mixed Use-Neighborhood. Two of those properties were rezoned from Restricted Commercial (R-C) to MU-N in 2014 in anticipation of utilizing the site as a mixed residential and commercial (live/work) property. The other property was rezoned in 2017, for a family to utilize as their home and potentially a future live/work property. To the northeast are properties zoned Neighborhood Commercial and Commercial-One (C-1). The N-C zoned property to the northeast is currently a vacant and boarded-up commercial structure. The C-1 property is an automotive service shop. Immediately to the east of this property is a property zoned Residential-Two (R-2) and utilized residentially. The R-2 zoning continues south and constitutes a majority of the residential neighborhood to the south of the subject property. To the west of the subject property are properties zoned Restricted Commercial (R-C) and Neighborhood Commerical (N-C), utilized for low intensity Commerical uses (*Exhibit 2, Zoning Map*).

## III. PROPOSED ZONING

The applicants are requesting the property be rezoned to Mixed Use-Neighborhood, a zone district intended to provide medium density mixed-use development. In addition to residential and office uses, it allows for a range of neighborhood-serving commercial and retail uses. MU-N zoning in intended for "neighborhood main streets."

The property is currently zoned Neighborhood Commercial (N-C). This zone district was established to accommodate a limited range of commercial uses, such as office, general business, retail sales, and service establishments, which are oriented towards the local neighborhood.

The applicant intends to rezone the property in order to offer the property to a wider array of clients, many of whom have expressed wanting to buy the property for a live/work situation. The zone change will allow the property to be marketed or used as a commercial space, residential unit, or a live/work property.

The following table compares the existing and proposed zoning for the property, with standards for new development or major additions. In terms of permitted uses, MU-N allows commercial uses at a similar intensity of the existing N-C zoning. In terms of residential uses, MU-N is more flexible because the N-C zone district would not otherwise allow the property to convert to a residential use.

| | **CURRENT ZONING**<br>**Neighborhood Commercial (NC)** | **PROPOSED ZONING**<br>**Mixed Use-Neighborhood (MU-N)** |
|---|---|---|
| **Uses** | Allows a limited range of commercial uses including office, general business, retail sales, and service establishments | Allows residential, commercial or mixed use – includes multi-family and live/work facilities, excludes outdoor storage |
| **Architectural Standards** | Traditional Overlay ASDM standards apply, including high quality architecture, standards related to articulation, variation, materials, and transparency. | Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation and materials. |
| **Max. Building Height** | 35' | 35' if the building has residential use<br>50' for all other uses |
| **Max. Lot coverage** | 80% | 90% for mixed use<br>85% for single use |
| **Min. Landscaping** | 20% | 10% for mixed use<br>15% for single use |
| **Build-to Area** | 0-12' along front property line | 0-12' along front property line |
| **Setbacks** | South (rear): 10' plus 5' per story (landscaped)<br>East: 5' per story (landscaped)<br>West: 0' if nonflammable or 5' per story | South and East (adjacent to residential): 10' for the first 2 stories, additional 5 feet for each additional story up to 4. Must be landscaped.<br>West: 0' |

## IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-112.E. The Planning Commission shall base its recommendation in consideration of the extent to which the following criteria have been met:

1. **The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area.**

The change of zone will not result in adverse effects on the surrounding area. The rezoning would allow a similar range of neighborhood-oriented commercial uses on the site as is currently allowed under the N-C zoning.

While the MU-N zone district will expand use options by allowing for residential uses, these are generally considered to be less intensive than commercial uses. Based on the existing character and land use patterns on 44th Avenue, the MU-N zone district is more appropriate than N-C in terms of land use and intensity. For that reason, the zone change should not have an adverse effect on the surrounding area. Based on the small size of the property, many of the more intensive permitted uses in MU-N zone district are unrealistic (such as multifamily uses or larger commercial uses).

The MU-N zoning is expected to add value to the subject property and also to the surrounding community. The mixed use development standards will support compatibility between future redevelopment and existing land uses. The subject site serves as a transition between commercial activity and the residential neighborhood to the south, so the residential uses that MU-N would allow would be an appropriate transitional use.

*Staff concludes that this criterion has been met.*

2. **Adequate infrastructure/facilities are available to serve the types of uses allowed by the change of zone, or the applicant will upgrade and provide such where they do not exist or are under capacity.**

   Adequate infrastructure currently serves the property. All responding agencies have indicated they can serve the property. In the event that the current utility capacity is not adequate for a future use, the property owner/developer would be responsible for utility upgrades. A building permit will be required for any modifications made to the structure in the future, and will ensure compliance with current Building Codes, as well as the Fire Code.

   *Staff concludes that this criterion has been met.*

3. **The Planning Commission shall also find that at least one (1) of the following conditions exists:**

   a. **The change of zone is in conformance, or will bring the property into conformance, with the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other related policies or plans for the area.**

      West 44th Avenue is a primary east-west thoroughfare in the City, is classified as a minor arterial, and is predominantly commercial in character. *Envision Wheat Ridge*, the City's 2009 comprehensive plan, identifies this corridor as a Neighborhood Commercial Corridor. This designation envisions a corridor with a broad mix of activities, including small-scale, pedestrian-friendly mixed-use retail, commercial businesses, and residential, with a focus on promoting a compatible mix of uses to supply daily services and meet the needs of adjacent residential areas.

      A stated goal in the comprehensive plan is to promote reinvestment in property and to promote a mix of neighborhood supporting uses, including residential use and office use. This zone

change request supports the comprehensive plan by enabling investment in the property and by aligning the zoning with the City's mixed use goals for this corridor.

*Staff concludes that this criterion has been met.*

**b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.**

Staff has not found any evidence of an error with the current N-C zoning designation as it appears on the City zoning maps.

*Staff concludes that this criterion is not applicable.*

**c. A change of character in the area has occurred or is occurring to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changing character of the area.**

Staff finds no evidence of significant changes in the area. The zone change request from N-C to MU-N neither responds to nor results in notable change of character.

*Staff concludes that this criterion is not applicable.*

**d. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the City of Wheat Ridge comprehensive plan.**

The proposed rezoning does not relate to an unanticipated need.

*Staff concludes that this criterion is not applicable.*

Staff concludes that the criteria used to evaluate zone change support this request.

## V. NEIGHBORHOOD MEETING

Prior to submittal of an application for a zone change, the applicant is required to hold a neighborhood input meeting in accordance with the requirements of section 26-109.

A meeting for neighborhood input was held on January 9, 2018. Six members of the public attended the meeting in addition to the applicant and staff. In general, most of the attendees were supportive of the request. However, some concerns were raised during the meeting including fears of overdevelopment on 44th Avenue; these concerns and the discussion from the meeting are summarized in the meeting summary (*Exhibit 6, Neighborhood Meeting Notes*).

## VI. AGENCY REFERRAL

All affected service agencies were contacted for comment on the zone change request and regarding the ability to serve the property. Specific referral responses follow:

**Wheat Ridge Public Works Department**: No comments.

**West Metro Fire Protection District:** No comments or concerns.

**Xcel Energy:** No objection.

**Century Link:** No objection.

**Wheat Ridge Sanitation District:** No objection.

## VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zone change promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area. Staff further concludes that utility infrastructure adequately serves the property, and the applicant will be responsible for upgrades, if needed in the future. Finally, Staff concludes that the zone change is consistent with the goals and objectives of the Comprehensive Plan by promoting a mix of uses along a neighborhood commercial corridor.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-18-02.

## VIII. SUGGESTED MOTIONS

**Option A:**
"I move to recommend APPROVAL of Case No. WZ-18-02, a request for approval of a zone change from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) for property located at 6320 W. 44th Avenue, for the following reasons:

1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
2. Utility infrastructure adequately services the property.
3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan and consistent with the character of 44th Avenue.
4. The zone change will provide additional opportunity for reinvestment in the area.
5. The criteria used to evaluate a zone change support the request."

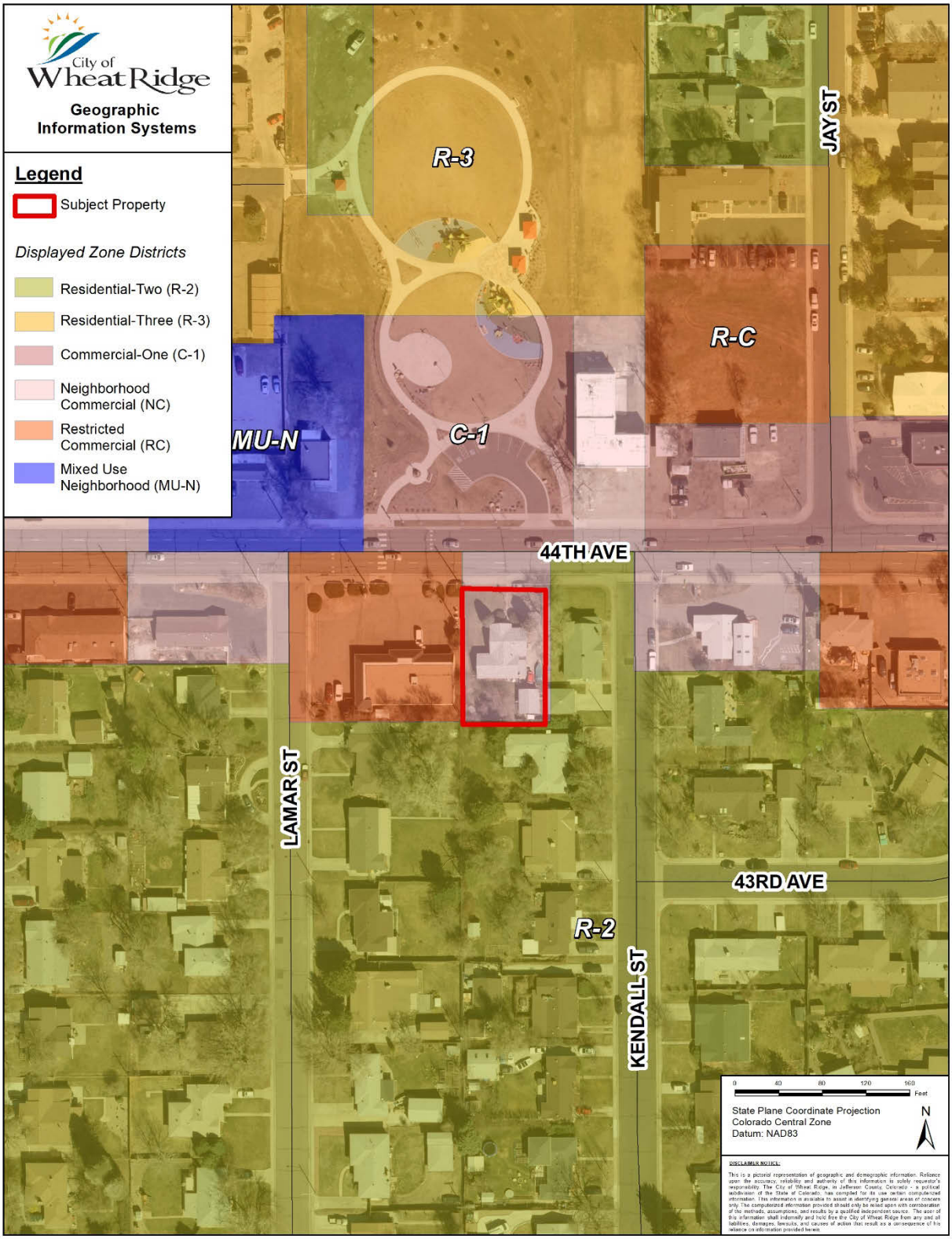
**Option B:**
"I move to recommend DENIAL of Case No. WZ-18-02, a request for approval of a zone change from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) for property located at 6375 W. 44th Avenue, for the following reasons:

1.

2. …"

# EXHIBIT 1: AERIAL

# EXHIBIT 2: ZONING MAP



# EXHIBIT 3: APPLICANT LETTER

**NARRATIVE**

Greetings,

I have asked my Agent, Van C. Wedgwood to assist me in re-zoning 6320 W. 44th Ave. from Neighborhood Commercial (NC) to MU-N Since I live in another state; Mr. Wedgwood has been given authorization to act on my behalf and in my stead. I fully anticipate bearing any cost associated with the re-zoning process and agree to sign such documents as may require my signature as the owner of this property in order to facilitate this change of zoning.

It is my intent to sell this property and it is my desire to re-zone the property in order to expand the potential uses to include uses that are more in line with the current market for Buyers in this area of Wheat Ridge. Most specifically; the opportunity for a Buyer to both live in the property and maintain a business or professional office at the property. We are finding that many young professionals are desirous of this arrangement.

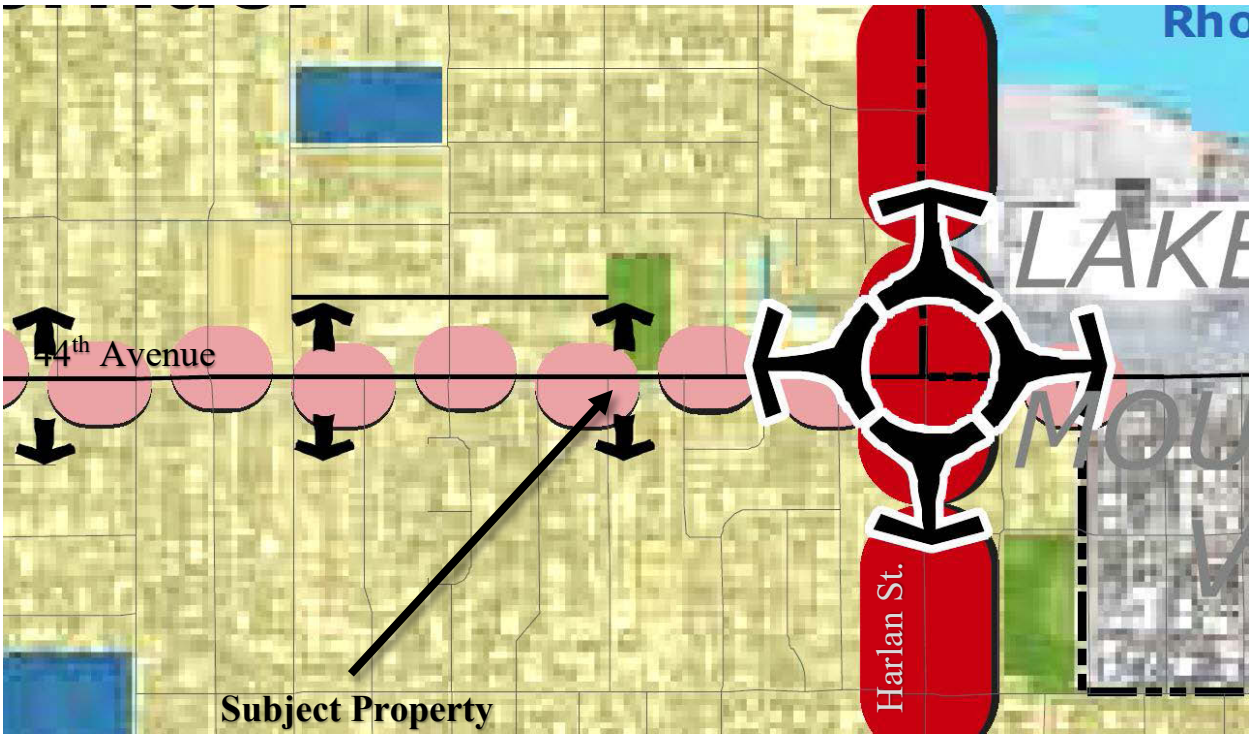
We anticipate making no physical changes to the property improvements or reconfiguration of any lot lines as a part of this re-zoning.

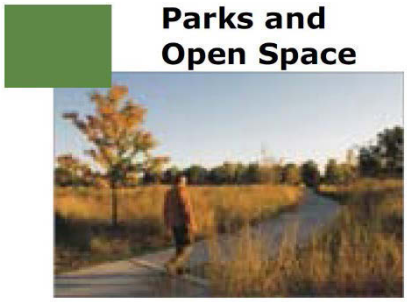
Thank you for your consideration.

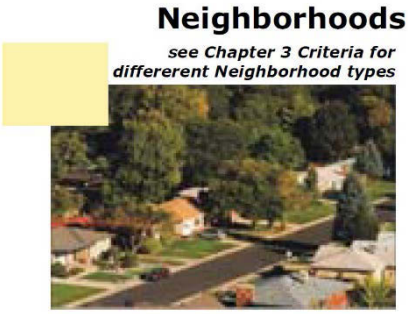
Christina Kuzmych 11/27/2017

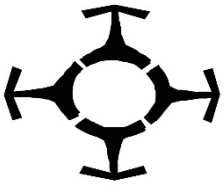
Christina Kuzmych, Trustee
Rostyslaw Kuzmych Trust Number One
3131 Reynolds St.
Laramie, Wyoming 82072

# EXHIBIT 4: COMPREHENSIVE PLAN

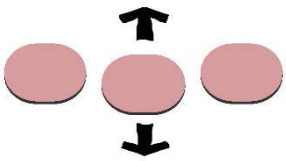


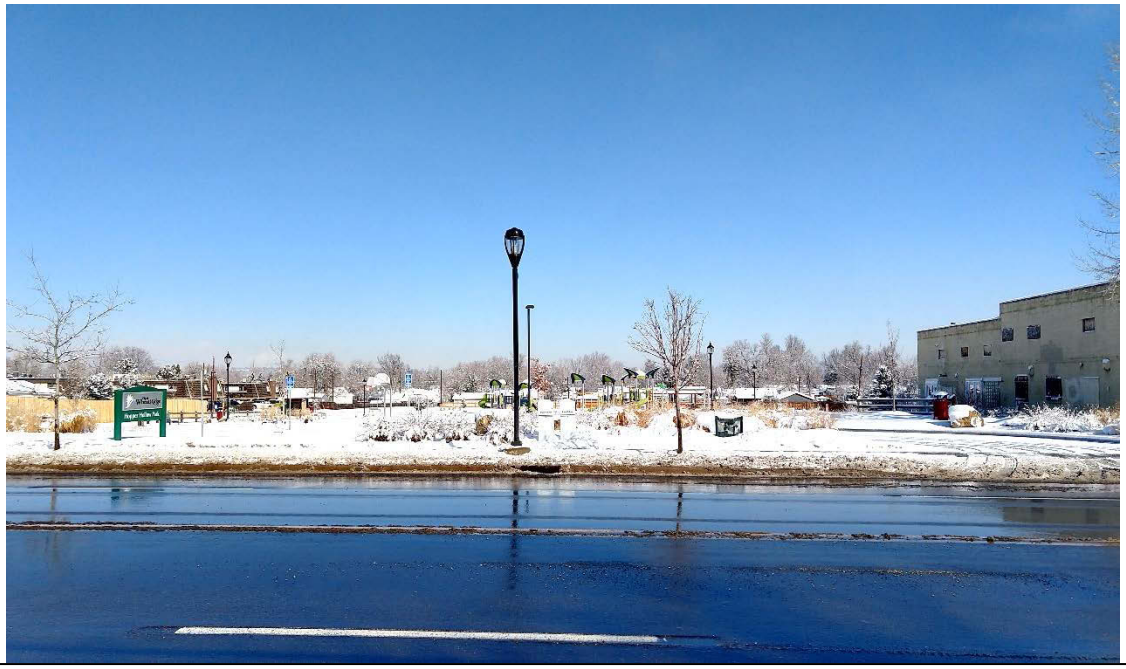
Primary Gateway
(Intersection of
44th & Harlan)



Neighborhood
Commercial Corridor
(44th Avenue and
Harlan Street)

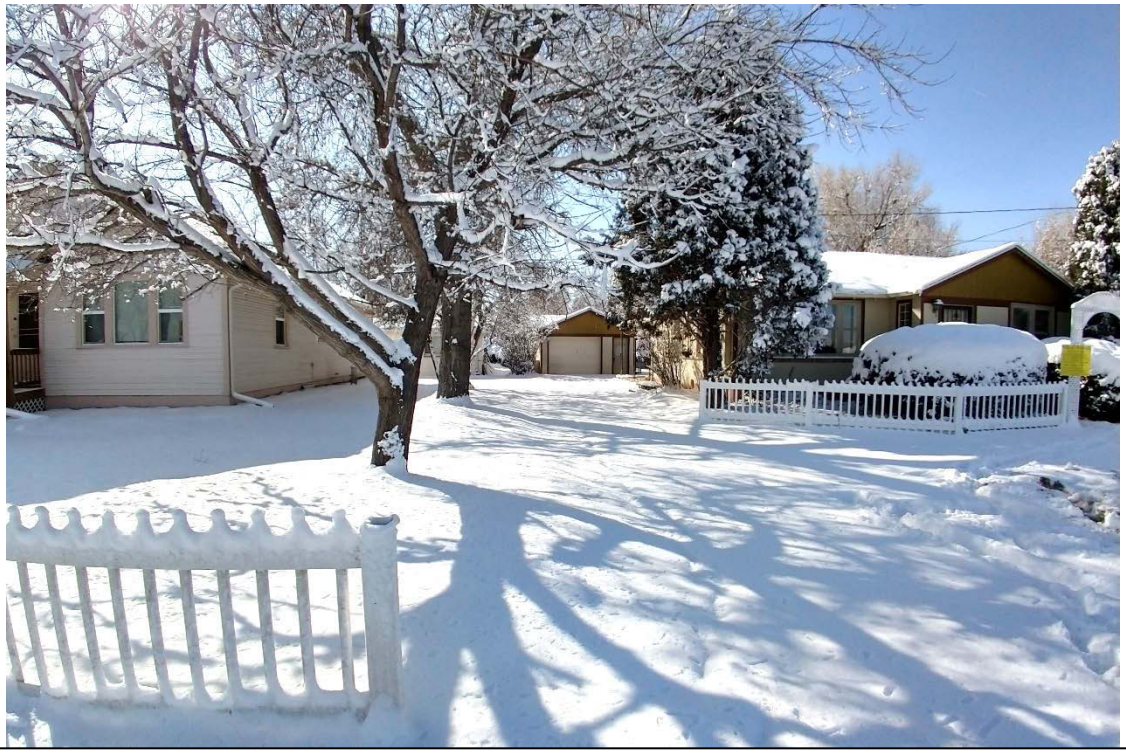
# EXHIBIT 5: SITE PHOTOS

View of the subject property looking southwest from 44th Avenue. The main structure can be seen in the middle, with an accessory building to the left, and a sign from 1973 to the right.



View from the front sidewalk of the property looking directly north towards Hopper Hollow Park.

View of the western border of the subject property. A Restricted-Commercial (R-C) zoned office building occupies the parcel to the west.



View of the eastern border of the property. A Residential-Two (R-2) zoned single-family home occupies the parcel to the east.

# EXHIBIT 6: NEIGHBORHOOD MEETING

| | |
|---|---|
| **Meeting Date:** | January 9, 2018 |
| **Attending Staff:** | Zack Wallace Mendez, Planner II |
| **Location of Meeting:** | Wheat Ridge Municipal Center, 2nd Floor Conference Room |
| **Property Address:** | 6320 W. 44th Avenue |
| **Property Owner(s):** | Rostyslaw Kuzmych Trust Number One |
| **Property Owner(s) Present?** | No |
| **Applicant:** | Chris Wedgwood |
| **Applicant Present?** | Yes |
| **Existing Zoning:** | Neighborhood Commercial (NC) |
| **Existing Comp. Plan:** | Neighborhood Commercial Corridor |

**Existing Site Conditions:**
The property is located on the south side of W. 44th Avenue, between Kendall Street and Lamar Street. The site is directly across the street from Hopper Hollow Park. The site is currently occupied by a house which has been converted into an office building. There is paved parking adjacent to 44th Avenue in front of the building and a driveway which leads back to a single car, detached garage.

Surrounding properties include a variety of commercial and residential uses. Properties along W. 44th are primarily commercial in nature. The property to the west is zoned Restricted Commercial (RC) and contains a retail/office building that was converted from a house that cannot be used residentially again. The property to the east is zoned Residential-Two (R-2) as are the properties to the south along Kendall and Lamar Streets. Across W. 44th Avenue is Hopper Hollow Park with Commercial-One (C-1) zoning. Just to the west of the park are two properties zoned Mixed Use – Neighborhood (MU-N), which allows for a mix of residential and commercial uses. W. 44th Avenue remains a primarily commercial corridor, with residential uses to the north and south.

**Applicant/Owner Preliminary Proposal:**
The applicant has proposed to rezone the site from Neighborhood Commercial (NC) to Mixed Use – Neighborhood (MU-N). The zone change would allow for residential and/or commercial uses on the site as opposed to strictly commercial uses. They have proposed marketing the property as having a live/work opportunity, allowing a business owner to live on-site and operate a business with a storefront.

**The following is a summary of the neighborhood meeting:**

- In addition the applicant and staff, six (6) members of the public attended the neighborhood meeting.
- The applicant described why they were seeking a rezoning.
- Staff discussed the site, its current zoning, and the proposed zoning.
- The applicant and members of the public were informed of the process for a zone change.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing.

**The following issues were discussed regarding the zone change request:**

- In general, attendees were interested in understanding why the zone change was desired, if there would be redevelopment, and what the applicant's long-term plans are for the property. Three attendees were supportive of the request. Two attendees were neutral on the proposal. One attendee expressed distrust of the applicant's intentions, expressed concern that 44th Avenue would become overdeveloped, and expressed concern regarding multi-story infill development that was occurring in East Wheat Ridge.
- Why rezone to MU-N, why not Residential-Two (R-2)?

  *The applicant noted the MU-N will allow the property to function as a live-work space, which as the realtors for the property, they have observed a significant amount of interest for on this property. They previously had a buyer under contract who wanted to live in the building and start a law firm from the building as well.*

  *Staff added that this structure was originally constructed as a single-family home but was converted to a commercial structure. Due to the commercial zoning and the conversion of the structure to a commercial use, the zoning code does not allow the property to be reverted to a residential use.*

  *The applicant stated with the current situation, the rezoning will open the door to many new clients who may want to use the structure entirely as a residence, entirely as a business, or for a live-work situation.*
- A neighbor expressed concern with the property redeveloping under the proposed MU-N zoning and the height and architecture associated with a redevelopment being typical of many of the scrapes in the Highlands and near Tennyson Street in Denver.

  *The applicant noted the interest they've received on the property has been for utilization of the existing structure. But it is possible a buyer could purchase the property to scrape it, though they felt the economics did not support this scenario, as the lot is fairly small.*

  *Staff noted typically single-family homes and duplexes in the City are not subject to any architectural rules or regulations. However, under the MU-N zoning, a single-family home would have to comply with the Mixed Use architectural standards.*

  *Staff also noted the maximum height for a residential structure in the MU-N is 35 feet, which is the same as the adjacent R-2 zoned properties. Commercial heights are allowed up to 50 feet, which is the same as the adjacent Neighborhood Commercial, Restricted Commercial, and Commercial-One zone districts along 44th Avenue.*

  *Additionally, the size of the property would be a limiting factor for many redevelopment scenarios because the site would need to accommodate parking, drainage, setback and open space requirements.*

- A neighbor questioned if a marijuana business would be allowed on the site after the rezoning,
  *Marijuana related businesses are not permitted in the MU-N zone district. Additionally, the City has a cap limiting the number of retail marijuana businesses to 5. Even if one closed, there are required buffers from City parks, and Hopper Hollow Park is across the street from this property and the adjacent commercially zoned properties.*
- A neighbor was concerned about the presence of multiple Remax listings along the 44th Avenue corridor, and that there was a larger interest at play in redeveloping the corridor.
  *The applicant stated that Remax is a large company, and each Remax office is individually owned and operated. The applicant personally does not have all of the listings along the 44th Avenue corridor.*
- A neighbor questioned whether halfway houses and homeless shelters would be allowed on the property under the new zoning.
  *Halfway houses and shelters are not listed in the City's use charts, and would not be allowed.*
- The neighbor bordering directly to the south stated that the unknown is always a bit concerning, but he felt comfortable with this rezoning due to the surrounding land uses and property owners, whom they personally know.
- Another neighbor agreed with this sentiment.

Aside from the neighbors at the meeting, staff received no comment from others in the area regarding the proposal.

**PLANNING COMMISSION**
**Minutes of Meeting**
**March 1, 2018**

## 1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:06 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<br>Alan Bucknam<br>Emery Dorsey<br>Janet Leo<br>Scott Ohm |
| Commission Members Absent: | Donna Kimsey<br>Amanda Weaver<br>Vivian Vos |
| Staff Members Present: | Lauren Mikulak, Planning Manager<br>Zack Wallace Mendez, Planner II<br>Robin Eaton, Deputy City Clerk |

## 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 5-0.**

## 5. APPROVAL OF MINUTES – February 15, 2018

**It was moved by Commissioner DORSEY and seconded by Commissioner LEO to approve the minutes of February 15, 2018, as written. Motion carried 5-0**

## 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.



**ATTACHMENT 3**

## 7. PUBLIC HEARING

**A. Case No. WZ-18-02:** An application filed by Chris Wedgwood, for approval of a zone change from Neighborhood Commercial (NC) to Mixed Use-Neighborhood (MU-N) on Property located at 6320 West 44th Avenue.

Mr. Wallace Mendez gave a short presentation regarding the Zone Change and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner BODEN asked if the property owner were to have commercial aspirations for this property if the height could potentially go to 50 feet. He also asked about commercial parking requirements.

Mr. Wallace Mendez said it will depend on the square footage of the building.

Ms. Mikulak added that there are minimums and maximums for parking in MU-N, but it is generally based on square footage, which averages one space for every 250 sq. ft. of interior space. This property could not park a large building because it is too small.

Commissioner LEO asked if the sole purpose of this request is to make it easier to sell.

Mr. Wallace Mendez said the owner would like to make the property more marketable. Some prospective buyers would like to have a startup business in part of the house as well as live in the other half which is not allowed in the current zoning.

**Van Wedgewood, 3251 Tabor Ct.**
**Representative of the Owner**

Mr. Wedgewood explained that the property was under contract by a young couple, she is a lawyer and he is in law school. Their plan was to open a law firm and use the house as live/work until the firm grew. He mentioned there were other similar inquiries, but this home could not be rebuilt as a home if it was destroyed due to the zoning.

No members of the public wished to testify.

**It was moved by Commissioner DORSEY and seconded by Commissioner LEO to recommend APPRIOVAL of Case No. WZ-18-02, a request for approval of a zone change from Neighborhood Commercial (N-C) to Mixed**

**Use-Neighborhood (MU-N) for property located at 6320 W. 44th Avenue, for the following reasons:**

1. **The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.**
2. **Utility infrastructure adequately services the property.**
3. **The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan and is consistent with the character of 44th Avenue.**
4. **The zone change will provide additional opportunity for reinvestment in the area.**
5. **The criteria used to evaluate a zone change support the request.**

**Motion carried 5-0**

## 8. OLD BUSINESS

## 9. NEW BUSINESS

Ms. Mikulak mentioned there will be a meeting on March 15, 2018.

## 10. ADJOURNMENT

**It was moved by Commissioner BODEN and seconded by Commissioner BUCKNAM to adjourn the meeting at 7:24 p.m. Motion carried 5-0.**

**Scott Ohm, Chair**

**Tammy Odean, Recording Secretary**

ITEM NO: 3.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: COUNCIL BILL NO. 08-2018 – AN ORDINANCE AMENDING ARTICLE VII (SIGN CODE) OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS (CASE NO. ZOA-18-01)**

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (04/09/2018)
☐ ORDINANCES FOR 2ND READING (04/23/2018)

QUASI-JUDICIAL: ☐ YES ☒ NO

**Community Development Director** **City Manager**

**ISSUE:**
In June of 2015, the United States Supreme Court decided the case of *Reed v. Town of Gilbert, Arizona.* This decision, which held the Town of Gilbert's sign code unconstitutional, has a significant impact on local government sign codes throughout the nation. In brief, signs cannot be regulated by their content, so sign codes must be modified to regulate signage utilizing time, place and manner standards. This has prompted cities nationwide, including the City of Wheat Ridge, to evaluate their signs codes and make amendments to ensure they are constitutional.

The City found it advantageous to also use this opportunity to update the Code with modern standards, correct longstanding typographical errors, clarify enforcement language, and reaffirm former policy directions on signs.

**PRIOR ACTION:**
Planning Commission heard the request at a public hearing on March 15, 2018, and recommended approval. The staff report and meeting minutes from the Planning Commission meeting will be included with the ordinance for second reading.

**FINANCIAL IMPACT:**
The proposed ordinance is not expected to have a direct financial impact on the City.

**BACKGROUND:**
In May 2017, staff briefed City Council on the *Reed v Town of Gilbert* decision by the Supreme Court and how that ruling impacted the City's sign code. Also at that meeting staff asked for direction on several other sign-related items, and Council provided input on additional items they wanted to see addressed, including blade signs, iconic (3D) signs, temporary signs, and illumination. In October 2017, staff presented Council with a sign code draft and requested further direction on several issues. Staff presented the same code draft and Council's input to the Planning Commission in November 2017 for additional input. Due to the complexity of some issues, conflicting input from City Council and Planning Commission, and with a newly seated Mayor and Councilmember, staff took Planning Commission's recommendations to City Council in December 2017 for a final round of "checks and balances" to consider some of the conflicting input before finalizing a draft for public hearings. The enclosed ordinance represents a culmination of the input provided throughout 2017.

The proposed changes have not altered any specific development standards (height, size, setbacks, etc.) for existing sign types. However, some sign types that are content-based categories (e.g. real estate, political, and community event signs) have been removed and reorganized into different categories that are not content based. The proposed ordinance aligns the existing development standards with the new generalized sign categories as best as possible.

In addition to the content-based "scrub" of the code, other amendments include, by way of example:

- Definitions – added and updated definitions as necessary
- Illumination – added lighting standards, including a standard applying to changeable copy LED signs and requiring they automatically dim after dark
- Temporary signs – this section was modernized to reflect several new types of temporary signs and the ease enforcement, a maximum of one temporary sign is proposed to be allowed and this is proposed to not be effective until one year after adoption
- Signs carried by persons – this was added to the Code and said signs would be permitted on private property and in public street rights of way, provide they don't create a traffic safety hazard
- Iconic 3-dimensional signs – this was added to the code and they are now permitted on commercial properties
- Billboards – no changes were made
- Yard signs – eliminated numerous content based references and on residential properties, there is no limit proposed to the number of "small" yard signs

**RECOMMENDATIONS:**
Staff recommends approval of the ordinance.

**RECOMMENDED MOTION:**
"I move to approve Council Bill No. 08-2018 an ordinance amending Article VII (sign code) of Chapter 26 of the Wheat Ridge Code of Laws (Case No. ZOA-18-01), on first reading, order it published, public hearing set for Monday, April 23, 2018, at 7:00 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. 08-2018 an ordinance amending Article VII (sign code) of Chapter 26 of the Wheat Ridge Code of Laws (Case No. ZOA-18-01), for the following reason(s): _____."

**REPORT PREPARED/REVIEWED BY:**
Zack Wallace Mendez, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

**ATTACHMENTS:**
1. Council Bill No. 08-2018

**CITY OF WHEAT RIDGE, COLORADO**
**INTRODUCED BY COUNCIL MEMBER _____**
**COUNCIL BILL NO. 08**
**ORDINANCE NO. _____**
**Series 2018**

**TITLE: AN ORDINANCE AMENDING ARTICLE VII (SIGN CODE) OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS**

**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 adopt ordinances for the regulation of land use and protection of the public health, safety and welfare; and

**WHEREAS**, in exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") pertaining to zoning, land use, and development; and

**WHEREAS**, in June of 2015 the Supreme Court of the United States decided the case of *Reed v. Town of Gilbert, Arizona*; and

**WHEREAS**, the Supreme Court's decision held the Town of Gilbert's sign code unconstitutional due to its regulation of signs by their content; and,

**WHEREAS,** this decision has a significant impact on all local government sign codes throughout the nation, including the City of Wheat Ridge sign code; and

**WHEREAS**, the City Council finds it necessary to update the Wheat Ridge Code of Laws to ensure Article VII, Chapter 26 is constitutional in light of the Supreme Court decision; and

**WHEREAS**, it is necessary and appropriate for the City to periodically update and modernize sign regulations to be consistent with current industry standards.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Subsection 26-701.F. (Intent and purpose.) of the Code is amended to read:

> F. To encourage the erection of signs which are legible in their surroundings AND compatible with the visual character of the surrounding~~, appropriate to the activities identified~~; and

**Section 2.** Section 26-702 (Definitions.) of the Code is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 26-702. – Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Animated sign.* A sign or parts thereof, which revolve, whirl, twirl or utilize motion, mechanical or actual, in a horizontal or vertical plane or both. The only animated type of signs that are permitted are barber shop poles.

*Arcade sign.* Any sign projecting beneath and attached to the underside of any balcony, canopy, awning or other structural overhang or passageway.

*Artistic mural or sculpture.* A freestanding statue or sculpture or a graphic illustration or design, or an architectural design or relief applied directly to or incorporated within a wall of a building, which does not advertise or promote a particular business, service or "branded" product.

*Awning.* A shelter supported entirely from the exterior wall of a building and/or a type which can be retracted against the face of the supporting building.

*Balloon or inflatable sign.* Any sign consisting of material intended to be filled with air or helium, or have air blown through in order to create a visual attraction; this is inclusive of air dancers, inflatable caricatures, all types and sizes of balloons, and similar devices.

*Banner.* A sign or advertising display constructed of cloth, canvas, fabric or other light material that is mounted with no enclosing framework intended to be displayed for a short period of time.

*Barber shop poles.* A sign with a striped interior which may or may not rotate, which is traditionally utilized to signify the presence of an establishment within which the practice of barbering is engaged or carried out.

*Billboard.* Any sign in excess of fifty (50) square feet in size oriented to the interstate highway utilized to advertise a product or service that is not produced or conducted on the same property as the sign.

*Blade sign.* A sign which is affixed to any building, wall or structure and which extends beyond the building wall more than fifteen (15) inches.

*Building front.* The exterior wall(s) of a building facing a public street or streets or other public right-of-way other than alleys, or one (1) exterior wall containing the primary entrance to the building if not directly facing upon a public street.

*Canopy sign.* A sign mounted to a roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three (3) sides if attached and on all sides if freestanding.

*Changeable copy sign.* A sign, either illuminated or non-illuminated, which is designed so that the message or any part of the message may be

periodically changed, either mechanically or electronically, however, where a change in message occurs no sooner than every eight (8) seconds. This includes signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Messages shall be static and a change in message shall be instantaneous.

*Development.* A single lot, parcel or tract of land or portions or combinations of lots, parcels or tracts of land which are held in single or common ownership and which exist as a distinct functional entity. Multi-use and multi-tenant buildings and multiple building complexes which are held in singular or common ownership, either by individual, corporation, partnership or other legally recognized entity, shall be considered a "development" for the purpose of signage.

*Directional sign.* A freestanding or wall-type sign, not located within public street right-of-way, providing necessary directional information to motor vehicle operators or pedestrians, such as entrance, exit, parking limitations or location of onsite buildings or facilities. Directional signs shall be clearly incidental to the primary signage on a property, in both height and sign area.

*Erect.* To build, construct, attach, hang, place, suspend, affix, relocate or reconstruct any sign or sign-supporting structure.

*Flashing sign.* A sign that is illuminated with intermittent lighting, animated lighting or with varying intensities including a moving light or lights. Flashing signs are prohibited.

*Flag.* Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

*Freestanding sign.* A sign that is permanent and self-supporting, being nondependent on support from a building or other structure, including signs placed upon fences or non-supporting walls. This includes pole-mounted or monument signs.

*Illuminated sign.* A sign that is illuminated with constant intensities of light of a non-varying nature. There are three (3) types of illuminated lights as follows:

(a) *Direct.* Lighting by means of an unshielded light source which is effectively visible as a part of the sign. Neon lighting is considered direct lighting.

(b) *Indirect.* Lighting which illuminates the front of a sign or the entire building facade upon which the sign is displayed, the source of the light being shielded from public view and from surrounding properties. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, such as parking lot lighting.

(c) *Internal.* Lighting by means of a light source which is within a sign having a translucent background and which silhouettes opaque letters or designs, or lighting within or behind letters or designs which are themselves made of translucent or opaque material.

*Lot.* A tract, building site, parcel or portion of land separated from other parcels or portions by description, as on a subdivision plat of record or survey map or by metes and bounds, for the purpose of sale, lease or use.

*Major interior drive.* A drive aisle located on private property which connects two (2) public streets or provides access to two (2) or more parcels of land or developments. Where the regulations allow "one sign per major interior drive," the intent is that the sign allowed is placed upon or facing the major interior drive, unless specifically otherwise permitted.

*Nonconforming sign.* A sign which does not conform with the regulations set forth in this article, but which did meet the requirements of the regulations existing at the date of its erection.

*Painted sign.* A sign that is painted directly onto the exterior surface of a building, wall or structure.

*Pennant, streamer, and other similar devices.* A sign made of flexible materials intended to create a visual attraction through movement. This is inclusive of flutter flags.

*Portable sign.* Any sign which is supported by one (1) or more uprights or braces upon the ground and which is of portable design, such as A-frame or pedestal style signs.

*Public sign.* A sign that is required by federal, state or local law or ordinance, or is deemed necessary for public information.

*Revolving sign.* A sign utilizing an axis point to pivot the sign surface.

*Roof sign.* A sign erected, constructed and maintained above the eaves and attached to the roof of a building.

*Sign.* Any object or device or part thereof situated outdoors or indoors, viewed from outdoors by the general public, and which object or device or the effect produced thereby is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by means including, but not limited to, words, letters, figures, designs, fixtures, colors, motion, illumination, sound or projecting images.

*Sign permit.* A building permit issued for the erection, construction, enlargement, alteration, repair, relocation, improvement, removal, conversion or demolition of any sign issued pursuant to the building code of the city or this sign code.

*Sign setback.* The total distance between the property line and the leading edge of the sign face.

*Sign structure.* Any supports, uprights, braces or framework of a sign which does not include any portion of the sign message.

*Signs carried by persons.* Any sign, which is carried or worn by any person, typically in or along the right-of-way for the purpose of attracting and directing traffic to a particular place of business.

*Street frontage.* For the purpose of signage, frontage upon a street is obtained by ownership, easement or leasehold only if used for vehicular access to the property, or if not used for vehicular access, only if such street frontage is at least fifty (50) feet in width. Where the regulations allow "one sign per street frontage," the intent is that the sign allowed is placed upon or facing the street, unless specifically otherwise permitted.

*Sign oriented to a drive-through lane.* A freestanding or wall-mounted sign, oriented predominantly towards a drive-through or drive-up lane, which is clearly incidental to the primary signage on a property, in both height and sign area.

*Size of sign.* When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one (1) of the two (2) faces. For a sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame. For a sign comprised of individual letters, figures or elements on a wall of a building or surface of a structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.) or a combination of regular geometric shapes, which form or approximate the perimeter of all elements in the display, the frame and any applied background that is not part of the architecture of the building or structure. When separate elements are organized to form a single sign but are separated by open space, the sign are and dimensions shall be calculated by determining the geometric form, or the combination of forms, which comprises all of the display areas, including the space between different elements.

*Temporary sign.* Any sign, banner, pennant, balloon, inflatable, portable sign, yard sign or other outdoor advertising sign constructed of light fabric, cardboard, wallboard, plywood, sheet metal, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.

*Three-dimensional (3D) signs.* Any sign, which by virtue of its shape, design, and location of copy provides advertisement in a three dimensional manner and is distinctly different from an artistic sculpture, wall sign, or blade sign.

*Traffic and regulatory signs.* Signs, signals or markings placed or erected by federal, state or local authority for the purpose of regulating, warning or guiding traffic.

*Unlawful sign.* Any sign or outdoor advertising device erected in the absence of a permit required by this article, or in violation of any of the limitations, prohibitions or requirements of this article.

*Unsafe sign.* Any sign or advertising structure found unsafe or insecure or creating a hazard or menace to the public safety, health and welfare.

*Wall sign.* A sign constructed of durable materials or painted and which is permanently affixed to an exterior surface of any building, wall or structure and which does not extend more than fifteen (15) inches beyond the building wall, except that signage placed upon marquees, canopies or awnings shall be considered as wall signs.

*Window or door sign.* Any sign or decal affixed to, painted on, applied to, or hanging within twelve (12) inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.

*Yard sign.* Temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time.

**Section 3.** Section 26-703 (Enforcement and penalties.) of the Code is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 26-703. – Enforcement and penalties.**

Enforcement and penalties shall be in accordance with those provisions set forth in article X. In addition to any remedies set forth in section 26-1004 et seq., specific authority is granted to the enforcement officer to remove, or have removed, the following signs:

A. Unsafe signs and temporary signs found by an enforcement officer to be located within city right-of-way or in violation of sight triangle requirements shall be removed by such enforcement officer with no requirement of notice.
B. Signs which are prohibited pursuant to this article may be removed after posting of a notice at least twenty-four (24) hours prior to removal upon the premises where such sign(s) is located.
C. In the discretion of the enforcement officer a sign which is otherwise not in compliance with this article may be removed upon sixty (60) days prior notice.

**Section 4.** Section 26-705 (Permit required.) of the Code is hereby amended as follows:

A. No sign or modification to an existing sign shall be erected, placed or displayed outdoors within the city limits until a permit for such sign has been issued by the city, unless such sign is exempt from a permit in accordance with this sign code.

B. An application, accompanied by a "to scale" drawing, for each separate sign permit shall be made to the department of community development on a form supplied by the department. Such applications shall set forth the name and address of the applicant; the location where such sign is to be erected or located; the name, phone number and address of the owner of the property; the size, height, type and general description of such proposed sign, including the materials of which it is constructed, the sign contractor's name, phone number and address and such other pertinent information required or deemed necessary by the department to determine the sign's safety and conformance to this article. A "to scale" plot plan of the lot or parcel shall accompany the application and shall show the location of the proposed sign and the location, type and size of other signs which exist upon the lot. ~~The mere application for a sign permit does not assure that a permit will be issued; therefore, it is advised that signs not be fabricated, constructed or purchased prior to issuance of a sign permit.~~ THE COMMUNITY DEVELOPMENT DIRECTOR MAY REQUIRE ADDITIONAL SUBMISSION INFORMATION IN CONNECTION WITH A SPECIFIC APPLICATION.

C. THE MERE APPLICATION FOR A SIGN PERMIT DOES NOT ASSURE THAT A PERMIT WILL BE ISSUED; THEREFORE, IT IS ADVISED THAT SIGNS NOT BE FABRICATED, CONSTRUCTED OR PURCHASED PRIOR TO ISSUANCE OF A SIGN PERMIT.

~~C.~~ D. Fees for the erection of signs are assessed as part of building permit review and issuance. Permit fees and city use tax will be waived where a nonconforming sign is removed and replaced by a sign conforming with these regulations.

E. THE PROPERTY/BUILDING OWNER, PRINCIPAL LESSEE, OR AUTHORIZED AGENT OF THE PROPERTY/BUILDING ON WHICH THE SIGN WILL BE LOCATED SHALL BE THE SAME PERSON APPLYING FOR THE SIGN PERMIT. DOCUMENTATION SHALL ACCOMPANY THE PERMIT FOR VERIFICATION.

F. A COPY CHANGE WITH NO MODIFICATIONS TO THE SIGN STRUCTURE, SUPPORT, CABINETS, ELECTRICITY, OR OTHER FEATURES SHALL BE EXEMPT FROM BUILDING PERMIT.

**Section 5.** Section 26-706 (Nonconforming signs.) of the Code is amended as follows:

A. *Nonconforming signs.* A lawful sign existing on the effective date of the ordinance from which this article is derived may be continued, although such sign does not conform to the provisions of this article, subject to the following provisions:

1. Relocation, or replacement of a nonconforming sign is not permitted unless such sign is brought into conformance with this article. Enlargement or extension of a nonconforming sign is permitted so long as the nonconformity is not increased. Rebuilding or reconstructing a nonconforming sign is permitted only if the rebuilding or reconstruction is limited to installing a new sign cabinet on an existing support structure. Installing a new sign cabinet together with a new support structure shall constitute replacement of the nonconforming sign and shall require conformance with this article.
2. In the event the use of a nonconforming sign is discontinued for a period of sixty (60) consecutive days, the nonconforming sign shall thereafter conform to the provisions of the zoning district in which it is located or be removed. For the purpose of this section, the term "discontinued" shall apply to uses which customarily operate on a continuous basis versus a seasonal basis. ~~Seasonal uses shall be subject to a twelve-month period of nonuse prior to requiring full compliance with these regulations.~~
3. A nonconforming sign that is destroyed or damaged more than fifty (50) percent of its ~~net worth~~ REPLACEMENT COST VOLUNTARILY OR due to natural causes may not be reconstructed except in accordance with the provisions of this article; however, any sign destroyed or damaged to any extent by vandalism may be rebuilt to its original state within six (6) months or otherwise it must be reconstructed in conformance with this article.

B. *Discontinued business, etc.* Whenever a use of land and/or building using an identification sign is discontinued, except for seasonal uses pursuant to subsection A.2., above, the sign shall be removed or obscured by the person owning the property within thirty (30) days after the discontinuance of such use. Any such sign which is nonconforming to these regulations and which is not used to advertise an active business within sixty (60) days of discontinuance shall be removed or otherwise brought into compliance.

C. *NON-CONFORMING ELECTRONIC CHANGEABLE COPY SIGNS*. SUCH SIGNS WHICH ARE MADE NON-CONFORMING BY THE ADOPTION OF ORDINANCE <##> SHALL BE BROUGHT INTO CONFORMANCE WITH THE REQUIREMENTS OF THIS ARTICLE ON OR BEFORE <DATE, 2019>.

**Section 6.** Section 26-707 (General provisions/performance standards.) of the Code is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 26-707. – General provisions/performance standards.**

A. *Sight distance triangle.*

1. No sign is allowed which would violate the sight distance triangle requirements of section 26-603.B.
2. At signalized intersections, where both streets are collectors and/or arterials, the required sight distance shall be governed by the standards set forth in the most current edition of the policy on geometric design of highways and streets, published by the American Association of State Highway and Transportation Officials (AASHTO).

B. *Location of signs.*

1. All signs allowed by this article, except billboards, public signs, and signs permitted under the criteria in section 26-708.E must be owned by the property/building owner, or principal lessee of the property/building on which the sign is placed.

C. *Streets and rights-of-way.*

1. No sign shall be erected in such a location as to interfere with motor vehicle or pedestrian traffic.
2. No sign is allowed in or above the public right-of-way, with the exception of:
   a. Signs on bus benches and shelters pursuant to Article IV of Chapter 21;
   b. Public, traffic, regulatory, or licensed sign; and
   c. Signs permitted under the criteria in section 26-708.E.
3. For temporary signs, where it is difficult to determine the public right-of-way boundary due to lack of curb, gutter and/or sidewalk, or survey markers, such boundaries shall be presumed to be ten (10) feet from the edge of pavement or back of curb. Where a sidewalk exists, such boundaries shall be presumed to be two (2) feet from outside edge of sidewalk.
4. Attachment of any sign to utility poles or other poles or structures within public right-of-way is prohibited, except as approved by the public works director pursuant to this article.

D. *Interference.*

1. No sign is allowed which employs a lighting or control mechanism which causes radio, radar, cellular telephone or television interference.
2. No sign is allowed which, even though in general conformance with the standards and requirements of this sign code, is judged by the chief of police and public works director as a dangerous sign due to

interference with a traffic control device by being in direct line between the control device and oncoming traffic or otherwise in visual competition with a traffic control device.

3. No sign is allowed which may be construed as a traffic sign or signal or which may be confusing to motorists or mistaken as a traffic signal.

E. *Compliance with building codes.*

1. No sign shall be erected, constructed or maintained which obstructs or is attached to any fire escape, window, door or opening used as a means of egress or ingress or for firefighting purposes, or is placed which interferes with any opening required for light or ventilation.

2. No sign is permitted which is structurally unsafe as determined by the chief building official, based upon criteria established in the adopted building codes.

3. The design of all sign structure members and foundation shall conform to the requirements of the building code relative to allowable stresses, materials and engineering standards. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the building code, and material construction shall be of the quality and grade required by the building code. All signs and structures shall be designed and constructed to meet the adopted building and electrical codes.

F. *Outside display.*

1. Notwithstanding the provisions of section 26-631, any merchandise displayed outside of a building in such a way as to attract attention when viewed by the general public by placement upon a pole, a fence, a platform, roof or other similar device or structure shall be considered a sign and is prohibited. This shall not, however, be construed to prohibit merchandise customarily stored outside of buildings and placed upon shelves or tables, such as automobiles, campers, boats, plant materials, produce or lumber.

G. *Illumination.*

1. All illuminated signage shall comply with section 26-503 of the zoning and development code.

2. Signs within one hundred (100) feet of a residential structure, may be lighted indirectly or internally.

3. Signs over one hundred (100) feet from a residential structure, may use any type of lighting source, except search or flashing lights, provided that they are shaded, shielded or directed so that the light shall not adversely affect surrounding premises or interfere with safe vision on public or private roadways, including highways.

4. All direct and indirect lighting sources shall be downcast to reduce glare, sky glow and light pollution.
5. In the MU-N district, illuminated signs are encouraged to be turned off when businesses are not in operation.
6. Internally illuminated, translucent signs should have the typography lighter than the sign background. Opaque sign faces with internally-illuminated translucent typography or internally-illuminated individual channel letter with translucent faces are acceptable.
7. Sign lighting should be consistent with the lighting of building elements and storefront lighting.
8. It is encouraged that sign faces be of darker hue with light colored text to prevent light glare emitted at night.
9. The nighttime illumination of changeable copy signs shall conform with the following criteria:
    a. Illumination measurement methods shall be consistent with established city policy.
    b. Illumination Limits: The difference between the off and solid-message measurements using the measurement criteria shall not exceed 0.3 footcandles at night.
    c. Dimming Capabilities: All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically determines the ambient illumination and programmed to automatically dim according to the ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

H. *Maintenance.*

i. Any sign, including temporary signs that becomes discolored, ragged, shredded, detached, etc., shall be removed ore repaired.

**<u>Section 7</u>.** Section 26-708 (Miscellaneous provisions.) of the Code is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 26-708. – Miscellaneous provisions.**

A. *Building addresses.*

1. House or building address number signs shall be consistent with section 26-639 of the Code of Laws and established city policy.

B. *Signs located on bus benches and bus stop shelters.*

1. Signs located on bus benches shall be in conformance with Section 21-124 of the Code of Laws.
2. Signs located on a bus stop shelter shall be in conformance with Section 21-151 of the Code of Laws. Such signs shall be limited to two (2) faces per shelter with a maximum of twenty-four (24) square feet per face.

C. *Home Occupations*

ii. Home occupations must comply with Section 26-613 of the Municipal Code.

iii. Residential units with an approved home occupation business license through the City, are allowed one freestanding or wall-mounted non-illuminated sign.

D. *Master sign plan.*

1. The planning commission may approve a master sign plan for any existing or proposed commercial, mixed use, or industrial development of at least two (2) acres or more in size which is under unified control either by ownership, legal association or leasehold.
2. The intent and purpose is to encourage well-planned and designed signage within a large multiple building or multiple use complex which expresses unification and integration by elements of architectural style, size, color, placement and lighting. An additional purpose is to encourage the elimination of existing nonconforming signs. The planning commission may grant as a bonus for well-designed plans additional signs and/or up to a fifty (50) percent increase in maximum square footage for each sign, and/or may permit signs in locations other than normally permitted, based upon a finding that the proposed master sign plan substantially meets the intent and purpose of this subsection relating to unification and integration of signage.
3. Once approved at a public hearing by planning commission, all master sign plans shall be recorded with the Jefferson County Recorder's Office and shall constitute a covenant and must be complied with by all owners, proprietors, lessees or assigns, whether current or future. No substantial variation from the plan shall be permitted without planning commission approval. Noticing requirements for a master sign plan process shall follow the procedures outlined in section 26-109.

E. *Signs in the right-of-way.*

1. The community development director and public works director may jointly approve freestanding signs which are otherwise permitted to advertise a property, to be located in the public right-of-way immediately adjacent to that property, subject to all of the following criteria:

a. There are no viable alternative locations on the subject property;

b. The sign is for a property with commercial, industrial-employment, mixed use, or planned development zoning;

c. The sign will be within right-of-way that is immediately adjacent to the subject property;

d. The sign is not in the right-of-way of a state highway;

e. There are no immediate plans for widening the street as identified in the five-year capital investment program (CIP) or planning documents;

f. The sign is not for a site being completely redeveloped with new construction, in which case the proposed design should incorporate the sign on site;

g. No underground utilities, except for electricity, exist in the proposed location for the sign;

h. The sign does not obstruct the sidewalk or vehicular traffic;

i. The sign complies with sight distance triangle requirements per section 26-603.B;

j. The sign is not a pole sign; and

k. The sign must be in lieu of a freestanding sign otherwise located only on the immediately adjacent property for which sign is permitted.

2. Signs that meet the above criteria shall obtain a sign permit through the community development department and a right-of-way use permit through the department of public works.

3. Notwithstanding section 26-115, the decision of the community development director and public works director to grant or deny a permit under this subsection F. shall be the final decision of the city, appealable only to the district court.

F. *Signs in mixed use zone districts.* Signs in any mixed use zone district must also comply with requirements in section 26-1113.

G. *Signs for marijuana-related businesses.* No permanent or temporary sign associated with a marijuana-related business licensed pursuant to Articles XII and/or XIII of Chapter 11 may be installed or located until reviewed and approved by the city. See sections 11-296, 11-306, 11-406 and 11-417.

**Section 8.** Section 26-709 (Residential, agriculture and public facilities zone districts sign standards chart.) of the Code is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 26-709. – Permitted Sign Types.**

A. A summary of sign types addressed in this article are listed in the following tables. The tables identify if signs are permitted (P), not permitted (NP), or permitted in limited (L) circumstances, based on the land use of the property upon which a sign is located.

B. For purposes of this article only, the following definitions shall apply:

1. Low Density Residential. Land use category for determining allowable signage, both permanent and temporary, for single-family and duplex units.
2. Multifamily Residential. Land use category for determining allowable signage, both permanent and temporary, for residential uses with three (3) or more attached dwelling units.
3. Non-residential. Land use category for determining allowable signage, both permanent and temporary, for all commercial, industrial, and other nonresidential uses.

C. Permanent Signs. For signs that are permitted (P or L), additional standards are found in Section 26-710.

| Table 1. Permanent Signs by Land Use | | | |
|---|---|---|---|
| Type of Sign | Low Density Residential Use | Multifamily Residential Use | Nonresidential Use |
| Address numbers | P | P | P |
| Animated | NP | NP | NP |
| Arcade | NP | NP | P |
| Barber shop poles | NP | NP | P |
| Blade | NP | NP | P |
| Canopy | NP | P | P |
| Changeable copy | NP | NP | P |
| Directional | NP | P | P |
| Flag | P | P | P |
| Freestanding | L | P | P |
| Roof | NP | NP | NP |
| Sign oriented to a drive-through lane | NP | NP | P |
| Traffic control or regulatory | P | P | P |
| Vehicle | P | P | P |
| Wall or painted | L | P | P |
| Window or door | P | P | P |

D. Temporary Signs. For signs that are permitted (P or L), additional standards are found in Section 26-711.

| Table 2. Temporary Signs by Land Use | | | |
|---|---|---|---|
| Type of Sign | Low Density Residential Use | Multifamily Residential Use | Nonresidential Use |
| Balloon or inflatable | NP | P | P |
| Banner | NP | P | P |
| Pennant, streamer, and similar devices | NP | P | P |
| Portable | NP | P | P |
| Signs carried by persons | P | P | P |
| Yard – Small | P | P | P |
| Yard – Large | L | L | L |

**Section 9.** Section 26-710 (Commercial, industrial and mixed use zone districts sign standards chart.) of the Code is hereby repealed in its entirety and reenacted to read as follows:

**Section. 26-710. – Permanent sign standards.**

A. *General.*
   1. Where a property is eligible for a permanent sign based on Section 26-709, the standards of this section shall apply.
   2. Building permits are required for all permanent signs.
   3. Residential zone districts include the entire Residential series (R-1, R-1A, R-1B, R-1C, R-2, R-2A, R-3, R-3A, PRD), Agricultural series (A-1, A-2), and Public Facilities (PF)
   4. Nonresidential zone districts include the entire Commercial series (NC, RC, C-1, C-2), Mixed Use series (MU-C, MU-C TOD, MU-C Interstate, MU-N), Industrial Employment (I-E), and Planned Developments including PCD, PID, PHD, and PMUD.
   5. With the exception of billboards permitted under section 26-712, no permanent sign shall be erected or maintained upon a lot, tract, or parcel devoid of an established primary use.

B. *Address Numbers.*
   1. Must be compliant with Section 26-639 of the Code.
   2. Must be compliant with established city policies regarding addressing.

C. *Arcade Signs.*
   1. Definition: Any sign projecting beneath and attached to the underside of any balcony, canopy, awning or other structural overhang or passageway.

2. Maximum number: 1 per business
3. Maximum size: 4 square feet
4. Height: Minimum height above street frontage or sidewalk level is 7 feet.
5. Location: May not extend above the bottom of eave, balcony, canopy, awning or other structural overhang or passageway to which it is affixed. Can extend into right-of-way with an approved right-of-way permit.

D. *Barber Shop Poles.*

1. Definition: A sign with a striped interior which may or may not rotate, which is traditionally utilized to signify the presence an establishment within which the practice of barbering is engaged or carried out.
2. Maximum number: 1 per street frontage or major interior drive
3. Height: Pole height cannot exceed 5 feet in total, may not exceed height of building to which it is attached.
4. Location: Must be wall mounted. May extend into the right-of-way with an approved right-of-way permit.

E. *Blade signs.*

1. Definition: A sign which is affixed to any building, wall or structure and which extends beyond the building wall more than fifteen (15) inches. Projection shall extend no more than 48 inches away from the structure to which the sign is attached.
2. Maximum number: 1 per street frontage or business
3. Maximum size:
    a. For two-dimensional (2D) signs: 1 square foot for each 1 foot of height of the building wall to which the sign is to be attached.
    b. For three-dimensional (3D) signs, as defined in subsection 26-702, 1.75 cubic feet for each 1 foot of height of the building wall to which the sign is to be attached.
4. Height:
    a. May not extend above the top of the wall or parapet; not to be roof mounted.
    b. Minimum height clearance 7 feet above street frontage or sidewalk.
5. Location: May extend into the right-of-way with an approved right-of-way permit.
6. Additional standards:
    a. Blade signs are encouraged in the Traditional Overlay areas, as defined by the Architectural and Site Design Manual.
    b. Wall signs and blade signs are allowed on the same wall.
    c. Blade signs should not be located closer than twenty-five (25) feet apart unless the signs work together to make a unified and compatible design or the sign group is integral to the building

architecture, reinforcing a significant building feature such as a primary entry.

d. The structural support of projecting signs shall be integrated into the design of the sign, either by being simple and inconspicuous, or by being creative in the use of structural elements, lighting, color and materials.

F. *Canopy Signs.*

1. Definition: A sign mounted to a roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three (3) sides if attached and on all sides if freestanding.
2. Maximum number: 1 per street frontage or major interior drive
3. Maximum size: Canopy signs may use up to 50% of the allowed wall sign allowance. The size of the canopy sign is to be subtracted from the allowable wall signage.

G. *Changeable Copy signs.*

1. Definition: A sign, either illuminated or non-illuminated, which is designed so that the message or any part of the message may be periodically changed, either mechanically or electronically, however, where a change in message occurs no sooner than every eight (8) seconds. This includes signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, electronic message centers (EMCs), LEDs, LCDs or a flipper matrix. Messages shall be static and a change in message shall be instantaneous.
2. Prohibition: Changeable copy signs are not be permitted in the MU-N district or the MU-C TOD sub-district.
3. Maximum number: 1 per street frontage, but no more than 2 per development
4. Maximum size:
    a. In residential zone districts, a maximum of 32 square feet per sign
    b. In nonresidential zone districts, the freestanding and wall signage size regulations (Sec. 26-710.J. and 26-710.L.) apply.
5. Height:
    a. In residential zone districts , a maximum of 7 feet
    b. In nonresidential zone districts, freestanding and wall signage height regulations (Sec. 26-710.J. and 26-710.L.) apply
6. Location: For freestanding changeable copy signs, the minimum setback is 5 feet from any property line
7. The time lapse between the change in information shall not be less than eight (8) seconds.

H. *Directional signs.*

1. Definition: A freestanding or wall-type sign, not located within the public street right-of-way, providing necessary directional information to motor vehicle operators or pedestrians, such as entrance, exit, parking limitations or location of onsite buildings or facilities. Directional signs shall be clearly incidental to the primary signage on a property, in both height and sign area.
2. Maximum number: No limit
3. Maximum size: 4 square feet per side
4. Height: If freestanding, shall not exceed 36 inches in height if within a required sight distance triangle, or 48 inches where outside of a sight distance triangle.

I. *Flag.*

1. Definition: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.
2. Maximum flagpole height of 35 feet.

J. *Freestanding signs.*

1. Definition: A sign that is permanent and self-supporting, being nondependent on support from a building or other structure, including signs placed upon fences or non-supporting walls. This includes pole-mounted or monument signs.
2. Owner authorization required: Building permit applications for single tenant signs on multitenant properties shall include property owner authorization with the building permit application.
3. Design:
    a. For new development or total redevelopment new pole signs shall not be allowed, unless the development is located within ¼ mile of the interstate and a highway-oriented sign is proposed.
    b. The base of a freestanding monument sign shall be consistent with the materials of the building with which it is associated.
    c. For new development or total redevelopment, all freestanding signs shall be placed within landscaped areas.
    d. When not associated with new development or total redevelopment, pole signs are permitted, but strongly discouraged.
4. Multiple signs: Where multiple freestanding signs are permitted pursuant to this section, the following standards shall apply:
    a. Where two (2) freestanding signs are permitted by virtue of multiple street frontages, each permitted sign shall be allowed to have the maximum square footage allowed as noted in this subsection. In addition, the sign area allowed may be transferred from one (1) sign to another; provided, that no freestanding sign shall exceed four hundred (400) square feet in area.

b. Where multiple signs are permitted because of multiple street frontages, the signs may be erected on the same street frontage.
c. For double-faced signs, each sign face can have the maximum square footage allowed.

5. For low density residential uses:
    a. Not permitted, except for as allowed by the home occupation regulations.
6. For multifamily uses:
    a. Maximum number: 1 per street frontage, not to exceed 2
    b. Maximum size: 32 square feet
    c. Minimum setback: 5 feet from any property line
    d. Maximum height: 7 feet
7. For nonresidential uses in residential zone districts:
    a. Maximum number: 1 per street frontage, not to exceed 2
    b. Maximum size: 32 square feet
    c. Minimum setback: 5 feet from any property line
    d. Maximum height: 7 feet
8. For nonresidential uses in nonresidential zone districts:
    a. Maximum number: 1 per street frontage, not to exceed 2
    b. Maximum size: Based upon Table 3 below.
    c. Minimum setback: Based upon height and adjacent zoning:
        i. 10 feet if adjacent to residentially zoned properties
        ii. 5 feet from ROW if under 7 feet tall
        iii. 10 feet from ROW if 7-15 feet in height
        iv. 30 feet for signs over 15 feet in height
    d. Maximum height: Based upon zoning and location:
        i. 7 feet in all mixed use zone districts
        ii. 50 feet for retail and service businesses within ¼ mile of an interstate highway measured from the property line
        iii. 15 feet for all other freestanding signs

| Table 3. Maximum sign area for freestanding signs for nonresidential uses in nonresidential zone districts | | |
|---|---|---|
| Floor Area of Building* | Single Tenant Sign | Multiple Tenant Sign |
| 0—1,500 s.f. | 35 s.f. | 60 s.f. |
| 1,501—5,000 s.f. | 35 s.f. plus 1 s.f. per each additional 50 s.f. of floor area over 1,501. | 60 s.f. plus 1 s.f. per each additional 40 s.f. of floor area over 1,501. |
| 5,001—50,000 s.f. | 100 s.f. plus 1 s.f. per each additional 500 s.f. of floor area over 5,001. | 150 s.f. plus 1 s.f. per each 300 s.f. of floor area over 5,001. |
| Over 50,001 s.f. | 190 s.f. plus 1 s.f. per each additional 1,000 s.f. of floor area over 50,001 up to a maximum size of 300 s.f. | 300 s.f. plus 1 s.f. per each additional 1,000 s.f. of floor area over 50,001 up to a maximum size of 400 s.f. |

*In computing allowable sign size, only the footprint of the structure can be used. The floor area of gas station canopies and drive-thru canopies cannot be applied toward the freestanding sign allowance.

9. Home Occupations
    a. Must be in compliance with Section 26-613 of the Municipal Code.
    b. Must have an approved business license through the City.
    c. Permitted one (1) non-illuminated sign not to exceed two (2) square feet in size.
10. 3D signs: Three-dimensional (3D) signs, as defined in subsection 26-702, are permitted the sign allowances listed in this subsection multiplied by 1.75, as measured in cubic feet.

K. *Sign oriented to a drive-through lane.*
1. Definition: A freestanding or wall-mounted sign, oriented predominantly towards a drive-through or drive-up lane, which is clearly incidental to the primary signage on a property, in both height and sign area.
2. Maximum size: 35 square feet per drive-through lane
3. Maximum height: Six (6) feet
4. Additional standards
    a. May be illuminated by internal lighting only.
    b. Must be screened from the right-of-way such that signs do not violate section 26-707.D.

L. *Traffic control or regulatory signs*.
1. Definition: Signs, signals or markings placed or erected by federal, state or local authority of the purpose of regulating, warning or guiding traffic
2. Location: May be placed by the federal, state or local authority within the public right-of-way.

M. *Wall or painted signs.*
1. Definition: A sign constructed of durable materials which is permanently affixed to an exterior surface of any building, wall or structure or painted directly on the exterior surface of a building, wall or structure which does not extend more than fifteen (15) inches beyond the building wall, except that signage placed upon marquees, canopies or awnings shall be considered wall signs.
2. Maximum size:
    a. Total size for any single or combined wall sign is no larger than 1 square foot for every linear foot of the side of the building to which it is affixed.
3. Location:
    a. Signs may only be affixed to walls which face public streets or major interior drives, as determined by the community development director

b. For buildings with flat roofs, wall signs shall not extend above the top of the parapet or mansard, and if placed upon a parapet or mansard shall not extend more than 3 feet above the deck line.
c. For uses which have a rear entry or delivery door, 1 non-illuminated wall sign not to exceed four (4) square feet per tenant is permitted.

4. Other: Signs affixed to canopies shall be considered wall signs and shall be calculated based upon the length of the wall to which they are attached or adjacent.
5. Home Occupations
   a. Must be in compliance with Section 26-613 of the Municipal Code.
   b. Must have an approved business license through the City.
   c. Permitted one (1) non-illuminated sign not to exceed two (2) square feet in size.
6. Additional standards
   a. Building wall signs shall complement the building's architecture and fit within the architectural features of the façade so they do not overlap windows or columns.

N. *Window or door signs.*
1. Definition: Any sign or decal affixed to, painted on, applied to, or hanging within twelve (12) inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.
2. Maximum size: Sign shall not obstruct more than 25 percent of the door or window area
3. Additional standards:
   a. The material, installation and/or size of window or door signs shall not negatively affect compliance with the transparency standards established in Article XI. Mixed Use Zone Districts and in the Architectural and Site Design Manual.
   b. The interior application of a solid, dark color on back of house windows shall not be considered window or door signs and shall be permitted.

**<u>Section 10</u>.** A new Section 26-711 of the Code is hereby inserted as follows:

**Sec. 26-711. – Temporary sign standards.**

A. *General.*
1. Where a property is eligible for a temporary sign based on Section 26-709, the standards of this section shall apply.
2. Maximum number:

    a. One (1) temporary sign per business may be placed on eligible property at any given time.
    b. This limitation on maximum number of temporary signs shall take effect on <DATE, 2019>.
3. Illumination of temporary signs is prohibited.
4. Temporary signs do not require building permits.

B. *Balloon or inflatable.*
1. Definition: Any sign consisting of material intended to be filled with air or helium, or have air blown through in order to create a visual attraction; this is inclusive of air dancers, inflatables caricatures, all types and sizes of balloons, and similar devices.
2. Height: Cannot exceed 25 feet above existing grade.
3. Location: May not be located within the public right-of-way.
4. Additional standards:
    a. Shall be securely anchored or attached so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians. Roof mounting is not permitted.
    b. Notwithstanding any other provision of this article, balloon or inflatable signs may be maintained for no longer than 30 consecutive days within any calendar year.

C. *Banner.*
1. Definition: A sign or advertising display constructed of cloth, canvas, fabric or other light material that is mounted with no enclosing framework intended to be displayed for a short period of time.
2. Maximum size: Total size for any single or combined banners affixed to a wall based on one half (1/2) the allowance for wall signs.
3. Location: May be placed upon a building wall but shall not be attached to fencing, landscaping, freestanding posts or utility poles. Banners may be placed only on walls facing a public street or major interior drive.
4. Other: Shall be securely anchored or attached so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

D. *Pennant, streamer, and other similar device.*
1. Definition: A sign made of flexible materials intended to create a visual attraction through movement. This is inclusive of flutter flags.
2. Location: Shall be securely anchored or attached so as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

F. *Portable.*

1. Definition: Any sign which is supported by one (1) or more uprights or braces upon the ground and which is of portable design, such as A-frame or pedestal style signs.
2. Maximum size: 6 square feet per side per sign
3. Setback:
    a. 5 feet from any street right-of-way line if taller than 36 inches
    b. 2 feet from any street right-of-way line if 36 inches or less in height
4. Location:
    a. May be located on a sidewalk within private property, provided that adequate clearance exists to meet ADA requirements.
    b. Must be anchored to the ground or weighted sufficiently to prevent movement by wind
    c. May not be located outside when business is closed.

G. *Signs carried by persons.*
1. Definition: Any sign, which is carried or worn by any person, typically in or along the right-of-way for the purpose of attracting and directing traffic to a particular place of business.
2. Maximum size: 6 square feet per side.
3. Location: Permitted along any public right-of-way, provided there is no negative impact to vehicular, bicycle, or pedestrian safety as determined by the Director of Public Works or Chief of Police or their designee. Signs shall be limited to the exterior edges of the right-of-way, and completely outside of the vehicular and bicycle travel lanes. Shall be located behind the outermost curb and gutter, not impede pedestrian traffic, and are completely prohibited to be stationed in any median, island, or other refuge within the right-of-way.

H. *Yard – small.*
1. Definition: A temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time
2. Maximum number:
    a. For all nonresidential uses: Limit of 1 per business
    b. For all residential uses: No limit
3. Maximum size: Shall not exceed four (4) square feet in size per sign
4. Location: Shall not be placed within city right-of-way or municipally owned property.

I. *Yard – large.*
1. Definition: A temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time.
2. Maximum number: 1 per street frontage or major interior drive, not to exceed 2

3. Maximum size:
    a. For low density residential uses and multifamily (3-9 units): 9 square feet
    b. For multifamily (10+ units): 32 square feet
    c. For nonresidential uses: 32 square feet
4. Minimum setback: 5 feet
5. Maximum height: Shall not exceed 7 feet in height
6. Location: Allowed only on properties with active listings for sale or for rent, or on properties with active building permits. Also allowed for urban gardens.

**Section 11.** The existing Section 26-711 (Billboards.) of the Code is renumbered as Section 26-712 (Billboards).

**Section 12.** The remaining Sections 26-713 through 26-800 are reserved for future enactment.

**Section 13.** Subsection 26-613.A.5. (Home occupations.) of the Code is hereby amended as follows:

5. Each home occupation is permitted to have one non-illuminated sign up to 2 square feet in size. The sign may be freestanding or wall-mounted. See ~~section 26-709~~ ARTICLE VII, CHAPTER 26.

**Section 14.** Subsection 11-296(a). (Application for license.) of the Code is hereby amended as follows:

(a) A person seeking to obtain a license pursuant to this division shall file an application with the local licensing authority on a form provided by the state, a sign application and all additional information required by the Colorado Medical Marijuana Code. If proposed signage is not available at the time of initial application, an applicant may file the sign application as soon as practical. No permanent or temporary signage may be installed or located on the property until approved by the city. See ~~section 26-708.H.~~ ARTICLE VII, CHAPTER 26.

**Section 15.** Subsection 11-406(a). (Application for license.) of the Code is hereby amended as follows:

(a) A person seeking to obtain a license pursuant to this division shall file an application with the local licensing authority on a form provided by the state, a sign application and all additional information required by the Colorado Retail Marijuana Code. If proposed signage is not available at the time of initial application, an applicant may file the sign application as soon as practical. No permanent or temporary signage may be installed

or located on the property until approved by the city. See ~~section 26-708.H.~~ ARTICLE VII, CHAPTER 26.

**Section 16. 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 17. 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 ___, this 9th day of April, 2018 and 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 **April 23, 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 readying 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:

City of Wheat Ridge

ITEM NO: 4.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE: RESOLUTION NO. 21-2018 – A RESOLUTION ADOPTING A CULTURAL VISION FOR THE CITY OF WHEAT RIDGE**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

**Parks and Recreation Director** **City Manager**

**ISSUE:**
The Cultural Commission recognizes the important role that cultural arts play in the economic and aesthetic development of the City and identified that a cultural vision is necessary to provide consistent, cogent talking points for all stakeholders involved in various projects in the City.

**PRIOR ACTION:**
The Cultural Commission presented the Cultural Vision to the City Council at the study session on December 4, 2017. Council encouraged the Cultural Commission to proceed with implementing the vision.

**FINANCIAL IMPACT:**
None

**BACKGROUND:**
The Cultural Commission was established by ordinance in 2002 to act as the official cultural organization of the City of Wheat Ridge. The Cultural Commission's mission statement is:

> "To promote culture and the arts, to oversee public art and to provide art enrichment opportunities to benefit the residents of the City."

**RECOMMENDATIONS:**
It is recommended that the City Council adopt the attached Cultural Vision.

**RECOMMENDED MOTION:**
"I move to approve Resolution No. 21-2018, a resolution adopting a Cultural Vision for the City of Wheat Ridge.

Or,

"I move to postpone indefinitely Resolution No. 21-2018, a resolution adopting a Cultural Vision for the City of Wheat Ridge for the following reason(s) _____."

**REPORT PREPARED/REVIEWED BY:**
Julie Brisson, Recreation and Facilities Manager
Joyce Manwaring, Parks and Recreation Director
Patrick Goff, City Manager

**ATTACHMENTS:**
1. Resolution No. 21-2018
2. Cultural Vision

**CITY OF WHEAT RIDGE, COLORADO**
**RESOLUTION NO. 21**
**Series of 2018**

**TITLE: A RESOLUTION ADOPTING A CULTURAL VISION FOR THE CITY OF WHEAT RIDGE**

**WHEREAS,** cultural arts play a vital role in the economic and aesthetic development and viability of the City of Wheat Ridge, and in particular the city's key value of *Enhancing Community Character and Accentuating Quality Design;* and

**WHEREAS**, the *Envision Wheat Ridge Comprehensive Plan* calls for the City to promote and support diverse arts and cultural amenities, provide existing arts and cultural offerings such as community concerts, public art, the historic park and seasonal festivals, and seek opportunities to partner and expand arts and cultural programs; and

**WHEREAS**, a well-defined, universal cultural vision for the City of Wheat Ridge is necessary to provide consistent, cogent talking points for stakeholders when talking about the cultural climate and outlook in the City; and

**WHEREAS**, the Wheat Ridge Cultural Commission is charged with promoting cultural arts in the City of Wheat Ridge, fostering cultural enrichment and education opportunities for the community, overseeing the public art process, providing resource assistance, and making recommendations to the Mayor, City Manager and City Council on matters relating to cultural arts; and

**WHEREAS**, the Wheat Ridge Cultural Commission has developed a comprehensive Cultural Vision and implementation plan that calls for a unified, professional approach that is supported by the Wheat Ridge City Council, staff, businesses and community and is recognized as relevant to the community; and

**WHEREAS**, the Wheat Ridge City Council endorsed this Cultural Vision during a council work session on December 4, 2017, and encouraged the Cultural Commission to proceed with implementing its plan.

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

1. The attached Cultural Vision is hereby adopted as the Cultural Vision for the City of Wheat Ridge.

ATTACHMENT 1

**DONE AND RESOLVED** this 9th day of April 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

**City of Wheat Ridge**
**Cultural Commission**

# Cultural Vision

*Cultural Arts play a vital role in the economic and aesthetic development and viability of a community. Therefore, Wheat Ridge aspires to become a city where the arts are an integral part of its cultural fabric. Public art and other cultural activities will reflect the eclectic and diverse personality of the city, and artistic elements and expression throughout its neighborhoods will be encouraged.*

The guiding principles of the Cultural Vision shall be:

- *Recognized as relevant to the community*, because Cultural Arts bring value to the lives of our residents and are a reason to live, visit and do business in Wheat Ridge
- *Unified* through such things as cross-promotion of activities and venues within the city, a community-wide calendar of cultural events, and branding by common banner or plaque that designates the activity or site as part of "Wheat Ridge Cultural Arts."
- *Professional*, in the sense that there is a commitment at all levels of government as well as by local business and organizations to support Cultural Arts as a part of what makes Wheat Ridge thrive.
- *Supported by the City Council, other city entities, businesses and community*, and naturally be a part of the conversation when decisions regarding the development, direction and activities of Wheat Ridge are made.

This will be accomplished through:

- Encouraging both public and private partnerships
- Providing, supporting and encouraging diverse arts and cultural activities
- Incorporating artistic elements in the design and function of new and renovated buildings, facilities and parks
- Enhancing the visual appearance of the city
- Empowering, enriching and inspiring the creative nature of our residents and visitors
- Encouraging the incorporation of public art in private spaces

To achieve this goal, the Cultural Commissioners will continue to refine the Cultural Vision and work on the following activities as a regular agenda item during their monthly meetings.

## 1. Develop a Cultural Resource Inventory and Online Resource Network

SCOPE: The Cultural Commission aims to have Cultural Arts become more visible on the City website. To that end, the Commissioners will develop content for the Cultural Arts page and make recommendations on the placement and links to be included within the City's website. The content will include, but not be limited to

- Public Art - locations, photos, and artist information
- Events - Cultural events open to the public
- Community artists who have been involved in Cultural Commission events (Meet the Artist, Studio Tour, etc.)
- Organizations that create, produce and/or preserve Cultural Arts
- Winners of Cultural Commission Business Award and the award criteria
- Wheat Ridge Reads authors and their books
- Businesses and partners that are supportive of Meet the Artist and other CC events
- Cultural Vision, Vision statement and other documents, such as the Public Art Management Plan
- Contact information and a call to get involved
- Links to other resources and partners

## 2. Create Partnerships Within the Community to Support Cultural Arts

SCOPE: Integrate the Cultural Vision throughout the community by working with businesses, city staff and elected individuals, area artists and cultural entities in a variety of ways, including:

- Soliciting matching funds for public art (needs to go through the public art process)
- Partnering with and encouraging other organizations that produce events, such as Local Works, Folk Arts Council, and the Carnation Festival to bring more Cultural Art to local events (e.g., the chalk art at Ridgefest)
- Working with the city staff on the development of a Cultural Vision handout to include with other city information that goes to a developer and new business
- Encouraging local business to erect their own art that is accessible to the public
- Developing a relationship with the city staff, including parks and recreation, and public affairs to find out how can we help them understand and promote Cultural Arts in their roles as city employees
- Working with Jefferson County arts group on their current Plein Air program

### 3. Educate Community and Stakeholders

SCOPE: With a refined statement and professional presentation, the Cultural Vision can be proudly shared with the community so that it may be embraced by all. This will be accomplished through

- Professionally created brochure(s), in collaboration with City Staff, to hand out to developers, businesses, and community groups, etc. These handouts will be utilizing the city logo and approved by the City.
- A continued Cultural Commission presence at Ridgefest
- Meetings with the Wheat Ridge Business Association, the Chamber of Commerce and Local Works
- Posting of cultural events on community calendars
- The activities of other stakeholders, such as the Historical Society, local chorales and theaters, to be posted on Wheat Ridge Cultural Events Facebook page, which is managed by members of the Cultural Commission
- Attendance of Cultural Commission members at fraternal organizations and other community groups' meetings to discuss the vision and cultural activities
- Asking community members to become part of our contact list to be alerted to cultural events and opportunities

### 4. Identify Cultural Arts Opportunities

SCOPE: Identify public and private venues, activities and works that qualify as Cultural Arts, as well as those that can have the potential to be developed as such and help nurture and promote them. Such opportunities include

- Encouraging public art in private venues
- Developing an "Art on Loan" program with private venues
- Encouraging murals on outdoor walls
- Creating a walkable art path within city limits
- Identifying artists who want to perform or exhibit in public venues
- Providing logistical support for cultural activities

### 5. Install More Public Art Throughout the City

SCOPE: Now that the Public Art fund has funds, the Cultural Commission will review and prioritize potential locations for Public Art, and following the Public Arts Management Plan processes, encourage and recommend the soliciting and selecting of Public Art for these locations.

**6. Foster Cultural Arts Growth**

SCOPE: Instead of organizing events, the Cultural Commission will serve as a medium for Cultural Arts in the community by providing support, information and networking. This will be done in various ways, such as:

- Acting as facilitator in connecting artists and performers with potential sponsors or venues
- Welcoming new art venues, or potential venues, to the community
- Helping with logistics for events, such as Chalk Arts or Studio Tours
- Publishing an online calendar of events
- Partnering with the schools and other public venues on Cultural events, such as Wheat Ridge Reads
- Investigating funding for an Artist in Residence program at the city or a school

City of Wheat Ridge

ITEM NO: 5.
DATE: April 9, 2018

# REQUEST FOR CITY COUNCIL ACTION

**TITLE:** **RESOLUTION NO. 22-2018 – A RESOLUTION AMENDING THE FISCAL YEAR 2018 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF $213,310 AND AWARDING A CONTRACT TO CZB LLC FOR A NEIGHBORHOOD REVITALIZATION STRATEGY UPDATE**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

**Community Development Director** **City Manager**

**ISSUE:**
City Council has identified an update to the 2005 Neighborhood Revitalization Strategy (NRS) as a major priority in the current Strategic Plan. The 2005 NRS represented a community conversation, and consensus, about the City's competitiveness and what to do about it. Staff has negotiated a scope of work with czb LLC for a process that will include an extensive public outreach effort to determine how does the City makes the most of the assets it has resurrected, nurtured, invested in, grown and must now optimize and to answer the question, "What does the City want to be in the coming decades?" The total budget for the scope of work, which also includes a comprehensive assessment of the City's retail market, is $213,310. A supplemental budget appropriation is required to enter into this contract.

**PRIOR ACTION:**
Staff briefed City Council on the proposed scope of services for an update to the 2005 NRS at the April 2, 2018 study session. Consensus was reached by City Council at that meeting to bring this item forward to a regular business meeting for approval.

**FINANCIAL IMPACT:**
An update to the 2005 NRS was not budgeted in the 2018 budget. A supplemental budget appropriation in the amount of $213,310 is required to award this contract. City Council policy requires that the City maintain a minimum 17% undesignated General Fund reserve balance which is currently estimated at 26%. This appropriation will have a minimal impact of the reserve balance.

**BACKGROUND:**
On July 25, 2005, the City Council adopted a resolution accepting the Neighborhood Revitalization Strategy (NRS) Report, *Repositioning Wheat Ridge,* and adopted its findings and recommendations as guiding principles for revitalizing the City. The strategies and recommendations contained in the NRS are focused on leveraging the City's strengths and addressing its challenges to assist in returning the City to a vibrant community with a healthy housing market and the thriving commercial centers needed to generate fiscal stability.

The report was prepared by a group of external consultants who conducted extensive community outreach as a critical component of preparing the assessment and strategy. The team held 29 public meetings ranging from meeting with residents in their homes to presenting before various boards, commissions and business groups.

Unpleasant as it was to confront, the Report reflects that in many ways Wheat Ridge stagnated for much of the period between 1980-2005. Other cities in Jefferson County were busy, rolling up their sleeves and actively competing for a share of strong households – and they succeeded. Years ago, Lakewood, Arvada, Westminster and Golden recognized the need to take outdated strip mall retail and make it more appealing for today's customers. They started building new, exciting housing projects demanded by Colorado's middle-class families. They increased investments in beautification, with special emphasis on landscaping. They invested in infrastructure. They began regulating multi-family development and they got into the business of vibrant place-making.

Wheat Ridge used to be a more balanced community. Residents across all family and income spectrums were attracted to and remained in the community. However, since the 1980's, other communities have effectively out-competed Wheat Ridge in attracting families and higher income households, resulting in the "strong households" either leaving Wheat Ridge or simply not being attracted to Wheat Ridge in the first place. This has brought about an unbalanced community which has affected the image, condition, economic health and competitiveness of Wheat Ridge in the context of the greater Denver-Metro region.

The NRS report's primary conclusion was that for the City to regain its strength and reinvent itself as a thriving, economically-diverse community with broad commercial and residential opportunities, Wheat Ridge needed to overhaul how the City and residents manage change, and develop methods to regain the share of strong households that has been lost over the past 25 years. The NRS provided nine strategies to help accomplish these goals and recommended that the City create the non-profit organization, Wheat Ridge 2020 (now Localworks), to assist in its implementation.

The Report contained three central recommendations:

1. Wheat Ridge must overhaul how the city and residents manage change.
2. Wheat Ridge must create a public, nonprofit corporation capable of facilitating and encouraging appropriate development in Wheat Ridge.
3. All nine of the following strategies must by implemented:
    a. Develop new market rate housing at key locations throughout the City
    b. Acquire, upgrade, and sell out-of-date housing stocks throughout the City
    c. Improve existing multi-family rental property throughout the City
    d. Redevelop the Wadsworth Corridor
    e. Develop West 44th into an Orchard District
    f. Accelerate and shape the development of 38th Avenue
    g. Develop a Town Center
    h. Continue the development of Wheat Ridge Open Space
    i. Develop signage and enhance gateways and general appearance (beautification)

**RECOMMENDATIONS:**
Staff recommends approval of the resolution in order to provide for a supplemental budget appropriation of $213,310 for the purpose of awarding a contract to czb LLC for an update to the 2005 NRS.

**RECOMMENDED MOTION:**
"I move to approve Resolution No. 22-2018, a resolution amending the fiscal year 2018 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of $213,310 and authorizing the mayor to sign a contract with czb LLC for a Neighborhood Revitalization Strategy Update."

Or,

"I move to table indefinitely Resolution No. 22-2018, a resolution amending the fiscal year 2018 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of $213,310 and authorizing the mayor to sign a contract with czb LLC for a Neighborhood Revitalization Strategy Update for the following reason(s) _____."

**REPORT PREPARED/REVIEWED BY:**
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

**ATTACHMENTS:**

1. Resolution No. 22-2018
2. czb LLC NRS Update Scope of Work

**CITY OF WHEAT RIDGE, COLORADO**
**RESOLUTION NO. 22**
**Series of 2018**

**TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2018 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF $213,310 AND AWARDING A CONTRACT TO CZB LLC FOR A NEIGHBORHOOD REVITALIZATION STRATEGY UPDATE**

**WHEREAS,** on July 25, 2005, City Council adopted a resolution accepting the Neighborhood Revitalization Strategy (NRS) Report, *Repositioning Wheat Ridge*, and adopted its findings and recommendations as guiding principles for revitalizing the City; and

**WHEREAS,** the 2005 NRS represented a community conversation, and consensus, about the City's competitiveness and what to do about it; and

**WHEREAS,** City Council has identified an update to the 2005 NRS as a Strategic Plan priority; and

**WHEREAS,** Staff has negotiated a scope of work with czb LLC for a process that will include an extensive public outreach effort to determine how the City makes the most of the assets it has resurrected, nurtured, invested in, grown and must now optimize; and

**WHEREAS,** a supplemental budget appropriation is required to award this contract and the requested funding is available in the General Fund undesignated reserves.

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

Section 1. A transfer of $213,310 from General Fund undesignated reserves to account 01-121-700-750 is hereby approved and revenues are amended accordingly.

Section 2. The Mayor is authorized to sign a contract with czb LLC for a NRS Update.

**DONE AND RESOLVED** this 9th day of April 2018.

_____
William "Bud" Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

**Attachment 1**

Proposal to Wheat Ridge, Colorado

# Neighborhood Revitalization Strategy Update

Community Engagement for Neighborhood Vibrancy and Competitiveness

**Submitted by czb**
APRIL 2018

czb

ATTACHMENT 2

czb

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10 Project Budget


To the Wheat Ridge City Council and staff:

It was an honor and an incredible learning experience for czb, in partnership with Winston Associations, to co-create a Neighborhood Revitalization Strategy (NRS) with your community in 2005. In the time since the NRS was completed, much has changed. My friend Jeff Winston has retired and sold his firm. Our own firm has grown and evolved and we are a dozen years wiser for it. What has not changed is our longstanding commitment to solid analysis, meaningful public engagement, and sharp strategy that can be implemented by a city willing to work for the future it wants.

In 2005 Wheat Ridge was a 1970s era suburb that had fallen behind its competition in the work of retaining and attracting the region's strongest working, moderate and middle income households. Its future was not certain but it had the wherewithal to look for help and the tenacity and discipline to implement recommendations it was provided in the 2005 NRS. The NRS represented a community conversation, and consensus, about the city's competitiveness and what to do about it.

Between 2005 and 2018, a number of things transpired which now place Wheat Ridge in a very different position:

- The city took seriously the recommendation of the NRS and faithfully pursued its implementation.
- The metro area went through a historically exceptional period of demographic and economic growth, which had positive spillover effects in Wheat Ridge.
- The city experienced half a generation of demographic turnover, with some households leaving and new ones arriving.

Owing to Wheat Ridge's grit and a number of other factors, the question today is less "how do we compete?" than "how do we make the most of the assets we have resurrected, nurtured, invested in, grown, and must now optimize?" To answer that question, czb has been asked to update the 2005 NRS for a new time and what follows herein is our proposal to do so. If the City Council accepts our proposal, our team very much looks forward to working with you once again.

Sincerely,

Charles Buki

President, czbLLC

# Firm Summary and General Qualifications

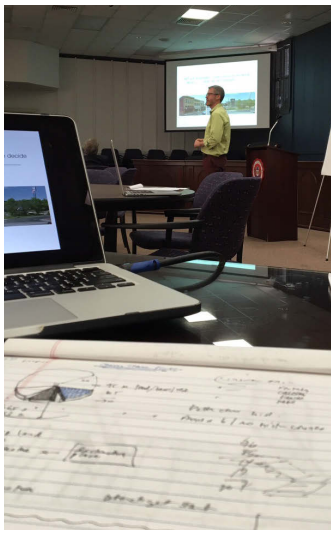
czb

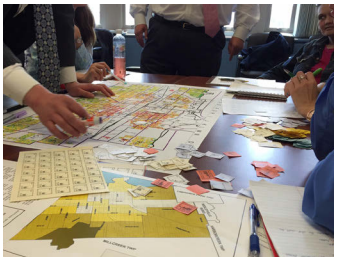
czb is a Virginia-based planning practice with experience in over 40 states since 2001. We specialize in market-based economic analysis, housing analysis, and strategy development for communities seeking to shape their futures and willing to put in the effort to obtain the outcomes they want.

The professionals who comprise czb are seasoned experts in their respective fields of urban planning and design, econometric analysis, historic preservation, real estate development and finance, affordable housing and community development, and demand-based strategy and policy development. Communities never succeed or fail solely because of a single factor like design or jobs or affordable housing and, in recognizing this, czb has built an interdisciplinary team of some of the finest community development minds in the United States.

In our experience, communities set the course for their future in direct proportion to the degree to which they stay ahead of trends and capably manage a range of influential forces – internal as well as external. These interconnected forces are economic, demographic, political, and social in nature. Furthermore, they are filtered through and strongly shaped by the core values of a community's residents and stakeholders. When events and influences are capably managed, the community's values play a large role in determining policy. But good policy relies on data as well.

To do this successfully – to manage change so that outcomes reflect local aspirations – requires incorporating community values into policy-making as well as continually collecting and analyzing the right data to guide the community (and its political leaders) in making what are often difficult choices. **What czb does better than any planning practice in the United States is help communities clarify what's at stake, get the information they need to make good decisions, and help them grow their capacity to manage and implement change.**





**Firm name and address:**

czbLLC
2001 Mount Vernon Avenue
Alexandria, VA 22301

Year established: 2001

Business type: S corporation, Virginia

**Primary contact:**

Charles Buki, *President*

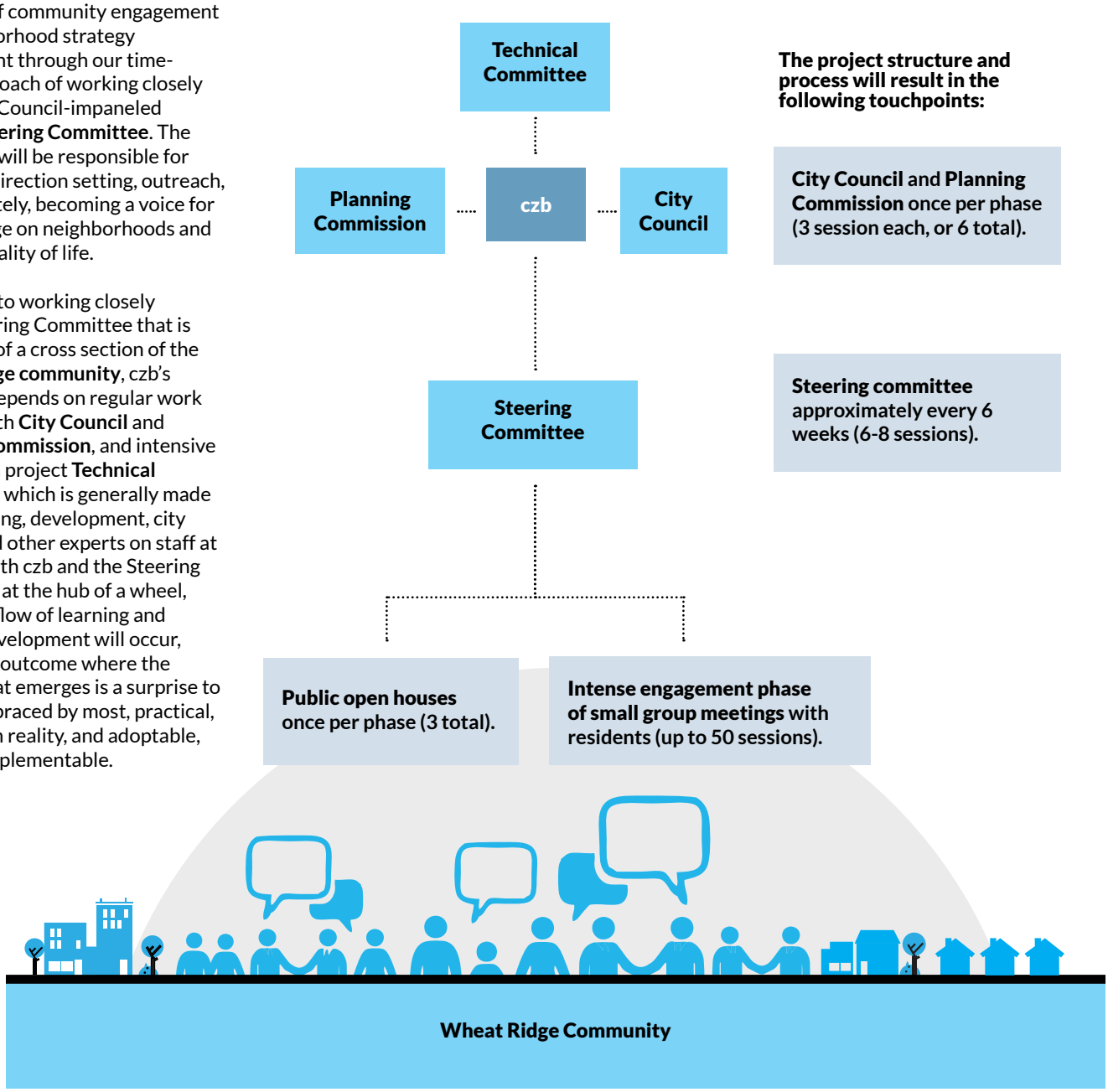
cbuki@czb.org

703-548-3708

# Project Structure

czb proposes to approach the challenge of community engagement and neighborhood strategy development through our time-tested approach of working closely with a City Council-impaneled **Project Steering Committee**. The committee will be responsible for oversight, direction setting, outreach, and, ultimately, becoming a voice for Wheat Ridge on neighborhoods and resident quality of life.

In addition to working closely with a Steering Committee that is comprised of a cross section of the **Wheat Ridge community**, czb's approach depends on regular work sessions with **City Council** and **Planning Commission**, and intensive work with a project **Technical Committee** which is generally made up of planning, development, city finance, and other experts on staff at the city. With czb and the Steering Committee at the hub of a wheel, a constant flow of learning and strategy development will occur, creating an outcome where the strategy that emerges is a surprise to no one, embraced by most, practical, grounded in reality, and adoptable, and thus implementable.



# Team for Wheat Ridge NRS Update

czb

## Charles Buki

Charles Buki, czb founder and President, has more than 20 years of experience in the field of community development, with a particular expertise in helping communities identify their top priorities, understand complex trade-offs, and develop realistic action plans that are tied to durable planning principles. Over the past two years alone, he has led planning processes in Canton, OH, Erie, PA, Geneva, NY, and Ashland, WI, among others. In the past 18 months, he has also led neighborhood revitalization strategy work in Des Moines, Baltimore, Buffalo, and Rochester, NY.

***Role**: Principal-in-Charge; lead on strategy development*

## Thomas Eddington, ASLA, AICP

Thomas Eddington, ASLA, AICP, will serve as the project manager on this project and has over 20 years of experience in all aspects of land use planning, community development, and public engagement. As the Planning Director for Park City, UT, between 2008 and 2015, Thomas led the development of a new master plan for the city in 2014, along with the development of groundbreaking housing strategies.

***Role**: Project Lead; lead on land use planning, urban design, and public engagement*

## Karen Beck Pooley, Ph.D.

Karen Beck Pooley, Ph.D., brings to the czb team more than 15 years of experience in working on housing and community development issues. Karen handles all of czb's econometric analysis (including all GIS-based analysis) and has become one of the nation's leading experts in understanding how investments in housing and community development interact with neighborhood marketability.

***Role**: Demographic and socioeconomic analysis, housing market analysis, and mapping*

## Eric Ameigh

Eric Ameigh has been a planner and local government professional for over 15 years. He has deep experience in housing and neighborhoods across a variety of market types, serving as the first ever Director of Neighborhood Initiatives in Geneva, NY, and later as a policy-focused project manager in Boulder, CO, working on a wide variety of issues, including affordable housing and redevelopment. In Geneva, Eric led Healthy Neighborhoods work to grow the capacity of residents to improve their blocks, and founded and facilitated the Problem Properties Task Force which coordinated the work of code enforcement, public works, police, and city legal staff to address chronic offenders.

***Role**: Project management and public engagement*

## Peter Lombardi

Peter Lombardi is a planner and policy analyst who came to czb after previous assignments in policy research and nonprofit neighborhood revitalization. He served as founding chairman of the Chautauqua County Land Bank Corporation in western New York and worked as Deputy Director for the Jamestown Renaissance Corporation. At czb, he has led or supported planning and revitalization projects across the Great Lakes region, developing expertise related to inner ring suburbs in metro areas such as Erie, Buffalo, and Rochester.

***Role**: Planning and policy development, public engagement support*

# Scope of Work

Wheat Ridge has acknowledged that the city has changed and continues to change, even if feelings about the nature of the city's development are not uniformly shared. Now is the time to determine what the city wants to be in 2040 and to leverage its newfound prosperity to meet the vision.

czb proposes to update the 2005 NRS for a new, more prosperous era in Wheat Ridge. We will do this by crafting and facilitating a process that will result in a neighborhood development vision that can be backed by the community. To do this, re-engaging the Wheat Ridge community in a deep and penetrating way is necessary.

Wheat Ridge will require a fresh evaluation of data and highly structured and well facilitated community conversations about what kind of a community it wants to be. These efforts will likely presage a future update to the city's 2009 comprehensive plan, which will soon be due for a refresh, or perhaps even an overhaul.

***czb proposes to deliver an engagement process and eventual written product via three sequential but overlapping phases:***

**Phase 1: Analysis**

## PHASE 1: Analysis

### PURPOSE

To generate a preliminary portrait of city finances, civic life, residential life, market strength, and existing policies and programs that can form the basis of determining whether the Wheat Ridge community likes everything just the way it is, and favors continuity and little change in direction, or whether some change is desired.

### WORK

**Quantitative Analysis:** During this initial phase, czb will work with the City of Wheat Ridge and local market experts to build upon czb's existing knowledge of the Wheat Ridge market. This will be done through a rapid but comprehensive exploration of market conditions and trends using a variety of data sources, including the indicators report prepared by Development Research Partners in 2016.

**Qualitative Data:** Our quantitative work will be complemented by two key qualitative processes. The first is a series of interviews and conversations with local experts in the development and real estate community, local leaders facing politically challenging issues, and others who can inform a picture of the current state of Wheat Ridge. The second is a review and analysis of the data from the city's upcoming community survey that should provide a current picture of concerns and desires that exist amongst Wheat Ridge residents.

### PROCESS

In the early part of the first phase, we will hold a kickoff with the steering committee to confirm project details and set expectations for the process. We will also share early insights and observations from our emerging analysis.

Subsequent steering committee meetings will focus on the implications of the analysis and training the group for the engagement activities ahead in Phase 2.

We will hold one working session each with Planning Commission and City Council.

There will be one large, open public meeting, likely in the form of an open house, to introduce the project to the general public and generate interest for participation in Phase 2.

**DELIVERABLES:**
- **Preliminary analysis**
- **Final analysis**
- **Phase 2 engagement plan**
- **Interim report #1, including report card on 2005 NRS**

**Phase 2: Values-Based Engagement**

## PHASE 2: Values-Based Engagement

### PURPOSE

An intensive phase of engagement where residents put a stake in the ground and assert what kinds of neighborhoods and community life they want, and are willing to pay for.

### WORK

The core of the values-based engagement phase will be small group work with residents from all parts of Wheat Ridge so that new and long-time residents, renters and home owners, landlords and small business owners can articulate their expectations when it comes to housing and neighborhoods and quality of life. Through a series of carefully designed meetings, held over 4-5 months, around case studies involving market dynamics, planning and zoning, entitlements, economic development, and regional competition for strong households, Wheat Ridge residents will slowly shape the community's long term approach to neighborhood development. We estimate that this process, assuming steering committee commitment and sufficient public interest, can directly engage roughly 500 people, which is a far richer engagement experience than is possible using any other method.

### PROCESS

40-50 small group meetings facilitated by steering committee members and supported by czb, directly reaching as many as 500 people.

czb will continue to meet with the steering committee on a regular basis to both prepare for and process the results of the small group meetings.

We will hold one working session each with Planning Commission and City Council.

There will be one large, open public meeting, likely in the form of an open house, to share all analysis and public input gathered to date, and to preview preliminary strategy ideas that will be refined in Phase 3.

**DELIVERABLES:**
- **Completed engagement phase**
- **Interim report #2**

**Phase 3: Strategy Development**

## PHASE 3: Strategy Development

### PURPOSE

The Phase 1 analysis and the values-based engagement work from Phase 2 will be combined to develop the neighborhood strategy, inclusive of both action steps for the conditions that are foreseeable, and a decision making framework for those that are not. The strategy will have a "big picture" orientation, while also helping the city think through discrete neighborhood issues such as accessory dwelling units, short-term rentals, and others.

### WORK

czb will write the updated NRS and prepare and deliver public presentations of the draft strategy.

### PROCESS

czb will continue to meet with the steering committee on a regular schedule for the purpose of developing and refining the strategy.

We will hold one working session each with Planning Commission and City Council.

There will be one large, open public meeting, likely in the form of an open house, to present the draft strategy and to gather final public feedback before finalizing it.

**DELIVERABLES:**
- **Updated NRS**

**OPTIONAL Phase 1 Task: Retail Analysis**

## Optional Phase 1 Task: Retail Analysis

Our analysis will focus on housing market dynamics and residential development trends to understand what is happening and what is possible in Wheat Ridge neighborhoods. The city, however, may seek to understand its retail picture and the way its commercial corridors both relate to residential neighborhoods and how their future redevelopment might work in tandem with a neighborhood strategy. To that end, we have included an optional task for a retail analysis, to be completed by Michael Berne of MJB Consulting, that would help the city understand the competitive position of its retail market and its existing retail locations.

MJB Consulting (MJB) is an award-winning, New York City- and San Francisco Bay Area-based retail planning and real estate consultancy retained across the U.S., Canada and the U.K. to undertake market analyses, devise tenanting strategies and spearhead recruitment efforts.

Clients include municipal governments, quasi-public/non-profit development corporations, business improvement districts, and institutions as well as private developers, landlords and retailers. MJB has previously partnered with czb and is currently engaged in multiple projects in the Denver metro area making its potential addition to the project both valuable and seamless.

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Analysis for Wheat Ridge would include a forecast of potential uses, an analysis of retail development incentives, and strategies for new entertainment and specialty retail uses. More specifically, the scope of this analytic work will include the following:

- Focus groups with existing merchants.
- Interviews with commercial real estate brokers and self-leasing landlords who are actively leasing retail space in Wheat Ridge These individuals should be able to provide critical information on the city as well as any competitors and, ideally, will have information about square footages, prevailing rents, parking ratios, and tenant interest.
- MJB Consulting has devised a research methodology called "total immersion." From the moment they step foot in a study area, they "live like a local" (to the extent possible), walking the streets, refueling in the cafes, visiting the community's "Third Place(s)", chatting with residents, reading the local weeklies and blogs, eating at the restaurants, staying the weekend, sampling the nightlife, etc. because they feel that this is the only way to truly understand a place, its people and its potential.
- Review of City policies and initiatives with specific relevance to retail, including (but not limited to) the existing zoning and approvals process, redevelopment plans, and business assistance provision and resources.
- Survey and assessment of nearby competition. We will visit and assess other business districts and shopping centers in the vicinity that compete with Wheat Ridge for both customers and for tenants, including location, visibility/access, anchors, in-line occupancy/tenancy, core demographic/psycho-graphic, etc. We will strive to identify the niches that Wheat Ridge can serve in a regional marketplace that includes significant competition across the region.
- Creation of a trade area demographic/psychographic profile. Data will be retrieved from ESRI and our team will draw on MJB's proprietary lifestyle segmentation scheme.
- Forecast the potential for future development of retail, office, and housing uses.

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Based on the review of the Wheat Ridge market, interviews with focus groups and stakeholders, and survey and assessment data, MJB Consulting will develop a business retention/attraction strategy based on providing a mix of business types, with a focus on strategy for new employment, entertainment, and specialty retail to complement, support, and enhance the residential neighborhood focus of the NRS.

# Project Timeline

| | MAY | JUNE | JULY | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Scoping** | | | | | | | | | | | | | |
| **Contract** | | | | | | | | | | | | | |
| **Kickoff** | | | | | | | | | | | | | |
| **Phase 1** | | | | | | | | | | | | | |
| **Phase 2** | | | | | | | | | | | | | |
| **Phase 3** | | | | | | | | | | | | | |
| Steering Committee | | ✔ | ✔ | | ✔ | | ✔ | ✔ | ✔ | | ✔ | ✔ | |
| Small Group Discussions | | | | | ✔ | ✔ | ✔ | ✔ | ✔ | | | | |
| Large Community Meetings | | | | ✔ | | | | ✔ | | | | ✔ | |
| Planning Commission | | | ✔ | | | | ✔ | | | | ✔ | | |
| City Council | | | ✔ | | | | ✔ | | | | ✔ | | |
| Technical Advisory Committee | | ✔ | ✔ | | ✔ | | ✔ | ✔ | ✔ | | ✔ | ✔ | ✔ |
| Analysis Complete | | | | | ✔ | | | | | | | | |
| Values and Principles Complete | | | | | | | ✔ | | | | | | |
| Preliminary Strategy (DRAFT) | | | | | | | | | ✔ | | | | |
| Refined Strategy | | | | | | | | | | | ✔ | | |
| FINAL Strategy | | | | | | | | | | | | | ✔ |

# Project Budget

| | czb Personnel | | | | | |
|---|---|---|---|---|---|---|
| | **Eric Ameigh** | **Thomas Eddington** | **Peter Lombardi** | **Charles Buki** | **Karen Pooley** | **Brenda Stynes** |
| *ROLE* | *Management and Engagement* | *Project Lead and Engagement* | *Planning* | *Strategy* | *Analysis* | *Communications* |
| **Analysis** | 80 | 60 | 80 | 40 | 96 | |
| **Engagement** | 100 | 200 | 80 | 80 | | |
| **Strategy** | 80 | 80 | 80 | 40 | | 80 |
| **Total Hours** | 260 | 340 | 240 | 160 | 96 | 80 |
| **Hourly Rate** | $135 | $135 | $135 | $175 | $135 | $65 |
| **Fees** | $35,100 | $45,900 | $32,400 | $28,000 | $12,960 | $5,200 |
| **Trips** | 15 | 7 | 4 | 3 | 0 | 0 |
| **Cost per Trip** | $50 | $1,500 | $2,000 | $1,500 | $0 | $0 |
| **Expenses** | $750 | $10,500 | $8,000 | $4,500 | $0 | $0 |
| **SUBTOTAL** | $35,850 | $56,400 | $40,400 | $32,500 | $12,960 | $5,200 |
| **Project Total** | $183,310 | | | | | |
| **Optional Retail Analysis** | $30,000 | | | | | |
| **Total with Retail Analysis** | $213,310 | | | | | |

Agreement as to scope and budget, pending formal contract for consulting services:

For City of Wheat Ridge

Name: _____

Title: _____

Signature: _____ Date: _____

For czbLLC

Name: _____

Title: _____

Signature: _____ Date: _____