

AGENDA

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

April 23, 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 City Council Minutes of March 26, 2018 and Study Notes of April 2, 2018

PROCLAMATIONS AND CEREMONIES

Sexual Assault Awareness Month, Colorado Denim Day

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. Resolution 23-2018 – amending the Fiscal year 2017 Capital Improvement Program (CIP) Budget to reflect the approval of a decreased appropriation in the amount of \$1,647,566

CONSENT AGENDA cont.

- b. Resolution 24-2018 – amending the Fiscal Year 2017 Open Space Budget to reflect the approval of a decreased appropriation in the amount of \$618,413
- c. Motion to award a contract to Independent Roofing Specialists, Commerce City, CO in the amount of \$251,706 for City Hall Roof-HVAC repairs and replacement, and to approve a contingency amount of \$50,341 for total payment not to exceed \$302,047
- d. Resolution 26-2018 – amending the Fiscal Year 2017 Budget to reflect the approval of increased available beginning fund balances in certain funds

PUBLIC HEARING AND ORDINANCES ON SECOND READING

- 2. Council Bill 08-2018 – amending Article VII (Sign Code) of Chapter 26 of the Wheat Ridge Code of Laws(Case No. ZOA-18-01)
- 3. Council Bill 09-2018 – approving a Zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 5372 and 5392 Quail Street (Case No. WZ-17-11/Clark)
- 4. Resolution 25-2018 – Establishing a street width for 29th Avenue from Kendall Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street

ORDINANCES ON FIRST READING

- 5. Council Bill 11-2018 – approving the Rezoning of property located at 4650 Wadsworth from Residential-Two (R-2) to Mixed Use-Neighborhood (NU-N) (Case No. WZ-18-06/Bielich)
- 6. Council Bill 10-2018 – approving the Rezoning pf property at 11221 W. 44th Avenue from Commercial-One (C-1) and Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-07/Chrisp)

DECISIONS, RESOLUTIONS AND MOTIONS

- 7. Motion to approve appointment of Representatives to the Outside Agency Program Citizen Review Committee

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT

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

March 26, 2018

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

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

ROLL CALL OF MEMBERS

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

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of March 12, 2018 and Study Session Notes of March 5, 2018.

There being no objections, the Council Minutes of March 12, 2018, and the Study Session Notes of March 5, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

Presentation from the Fruitdale School Loft Apartments

Mr. Goff played a 9-minute video highlighting the story of the conversion of the historic Fruitdale School into apartments. **Jim Hartman**, of Hartman Ely and Associates, expressed what a pleasure this project has been. He introduced members of his team: **Susan Ely**, **Ron Abo**, architect, and **Grant Bennet**, financial consultant. He also thanked Palace Construction, Commerce Bank, Pinnacle Real Estate Management, and numerous other community investors. He offered additional thanks to **Lauren Milulak**, **Ken Johnstone**, other City staff members, as well as the **Wheat Ridge Housing Authority** and **Jesse Johnson**. Ms. Ely presented the City with a check for \$1.5M [the initial repayment for the City's loan for the project].

Presentation from FEMA

Matthew Buddie of FEMA spoke about the damage floods bring to home owners. Wheat Ridge has over 1,400 buildings in the high to moderate risk for flooding. He explained how Wheat Ridge has shown dedication to relieving its flood risk, and due to continued efforts by the Public Works department and the citizens, Wheat Ridge has raised its classification by two classes and graduated to the Class 5 category. Of over 22,000 communities nationwide that participate in the National Flood Insurance

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Program, 1,444 participate in the Community Rating System and less than 140 are Class 5 or better. Of the 46 Colorado communities in the Rating System, only 7 cities are Class 5 or better. Wheat Ridge is among the best of the best for flood plain management and risk reduction. As a result, flood insurance policy holders in high risk areas will receive a 25% decrease on flood insurance premiums - which averages to \$464 a year per property; and more properties will be protected in the future. He presented City engineer **Mark Westberg** with a plaque for Class 5 designation. Mr. Westberg announced there will be a Flood Plain Open House this Wednesday at City Hall from 5:00 -7:00, with presentations at 5:15 and 6:15. .

CITIZENS RIGHT TO SPEAK

Jack Chavez (WR) explained that he was evicted from his Jeffco Housing apartment on Dec 3 on the charge of committing a sexual offense. The charges were dismissed, but he can't get back into housing because places won't honor his voucher because he gets a bad report from Jeffco Housing. He doesn't know why, so he thought this would be a good place to start.

Dorothy Archer (WR) pointed to page 31 of the Neighborhood & Housing booklet that says the City will work with Lutheran Hospital as a major employer. She is pleased the City will be working with Lutheran; she feels we owe it to them to partner with them. ~ She asked how it was decided who would get a survey and what the deadline was. She is concerned because her next door neighbors (same address, same last name) both got one; it says the oldest person should fill it out, so they trashed the second one. She wonders how many houses got two surveys.

Mr. Goff said when the first survey isn't received back a second one is sent – to encourage participation. Mrs. Archer said two different people at one household got a survey at the same time. Mr. Goff will talk to her after the meeting.

Beverly Agy (WR) would like to see a medical facility such as UCHealth here because they will perform procedures a faith based hospital will not (assisted suicide, abortions, etc.). She dismissed the people who spoke at the last meeting because they were hospital employees who do not pay property taxes here or vote here. She wants Council to listen to its residents and address the zoning issues of mixed use. By delaying we have lost UCHealth. She supports mixed use, and she elaborated on why we need revenue and need to be more proactive.

Barbara St. John (WR) shared her concern about marijuana in the city and state. We used to be a state that prided itself on being healthy. Wheat Ridge residents were not given the opportunity to opt out of having marijuana sold in their community. While Denver is pushing businesses that allow group consumption of marijuana – she fears this will creep into Wheat Ridge. Marijuana involved traffic deaths are up. Now we have a private fitness business in a home in Wheat Ridge that gives marijuana away. The job of government is to protect its citizens. She highlighted some points about how marijuana usage harms our youth.

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Mary Ellen Butler (WR) doesn't like the atmosphere with marijuana in the City. Evidence of harm from marijuana grows. She noted that following amendment 64, 2/3 of Colorado's municipalities voted against having recreational marijuana in their communities; Wheat Ridge voters weren't given that opportunity. She listed numerous research efforts that show consistent, strong evidence that marijuana is very harmful; it deprives oxygen to the frontal lobe of the brain that serves decision making, initiative and judgement. She suggested that if the money is followed there are numerous new costs that are consuming out tax dollars. This could be changed.

John Butler (WR) asked Council to assess the results of having marijuana in the community; enough time has passed to have some relevant data.

- Colorado is now 1st in the nation in marijuana use by youth 12 and over.
- Colorado educators identify pot as the #1 challenge they face.
- Youth perception of the risk of marijuana is declining, which leads to increased use.
- Brain development is not complete until the age of 25.
- Marijuana may cause anxiety, depression and psychotic symptoms.
- The pot grown in CO today is 17% THC – a far cry from the 3% THC of years ago.
- THC is being concentrated into forms up to 62% - known as "crack weed".
- The industry is pushing for new venues – tasting rooms, yoga studios, public places
- Pressure is on to normalize marijuana use
- Medical marijuana (such as CDB oil) does not have THC, as smoked.
- The revenue from marijuana appears in the budget, but the cost to citizens is delineated over many areas – emergency rooms, police departments, schools, health care costs, car insurance, law enforcement.
- Legalization was supposed to prevent distribution to minors, stop the black market, keep legal marijuana in the state (no exporting), stop pot sales used as a cover for other crimes, and prevent drunk driving. None of these promises have come to pass.

He urged Council to rid our City of this plague.

Jennifer Yates (WR) said we need to do more to protect children and youth from marijuana. Licensed facilities are not allowed to have signs advertising marijuana (to protect youth), but other businesses have bongs on their signs. Now we have a yoga studio with a big pot leaf on their sign between WRHS and Everitt, where student traffic is heavy; this is not appropriate. The industry is also pushing for public consumption – which is not allowed by Amendment 64. Edibles take hours to take effect – which leads to more intoxicated drivers. She also told of a local parent who gave eight 14 years olds a joint to smoke in her house. The road to heroine does not always start with prescription drugs. Our children need protection from these dangers.

Rachel Hultin (WR) announced the Wheaties Academy is doing an art project this year for their activity. The call for entries is open for a mural for a wall at Anderson Pool. They are working with the Cultural Commission and the Parks and Rec staff. **Sonny Garcia** from the Wheaties Academy invited people to get involved. Ms. Hultin added that Pints & Policy is tomorrow night at 7:00 at iPie. The topic will be "civics and civility".

John Clark (WR), PTA president at Everitt and member of the PTSA and Accountability Committee at WRHS, spoke about the scourge of marijuana. He pointed to the pot gym on 38th Ave near Independence that has been on all the local TV news channels. It's in a single family home in an R-1 neighborhood, with 2 illegal signs. This is 300 feet from Everitt, and ½ mi from WRHS. How does a licensed in-home yoga studio turn into a pot gym? He proposed there's a greater need to tighten up the zoning regulations and signage rules about this than there is to rezone agricultural lands to mixed-use. This kind of activity does not help Principals Gomez and Cooley from these schools.

APPROVAL OF AGENDA

PUBLIC HEARING AND ORDINANCES ON SECOND READING 7:50

1. Council Bill 01-2018— An Ordinance approving the rezoning of property located on the West of Interstate-70, between approximately 34th Avenue and Clear Creek from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) (Case No. WZ-16-07/Clear Creek Crossing)

This Public Hearing was continued from February 12, 2018

Evergreen Devco Inc. acquired the subject undeveloped 109 acres in December 2016.

- The property is zoned PCD, which focuses on retail development.
- Evergreen is requesting a zone change to PMUD with the intent of creating a development with a broader mix of residential, employment, retail, hotel, restaurant and entertainment uses.
- The applicant is also requesting approval of an Outline Development Plan (ODP), supported by a Vision Book and a Design Pattern Book.

Councilmember Fitzgerald introduced Council Bill 01-2018.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1638.

Mr. Dahl made some procedural announcements.

- On February 12 Council took a good amount of public testimony. Mr. Dahl announced for the record that at that time the applicant agreed that those comments could be part of the record tonight. It is appropriate to do that now.

There being no objection, Mayor Starker declared that the body of related public testimony from February 12 will be part of the record for this public hearing.

- Mr. Dahl announced that since February 12 SCL has negotiated to purchase a portion of the Clear Creek Crossing property. He advised that this does not change the elements of the rezoning application, and while some members of

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Council may have a relationship with SCL – they have no financial interest in the rezoning and it is therefore appropriate for them to vote on this matter.

- Mr. Dahl received acknowledgement from Councilmember Zachary Urban that he remains on the Lutheran Foundation Board, and from Councilmembers Davis and Dozeman that they remain employed by SCL. All three affirmed again that they can make a fair and impartial ruling.

Mayor Starker swore in the speakers for the hearing.

Staff Presentation

Ken Johnstone presented. 7:56

- He certified that public notice has been properly served for the February 12 meeting. While that hearing was continued to a date certain (tonight) and no further notice was required, staff felt additional public notice was appropriate, so the property was reposted, property owners within 300 feet were again notified and the notice was republished in the Transcript.
- He entered into the record the contents of the Council packet, the zoning code, the Comprehensive Plan and the City Council presentation.
- He also entered into the record correspondence already forwarded to the Council:
 - A letter dated March 23, from the law firm Brownstein, Hyatt, Farber and Schreck on behalf of the applicant.
 - An email from Eve Simpson dated March 22.

Mr. Johnstone presented the case

- The request includes approval of 1) the zone change from PCD to PMUD, 2) the Outline Development Plan (ODP), and 3) the Design Book and Vision Book.
- The aerial outline of the property indicated I-70 to the east, Coors ponds to the west, Hy58 and Clear Creek to the north, and Applewood Golf Course to the south west.
- Neighboring zoning includes
 - PCD to the north and west (property that was part of the Cabella's project, but is not part of this project)
 - Applewood Shopping Center and other developments east of I-70 are planned commercial properties.
 - Adjacent single family homes to the south (Unincorporated Jefferson County)
 - Neighborhoods further to the east are Wheat Ridge single family residential.
- Current zoning is Planned Commercial, which allows high-way oriented retail, commercial, office and warehouse development.
- Since Cabela's and Wal-Mart are out of the picture, the request is for Planned Mixed Use – which allows high-way oriented retail, commercial, employment, residential and entertainment uses. The emphasis on place-making is stronger.
- The proposed zoning allows multi-family residential

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- This application for PMUD includes an Outline Development Plan (ODP) (establishing planning areas and permitted uses), a Design Book (substantive development regulations), and a Vision Book (establishing intended design and architectural themes and a materials palette).
 - The ODP establishes land use concepts, circulation, road configurations, planning areas, and access points. It is regulatory and serves as the zoning document. Cross connectivity will be important and there will be several signalized intersections within the area.
 - The Design Pattern Book sets specific development standards for each Planning Area (PA) to include setbacks, building orientation, maximum building heights for various uses, standards for architecture, lighting and signage, public space, landscaping, parking, bike parking, and more. It is a regulatory document.
 - The Vision Book contains an agrarian materials pallet. It is suggestive, not regulatory.
- A map of the eight planning areas (PA's) and connectivity, with general explanation
 - PA-1 Commercial/retail (no auto-oriented uses), residential, public, hospital, office, hospitality and entertainment; building height 62-90 ft; 80% lot coverage; setbacks increased relative to adjacent residential use; 25 acres; building orientation toward Clear Creek Drive; plaza area and public art requirement
 - PA-2 More limited commercial/retail uses, multi-family residential, public, office, hospitality and entertainment; building height 56-90 ft; 80% lot coverage; building orientation toward Clear Creek Drive or toward Clear Creek (for residential); plaza area and public art requirement
 - Clear Creek Drive will not extend across Clear Creek, as was planned earlier.
 - PA-3 The focus of the entire development; lots of activity; fewer water uses allowed; pedestrian oriented; commercial/retail (no auto-oriented uses), office, hospitality and entertainment; building height 56-90 ft; 80% lot coverage; increasing setbacks relative to I-70; plaza area and public art requirement
 - Maximum building height for PA's 1-3 is 90 feet
 - PA-4 Most auto-oriented area; bisected by the I-70 hook ramps; commercial and retail (including auto-oriented uses), office, hospitality and entertainment; building height 50 ft; 80% lot coverage; setbacks from 10-15 ft
 - PA-5 Next to existing residential neighborhood; setbacks: 5' per story and 20 ft minimum landscaped setback adjacent to existing single family neighbors; building height 65 feet; commercial/retail (including auto-oriented), residential, office, hospitality, entertainment; 80% lot coverage
 - PA-6 Larger area (where WalMart was proposed); commercial/retail (including auto-oriented), residential, office, hospitality, warehouse, wholesale, entertainment; building height 65 feet; 80% lot coverage; 20 ft landscaped setback next to existing single family neighbors.

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- *PA-7* smaller area fronting on Clear Creek Drive; commercial and retail (no auto-oriented uses), office, hospitality and entertainment; building height 65 ft; 80% lot coverage; 5 foot setback per story
- Lot coverage for *PA's* 1-7 is 80%, with 20% landscaping.
- *PA-8* Will be a privately owned open space; potential water storage; one of the primary monument signs located here; building height limited to 35 ft; total maximum lot coverage of 20% for any structures (gazebos, sheds, etc); much of this area is in the 100 year flood plain and not developable. Allowed uses: parks, open space, public uses, water storage and minor utility uses;
- The neighborhood meeting process included meetings on Dec 6, 2016, Jan 3, 2018 and March 22, 2018
- Other meetings held for the EA process, with leasing focus groups, about I-70 and the hook ramps .
- Planning Commission hearing was January 18, 2018
- If approved by City Council:
 - Subdivision Plat – hearing before Planning Commission and City Council
 - Subdivision Improvements Agreement – iron out improvement requirements
 - Architectural Control Committee - established by developer; members selected by the City and the developer; will include one City staff member. Purpose: review of SDP projects prior to submission.
 - Specific Development Plan (SDP) review -- by Planning Commission only
- The proposed plan is generally consistent with the Comprehensive Plan – which designates it as a Regional Commercial Center.
 - The Comprehensive Plan suggests the zoning be Mixed-Use Commercial.
 - Staff believes this zoning (MUC) is not viable due to the challenges of Denver Water and the challenging grades of the property.
 - The residential use is an added component.
- Mr. Johnstone read the Outline Development Plan Criteria.
- The Planning Commission recommends approval with conditions.
- A revised motion has been presented to Council based on a recommendation from the Planning Commission – that at least 50% of the aggregate land area of Planning Areas 1-7 be non-residential.

Applicant

Tyler Carlson (Denver) presented a 3-minute video outlining the vision for the development. He noted this is a zoning application; the buildings shown are only visionary, not proposed.

Mr. Carlson stated the goal is to create a place where the west side of Wheat Ridge and Applewood can gather together as a community. They have spent two years on this proposal and have made an effort to be transparent. They have met with citizens, community groups, economic groups, and adjacent neighbors.

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Their Goals

- 1) **Reinvent the previous development**, which was planned to be a retail monster to rival Denver West. Economic times are different. They want to create a “place” to live, work, play – a place to “hang out”.
- 2) **Create a place that is connected** – with trails, streets and the highway.
 - Opportunities: visibility from I-70 and Hy58; view to the west (good for residential); Clear Creek (for residential orientation and connection to Denver trails system)
 - Challenges: Soften and leverage the topographic challenges; the Denver Water line; and the flood plain (Cabela’s mitigated most of it, but some remains in the 500 yr flood plain)
 - Provide the missing link between the Applewood Golf Course to Clear Creek
 - There will be bike lanes on each side of Clear Creek Drive, with two trailheads)
 - They are grateful for the \$10M contribution by the City for the transportation construction. Bids will go out next month. The next steps will be:
 - Phase 1 New I-70 westbound off-ramp with Clear Creek Drive extension to 32nd
 - Phase 2 Existing 32nd Ave off ramp to be decommissioned (removed)
 - Phase 3 New I-70 westbound on-ramp, with fly-over bridge over 32nd Av to connect to I-70 on the west side
 - Cars east of I-70 will access westbound I-70 by going to Zinnia, turning right into the project and ultimately turning right again onto a fly-over ramp that enters I-70
 - Phase 4 Existing westbound on-ramp remains (for traffic from eastbound 32nd Ave only) and 32nd Avenue median improvements/extensions.
 - The signal at the current I-70 exit/entrance will be removed.

Overview of the Districts: Vineyard (cool stuff; entertainment and dining); Harvest (tax revenue); Homestead (residential); Wagon (open space); Mill (PA1 employment oriented, towards the creek).

- There is not enough density west of I-70. Adding density benefits the project.
- No impact to schools because the people who live in these kinds of apartments do not usually have children.
- PA4 will be highway oriented retail.
- Harvest District will be opportunity for larger format retail.
- Wagon District will connect to the Clear Creek trails; retention ponds; open space; will be owned long term by Long’s Peak Metropolitan District as private open space
- Architecture will be mining and farming based.
- We are in a new era where we can do a development with better standards.
- The traffic will be different -- more diffuse than with the Cabela’s plan.

Public Comment

Eve Simpson (Lakewood) spoke on behalf of birds. She informed Council the area along Clear Creek has been rated as a Maximum Wildlife Quality Area that has over

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100 species of birds. Bald eagles have nested there. She provided a handout with a long list of "park" uses; she would like to know if they will be permitted in PA-8 or not.

- Mr. Carlson has said native species will be protected; she would like that in writing with a legally binding statement for the Wagon District to protect wildlife, wetlands, and vegetation.
- She believes this development will harm wildlife because PA8 can be developed as a park, which can include landscaped areas, plazas and hardscape surfaces.
- She would like to see it as permanent open space because the habitat is so critical. She had provided Council a map of this wildlife area and noted how essential it is.
- She hopes for community input for the Specific Development Plan so these issues can be addressed. This area could easily be ruined as wildlife habitat with the current allowances.
- There should be firm commitment in the zoning regs to preserve open space – a clearly written, legally binding statement in the OPD to preserve the wetlands.
- If the County is letting this go – how about a conservation easement?

Zoriana Morozewych (WR) lives near this development. She escaped to Wheat Ridge because it is the last place you can still see the mountains. She is concerned about sacrificing our view for this development. What if every building is 90 ft tall? Is there a diagram of how this will impact the views of the Front Range? Does the developer live in Wheat Ridge? Will he be impacted by these 90 ft buildings? She went to the meeting last Thursday because this is the first she'd heard of it. She asked about the light, noise, traffic, lights and revenue impacts. Have these impact studies been done? Mayor Starker said a lot of information has been done on this project. She asked what the proposed revenue is. At the meeting they were told that is yet to be decided. She asked if her taxes would increase to provide for this development. The Cabela's fiasco does not instill confidence. A lot of money was spent on Cabela's and there was no safety net. She thinks there are too many unanswered questions and she would like to see it put to a vote of the people.

Ron Abo (WR) noted he has been on several advisory boards and task forces for developments. He thinks Evergreen has a quality project. He believes the the Mixed Use is wise and urged passage.

Rachel Hultin (WR) has 18 years of experience in infill real estate development in the Denver Area. She believes this development is high quality and will be an amenity for the people who live here by bringing in new employment and new services, and bringing in new citizens. She is pleased to see the retention of the wetlands. Her one concern is there is no provision for affordable housing.

Rhonda Teitelbaum (Golden) thinks this is a vast improvement from the big box Cabela's development. Since her time on the Applewood Property Owners Association board, she has followed the attempts to develop this property and been to numerous meetings. 1) She noted that only in the last two months has the idea of a health care

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use been introduced. While there may be no objections to that use, she suggested neighbors have not had time to consider the implications or contemplate the impact of a helipad. She would like to see that use restricted until the noise implications can be considered. 2) There is concern about increased dirt and grading, and that the height restrictions will start from a much higher point than exists now. That should be taken into consideration. 3) She hopes as the project moves forward, any changes in revenue projections, changes in costs for construction and infrastructure, and any other changes that will likely happen will be subject to an open, transparent public process and that the community and unincorporated Jefferson County be taken into account.

Alfred Charest (Golden) has lived here 52 years. He believes Wheat Ridge has enough eyesores that need addressing without creating another one. The City is filling its coffers at the expense of Applewood's property taxes and the safety of our streets. The traffic will barely affect Wheat Ridge, but the revenue will fill the coffers of Wheat Ridge and Mr. Carlson. Applewood has not had a voice in this process. Jefferson County has sold them out several times – when they allowed the huge Stevinson housing complex at the top of Eldridge – after he promised Applewood he would not build across from the firehouse. We also barely found out just before they tried to take over the golf course. ~ He thinks it's sad that the selling points of this development are a windmill and a tractor slide. There has been no talk of wind turbines, solar panels, or green, efficient buildings. He urged Council to stick to the original zoning. He stands in opposition to this development, and agrees with the support for the preservation of wildlife habitat.

Ihor Figlus (WR) said he is happy to see this proposed as mixed use. The deficiencies he sees are: 1) He asked the City Attorney to inform Council if any of the information or images presented tonight are legally binding? 2) What will be the impact of the increased use of the Clear Creek Trail? With more access points and more users, a project this size will negatively impact the trail. 3) The layout of the entire project should include more space for humans and canines (i.e. added trails and exercise areas for dogs); 4) He also supports the earlier remarks about the negative impact on the wildlife. With the added high density housing, the number of cats and feral cats will increase and threaten wildlife – especially birds. He asked Council to postpone this until those matters are resolved.

Odarka Figlus (WR) is not opposed to multi-use and thinks it's unfortunate that the hospital controversy overshadowed some other important concerns that will have a huge impact on our community.

- The presentation was nice, but it didn't show 80% lot coverage or 90 ft tall buildings.
- Then developer talked about the good views that the new residents will have, but what about the rest of us that will have our views impeded. No neighboring cities are doing anything like this. Even Denver has height restrictions and density restrictions when you get outside the immediate downtown area.

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- The only thing that really governs is the zoning document. The Design Book and Vision Book can be changed easily.
- The Architectural Control Committee will have 5 of 6 members approved by the developer and one city staff member. That's not much of a safeguard for citizens.
- Concerned about a 28 ft rise, plus 90 ft buildings on top -- with no setback.
- Open Space? It's been a struggle to preserve open space. The bike path that comes down from the Clear Creek Canyon will come right through here.
- Rental units? For decades we've been struggling because we have too many rental units. We should be encouraging home ownership and trying to get away from having the most rental units in the metro area. How many housing units can be built there? Do we know? You need to know.
- Stewardship? What will be the cost of providing services? How many police? Who will pay for that? Residential does not produce income. Are they really going to build the residential units first?
- The easiest thing for Council to do is to vote yes, but it will be hard to fix things later. With Cabela's we thought everything would work out. But it didn't.
- The only thing you can provide is the zoning document, and it doesn't have enough answers. The questions that should be asked haven't been asked yet.
- She understands the developer's desire to maximize potential, but it's not incumbent on the City to provide that at the expense of our own quality of life.
- If Council would deny this application it would be a great opportunity, with Council's leadership, to bring the community together to decide what we want/need.
- The entire annexation area should be looked at comprehensively. Council needs to take a better look.

Mary Cavarra (WR) spoke to the finances of the project. She spent 8 years on City Council, 2 years on Urban Renewal, and 4 years as City Treasurer (during the Cabela's dealings). She believes this project could be an asset, but of the Longs Peak Development Plan she reminded Council that "the devil is in the details". She maintains the change from Commercial to MU is not good for the City. 1) The City's 2018 budget depends on 58% of the revenue from sales tax. The Cabela's plan had 100% for commercial; this plan has 33% for commercial, with a major planning area that is non-profit. 2) A lot of talk about jobs, but where will people buy big ticket items? 3) Now that Lutheran has bought one of the parcels, could all the parcels be sold off to other owners? 4) No tenants have been identified. 5) If the rezoning is approved, please carefully consider everything that is in this plan; it may take a study session or one-on-one meetings. ~ This development will have great impact on every department; who will bear the costs? The City has already paid \$250K for consultants, legal fees and environmental assessments. More of that will come. She thinks it is so important that this project pays its way. A majority voted for the bonds; it's up to Council to make sure it's a good investment. There needs to be a way to put contingencies in; there are too many unknowns. She encouraged them to please take a very careful look.

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Rollie Sorrentino (WR) remembers the blackbirds that used to be here. On behalf of people who spoke last week, he recommended limiting building height to 56ft. He also wonders who will pay for this. Will they be returning to ask for Tax Incentive Financing? He said citizens have put a lot of money in this already for infrastructure. He favors limiting heights, and suggested that it appears that Mixed-Use now means Just About Anything – including high density residential.

Council Questions

Councilmember Mathews expressed surprise at the request for 90 ft building height. He asked what the Interstate Zoning District is; he's never heard of it. He thought the limit was 55 ft.

- Mr. Johnstone explained the reference to Mixed Use Commercial and Mixed Use Commercial Interstate were parallel examples of potential zonings that could have been applied for. He has explained why staff thinks that doesn't make sense for this property.
- This area is one of those removed from the height and density requirements of the Charter to align with urban renewal boundaries and to encourage and incentivize higher density. These requested heights are similar to what our code allows for MU-Commercial and MU-Interstate (6 stories; 70-80 ft high) and MU-TOD (height up in the 90 ft ranges). These heights were approved by voters when they removed these area from the Charter restrictions.

Councilmember Duran asked about preservation of the wetlands, the architectural committee, and solar/alternative energy.

- Mr. Carlson noted the wetlands are all in the Wagon District, which will be passive and natural; it will connect to the trail network. They have to improve the detention ponds, but everything will be protected.
- The architectural committee is not yet determined. Ideally it will be architects or landscape architects that live in Wheat Ridge. It will need to be volunteers.
- Solar? No. It's premature, but they will encourage environmental sustainability.

Councilmember Mathews inquired about anticipated traffic counts on Clear Creek Drive, as it services entry to and exit from I-70 and goes through a residential area.

- Traffic engineer, Lyle DeVries (Centennial), was sworn in and explained the traffic flow on Clear Creek Drive as it serves as the on-ramp and off-ramp. There will be several hundred cars per hour during peak hours.
- Clear Creek drive will be 5 lanes -- two lanes each way with a center turn lane.
- The brick wall near 32nd Ave will stay in place.
- CDOT has approved the light and traffic impacts on Zinnia. It has to be that way. The traffic on Zinnia will increase substantially during peak hours.
- Yes, traffic will include tractor trailers; this will be the only access to and from I-70. This isn't a new element of the traffic plan. It was part of 2E and approved a decades ago.

Councilmember Mathews asked what level of retail is anticipated.

- Mr. Carlson testified that leasing focus groups indicate there are a lot of chains in WR already. They want to attract high-end local chefs – not chains. They have

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recruited chefs from downtown to translate the downtown concept to a suburban concept. They want to elevate the experience; the demographics are there.

Councilmember Mathews noted that Stapleton is seeing people get tired of eating at the same places, so they are going elsewhere. What is the final buildout population?

- Mr. Carlson said he can't testify to the finickiness of the American consumer.
- CDOT and City engineers have stress-tested the addition of added density from potential development of the Coors parcels.
- Per Mr. Carlson the density allows 300 units; it will be 1 & 2 bedrooms units only.

Councilmember Dozeman asked for clarification about the Planning Commission recommendation -- of no more than 50% of ground floor square footage be residential.

- Mr. Carlson noted that the Homestead area (residential) is 13 acres of 109 total. There will be 72 acres of commercial.

Councilmember Dozeman asked about the medical facility piece.

- Mr. Carlson said it is too early for Lutheran to decide what they will do, but they have committed to a public process.

Councilmember Dozeman asked about the timeline.

- Mr. Carlson shared that Denver Water is to be finished in May and bids for the hook ramps should also be mobilizing by May. They hope to have commitments from enough commercials to start grading and infrastructure this fall, with foundations starting in 2019. Probably businesses will be opening in 2020, but it's possible something could open in 2019.

Councilmember Hoppe inquired how the timing for construction would be controlled.

- Mr. Carlson affirmed all contracts with major elements will have construction timing requirements. Property can't be land banked.

Councilmember Davis asked if this ramp design is the best option.

- Mr. Brink said CDOT and the Federal Highway Commission agree it is.

Councilmember Davis conversed with Mr. Carlson about the need to generate sales tax.

- Mr. Carlson explained how the uses of planning areas could potentially shift. He explained why he would resist a sales tax producing use requirement.

Councilmember Davis asked if a hospital is an allowed use in a Mixed Use zone.

- Mr. Johnstone testified the City Attorney has advised that it is, and elaborated.

Councilmember Urban expressed concern that regulations for a Planned Hospital District are not being followed. If we aren't going to follow them, why have it?

- Mr. Carlson said they wanted flexibility; have been trying to attract ANY employer.

Councilmember Urban asked about dealing with the 500 year flood plain.

- Mr. Carlson said that Lutheran will add fill to bring it out of the flood plain.

Councilmember Urban asked how the police would cover the area, and about the possibility of a substation.

- Mr. Goff advised the Police Chief has talked about adding a west substation somewhere. He will likely add another beat.

Councilmember Pond asked Mr. Johnstone to outline the ODP.

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- Mr. Johnstone said it sets up the development -- circulation, internal streets, pedestrian; details will be worked out in the subdivision plat. There will be detached sidewalks. Details will be hashed out in the SDP.

Councilmember Duran encouraged Mr. Carlson and the staff to make every effort to loop in the Applewood neighborhood.

- Mr. Carlson testified he will continue to talk to them. He noted that Brian Hanson of the Applewood Homeowners Association has been very good to deal with.

Mayor Starker closed the hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 01-2018, an ordinance approving the rezoning of property located on the West of Interstate-70, between approximately 34th Avenue and Clear Creek from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan, Design Pattern Book, and Vision Book on second reading, and that it take effect 15 days after final publication, 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. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan, which calls for a Regional Commercial Center on the site.
3. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of adoption of the City's Comprehensive Plan, namely a more diverse mix of uses, which responds to market demands, mitigates transportation impacts, and yields a more robust development.
4. The proposed zoning includes a circulation network that supports the City's goals related to bicycle and pedestrian connectivity.
5. The proposed zoning establishes enhanced design controls related to site design, building design, materials, and landscaping that will result in a high-quality development.
6. The criteria used to evaluate a zone change support the request.

With the following conditions:

1. There be an addition of maximum residential building height of 65 feet in PA 1;
2. At least 50% of the aggregate land area of Planning Areas 1-7 within the Clear Creek Crossing Outline Development Plan shall contain non-residential uses at the time of full buildout of Clear Creek Crossing.

seconded by Councilmember Duran.

Councilmember Pond indicated he would support this and recognized the important hard work of the applicant and staff. He understands the concerns that have not been resolved (traffic, hospital bed space, etc.), but they can't be resolved here in a rezoning hearing. He read all the letters. He knows there's a lot to answer, but he is angry at the accusatory tone towards the Council and the City -- that there was secrecy or a lack of

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integrity. He defended the integrity of the City for following the code and providing rights to private property/business owners to come here and do business. If people want changes in the code they should make that known in public comment before a meeting. Council has been trying to follow a framework that is consistent and reliable and sends the message that we are open for business.

Councilmember Mathews was told the SDP will only go to Planning Commission and has a 300 ft notification requirement; Council will see the subdivision plat. Mr. Goff added that financial agreements will also come to Council for approval.

Councilmember Fitzgerald will vote for this because he thinks it is a quality project.

Councilmember Dozeman said she would support this, but still has concerns about the need for sales tax revenue – which is what voters wanted when they approved 2E.

The motion carried 8-0.

A recess was taken at 10:34 pm. The meeting resumed at 10:45 pm.

2. Council Bill 05-2018 – An Ordinance approving the rezoning of property located at 4433 Tabor Street from Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-01/Kennedy)

The applicant is requesting the zone change to expand the list of permitted uses and to simplify the review and approval process for future redevelopment on the property.

Councilmember Dozeman introduced Council Bill 05-2018.

Councilmember Mathews read the following statement:

Councilor Pond has raised the issue through the City Attorney that I misspoke during the first reading for the Tabor Street rezoning. The attorney has suggested I clarify my thoughts for the record. It is always my intent to listen to all parties and information at the public hearings on second reading for all rezoning applications. I sometimes change my opinion and potential vote several times during a hearing as more information is provided from different parties and I am swayed one way or another. For the record I have not yet decided on a course of action on this agenda item.

Clerk Shaver assigned Ordinance 1639.

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

Staff Presentation

Meredith Reckert presented. She entered into the record the case file and packet material, the zoning ordinance, the Comprehensive Plan, and the contents of the digital presentation. She testified that all posting and notification requirements had been met.

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- The site is surrounded by various uses including Heine's market, PCD, low density residential, commercial, office and agricultural zoning.
- The parcel is less than one acre; it contains a single family house; it has no topographical irregularities.
- The current zoning allows single family and agricultural uses.
- MU-N zoning allows commercial, residential, and low intensity commercial.
- The applicant wants to build live/work spaces.
- If approved, actual development of the site would be approved administratively.
- She elaborated on the differences between the standards for MU-N and A-1 zones.
- In MU-N, buildings with a residential component have a height limit of 35 ft.
- This is the last remaining parcel zoned A-1 on the west side of Tabor, but this request is less intense than other surrounding uses, so it's a compromise.

Criteria

- The Comprehensive Plan designates this side of Tabor Street as Mixed Use. The east side of tabor is residential. Tabor is a collector street.
- A neighborhood meeting was held in May; three people attended.
- All outside agencies have indicated they can serve the property at the owner's expense.
- The Planning Commission recommended approval of the area.

Staff concludes the zone change meets criteria and recommends approval.

Motion by Councilmember Mathews to suspend the rules and go past 11:00pm and to finish the agenda; seconded by Councilmember Davis; carried 8-0.

Applicant

Tom Kennedy (WR), the owner, said he is attracted to this property for mixed use. He sees this proposal as the highest and best use of the land. He plans small, 1,000sf warehouses with an apartment above each unit. He feels it will be popular for small business owners because housing prices are so high in the metro area. He feels the need for this kind of space is there.

Public Comment

John Clark (WR) lives nearby. He is a small business owner in WR and is not anti-growth or anti-development, but as a WR Grange member and 4H parent he is opposed to taking away agricultural properties. He testified that the owner has been unwilling to work with the neighbors since the neighborhood meeting. He wondered if the property would be built as stated, or sold with the Mixed Use zoning. He believes property rights should also include the rights of the surrounding property owners who choose to keep their zoning. He pointed out that MUN allows 32 different uses – including group

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homes, retail sales, hotels, motels, extended stay lodging, and auto rental, sales and repair. He suggested that not all the allowed uses conform to the Comp Plan or the Fruitdale Sub-area Plan, or are consistent with the character of Tabor Street. He quoted a Joni Mitchel song about paving paradise and putting up a parking lot and urged Council to preserve this agricultural land.

Council Questions

Councilmember Hoppe referred to the aerial map of the area. Ms. Reckert provided details about some of the surrounding zonings and uses.

Mayor Starker closed the hearing.

Motion by Councilmember Dozeman to approve Council Bill 01-2018, an ordinance approving the rezoning of property located at 4433 Tabor Street from Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) 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 meeting 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.

seconded by Councilmember Mathews.

Councilmember Hoppe defended the live/work use for artists, cabinet and furniture makers, and mechanics. She knows of craftsmen who live in their shops because they can't afford a place to live.

Councilmember Pond doesn't think this rezoning will have a negative effect on the area.

Councilmember Urban asked if there are limits about what types of uses can qualify for "live/work" and inquired about the ability to grow marijuana.

- Ms. Reckert said the uses would likely include spaces for artists, craftsmen, woodworkers, sales showroom, and the like.
- Mr. Johnstone testified that state law allows up to 25% of the floor area of the space for residential marijuana growth.
- Mayor Starker declined to allow the applicant to comment regarding marijuana.

Councilmember Dozeman asked if the work space could be used as a storage unit. Mr. Goff said someone could live upstairs and store personal things downstairs, but not lease the space out for storage. Councilmember Dozeman expressed concern about the alternate uses that MU-N allows and noted this area is designated as the Orchard District to highlight agricultural uses. She encouraged the owner to stick to his plan.

Councilmember Mathews was curious how a "neighborhood" can fit on one acre. He also expressed concern about so many allowed uses, and no way to predict what will

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happen down the road. He likes this concept. As much as he'd like to see the lot remain green, he doesn't think that's realistic.

Councilmember Dozeman's question triggered further comments from staff about the ability to grow marijuana.

The motion carried 8-0.

ORDINANCES ON FIRST READING

3. Council Bill 09-2018 – An Ordinance approving a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (OD) for property located at 5372 and 5392 Quail Street (Case No. WZ-17-11/Clark)

The applicant is requesting the zone change for the purpose of developing single-family homes and townhomes. The property includes two parcels totaling about 5.25 acres.

Councilmember Mathews introduced Council Bill 09-2018

Motion by Councilmember Mathews to approve Council Bill 09-2018 an ordinance approving the rezoning of property located at 5372 and 5392 Quail Street from Agricultural-One (A-1) to Planned Residential Development (PRD) on first reading, order it published, public hearing set for Monday, April 23, 2018, at 7 p.m. in City Council Chambers and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTION

4. Resolution 16-2018 – A Resolution amending the Fiscal year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$20,000 to fund a Landscape Inspection and Enforcement Program

This appropriation continues the pilot program of 2017 which focused on 45 recently developed commercial, multi-family and multi-lot single-family projects. The program was generally well received and numerous properties were brought into compliance with their approved landscape plans.

Councilmember Davis introduced Item 4.

There was no staff presentation. Council had no questions or discussion.

Motion by Councilmember Davis to approve Resolution No. 16-2018, a resolution amending the fiscal year 2018 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 to fund a landscape inspection and enforcement program; seconded by Councilmember Urban; carried 8-0.

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5. Resolution 17-2018 – A Resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District for construction of the I-70 and 32nd Avenue Interchange

The construction of the I-70 hook ramps will be coordinated and managed by Evergreen on behalf of the Longs Peak Metropolitan District. Mortenson Construction (Evergreen's Construction Manager) will be conducting the overall construction management, bidding, contract awards, overall contract management, payments to contractors, inspection, and other necessary construction management logistics. The IGA provides the necessary provisions, requirements and safeguards needed to assure that the project will be completed in accordance with both City and CDOT requirements. Oversight of construction by the City will be provided with the assistance of the City's technical consultant (AECOM) under the direction of City staff.

Under the provisions of the IGA between the City and the District, construction of the public improvements (hook-ramps) will be performed by Evergreen Development, through their construction manager, Mortenson Construction.

Councilmember Pond introduced Item 5.

Staff presentation

Mr. Goff noted that Agenda Items 5, 6, and 7 are all related. They deal with the Long's Peak Metropolitan District and relate to the development at Clear Creek Crossing. The City will be using the Longs Peak Metropolitan District for construction of the I-70 hook ramps.

- Resolution 17 is a resolution between the City and the Longs Peak Metropolitan District. The City will use the Metropolitan District to help us construct the hook ramps. They have the capacity and capabilities to do that. They will be responsible for the bidding. City staff will still have input and oversight of the project.
- Resolution 18 is an IGA between CDOT and the City to build the hook ramps in CDOT right of way. CDOT will own and maintain the hook ramps once they are completed. The City will pay CDOT \$20K for their oversight of the project.
- Resolution 19 is an IGA between the City and the Longs Peak Metropolitan District. It is a reimbursement agreement for the City's \$10M from the 2E bonds. Recent estimates indicate it may cost a little more than \$10M. If it does, the City will be responsible for the overage. However the Longs Peak Metropolitan District will be issuing bonds for the Clear Creek Crossing project and will reimburse the City for anything over \$10M.

There were no questions from Council or discussion.

Motion by Councilmember Pond to approve Resolution No. 17-2018 - a resolution authorizing approval of an IGA between the City of Wheat Ridge and the Longs Peak Metropolitan District for construction of the I-70 and 32nd Avenue interchange; seconded by Councilmember Hoppe; carried 8-0.

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6. Resolution 18-2018 – A Resolution authorizing approval of an Intergovernmental Agreement between the City of Wheat Ridge and the Colorado Department of Transportation (CDOT) to approve a contract with CDOT for construction oversight and maintenance responsibilities associated with the Interstate 70 and 32nd Avenue Interchange Improvements

Councilmember Hoppe introduced Item 6.

There were no questions from Council or discussion.

Motion by Councilmember Hoppe to approve Resolution No. 18-2018 - a resolution authorizing approval of an IGA between the City of Wheat Ridge and CDOT to approve a contract with CDOT for construction oversight and maintenance responsibilities associated with the Interstate 70 and 32nd Avenue interchange improvements; seconded by Councilmember Duran; carried 8-0.

7. Resolution 19-2018 - A Resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District for Hook Ramp Cost Reimbursement

Councilmember Urban introduced Item 7.

There were no questions from Council or discussion.

Motion by Councilmember Urban to approve Resolution No. 19-2018 - a resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Longs Peak Metropolitan District for Hook Ramp Cost Reimbursement; seconded by Councilmember Duran; carried 8-0.

8. Motion to approve the use of the City's 1% Utility Undergrounding Fund for the Overhead Utilities on 38th Avenue between Kipling Street and Lee Street

As part of redevelopment activities at the Circle K at 38th Avenue & Kipling Street, the undergrounding of utility lines will be done for safety and aesthetic reasons.

Councilmember Duran introduced Item 8.

There was no staff presentation. Council had no questions or discussion.

Motion by Councilmember Duran to approve a motion authorizing the City Manager to sign an agreement with Xcel Energy, authorizing the use of City 1% Funds for the undergrounding of overhead utilities on 38th Avenue between Kipling Street and Lee Street; seconded by Councilmember Fitzgerald; carried 8-0.

9. Motion to approve appointments to Boards and Commissions

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The City's Board and Commission seats are due for appointment. The positions were advertised in the Wheat Ridge Transcript and on Channel 8, Facebook and the City's Website. Current members were contacted by mail and asked if they wanted to serve another term. All applications were received and compiled by the City Clerk's Office and forwarded to the City Council.

Councilmember Fitzgerald introduced Item 9.

District I Appointments

Motion by Councilmember Hoppe to appoint

Dan Bradford to the Board of Adjustment, term ending 3/2/21,

Jessica Schwartz to the Cultural Commission, term ending 3/2/21,

Carolyn Peterson to the Liquor Authority Board, term ending 3/2/21,

Sandra Banghart to the Parks and Recreation Commission, term ending 3/2/21,

Richard Peterson to the Planning Commission, term ending 3/2/21;

seconded by Councilmember Duran; carried 8-0.

District II Appointments

Motion by Councilmember Urban to appoint

Jill Shannon to the Cultural Commission, term ending 3/2/21,

Charles Spielman to the Parks & Recreation Commission, term ending 3/2/21,

Elizabeth Nazarene to the Liquor Authority Board, term ending 3/2/21;

seconded by Councilmember Davis; carried 8-0.

District III Appointments

Motion by Councilmember Pond to appoint

Janet Bell to the Board of Adjustment, term ending 3/2/21,

Ron Abo to the Building Code Advisory Board, term ending 3/2/21,

David Opp to the Cultural Commission, term ending 3/2/21,

Paul Shaver to the Liquor Authority Board, term ending 3/2/21,

Guy Nahmiach to the Parks & Recreation Commission, term ending 3/2/21,

Amanda Weaver to the Planning Commission, term ending 3/2/21;

seconded by Councilmember Fitzgerald; carried 8-0.

District IV Appointments

Motion by Councilmember Mathews to appoint

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Sally Banghart to the Board of Adjustment, term ending 3/2/21,
John Kellow to the Building Code Advisory Board, term ending 3/2/21,
Val Nosler to the to the Cultural Commission, term ending 3/2/21,
Bruce McIntyre to the Liquor Authority Board, term ending 3/2/21,
Janet Leo to the Planning Commission, term ending 3/2/21,
Daniel Larson to the Planning Commission (to fill a vacancy) term ending 3/2/20;
seconded by Councilmember Dozeman; carried 8-0.

At Large Appointments

Motion by Councilmember Fitzgerald to appoint

Gay Porter DeNileon to the Cultural Commission, term ending 3/2/21,
Kimberly Ibbison to (as) the JeffCo Library Board Liaison, term ending 3/2/21,
Robert DeVries to the Board of Adjustment (to fill a vacancy), term ending 3/2/20;
seconded by Councilmember Urban; carried 8-0

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Kristi Davis reminded the Council they have been invited to the Mountain Phoenix Community School's annual auction at the Children's Museum of Denver on April 14 from 6-10pm.

Janeece Hoppe announced the Sunshine Home Share program will have a fundraiser at Right Coast Pizza on May 21 from 5-7pm. \$20 buys two beers and a slice. This programs endeavors to match seniors who have extra living space in their houses with folks who need affordable places to live.

She also asked that in the near future there be discussion about adding a criteria to the SUP (Special Use Permit) application – that if there is a sub area plan or vision document for the area in question, is that vision being followed? Councilmember Duran joined in the request for that discussion.

Zachary Urban wanted everyone to know that the first man who spoke this evening, Jack Chavez, was formerly confined to a wheel chair. It took a great deal of effort for him to walk from that front row seat to the podium. He congratulated Mr. Chavez on his


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dedication and hard work by working out at the Rec Center -- which have enabled him to make that amazing physical progress.

Mayor Starker noted that he and Ms. Dozeman were table mates at the recent STEM/STEAM Gala at the Forney Railroad Museum.

ADJOURNMENT

The City Council Meeting adjourned at 11:48 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 23, 2018

Tim Fitzgerald, Mayor Pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
April 2, 2018

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

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

Absent: Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; one guest and two interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

Rachel Hultin (WR) spoke on both agenda items. She is glad the City is moving forward to revisit the NRS Policy. Moving forward she feels it is important not to just adopt another wonderful policy document, but to also engage the citizens in a meaningful dialog about what the future of our city means to them. She stressed the importance of reaching disenfranchised residents and having rigorous outreach to help clarify what makes our neighborhoods great – things that should be preserved and things that need to change. She doesn't see much language about that. She challenged Council and the Planning Commission to be stewards of that specialness. She noted that Wheaties graduates are specialists and highly trained experts who would love to help support this process. ~ She is pleased about plans to redevelop The Green, but is discouraged that there is talk of investment in The Green when there hasn't been much progress on 38th Ave in the last couple of years. She would like to see discussion of The Green be concurrent with discussion about what we should be doing on 38th Avenue to improve conditions for pedestrian and a Main Street place.

1. Neighborhood Revitalization Strategy (NRS) Update Scope of Services

Mr. Goff explained that it was decided to use the same firm that completed the last NRS version in 2005 (CZB, LLC) because they already know the community well and selecting a new firm would be less cost effective.

- Recommendations were made in 2005. Some progress has been made.
- Scope of work will again have a rigorous outreach program.
- It is important to continue preserving and protecting things that make our community special.
- Graphs in the back of the packet show what WR was in 2005 and was updated in 2016. That data will be used.

STUDY SESSION NOTES: APRIL 2, 2018

- Ken Johnstone said the NRS has provided a big to-do list with a pretty progressive and aggressive agenda for how we manage change in the community. . He thinks it's a good time to look at it again and re-engage the community.
- Eric Ameigh, the local rep for CZB, and his team have been working with staff to define a scope of work. Some councilmembers have sent in their priorities.
- A proposal is in the packets.

Eric Ameigh of CZB addressed the Council.

He began with background on their company – headquartered in Alexandria, VA; five scattered employees in Alexandria, Park City, UT, Philadelphia, Buffalo and Denver.

Important points he made:

- The message back in 2005 was tough love.
- Conditions are different now – not so dire. There's been some prosperity; you've done some things and had some luck. Is good to be attached to Denver. Should honor things that are working/going well, and fix things that are going wrong.
- This proposal [in the Council packet] has lots of engagement work; it looks more like doing a Comprehensive Plan. Who are we? What do we want to be?
- Things are going right: demand for residential and commercial real estate. It presents tricky political issues. It will be important to make different decisions to prevent people from being mad when things pop up.

Their company has experience and connections here in the region. He also worked for the City of Boulder for five years and lives in Lafayette. He knows how controversial issues play out.

Mr. Ameigh explained the process will have three phases:

Phase 1 - Analysis: Looking at the numbers and data to tell us about what's going on in the City. Includes quantitative data (things like real estate sales, commercial lease rates, census data) and qualitative data, (focus groups, phone calls, meeting with business people, realtors, and others that staff and project participants connect us with).

Phase 2 – Engagement process:

- Create a Steering Committee of 12- 20 people that represent the community – to learn about the daily activities of family life (activities, commuting, shopping, etc.).
- A 9-month project.
- CZB will train them to facilitate most of the engagement work.
- Steering Committee provides perspective and credibility the consultant doesn't have.
- There will be regular check-ins with the Council, meetings with the Planning Commission, and public open houses.
- Small group process: They plan to have the Steering Committee engage the public in small groups. If it takes 1,000 votes to get elected to Council, they hope to get 500 people to have conversations. That will be rich information.
- By the time you get to the end people will agree with the final report.

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Phase 3 – Creating a **Strategy** from the work done in the analysis and engagement phases.

Council questions followed.

Councilmember Mathews requested that in the future all surveys and questions put to the public include the option “none of the above”. Citizens have consistently complained that option is never available.

- How do you ensure a representative cross section on the Steering Committee? Mr. Ameigh noted that no survey is 100% accurate.
- Re: the cross-sectional nature of the steering committee? The smaller the committee the less likely it is to capture every nuance of the residents. He explained different ways to craft the make-up of the committee. They have found “less rigid” works best – a mix of longtime residents, newcomers, young, old, business owners, a school rep, etc. Areas of focus tend to be economic development, housing, and neighborhood quality of life.

Councilmember Fitzgerald inquired about the median age numbers. Our median age decreased from 43.6 in 2009 to 42.5 in 2014. (Jefferson County went from 40.4 to 41.3.) Mr. Goff and Mr. Johnstone explained.

Councilmember Urban asked how the pending survey will be used in this process. Mr. Goff advised the survey results will be incorporated into the NRS process. Mr. Ameigh noted the City has a lot of data, and it will be used.

Councilmember Pond had no questions but commented on the importance of the NRS document, changes since 2005, his preference for robust engagement of a good cross section of the community, and the changes in retail. Mr. Ameigh explained this kind of work is heavily focused on the residential market. We have fiscal stability. CBZ has some good analysis to drive decision making.

Councilmember Dozeman supports this.

Councilmember Hoppe asked about a timeline for the optional Retail Analysis. Per Mr. Ameigh, that would be “baked into Phase 1” and brought into the engagement phase.

Mr. Ameigh elaborated on the training of the Steering Committee.

Mr. Goff advised all City departments will be involved.

Councilmember Duran expressed pleasure at all the community outreach and involvement. She asked if information from the last City survey will be used. Mr. Ameigh said yes, that information can be valuable to reveal trends.

Councilmember Urban asked if the lifestyle segmentation scheme that will be used in the Retail Analysis to create a demographic and psychographic profile of Wheat Ridge

STUDY SESSION NOTES: APRIL 2, 2018

is based on the profile of the businesses or the customers. Mr. Ameigh said it would include both, but mostly the wants and needs of the shoppers. (What do people want that you don't have?) Councilmember Urban stressed the need to analyze the needs of both resident customers and outside customers.

Councilmember Dozeman asked what the process will be for determining the Steering Committee. Mr. Goff indicated that hadn't been decided yet. Staff will want further input from Council and take advice from czb. Mr. Johnstone offered that his department would have suggestions about what makes a good Steering Committee member.

Councilmember Hoppe received consent to have staff bring forward a budget supplemental and contract approval to engage czb LLC in a comprehensive public outreach process to update the Neighborhood Revitalization Strategy, including the optional task for the Retail Analysis.

2. Community Plaza on "The Green"

Mr. Goff noted Councilmembers Fitzgerald, Pond and Davis requested this discussion.

- The 38th Avenue Corridor Plan suggests working with the school district to use their parking lot for non-school events, and to work with them to consider using their land for mixed use development and community functions such as community gardens.
- The Corridor Plan also suggests creating public plazas and gathering places along the corridor at activity nodes.
- After the Plan was adopted the City hired an urban designer - whose conceptual designs included a conceptual design for "The Green". Improvements built into the space would improve the functionality for special events.

Councilmember Pond thinks this fits with the concept of civic places and relocating City Hall. Many events already happen there.

Mr. Goff confirmed the City has a written agreement with the school for use of the area. Two years ago the School District was interested in improvements, but not interested in selling the space; they would maintain it. Their current position should be verified.

Councilmember Fitzgerald suggested this could be given to the citizens for our 50th Anniversary. This was in the NRS. It is a rare coincidence of opportunity and having the funds. Mr. Goff said the fund balance would accommodate this expenditure.

Councilmember Hoppe supports improving this area. She was not sure if we have 1st Right of Refusal. She supports this as a gathering place; food trucks could be an option. She believes "The Green" would benefit the school too, and recalls the cost was about \$1M. She thinks a water feature would be nice.

Councilmember Duran pressed about the current written agreement and the 1st Right of Refusal. Mr. Goff doesn't think we have the 1st Right of Refusal right now. The current

STUDY SESSION NOTES: APRIL 2, 2018

Memorandum of Understanding (MOU) is quite specific for which events we can have on The Green. He said if we put money in it, we'll need to protect ourselves with a 1st Right of Refusal. She hopes investing in this space will force us to relook at 38th Ave. She likes the ideas of a special place for community, food trucks and a water feature.

Councilmember Dozeman pointed out the existing playground is not on the drawing. Mr. Goff agreed and noted they are probably old drawings. The playground space would have to come out of this drawing. She also mentioned this may be a good time to address Stevens' desire for an LED sign.

Councilmember Urban thinks it's important to make it a gathering place, but has concerns about food trucks, serving alcohol, and the already open use of marijuana at events. He doesn't think we should bring in outside food vendors to set up shop in front of our restaurants. Locals should get preference.

Councilmember Mathews asked about current unfunded liabilities. Mr. Goff agreed there are many (including storm drainage and roads), and yes, there is a \$10M funding gap for the Wadsworth widening project. If we don't have the \$10M, the project will go away and the funding will go elsewhere. We could value engineer the project to get the cost down.

Mr. Goff advised to engage a designer to fine tune this design or start from scratch. Councilmember Dozeman asked about pedestrian lighting. Mr. Goff noted the new standard lighting was replaced a couple of weeks ago from Harlan to Sheridan. Any new lighting in The Green area would hopefully follow that design.

Clerk Shaver noted that food trucks selling alcohol could be problematic since alcohol sales at special events is restricted to non-profits.

Councilmember Hoppe received consensus to engage a designer to prepare a more specific design for the area and see what the next steps are.

Councilmember Mathews noted that approval to hire a designer would have to be given at a Council meeting. Mr. Goff agreed, saying staff will come back to Council for approval before the process is begun.

3. Staff Report(s) none

4. Elected Officials' Report(s)

Janece Hoppe clarified her request for discussion about adding a criteria for Special Use Permits. Currently, if the eight criteria are met, and if there are no complaints, the SUP is granted administratively. She would like to add another criteria: If the proposed use is recommended or allowed in any adopted sub area plan or the Comprehensive

STUDY SESSION NOTES: APRIL 2, 2018

Plan. Her thinking is that people are asking for something special. If it doesn't fit with the area or sub-area plan that would be a criteria that is not met. She asked for discussion.

Tim Fitzgerald suggested adding discussion about whether the Special Use should run with the property or the business. He favors having a scheduled re-evaluation to prove they meet the criteria. Ms. Hoppe noted that SUP's can already be revoked.

Zach Urban thinks adding that criteria is a good idea, but noted that "special uses" are by definition not ordinary, and he hopes some degree of flexibility is retained.

Mayor Starker noted attending the City Easter Egg Hunt. He thanked all the folks for coming out. It was a great time.

Mr. Goff asked if Council was comfortable with the extent of the discussion about a new criteria for SUP's, and if they feel there is enough for staff to put something together and bring it to a study session. All agreed.

ADJOURNMENT: The Study Session adjourned at 7:49 p.m.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 23, 2018

Tim Fitzgerald, Mayor pro tem

REQUEST FOR CITY COUNCIL ACTION


TITLE: RESOLUTION NO. 23-2018 – A RESOLUTION AMENDING THE FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO REFLECT THE APPROVAL OF A DECREASED APPROPRIATION IN THE AMOUNT OF \$1,647,566

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO


Administrative Services Director


City Manager

ISSUE:

The final budgeted expenditures in the 2017 Capital Improvement Program (CIP) Fund exceed the final available funds by \$796,515. State budget law requires that final budgeted expenditures do not exceed final available funds. The budgeted expenditures exceed available funds primarily due to higher than estimated 2017 carryovers and mid-year supplemental budget appropriations. Therefore, staff is requesting that Council amend the 2017 CIP final budget to decrease appropriations by \$1,647,566 from \$5,947,311 to \$4,299,745. Not all budgeted expenditures were spent in 2017. This budget amendment will result in a balanced final 2017 CIP budget.

PRIOR ACTION:

None

FINANCIAL IMPACT:

There is no financial impact to this request. This resolution simply decreases a budget appropriation but has no impact on actual revenues or expenditures.

BACKGROUND:

Swanhorst & Company LLC, the City’s independent auditor recommended that staff provide Council with Exhibit A and request approval of decreased funding in various line item accounts so that expenditures do not exceed revenues.

Figure 1 includes a breakdown of the 2017 adjusted budget, 2017 amended budget and the 2017 actual budget. The 2017 amended budget is the adjusted budget with a decrease in appropriations in the amount of \$1,647,566.

Figure 1:

	2017 Adjusted Budget*	2017 Amended Budget**	2017 Actual Budget***
Revenue	\$5,150,796	\$3,973,642	\$3,973,642
Expenditures	<u>\$5,947,311</u>	<u>\$2,819,870</u>	<u>\$2,819,870</u>
Ending Fund Balance	-\$796,515	\$1,153,771	\$1,153,773

*The adjusted budget reflects the 2017 carryovers and mid-year supplemental budget appropriations approved by City Council.

** The amended budget reflects the decreased appropriation for the following line item account, Wadsworth EA Design and Construction.

*** The actual budget reflects actual revenue received and money spent for the fiscal year.

RECOMMENDATIONS:

Staff recommends approval of the amendment.

RECOMMENDED MOTION:

“I move to approve Resolution No. 23-2018 – a resolution amending the Fiscal Year 2017 Capital Improvement Program (CIP) Budget to reflect the approval of a decreased appropriation in the amount of \$1,647,566.”

Or,

“I move to postpone indefinitely Resolution No. 23-2018, a resolution amending the Fiscal Year 2017 Capital Improvement Program (CIP) Budget to reflect the approval of a decreased appropriation for in the amount of \$1,647,566 for the following reason(s)
_____.”

REPORT PREPARED AND REVIEWED BY:

Heather Geyer, Administrative Services Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 23-2018
 - a. Exhibit A: 2017 CIP Year End Budget Amendment

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 23
Series of 2018**

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO REFLECT THE APPROVAL OF A DECREASED APPROPRIATION IN THE AMOUNT OF \$1,647,566

WHEREAS, City Council approved the 2017 CIP Budget authorizing expenditures in the total amount of \$5,128,000; and

WHEREAS, the 2017 adjusted budget includes expenditures in the total amount of \$5,947,311 and revenue in the total amount of \$5,150,796; and

WHEREAS, budgeted expenditures cannot exceed budgeted revenues; and

WHEREAS, approval of Resolution No. 23-2018 amends the 2017 CIP budget and decreases the funding appropriated for the following: Wadsworth EA Design and Construction as shown in Exhibit A.

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

- A. The City of Wheat Ridge Fiscal Year 2017 Budget be amended accordingly to recognize decreased funding in in the following Wadsworth EA Design and Construction line item account #30-303-800-865 to \$531,146

DONE AND RESOLVED this 23rd day of April 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

ATTACHMENT 1

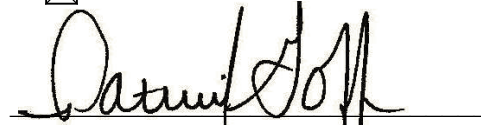
Exhibit A: 2017 CIP Year End Budget Amendment

REVENUES				
	2017	2017	2017	
	ADJUSTED	BUDGET AMENDMENT	ACTUAL	
30-580-00-589	Beginning Fund Balance	\$1,033,971	\$1,148,554	\$1,148,554
30-500-00-508	Lodger's Tax	\$290,000	\$290,000	\$321,613
30-520-11-539	Grant - RTD Gold Line Station	\$0	\$0	\$0
30-520-03-539	Grant-CDOT-Wadsworth	\$0	\$0	\$0
30-520-09-539	Grant - Wadsworth PEL	\$0	\$0	\$0
30-520-12-539	Grant - Wadsworth Widening (FED)	\$1,760,000	\$1,760,000	\$230,912
30-520-10-539	CDOT Grant-Bus Benches	\$0	\$0	\$0
30-520-08-539	Grant - Kipling Trail	\$0	\$0	\$0
30-550-00-551	Public Improvement Fee	\$0	\$0	\$58,860
30-580-00-581	Interest	\$20,000	\$20,000	\$9,311
30-580-00-588	Misc. Revenue	\$46,825	\$46,825	\$204,392
30-590-00-591	Transfer from General Fund	\$2,000,000	\$2,000,000	\$2,000,000
	TOTAL REVENUE	\$4,116,825	\$4,116,825	\$2,825,088
	TOTAL AVAILABLE FUNDS	\$5,150,796	\$5,265,379	\$3,973,642
EXPENDITURES				
	2017	2017	2017	
	ADJUSTED	BUDGET AMENDMENT	ACTUAL	
	DPW DRAINAGE			
30-302-800-831	Maple Grove Reservoir	\$10,000	\$10,000	\$0
30-302-800-833	Misc. Drainage Improvements Projects	\$209,817	\$209,817	\$19,776
30-302-800-836	Sloans Lake MDP & FHAD Update	\$0	\$0	\$0
30-302-800-837	Clear Creek Master Plan Update	\$50,000	\$50,000	\$0
30-302-800-838	Clear Creek CLOMR and LOMR	\$0	\$0	\$0
	TOTAL DRAINAGE	\$269,817	\$269,817	\$19,776
	DPW STREETS			
30-303-800-840	Minor Street Improvements Projects	\$262,115	\$262,115	\$20,719
30-303-800-841	32nd & Youngfield improvements	\$263,180	\$263,180	\$150,048
30-303-800-842	Kipling pedestrian improvements	\$0	\$0	\$0
30-303-800-851	Public Improvement Projects, Dev. Related	\$405,885	\$405,885	\$53,562
30-303-800-852	Bike/Pedestrian Improvements	\$0	\$0	\$0
30-303-800-853	Bike/Pedestrian Master Plan	\$32,702	\$32,702	\$23,070
30-303-800-860	Gold Line station street project	\$0	\$0	\$0
30-303-800-861	ADA Transition Plan	\$78,149	\$78,149	\$70,389
30-303-800-864	Street Lights, Installation of Approved Lights	\$10,000	\$10,000	\$0
30-303-800-865	Wadsworth EA Design and Construction	\$2,178,712	\$531,146	\$531,146
30-303-800-884	Preventative Maintenance Projects	\$2,105,162	\$2,105,162	\$1,834,302
	TOTAL STREETS	\$5,335,905	\$3,688,339	\$2,683,236
	DPW TRAFFIC			
30-304-800-844	Neighborhood Traffic Management Projects	\$75,289	\$75,289	\$65,814
	TOTAL TRAFFIC	\$75,289	\$75,289	\$65,814
	DPW FACILITIES			
30-305-800-811	New Shop Funding	\$25,000	\$25,000	\$0
	TOTAL DPW FACILITIES	\$25,000	\$25,000	
	PARKS & RECREATION CAPITAL PROJECTS			
30-603-800-864	Parking Lots and Drives Improvements	\$25,000	\$25,000	\$0
	TOTAL PARKS & RECREATION	\$25,000	\$25,000	
	ECONOMIC DEVELOPMENT			
30-610-700-724	Gateway Signage Program	\$76,300	\$76,300	\$26,300
	TOTAL ECONOMIC DEVELOPMENT	\$76,300	\$76,300	\$26,300
	MUNICIPAL CAPITAL PROJECTS			
30-610-800-801	Land Acquisition	\$0	\$0	\$0
30-610-800-811	City Hall Improvements/Maintenance	\$63,000	\$63,000	\$0
30-610-800-814	Emergency Warning System	\$0	\$0	\$0
30-610-800-872	Aerial Photography/GIS Updates	\$27,000	\$27,000	\$14,945
30-610-800-873	PD Evidence Climate Control	\$50,000	\$50,000	\$9,800
	TOTAL MUNICIPAL	\$140,000	\$140,000	\$24,745
	UTILITY UNDERGROUNDING EXPENDITURES			
30-306-800-802	Easements and ROW	\$0	\$0	\$0
	TOTAL UNDERGROUNDING	\$0	\$0	\$0
	Transfers			
30-902-890-891	General Fund	\$0	\$0	\$0
	TOTAL TRANSFERS	\$0	\$0	\$0
	TOTAL EXPENDITURES	\$5,947,311	\$4,299,745	\$2,819,870
	ENDING FUND BALANCE	-\$796,515	\$965,634	\$1,153,773

REQUEST FOR CITY COUNCIL ACTION**TITLE: RESOLUTION NO. 24-2018 – A RESOLUTION AMENDING THE FISCAL YEAR 2017 OPEN SPACE BUDGET TO REFLECT THE APPROVAL OF A DECREASED APPROPRIATION IN THE AMOUNT OF \$618,413**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES☒ NO
Administrative Services Director
City Manager**ISSUE:**

The final budgeted expenditures in the 2017 Open Space Fund exceed the final available funds by \$529,970. State budget law requires that final budgeted expenditures do not exceed final available funds. The budgeted expenditures exceed budgeted revenues primarily due to higher than estimated 2017 carryovers and mid-year supplemental budget appropriations. Therefore, staff is requesting that Council amend the 2017 Open Space final budget to decrease appropriations by \$618,413 from \$3,564,636 to \$2,946,223. This budget amendment will result in a balanced final 2017 Open Space budget.

PRIOR ACTION:

None

FINANCIAL IMPACT:

There is no financial impact to this request. This resolution simply decreases a budget appropriation but has no impact on actual revenues or expenditures.

BACKGROUND:

Swanhorst & Company LLC, the City's independent auditor recommended that staff provide Council with Exhibit A and request approval of the decreased funding in the Prospect Park Renovation line item so that expenditures do not exceed available funds. Figure 1 includes a breakdown of the 2017 adjusted budget, 2017 amended budget and the 2017 actual budget. The

2017 amended budget is the adjusted budget with the decrease in appropriations in the amount of \$618,413.

Figure 1:

	2017 Adjusted Budget*	2017 Amended Budget**	2017 Actual Budget***
Revenue	\$3,034,666	\$3,570,383	\$3,241,182
Expenditures	<u>\$3,564,636</u>	<u>\$2,946,223</u>	<u>\$2,457,283</u>
Ending Fund Balance	-\$529,970	\$624,160	\$783,899

*The adjusted budget reflects the 2017 carryovers and mid-year supplemental budget appropriations approved by City Council.

** The amended budget reflects the decreased appropriation in the Prospect Park Renovation line item account.

*** The actual budget reflects actual revenue received and money spent for the fiscal year.

RECOMMENDATIONS:

Staff recommends approval.

RECOMMENDED MOTION:

“I move to approve Resolution No. 24-2018, a resolution amending the Fiscal Year 2017 Open Space Budget to reflect the approval of a decreased appropriation in the amount of \$618,413.”

Or,

“I move to postpone indefinitely Resolution No. 24-2018, a resolution amending the Fiscal Year 2017 Open Space Budget to reflect the approval of a decreased appropriation in the amount of \$618,413 for the following reason(s) _____.”

REPORT PREPARED AND REVIEWED BY:

Heather Geyer, Administrative Services Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 24-2018

a. Exhibit A: 2017 Open Space Year End Budget Amendment

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 24
Series of 2018

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2017 OPEN SPACE BUDGET TO REFLECT THE APPROVAL OF A DECREASED APPROPRIATION IN THE AMOUNT OF \$618,413

WHEREAS, City Council approved the 2017 Open Space Budget authorizing expenditures in the total amount of \$2,911,050; and

WHEREAS, the 2017 adjusted budget includes expenditures in the total amount of \$3,564,636 and revenue in the amount of \$3,034,666; and

WHEREAS, budgeted expenditures cannot exceed budgeted revenues; and

WHEREAS, approval of Resolution No. 24-2018 amends the 2017 Open Space budget and decreases the funding appropriated for Prospect Park Renovation as shown in Exhibit A.

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

- A. The City of Wheat Ridge Fiscal Year 2017 Open Space Budget be amended accordingly to recognize decreased funding in the Prospect Park Renovation line item account #32-601-800-873 to \$1,487,154

DONE AND RESOLVED this 23rd day of April 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Attachment 1

Exhibit A: 2017 Open Space Year End Budget Amendment

FUND 32		2017 ADJUSTED	2017 BUDGET AMENDMENT	2017 ACTUAL
32-580-00-589	BEGINNING FUND BALANCE	\$1,246,666	\$1,782,383	\$1,782,383
REVENUES				
32-520-00-539	<u>State of Colorado Grant</u>			
	<u>State Historic Fund</u>			
		\$0	\$0	\$0
	<u>GOCO Grant</u>			
	State Trail Grant - Clear Creek Trail	\$50,000	\$50,000	\$0
	Local Government Grant Prospect Park	\$350,000	\$350,000	\$0
32-520-00-540	Jefferson County Open Space Tax	\$1,000,000	\$1,000,000	\$1,236,260
32-550-00-555	Developer Fees	\$180,000	\$180,000	\$9,989
32-520-00-564	<u>Jefferson County Local Government Grant</u>			
	Prospect Park Renovation	\$200,000	\$200,000	\$206,098
	Clear Creek Trail	\$0	\$0	\$0
32-580-00-581	Interest Earnings	\$8,000	\$8,000	\$6,452
32-580-00-588	Miscellaneous Fees	\$0	\$0	\$0
32-590-00-591	Transfers from General Fund	\$0	\$0	\$0
	TOTAL REVENUES	\$1,788,000	\$1,788,000	\$1,458,799
	TOTAL AVAILABLE FUNDS	\$3,034,666	\$3,570,383	\$3,241,182
EXPENDITURES				
	<u>Acquisitions</u>			
32-601-800-809	Park Acquisition	\$0	\$0	\$0
	Subtotal	\$0	\$0	\$0
	<u>Development Projects</u>			
32-601-800-865	PW/Parks Operations Facility	\$348,701	\$348,701	\$160,832
32-601-800-869	Jeffco OS River Corridor Project Match	\$0	\$0	\$0
32-601-800-859	Anderson Park Master Plan/Park Renovation	\$0	\$0	\$0
32-601-800-873	Prospect Park Renovation	\$2,105,567	\$1,487,154	\$1,487,154
32-601-800-878	Open Space Management Plan Update	\$50,000	\$50,000	\$0
32-601-800-875	Master Plan Updates	\$0	\$0	\$0
	Subtotal	\$2,504,268	\$1,885,855	\$1,647,986
	<u>Maintenance Projects</u>			
32-601-800-870	Open Space Improvements	\$78,609	\$78,609	\$62,745
32-601-800-871	Park Maintenance Projects	\$120,350	\$120,350	\$116,278
32-601-800-872	Trail Replacement/Repair	\$350,359	\$350,359	\$144,565
32-601-800-872	Outdoor Pool Maintenance	\$0	\$0	\$0
	Subtotal	\$549,318	\$549,318	\$323,588
	<u>Park Maintenance Staff</u>			
32-601-600-602	Salaries	\$401,980	\$401,980	\$385,983
32-601-600-610	Overtime	\$3,000	\$3,000	\$34
32-601-600-614	Standby Pay	\$2,000	\$2,000	\$322
32-601-600-620	FICA	\$24,919	\$24,919	\$22,927
32-601-600-622	Medical/Dental	\$57,243	\$57,243	\$55,891
32-601-600-625	Medicare	\$5,829	\$5,829	\$5,362
32-601-600-630	ICMA Retirement	\$16,079	\$16,079	\$15,190
	Subtotal	\$511,050	\$511,050	\$485,709
	<u>Transfers</u>			
32-601-890-891	General Fund	\$0	\$0	\$0
32-601-890-892	Recreation Center	\$0	\$0	\$0
	Subtotal	\$0	\$0	\$0
	TOTAL EXPENDITURES	\$3,564,636	\$2,946,223	\$2,457,283
	ENDING FUND BALANCE	-\$529,970	\$624,160	\$783,899

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO AWARD A CONTRACT TO INDEPENDENT ROOFING SPECIALISTS, COMMERCE CITY, CO IN THE AMOUNT OF \$251,706 FOR CITY HALL ROOF-HVAC REPAIRS AND REPLACEMENT, AND TO APPROVE A CONTINGENCY AMOUNT OF \$50,341, FOR TOTAL PAYMENT NOT TO EXCEED \$302,047

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
Director
City Manager**ISSUE:**

During the hailstorm of May 2017, various sections of the City Hall roof and HVAC systems sustained damage. CIRSA, with the assistance of a contract vendor, inspected the property and submitted a damage assessment to the City for the insurance claim.

PRIOR ACTION:

No prior action has been taken by City Council on this item.

FINANCIAL IMPACT:

The City has received payment of \$267,500 from CIRSA for the repairs from hail damage at City Hall included in this project. These funds, and contingency funds, are available in account 01-610-700-783.

BACKGROUND:

The contract will include materials, labor, equipment and supplies to replace existing standing seam metal and EPDM (Ethylene-Propylene-Diene-Monomer) roofing, which is a synthetic

rubber roofing membrane, as well as all mechanical repairs needed including those to the HVAC units located on the Wheat Ridge City Hall roof.

Staff conducted a formal procurement process for this work and met with sixteen companies at a mandatory pre-bid meeting on Thursday, February 22, 2018. Two bids were received on Thursday, March 22, however one bid was disqualified as being non-responsive for missing required forms.

RECOMMENDATIONS:

Staff recommends approval of the award for City Hall Roof-HVAC Repairs and Replacement to Independent Roofing Specialists, LLC.

RECOMMENDED MOTION:

“I move to award a contract to Independent Roofing Specialists, LLC in the amount of \$251,706 for City Hall Roof-HVAC Repairs and Replacement, and to approve a contingency amount of \$50,341 and all subsequent payments, for a total payment not to exceed \$302,047.”

Or,

“I move to deny award of a contract to Independent Roofing Specialists, LLC in the amount of \$251,706 for City Hall Roof-HVAC Repairs and Replacement, and contingency in the amount of \$50,341, for a total payment not to exceed \$302,047, for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Julie Brisson, Recreation and Facilities Manager

Joyce Manwaring, Parks and Recreation

Patrick Goff, City Manager

ATTACHMENTS:

1. Bid Tabulation Sheet

Subject to review for completeness and accuracy.



PROJECT: ITB-18-04

CITY HALL ROOF-HVAC REPLACEMENT

DUE DATE/TIME: THURSDAY, MARCH 22, 2018 BY 1 P.M. LOCAL TIME

REQUESTED BY: MIKE FARRELL - FACILITIES

OPENED BY: JENNIFER NELLIS, PURCHASING AGENT

WITNESSED BY: KIRBY HOLLUMS, BUYER II

JH

KH

ALLOWED VENDOR (PRIME)	Alpine Roofing Co, Inc.	Independent Roofing			
LOCATION	Denver	Commerce City			
BIDDER ATTENDED MANDATORY MTG	yes	yes			
BIDDER ACKNOWLEDGEMENT FORM -p3	no - DQ	yes			
ACKNOWLEDGE ADDENDUM (2)	2	2			
CONTRACTOR'S QUALIFICATION FORM	yes	yes			
LIST OF SUB-CONTRACTORS	yes	yes			
NON-DISCRIMINATION ASSURANCE FORM	yes	yes			
ILLEGAL ALIEN COMPLIANCE	yes	yes			
NON-COLLUSION AFFADAVIT	yes	yes			
KEEP JOBS IN COLORADO FORM	yes	yes			
BID BOND	yes	yes			
BID FORM pg 19 - 21 / TOTAL BID		\$251,706.00			
8 page SCOPE SHEET completed		yes			

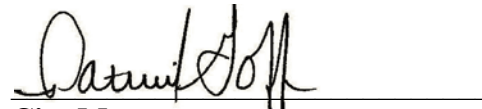
ATTACHMENT 1

REQUEST FOR CITY COUNCIL ACTION**TITLE: RESOLUTION NO. 26-2018 – A RESOLUTION AMENDING
THE FISCAL YEAR 2017 BUDGET TO REFLECT THE
APPROVAL OF INCREASED AVAILABLE BEGINNING
FUND BALANCES IN CERTAIN FUNDS**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
Administrative Services Director
City Manager**ISSUE:**

When the 2017 budget was adopted on October 9, 2016, the beginning fund balances for each fund were only projections based on estimated 2016 year-end revenues and expenditures. In several funds, actual 2016 year-end revenues were higher and/or expenditures were lower than estimated; therefore, beginning fund balances in 2017 are higher than budgeted. Financial policies require that these additional revenues are approved by City Council through a resolution. As staff prepares to close the 2017 fiscal year in preparation for the annual audit, the attached resolution allows for the adjustment of beginning fund balances, as a result of increased revenue in the following seven funds: 1) Police Investigation Fund, 2) Capital Improvement Program (CIP), 3) Open Space Fund, 4) Municipal Court Fund, 5) Conservation Trust Fund, 6) Crime Prevention/Code Enforcement Fund, and 7) Recreation Center Fund.

PRIOR ACTION:

None

FINANCIAL IMPACT:

The 2017 Budget will be amended to recognize the increased available beginning fund balance in the funds itemized below:

Police Investigation Fund	\$ 24,513.06
Capital Investment Program (CIP)	\$ 114,583.00
Open Space Fund	\$ 535,716.85
Municipal Court Fund	\$ 5,456.25
Conservation Trust Fund	\$ 84,271.54
Crime Prevention/Code Enforcement Fund	\$ 26,329.00
Recreation Center Fund	\$ 49,237.64
Total:	\$ 840,107.34

BACKGROUND:

Swanhorst & Company LLC, the City's independent auditor recommended that staff provide Council with Exhibit A and request approval of the increased available beginning fund balances for the various funds listed.

RECOMMENDATIONS:

Staff recommends approval. This change does not impact 2017 expenditures or the 2017 budget approved by Council.

RECOMMENDED MOTION:

"I move to approve Resolution No. 26-2018 – a resolution amending the Fiscal Year 2017 Budget to reflect the approval of increased available beginning fund balances in certain funds."

Or,

"I move to postpone indefinitely Resolution No. 26-2018, a resolution amending the Fiscal Year 2017 Budget to reflect the approval of increased available beginning fund balances in certain funds for the following reason(s) _____."

REPORT PREPARED AND REVIEWED BY:

Heather Geyer, Administrative Services Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 26-2018
 - a. Exhibit A: 2017 Year End Available Fund Balance Schedule for Certain Funds

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 26
Series of 2018

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2017 BUDGET TO REFLECT THE APPROVAL OF INCREASED AVAILABLE BEGINNING FUND BALANCES IN CERTAIN FUNDS

WHEREAS, City Council adopted the 2017 budget on October 9, 2016; and

WHEREAS, beginning fund balances for each fund were only projections based on estimated 2016 year-end revenues and expenditures; and

WHEREAS, in several funds, actual 2016 year-end revenues were higher and/or expenditures were lower than estimated; therefore, beginning fund balances in 2017 are higher than budgeted; and

WHEREAS, financial policies require that these additional revenues are approved by City Council through a resolution.

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

- A. The City of Wheat Ridge Fiscal Year 2017 Budget be amended accordingly to recognize the increased available fund balance as detailed in Exhibit A and as follows:

Police Investigation Fund	\$ 24,513.06
Capital Investment Program (CIP)	\$ 114,583.00
Open Space Fund	\$ 535,716.85
Municipal Court Fund	\$ 5,456.25
Conservation Trust Fund	\$ 84,271.54
Crime Prevention/Code Enforcement Fund	\$ 26,329.00
Recreation Center Fund	<u>\$ 49,237.64</u>
Total:	\$ 840,107.34

DONE AND RESOLVED this 23rd day of April 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

ATTACHMENT 1

Exhibit A: 2017 Year End Available Fund Balance Schedule for Certain Funds

Key:	
Original	<i>Adopted Budget on 10/9/16</i>
Final	<i>Budget as amended through 12/31/17</i>
Actual	<i>Actual expenditures and revenues as of 12/31/17</i>

Police Investigation Fund

	Original	Final	Actual	Increased Available Beginning Fund Balance
Beginning Fund Balance	\$44,456.00	\$44,456.00	\$68,969.06	\$24,513.06
Total Revenues	\$150.00	\$150.00	\$14.30	
Total Available Funds	\$44,606.00	\$44,606.00	\$68,983.36	
Expenditures	\$25,000.00	\$25,000.00	\$24,800.00	
Ending Fund Balance	\$19,606.00	\$19,606.00	\$44,183.36	

Capital Investment Program Fund

	Original	Final	Actual	Increased Available Beginning Fund Balance
Beginning Fund Balance	\$1,033,971.00	\$1,033,971.00	\$1,148,554.00	\$114,583.00
Total Revenues	\$4,116,825.00	\$4,116,825.00	\$2,825,088.00	
Total Available Funds	\$5,150,796.00	\$5,150,796.00	\$3,973,642.00	
Expenditures	\$5,128,000.00	\$5,947,311.00	\$2,819,869.69	
Ending Fund Balance	\$22,796.00	-\$796,515.00	\$1,153,772.31	

Open Space Fund

	Original	Final	Actual	Increased Available Beginning Fund Balance
Beginning Fund Balance	\$1,246,666.00	\$1,246,666.00	\$1,782,382.85	\$535,716.85
Total Revenues	\$1,788,000.00	\$1,788,000.00	\$1,458,798.69	
Total Available Funds	\$3,034,666.00	\$3,034,666.00	\$3,241,181.54	
Expenditures	\$2,911,050.00	\$3,564,635.00	\$2,457,284.13	
Ending Fund Balance	\$123,616.00	-\$529,969.00	\$783,897.41	

Municipal Court Fund

	Original	Final	Actual	Beginning Fund Balance
Beginning Fund Balance	\$84,281.00	\$84,281.00	\$89,737.25	\$5,456.25
Total Revenues	\$28,050.00	\$28,050.00	\$18,890.50	
Total Available Funds	\$112,331.00	\$112,331.00	\$108,627.75	
Expenditures	\$35,000.00	\$35,000.00	\$12,012.00	
Ending Fund Balance	\$77,331.00	\$77,331.00	\$96,615.75	

Conservation Trust Fund

	Original	Final	Actual	Increased Available Beginning Fund Balance
Beginning Fund Balance	\$360,291.00	\$360,291.00	\$444,562.54	\$84,271.54
Total Revenues	\$300,500.00	\$300,500.00	\$310,425.60	
Total Available Funds	\$660,791.00	\$660,791.00	\$754,988.14	
Expenditures	\$615,000.00	\$640,800.00	\$243,228.55	
Ending Fund Balance	\$45,791.00	\$19,991.00	\$511,759.59	

Crime Prevention/Code Enforcement Fund

	Original	Final	Actual	Increased Available Beginning Fund Balance
Beginning Fund Balance	\$443,736.00	\$443,736.00	\$470,065.00	\$26,329.00
Total Revenues	\$331,000.00	\$331,000.00	\$509,900.00	
Total Available Funds	\$774,736.00	\$774,736.00	\$979,965.00	
Expenditures	\$504,175.00	\$504,175.00	\$502,280.64	
Ending Fund Balance	\$270,561.00	\$270,561.00	\$477,684.36	

Recreation Center Fund

	Original	Final	Actual	Increased Available
Beginning Fund Balance	\$695,970.00	\$695,970.00	\$745,207.64	\$49,237.64
Total Revenues	\$2,177,023.00	\$2,177,023.00	\$2,117,404.77	
Total Available Funds	\$2,872,993.00	\$2,872,993.00	\$2,862,612.41	
Expenditures	\$2,408,098.00	\$2,408,098.00	\$2,364,921.64	
Ending Fund Balance	\$464,895.00	\$464,895.00	\$497,690.77	

Overall Total
\$840,107.34

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 are attached.

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, to 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

At the request of the billboard industry, staff met on April 17 with several representatives of billboard advertising companies, as well as their state lobbyist. They had previously voiced concerns whether the City's proposed sign code changes to comply with Reed vs. Gilbert might create any exposure for the City to see an increase of "billboard-like" signs on some of the City's commercial arterial roadways where billboards are not generally permitted. Specifically, they

expressed concern that the removal of language pertaining to “off-premise” signs might create that exposure.

It is correct that the draft ordinance removes the previous prohibition of off-premise signs at the advice of the City Attorney. By definition, to determine if a sign is “off premise” one is required to read its content, which violates the content neutrality requirement of the Reed vs. Gilbert Supreme Court decision. Staff has also wanted to protect against the potential for these off-premise “billboard-like” signs, and to that end has proposed language in Section 4 of the ordinance which requires that the application for a sign permit be the “property/building owner or principle lessee”, in other words, not a third party billboard company.

Staff is recommending additional language to this section to further communicate this requirement and make additionally clear that a small parcel could not be sold or leased to a billboard company from a larger parcel. Staff recommends the following be added to Section 26-705.E: “The ~~property/building~~ owner, principal lessee, or authorized agent of the PLATTED OR OTHERWISE RECOGNIZED AS LEGALLY DEVELOPABLE PARCEL ~~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.”

It should also be noted that in Section 9 of the ordinance, Section 26-710.A.5 (Permanent Sign Standards) states the following: “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.” This language prevents a vacant commercial lot from being used solely for the purpose of signage, which could result in a “billboard-like” sign being erected on vacant property. Staff believes these approaches adequately address the substantive concerns the billboard industry has called to our attention.

RECOMMENDATIONS:

Staff recommends approval of the ordinance. We are recommending the language noted above be included as a condition of approval in Council’s motion.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 08-2018, an ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws concerning sign regulations (Case No. ZOA-18-01), on second reading and that it take effect 15 days after final publication, with the following condition:

1. Strike and insert in Section 4 of the ordinance and Section 26-705.E of the Code, “The ~~property/building~~ owner, principal lessee, or authorized agent of the PLATTED OR OTHERWISE RECOGNIZED AS LEGALLY DEVELOPABLE ~~property/building~~ PARCEL...”

Or,

“I move to postpone indefinitely Council Bill No. 08-2018, and ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws concerning sign regulations, 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
2. Planning Commission Staff Report
3. Planning Commission Minutes

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DURAN
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 area 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.~~ D. 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.
- ~~G.~~ 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.

Section 7. 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 $\frac{1}{4}$ 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.

Section 10. 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 7 to 0, 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 reading by a vote of ____ to ____, this ____ day of _____, 2018

SIGNED by the Mayor on this ____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: April 12, 2018
Second Publication:
Wheat Ridge Transcript:
Effective Date:



<p style="text-align: center;">PLANNING COMMISSION LEGISLATIVE ITEM STAFF REPORT</p>

MEETING DATE: March 15, 2018

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

CASE NO. ZOA-18-01

☒ PUBLIC HEARING

☒ CODE CHANGE ORDINANCE

Case Manager: Zack Wallace Mendez, Planner II

Date of Preparation: March 6, 2018

SUMMARY:

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 and reaffirm former policy directions on signs.

Notice for this public hearing was provided as required by the Code of Laws.

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 some items they wanted to see addressed in the update, 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. 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 differing input

provided before finalizing a draft for public hearings. The enclosed ordinance represents a culmination of the input provided throughout 2017.

Below is a summary of the proposed updates to the Sign Code which is located in Article VII of Chapter 26 of the Code of Laws. Specific development standards (height, size, setbacks, etc.) for existing sign types have not been altered. 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 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 adding and modifying definitions, correcting existing typographical errors, updating outdated cross-references, and adding illumination standards.

A full summary of updates by section is provided below:

- 26-701 (Intent and purpose.) – Subsection F is modified for compliance with *Reed v Gilbert*.
- 26-702 (Definitions.) – The following definitions were added, modified and deleted respectively:

Added:

- Balloon or inflatable sign
- Barber shop poles
- Blade sign
- Directional sign
- Flag
- Pennant, streamer, and other similar devices
- Sign setback
- Signs carried by persons
- Signs oriented to a drive-through lane
- Size of sign
- Three-dimensional (3D) signs
- Window or door sign
- Yard sign

Modified:

- Awning
- Animated sign
- Canopy sign
- Changeable copy sign
- Flashing sign
- Freestanding sign
- Major interior drive
- Portable sign
- Public sign
- Surface area of sign
- Temporary sign

Deleted:

- Community event/sponsorship banner
- Farmers’ market sign
- Informational sign (replaced by directional sign category)
- Menu Board/Drive Through Directory Signs (replaced by signs oriented to a drive-through lane)
- Off-premise sign
- Order confirmation boards (replaced by signs oriented to a drive-through lane)
- Pole sign
- Political sign
- Produce stand sign
- Projecting sign (replaced by blade sign category)
- Semipublic sign
- Surface area of sign
- Urban garden sign (absorbed into yard signs-large).

- 26-703 (Enforcement and penalties.) – Various sections from Article VII have been

migrated to this section and adjusted for more effective code enforcement.

- 26-704 (Contractor's license required.) – No changes have been made to this section.
- 26-705 (Permit required.) – A requirement has been added that the property owner or lessee of the property on which a sign will be located shall be the same person applying for the sign permit.
- 26-706 (Non-conforming signs.)
 - In subsection A.2, one content-related sentence has been deleted for compliance with the *Reed v Gilbert* decision.
 - Subsection C has been added based on Council direction to amortize non-conforming LED changeable copy signage within one year of the passage of this ordinance.
- 26-707 (General provisions/performance standards.)
 - Minor text amendments have been made to fix existing typographical errors, and several subsections have been modified to remove content-based language. Several provisions have been removed and relocated to Section 26-703 (Enforcement and penalties) in order to keep similar provisions together.
 - Subsection G (Illumination) has been modernized to include illumination measurement standards for effective enforcement and to consolidate all illumination provisions into one place.
- 26-708. (Miscellaneous provisions.)
 - Minor text amendments have been made to fix existing typographical errors.
- Existing sections 26-709 and 26-710 (Sign charts)
 - These two sections have been removed because the signs standards have been reformatted into three new sections:
 - 26-709 (Permitted sign types)
 - 26-710 (Permanent sign standards)
 - 26-711(Temporary sign standards)
 - No specific development regulations (size, height, setbacks, etc.) have been altered.
 - Per Council direction, commercial properties are limited to one (1) temporary sign per business, while residential properties may have an unlimited number of temporary signs. Council directed that there be a one-year deferral on enforcement of this newly created maximum number of temporary signs for commercial businesses.
 - These sections include new or redefined categories, including signs carried by persons, blade signs, and 3D signs which are permitted as freestanding or blade designs.
- Existing Section 26-711 (Billboards.) – The content of this section has not been amended, but it has been renumbered as Section 26-712.

For those sections that have extensive amendments, they have been repealed and reenacted in the ordinance. For those sections that have only minor amendments, the ordinance includes redlined changes.

RECOMMENDED MOTION:

“I move to recommend approval of the proposed ordinance amending Articles VII of Chapter 26 of the code of laws, concerning the sign code.”

Exhibits:


1. Proposed Ordinance

It was moved by Commissioner VOS and seconded by Commissioner BODEN to recommend APPROVAL of Case No. WSP-17-09, a request for approval of a master sign plan for a unified development on property zoned Mixed Use-Commercial (MU-C) and located on the west side of Wadsworth between 35th and 38th Avenues, including 7690 Yukon Court and 3501, 3545, 3637 and 3765 Wadsworth Boulevard, for the following reasons:

1. The site is eligible for a master sign plan.
2. The master sign plan promotes well-planned and well-designed signage.
3. The master sign plan is consistent with the intent of the sign code and appropriate for the context of the development.

Motion carried 7-0.

Commissioner OHM thanked the staff for their hard work on this signage plan.

- 
- C. Case No. ZOA-18-01: an Ordinance amending Article VII (sign code) of Chapter 26 of the Code of Laws.

Mr. Wallace Mendez gave a short presentation regarding the Ordinance. 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 an existing business has a pole sign and the business changes ownership, can the new business use the same sign or will it have to be taken down.

Mr. Wallace Mendez confirmed that the pole sign can have the new business information put on it.

Commissioner BUCKNAM asked about the yard sign designation as defined and wanted to know what a limited period of time means and how it is enforceable.

Ms. Mikulak said that temporary signs are defined by their construction rather than a specific period of time.

Commissioner BUCKNAM confirmed that as long as the sign is removable the sign can stay for as long as possible.

Ms. Mikulak and Mr. Wallace Mendez agreed that this is true.

Commissioner VOS asked what category a flutter flag falls into.

Mr. Wallace Mendez said this falls into the pennant category.

Ms. Mikulak added that images will be included in the ordinance to help define the language.

Commissioner WEAVER wanted to confirm that on a residential property multiple temporary signs could be placed, but only one of those can be for a home occupation, even though we can no longer look at content.

Ms. Mikulak and Mr. Wallace Mendez agreed that this is true.

Commissioner OHM asked that if the sign code passes all leasing signs will be prohibited unless there is a master sign plan.

Ms. Mikulak and Mr. Wallace Mendez concurred that leasing signs are regulated by the large yard sign regulations. Large yard signs are permitted for properties with active building permits or actively listed for sale or lease. The signs are considered temporary.

Commissioner OHM then asked about what makes a sign temporary.

Ms. Mikulak explained that a permanent signs needs a permit and is typically constructed of more durable materials than temporary signs. She added there will be continued education with Code Enforcement to distinguish between temporary and permanent signs, as well as all updates to the sign code.

Mr. Wallace Mendez added there is a meeting in May with Code Enforcement to talk through the sign code updates.

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to recommend APPROVAL of the proposed ordinance amending Articles VII of Chapter 26 of the code of laws, concerning the sign code.

Motion carried 7-0.

Commissioner OHM stated he was fine with City Council's suggestion to allow for the school to have an LED through a process other than the sign code update.

Commissioner BUCKNAM added that making an exception for school can be put into the code, but a variance could do the same thing, it would receive the same level of scrutiny.

8. OLD BUSINESS

9. NEW BUSINESS

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 09-2018 – AN ORDINANCE APPROVING A ZONE CHANGE FROM AGRICULTURAL-ONE (A-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 5372 AND 5392 QUAIL STREET (CASE NO. WZ-17-11/CLARK)

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (03/26/2018)
☒ ORDINANCES FOR 2ND READING (04/23/2018)

QUASI-JUDICIAL: ☒ YES☐ NO
Community Development Director
City Manager**ISSUE:**

The applicant is requesting approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) for property located at 5372 and 5392 Quail Street for the purpose of developing single-family homes and townhomes.

The proposed rezoning area includes two parcels, the total size of which is approximately five and one-quarter acres.

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 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 \$1,756.62 were collected for the review and processing of Case No. WZ-17-11.

BACKGROUND:

The subject property is located in a northern peninsula of Wheat Ridge, and is surrounded on three sides by the City of Arvada. It is located along Quail Street north of Ridge Road and south of 54th Avenue. Less than 500 feet south of the subject property is the Quail Ridge Estates subdivision, a planned development approved in 2006 for 25 homes. Construction in Quail Ridge Estates is currently underway and several homes are complete and have been issued certificates of occupancy.

The subject property consists of two parcels, each of which contains a single-family home. The existing single-family homes were built in the late 1920s and early 1950s and have been utilized for residential and agricultural uses since that time.

Surrounding Land Uses

The property is nearly equidistant between two Gold Line stations (Wheat Ridge · Ward to the west and Arvada Ridge to the east). Historically, the neighborhoods in the area have been comprised predominantly of single-family homes and with some condominiums and multifamily. The housing stock is diversifying with the pending commuter rail line catalyzing new developments.

To the north and east of the subject property is the Skyline Estates neighborhood in the City of Arvada. This area consists of single-family homes constructed throughout the mid-2000s. To the southeast along Ridge Road, also within the Skyline Estates neighborhood, are five 8-unit apartment buildings. To the west of the subject property is a large vacant parcel within the City of Arvada. The current zoning on that property would allow residential uses to the north and industrial uses to the south. The City of Wheat Ridge recently received a referral from the City of Arvada for a proposed rezoning of this property to allow for approximately 500 dwelling units, consisting of single-family detached homes, paired homes, and apartments. This proposed development (Haskins Station) is currently under review by the City of Arvada, and has yet to be heard by the Arvada Planning Commission or City Council. To the south of the subject property are two properties agriculturally zoned and utilized for single-family homes with potentially some accessory agricultural uses. Further to the south is the aforementioned Quail Ridge Estates development, zoned Planned Residential Development.

Current and Proposed Zoning

The site's current zoning, Agricultural-One (A-1), allows for residential estate living within a quasi-rural or agricultural setting with single-family homes being permitted on a minimum of one-acre of land. Other uses permitted within this zone district are primarily agricultural uses such as farming, farmers markets, produce stands, riding academies and public stables, in addition to a few non-agricultural uses such as governmental buildings and schools. The applicant has proposed a Planned Residential Development which allows for single-family attached and detached homes and open space. Also allowed as accessory uses are home occupations and household pets. These accessory uses are in line with all residential zone districts in the City, and would be subject to the underlying regulations within the Code of Laws. Additionally, the applicant has proposed not

allowing detached accessory structures or RV and boat storage within the development. This is typical of some of the City's more recent Planned Residential Developments.

RECOMMENDATIONS:

Having found the proposed rezoning in compliance with the criteria for review in 26-112.E, staff and the Planning Commission forward to Council a recommendation of approval of this private rezoning request.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 09-2018, an ordinance approving the rezoning of property located at 5372 and 5392 Quail Street from Agricultural-One (A-1) to Planned Residential Development (PRD) 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 postpone indefinitely Council Bill No. 09-2018, an ordinance approving the rezoning of property located at 5372 and 5392 Quail Street from Agricultural-One (A-1) to Planned Residential Development (PRD) on second reading for the following reasons:

- 1.
- 2.
3. "

REPORT PREPARED/REVIEWED BY:

Zack Wallace Mendez, Planner II

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 09-2018
2. Planning Commission Staff Report
3. Planning Commission Minutes

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 09
ORDINANCE NO. _____
Series of 2018**

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM AGRICULTURAL-ONE (A-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 5372 AND 5392 QUAIL STREET (CASE NO. WZ-17-11/CLARK)

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, Summer Clark of SCHAL Investments, LLC has submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) zone district for property located at 5372 and 5392 Quail Street; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for residential uses along Quail Street north of Ridge Road; and,

WHEREAS, the subject property lies equidistant between two Gold Line stations, and the housing stock in the area is diversifying with the rail line catalyzing new development in the area; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on March 15, 2018 and voted to recommend approval of rezoning the property to Planned Residential Development (PRD),

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

Section 1. Upon application by Summer Clark for approval of a zone change ordinance from Agricultural-One (A-1) to Planned Residential Development (PRD) for property located at 5372 and 5392 Quail Street, 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:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 16; THENCE N89°37'16"E ALONG THE EAST-WEST CENTERLINE OF SAID

SECTION 16 A DISTANCE OF 471.14 FEET TO THE NORTHWEST CORNER OF TRACT A, SKYLINE ESTATES FILING NO. 2; THENCE S00°12'24"E ALONG THE WEST LINE OF BLOCK 1 OF SAID SKYLINE ESTATES FILING NO. 2 A DISTANCE OF 499.28 FEET; THENCE S89°34'25"W ALONG A LINE 160 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH 7 ACRES OF THE WEST 14 ACRES OF THE SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16 A DISTANCE OF 430.76 FEET TO A POINT ON THE EAST LINE OF PROPERTY CONVEYED TO JEFFERSON COUNTY BY DEED RECORDED APRIL 6, 1954 AT RECEPTION NO. 572675; THENCE N00°15'01"W ALONG SAID EAST LINE A DISTANCE OF 19.63 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE S89°37'16"W ALONG THE NORTH LINE OF SAID PROPERTY A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID NORTHWEST QUARTER OF SECTION 16; THENCE N00°15'01"W ALONG SAID CENTERLINE A DISTANCE OF 480.00 FEET TO THE POINT OF BEGINNING.

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 8 to 0 on this 26th day of March, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 23, 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 29, 2018

2nd publication:

Wheat Ridge Transcript:

Effective Date:

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

TO: Planning Commission **MEETING DATE:** March 15, 2018

CASE MANAGER: Zack Wallace Mendez

CASE NO. & NAME: WZ-17-11 / Clark

ACTION REQUESTED: Approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP).

LOCATION OF REQUEST: 5372 and 5392 Quail Street

APPLICANT (S): Summer Clark, SCHAL Investments

OWNER (S): Arthur Joel Aho Revocable Trust and Barbara Jean Aho Revocable Trust
Gregory Skalla

APPROXIMATE AREA: 230,432 square feet (5.3 acres)

PRESENT ZONING: Agricultural-One (A-1)

COMPREHENSIVE PLAN: Neighborhood

ENTER INTO RECORD:

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

Location Map



Site

JURISDICTION:

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

I. REQUEST

Case No. WZ-17-11 is an application for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 5372 and 5392 Quail Street. The purpose of the request is to permit development of single-family detached homes and townhomes (referred to as single-family attached).

Rezoning to a planned development in the City of Wheat Ridge involves a two-step process. The first step is the Outline Development Plan, which, if approved, changes the zoning designation on the land, establishes allowed uses and development standards for the property, and establishes access configurations for vehicles, pedestrians, and bicycles. The second step in the process is the Specific Development Plan (SDP), which focuses on specific details of a development such as final drainage, architecture, lot layouts, and specific building location and orientation. The SDP must be found to be compliant with the ODP in order to be approved.

The applicant is requesting a two-step approval, which is permitted pursuant to Section 26-302 of the Municipal Code. The ODP document requires public hearings before the Planning Commission and the City Council, with the City Council being the final deciding body. If the ODP is approved, the applicant can apply for SDP approval. SDP applications must be heard at a public hearing before the Planning Commission, who is the final deciding body for SDP approval. A subdivision plat will also be required with this development, and will be reviewed by Planning Commission and City Council.

II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located in a northern peninsula of Wheat Ridge, and is surrounded on three sides by the City of Arvada. It is located along Quail Street north of Ridge Road and south of 54th Avenue. Less than 500 feet south of the subject property is the Quail Ridge Estates subdivision, a planned development approved in 2006 for 25 homes. Construction in Quail Ridge Estates is currently underway and several homes are complete and have been issued Certificates of Occupancy.

The subject property consists of two parcels, each of which contains a single-family home. The existing single-family homes were built in the late 1920s and early 1950s and have been utilized for residential and agricultural uses since that time (*Exhibit 1, Aerial*). The site is zoned Agricultural-One (A-1), which allows for residential estate living within a quasi-rural or agricultural setting (*Exhibit 2, Zoning Map*).

To the north and east of the subject property is the Skyline Estates neighborhood in the City of Arvada. This area consists of single-family homes constructed throughout the mid-2000s. To the southeast along Ridge Road, also within the Skyline Estates neighborhood, are five 8-unit apartment buildings. To the west of the subject property is a large vacant parcel within the City of Arvada. The current zoning on the property would allow residential uses to the north and industrial uses to the south. The City of Wheat Ridge recently received a referral from the City of Arvada for a proposed rezoning of this property to allow for approximately 500 dwelling units, consisting of single-family detached homes, paired homes, and apartments. This proposed development (Haskins Station) is currently under review by the City of Arvada, and has yet to be heard by the Arvada Planning Commission or City

Council. To the south of the subject property are two properties agriculturally zoned and utilized for single-family homes with potentially some accessory agricultural uses. Further to the south is the aforementioned Quail Ridge Estates development, zoned Planned Residential Development.

III. OUTLINE DEVELOPMENT PLAN

Attached is a copy of the proposed Outline Development Plan (ODP) which contains two sheets (*Exhibit 3, Outline Development Plan*). The first page is a typical cover page with certification and signature blocks for the property owners, and Planning Commission, City Council, and Mayor. Also on the first page is a character of development statement, list of permitted uses, and other notes. The second page includes the conceptual layout of the property, including right-of-way, alley, and open space locations. Additionally, this page establishes the development standards that will govern future development on the site.

Allowable Uses

The property is currently zoned Agricultural-One, which allows for single-family homes on a minimum of one acre of land in addition to a variety of agricultural related uses such as farming, farmers markets, produce stands, riding academies and public stables, and governmental buildings and schools. The applicant has proposed allowances for single-family attached and detached homes and open space. Also allowed as accessory uses are home occupations and household pets. These accessory uses are in line with all residential zone districts in the City, and would be subject to the underlying regulations within the Code of Laws. Additionally, the applicant has proposed not allowing detached accessory structures or RV and boat storage within the development. This is typical of some of the City's more recent Planned Residential Developments.

Site Configuration

The ODP proposes 14 single-family homes located along the northern and eastern edges of the property, providing a buffer between existing single-family homes in Skyline Estates and the proposed townhomes which are centrally located on the site. The applicant has proposed a maximum of 42 attached (townhome) units located within 8-12 buildings, with 3-6 units per building.

The single-family detached homes will gain access from the public right-of-way with garages and front doors facing the street. The townhomes (single-family attached) are proposed to gain garage access from alleys, while front doors face the proposed streets and open space areas.

Lot Size

Lot sizes are proposed to be a minimum of 4,500 square feet for single-family detached homes. The attached homes will be governed by building size, and limited to 3-6 units per building. As is typical with any townhome development, each individual unit would be exempt from any lot size, interior setback, or lot width standards. Front and rear setbacks apply, as do side setbacks for the building as a whole.

Setbacks

Single-family detached homes will be required to have a minimum 10-foot front yard setback, with a variation of at least 2.5 feet to provide some variety in the front setbacks along the street. No two adjacent homes or homes across the street shall be allowed the same front setback. Side setbacks are proposed to be a minimum of 5 feet, with rear setbacks proposed to be a minimum of 15 feet. The ODP document currently indicates a minimum rear yard setback of 10 feet, and as such, revising this figure to 15 feet is a condition of approval.

For the attached homes front and side yard setbacks facing the street or an alley are proposed to be a minimum of 10 feet. Front and side yard setbacks facing open space are proposed to be a minimum of 5 feet. Rear setbacks along alleys are proposed to be allowed a 0 foot setback.

The proposed side and rear setbacks are largely consistent with the City's standard residential zone districts and create appropriate buffers from surrounding neighborhoods. The 10-foot front setbacks are appropriate for the proposed neo-traditional urban design and will help establish the character of this neighborhood.

Height

The maximum height permitted within the development is consistent with the current A-1 zoning and the maximum height permitted in all residential zone districts across the City at 35 feet.

Lot Coverage/Open Space

Single family detached homes are limited to 60% lot coverage, leaving the balance of the lots for driveways and landscaping. Landscaping for the single-family home lots defaults to Section 26-502 of the Code of Law which requires no less than 25% of the gross lot area be landscaped, and no less than 100% of the front yard be landscaped. The aggregate open space requirement for the single family attached homes in the central part of the site is 30%. Two primary open space amenities are proposed to traverse the site east to west connecting Quail Street with Pierson Court.

Access

Quail Street is the proposed point of access into the development. Currently Quail Street extends north from Ridge Road as a full width street through the Quail Ridge Estates, and then as a substandard street until it dead-ends within the subject property (*Exhibit 4, Quail Street*). This proposed development will bring Quail Street through the subject property and connect with West 54th Avenue in the City of Arvada. Much of this Quail Street right-of-way from Quail Ridge Estates to W. 54th Avenue is proposed to be located within the City of Arvada. The development plan for Haskins Station (the project to the west) proposes that as Quail Street extends north from Quail Ridge Estates it shifts west into the City of Arvada. This is necessitated by the fact that adequate right-of-way does not exist along Quail Street in front of the two properties which are not redeveloping between Quail Ridge Estates and this proposed Quail Run development.

As shown in the section view on Sheet 2 of the ODP, the current development scenario proposes that only the eastern sidewalk along Quail Street would be located within the City of Wheat Ridge. The construction of Quail Street is necessary in order for the subject property to develop. If for some reason the Haskins Station project does not advance or does not advance at the same pace, the future Specific Development Plan (SDP) and subdivision plat applications for Quail Run will also not advance to public hearing until there are assurances that an adequately wide Quail Street is able to be constructed within dedicated right-of-way. These are conditions of approval of this SDP.

In addition to Quail Street, a proposed Pierson Court, and two east-west public streets will provide access within the property. Pierson Court will also extend south and provide access to the detention pond and in anticipation of future street extensions. These will be dedicated by the future subdivision plat.

Architecture

For single family homes, the applicant has proposed a front façade masonry requirement typical of single-family PRD's in the City, but with an aggregate calculation rather than a requirement for each

home. The applicant has requested this aggregate calculation in order to maximize the variation in architectural style between the homes. Staff is supportive of this approach as it will allow for unique and differing styles from house to house, and allow for a range of architectural styles, some of which may not require any masonry, while others rely heavily on the incorporation of masonry.

For the single-family attached (townhomes), the developer has proposed utilizing the City's Architectural and Site Design Manual for multifamily architecture. The City is supportive of utilizing these existing standards.

Parking

The ODP requires that every home have a garage that accommodates two cars. Additionally, on-street parking has been provided along Pierson Court, Quail Street, and the two east-west public rights-of-way. At the request of adjacent neighborhoods, no on-street parking will be provided along 54th Avenue in Arvada.

Drainage

With an ODP, applicants are requested to provide preliminary drainage information that indicates a conceptual design for drainage facilities. A full drainage report and final design is not required until the subsequent SDP or plat applications. The ODP proposes a large detention pond at the southeast corner of the property, partially located on-site and partially located off-site. The applicant is negotiating with the property owner to the south to purchase a portion of their property for drainage purposes. It should be noted that the sale of a portion of the neighboring property cannot be finalized until a plat is recorded, officially subdividing the land.

The applicant has also acquired an 8-foot strip of land which runs between 54th Avenue and the northern edge of Quail Ridge Estates between the subject property and the Skyline Estates subdivision. This area is planned to be utilized for some drainage conveyance. In order for development to occur, the City will need to receive signed agreements between the developer and any affected Parfet Street homeowner. This is a recommended condition of approval.

Relationship to Surrounding Area

The site planning for this ODP has been sensitive to the immediately surrounding land uses, while also recognizing this property's location between two commuter rail stations and the higher density development occurring in the area. *Exhibit 5, Area Overview* shows this area of Wheat Ridge/Arvada at a higher level and demonstrates the key catalysts (Arvada Ridge Station and Wheat Ridge · Ward Station) prompting a variety of development proposals in this area.

Much of the existing single-family residential areas were entitled and built prior to RTD's FasTracks plan being approved by voters in the mid-2000s. As a result of this voter-approved transit investment, and two stations being located in the immediate area, many vacant or underutilized pieces of land are currently under construction or undergoing entitlement processes to develop a variety of housing types. These projects include:

- Quail Ridge Estates: small lot single-family development.
- Arvada Ridge 2: additional multi-family north of the existing Arvada Ridge apartments.
- Former Jolly Rancher site: A developer has held a pre-application meeting with Staff regarding a townhome development.

- Hance Ranch: the northern portion of the property has been approved for townhomes, and a pre-application meeting has been held with a developer wanting to build multi-family on the southern half.
- Haskins Station: proposal for approximately 500 dwelling units consisting of both large and small lot single-family homes, paired homes, and apartments.

Within this context, Quail Run is located halfway between the two rail stations and is immediately adjacent to existing single-family residential. As such the northern and eastern edges of the property are buffered with single-family homes. This transitions to townhomes moving southwest towards the proposed Haskins Station development and the development projects occurring around the Wheat Ridge · Ward Station.

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.

By orienting denser residential uses on the west side adjacent to planned future development, and by buffering the existing Skyline Estates neighborhood with single-family homes, the change of zone will not result in adverse effects on the surrounding area.

Portions of the subject property are underutilized, and have been the subject of Code Enforcement action in the past. The Planned Residential Development zoning is expected to have a positive impact on the neighborhood both aesthetically and from a property value perspective. The subject site serves as a transition between lower density residential uses to the east and higher intensity uses planned and under construction to the west, and supports compatibility between future redevelopment, existing land uses, and nearby transit stations.

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.

All responding agencies have indicated they can serve the property with improvements installed at the developers' expense. Should the zone change be approved, a more detailed review will occur at the time of the Specific Development Plan and subdivision plat.

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.**

Envision Wheat Ridge, the City's 2009 comprehensive plan (*Exhibit 6, Comprehensive Plan*), identifies this area as a Neighborhood. This designation calls for places for people to own homes and thrive and where residents of all ages can live safely and comfortably. The plan includes the following goals for the Neighborhood designation associated with this location:

1. *Maintain and enhance the quality and character of Wheat Ridge's established neighborhoods.*
2. *Increase housing options.*
3. *Increase investment and stability in Neighborhood Revitalization Areas.*

The buffering of the existing single-family homes will help maintain and enhance the quality and character of the established adjacent neighborhoods in both Wheat Ridge and Arvada.

The proposal provides an increase in housing options for the City. The applicant has proposed a mix of single-family homes and townhomes located approximately half-way between two RTD Gold Line stations, providing potential buyers with several options in close proximity to transit, Interstate 70, and adjacent commercial services.

Finally, this increased investment in the area will help bring stability to underutilized and difficult to maintain large parcels which have been subjected to Code Enforcement action in the past.

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 A-1 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.**

The areas along Ridge Road between Kipling Street and Ward Road have, and continue to see, development pressure based on the construction of the RTD Gold Line. Closer to Ward Road, the City of Wheat Ridge has seen development interest that capitalizes upon the proximity to a commuter rail station in the form of townhouse and multi-family developments. Large portions of land near the Wheat Ridge · Ward Station are zoned Mixed Use-Commercial Transit Oriented Development (MU-C TOD), which encourages densities and uses compatible with close proximity to a transit station. The City of Arvada has seen similar interest and development closer to Kipling Street, with upwards of 350 established apartments and approximately 300 apartments under construction at Arvada Ridge. Between Kipling and Ward, the Skyline Estates subdivision consisting of single-family homes and condos was

constructed between the early and late 2000s. Quail Ridge Estates, directly to the south of the subject property, is currently under construction. Development interest is also present on the vacant parcel to the west, proposed to have single-family homes, townhomes, and apartments. *(Exhibit 5, Area Overview)*

The proposed development complements both the existing character and the changing character of the area.

Staff concludes that this criterion has been met.

- 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. The Comprehensive Plan was written with the rail station in mind, and anticipated residential neighborhoods at this location.

Staff concludes that this criterion is not applicable.

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

V. NEIGHBORHOOD MEETING

Pursuant to section 26-109 of the Code of Laws, the applicant notified all property owners and residents within 600 feet of the site of the neighborhood meeting. Neighborhood meetings are required prior to submittal of an application for a zone change.

Prior to the neighborhood meeting Staff received two letters stating concern with the proposed development. Both raised similar concerns regarding high density development and drainage, and one letter stated concerned about a loss of trees *(Exhibit 9, Letters Prior to Neighborhood Meeting)*.

The neighborhood input meeting was held on December 5, 2017. Approximately 22 members of the public attended the meeting in addition to the applicant and staff. During the meeting concerns were raised about the townhomes fronting 54th Avenue, traffic impacts on Ridge Road, and general questions regarding architecture, drainage, and potential price points *(Exhibit 10, Neighborhood Meeting Notes)*.

After the neighborhood meeting and prior to receiving the formal application, Staff received one additional letter *(Exhibit 11, Letter After Neighborhood Meeting)* which discouraged multi-family homes in this development, but also stated that if the City will permit multi-family homes, it is requested they not be located along 54th Avenue, as was proposed on a draft site plan shown at the neighborhood meeting. The letter preferred single-family homes along 54th Avenue for compatibility with the neighboring Skyline Estates neighborhood. The letter also requested parking not be located on 54th Avenue, as was presented on a draft site plan.

Staff and the applicant acknowledged these neighborhood concerns, and as a result the site plan presented to the Planning Commission is different than the plan shown during the neighborhood meeting: the townhomes have been internalized, parking has been removed from 54th Avenue, and all homes along 54th Avenue are single-family homes.

Public noticing is also required prior to public hearings. This noticing began on March 1. As of the finalization of this Staff Report on March 9, no comments, letters, or calls have been received by Staff. Any letter submitted between March 9 and the Planning Commission public hearing on March 15 will be entered into the record and distributed to the Commissioners during the public hearing.

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.

Valley Water District: Connection can be made via 54th Avenue, applicant needs to work with Valley Water and Denver Water on creating a secondary access point, likely within Haskins Station right-of-way.

Clear Creek Valley Sanitation District: Applicant will need to work with district to extend the main into the property. Access through the 15-foot Quail Street right-of-way to the south is acceptable.

Arvada Fire Protection District: Standard comments provided regarding access and compliance with the International Fire Code. Additionally, the applicant requested that two alleys be allowed a minimum unobstructed width of 24 feet wide, when 26 feet is typically required. Due to the other access options, the Fire District finds this to be an acceptable modification.

City of Arvada: Regarding drainage, Arvada noted that coordination with effected property owners in Skyline Estates is necessary.

Wheat Ridge Police Department: No objection.

Century Link: No objection.

Xcel Energy: 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 is adjacent to and can serve the property at the developer's expense. Finally, Staff concludes that the zone change is consistent with the goals and objectives of the Comprehensive Plan by promoting neighborhood compatible uses and promoting reinvestment in an older slowly diminishing agricultural peninsula of Wheat Ridge.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-17-11.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-17-11, a request for approval of a zone change from Agricultural-One to Planned Residential Development with an Outline Development Plan (ODP) for property located at 5372 and 5392 Quail Street, 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. The proposed zone change is consistent with the goals and objectives of the City’s Comprehensive Plan.
3. The proposed zoning includes a circulation network that supports the City’s
4. The proposed zoning establishes enhanced design controls related to site design and architecture that will result in a high-quality development.
5. The criteria used to evaluate a zone change support the request.

And with the following conditions:

1. The Quail Run specific development plan and subdivision plat shall not be reviewed at public hearing until Quail Street has been dedicated as public right-of-way on the adjacent property to the west or on the subject property.
2. If final utility and/or drainage designs affect off-site property owners, written authorization shall be provided from those owners prior to public hearings for the Quail Run subdivision plat.
3. Revise single-family attached minimum rear yard setback to 15 feet.

Option B:

“I move to recommend DENIAL of Case No. WZ-17-11, a request for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 5372 and 5392 Quail Street, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL



EXHIBIT 2: ZONING MAP



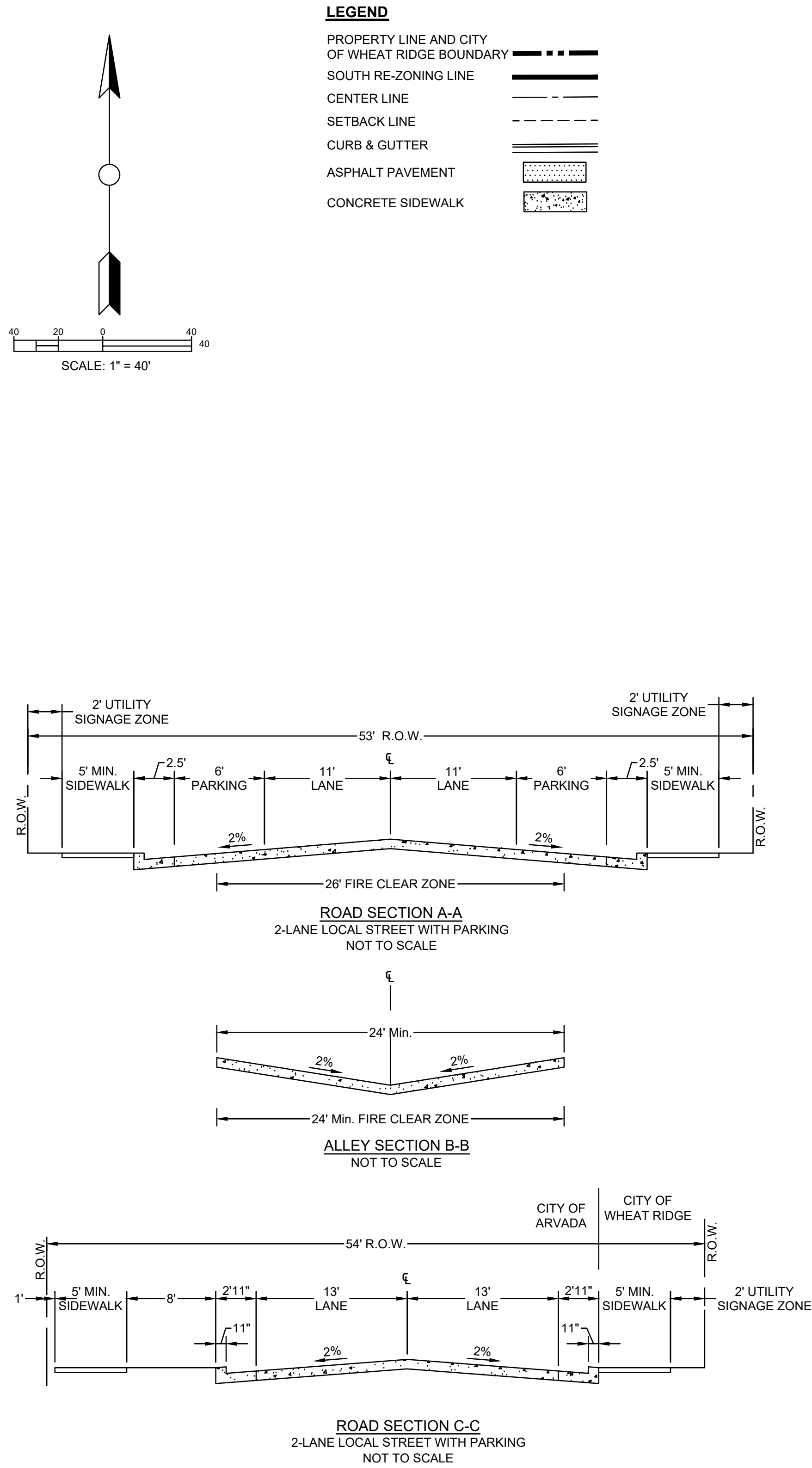
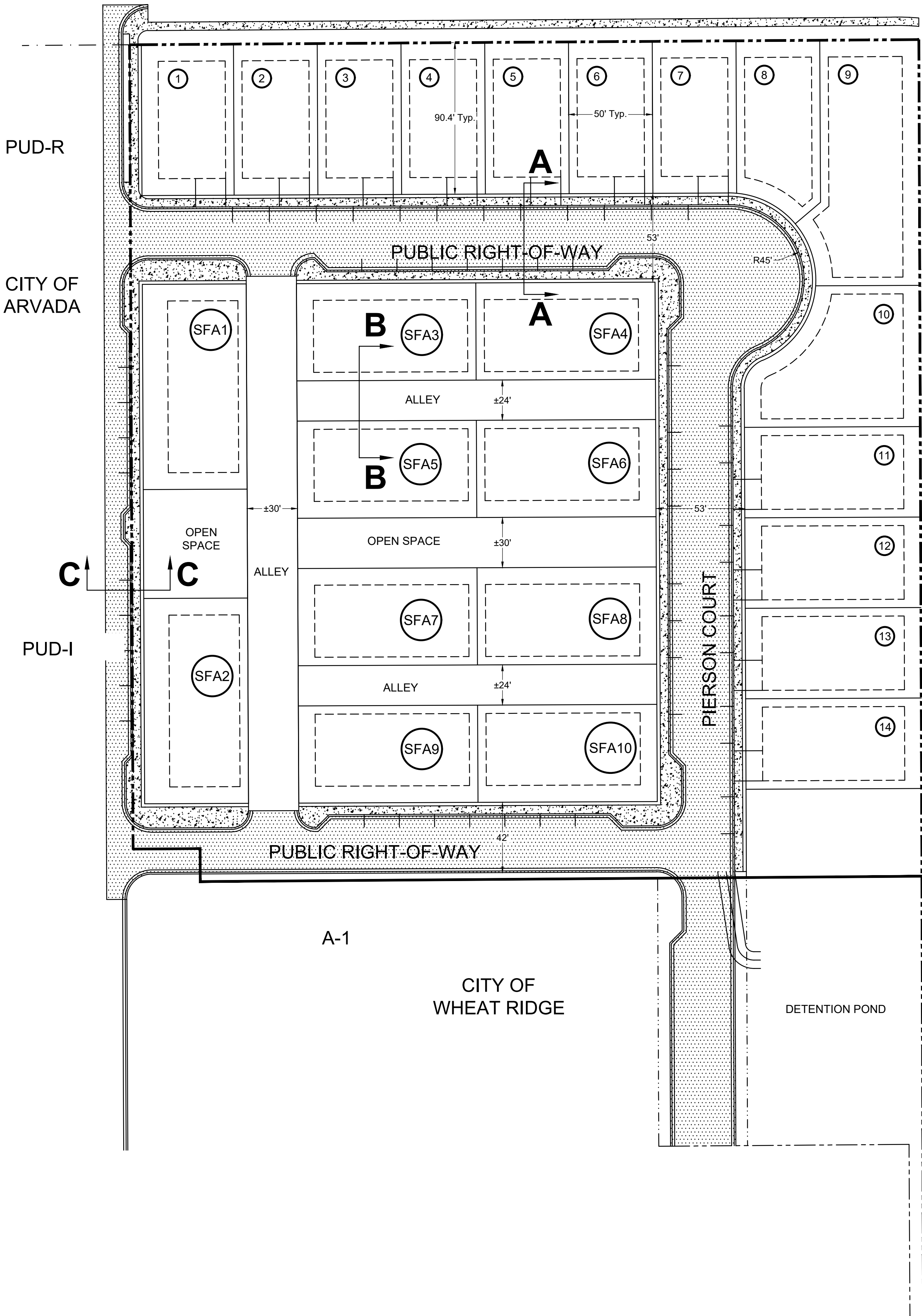
EXHIBIT 3: OUTLINE DEVELOPMENT PLAN

Attached as an 11x17 document on the following page.

QUAIL RUN PLANNED RESIDENTIAL DEVELOPMENT
AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE

NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

PUD-R
CITY OF ARVADA



DEVELOPMENT STANDARDS:

1. USE AREAS:
 - i. USE AREA "A" IS THE SINGLE FAMILY DETACHED (SFD) UNITS DEFINED AS LOTS 1-14 BORDERING THE NORTH AND EAST SIDE OF THE DEVELOPMENT.
 - ii. USE AREA "B" IS THE CENTRAL AREA OF THE DEVELOPMENT AND SHALL BE UTILIZED FOR SINGLE FAMILY ATTACHED (SFA) HOMES.
2. MAXIMUM HEIGHT: 35 FEET
3. SFD MINIMUM LOT AREA: 4,500 SQUARE FEET
4. SFD MINIMUM LOT WIDTH: 50 FEET
5. SFD MAXIMUM BUILDING COVERAGE: 60%
6. SFD MAXIMUM DENSITY: 14 UNITS
7. SFA MAXIMUM DENSITY: 42 UNITS (RANGING FROM 3 TO 6 UNITS WITHIN 8-12 BUILDINGS, SHOWN CONCEPTUALLY AS SFA1- 10)
8. MINIMUM SETBACKS (MEASURED TO FOUNDATION)
 - i. SINGLE FAMILY DETACHED:
 - a. FRONT SETBACK = 10'
 - b. FRONT SETBACKS SHALL VARY A MINIMUM OF 2.5 FEET. NO TWO ADJACENT HOMES OR HOME DIRECTLY ACROSS THE STREET SHALL HAVE THE SAME SETBACK.
 - c. SIDE SETBACK = 5'
 - d. REAR SETBACK = 10'
 - e. MINIMUM DRIVEWAY LENGTH = 15' TO BACK OF WALK.
 - f. MAXIMUM DRIVEWAY WIDTH = 18'
 - g. BUILDING SETBACK ENCROACHMENTS ARE PERMITTED IN CONFORMANCE WITH SECTION 26-611 OF THE WHEAT RIDGE MUNICIPAL CODE.
 - ii. SINGLE FAMILY ATTACHED: INDIVIDUAL SINGLE FAMILY ATTACHED LOTS SHALL BE EXEMPT FROM THE FOLLOWING STANDARDS, SO LONG AS THE ENTIRE MULTI-UNIT BUILDING MEETS ALL STANDARDS ESTABLISHED BELOW.
 - a. FRONT OR SIDE SETBACK FACING STREET OR ALLEY = 10'
 - b. FRONT OR SIDE SETBACK FACING OPEN SPACE = 5'
 - c. REAR SETBACK FACING ALLEY = 0'
 - d. MINIMUM BUILDING SEPARATION = 10'
 - e. BUILDING SETBACK ENCROACHMENTS ARE PERMITTED IN CONFORMANCE WITH SECTION 26-611 OF THE WHEAT RIDGE MUNICIPAL CODE.
9. PARKING
 - i. OFF-STREET PARKING: ALL HOMES WILL HAVE TWO-CAR GARAGES.
 - ii. VISITOR PARKING:
 - a. SFA TO PROVIDE ONE ON-STREET VISITOR SPACE FOR EVERY 10 OFF-STREET SPACES PROVIDED.
 - b. SFD TO PROVIDE ONE GUEST PARKING SPACE PER UNIT LOCATED EITHER WITHIN DRIVEWAY OR ON-STREET.
10. LANDSCAPING:
 - i. SFA MINIMUM OPEN SPACE: 30%
 - ii. ALL LANDSCAPING SHALL BE IN CONFORMANCE WITH SECTION 26-502 LANDSCAPING REQUIREMENTS OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
11. EXTERIOR LIGHTING: ALL LIGHTING SHALL BE IN CONFORMANCE WITH SECTION 26-503 EXTERIOR LIGHTING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
12. SIGNAGE: ALL SIGNAGE SHALL BE IN CONFORMANCE WITH ARTICLE VII SIGN CODE OF THE CITY OF WHEAT RIDGE CODE OF LAWS, EXCEPT AS FOLLOWS FOR FREESTANDING SUBDIVISION SIGN.
 - i. MAXIMUM NUMBER: 1
 - ii. MAXIMUM SIGN AREA: 36 S.F.
 - iii. MINIMUM SETBACK: 0' (SHALL NOT INTERFERE WITH SIGHT DISTANCE TRIANGLE)
 - iv. MAXIMUM HEIGHT: 5'
13. FENCING: ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 26-603 FENCING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
14. ARCHITECTURAL AND STREETScape DESIGN
 - i. STREETScape DESIGN SHALL BE IN CONFORMANCE WITH THE STREETScape DESIGN MANUAL.
 - ii. SINGLE FAMILY DETACHED ARCHITECTURE:
 - a. FACADES FACING PUBLIC R.O.W. AND/OR OPEN SPACE SHALL UTILIZE THE SAME ARCHITECTURAL TREATMENTS AS FRONT FACADES.
 - b. NO TWO ADJACENT HOMES OR HOMES ACROSS THE STREET SHALL UTILIZE THE SAME ARCHITECTURALLY DETAILED ELEVATION.
 - c. A MINIMUM OF 30% MASONRY OF BRICK, BRICK VENEER, STUCCO, STONE, STONE VENEER, SYNTHETIC STONE, OR OTHER APPROVED MASONRY MATERIALS WILL BE APPLIED ON FRONT ELEVATIONS. THIS MASONRY REQUIREMENT MAY BE AGGREGATED FOR LOTS 1-14 SO LONG AS THE AVERAGE IS NO LESS THAN 30% FOR THE ENTIRE SFD USE AREA. THE PURPOSE OF THIS AGGREGATE AND AVERAGE APPROACH IS TO ACHIEVE MAXIMUM VARIETY AMONG ELEVATIONS. MASONRY SHALL WRAP A MINIMUM OF 4' ON SIDE ELEVATIONS.
 - iii. SINGLE FAMILY ATTACHED ARCHITECTURE:
 - a. WILL COMPLY WITH CHAPTER 4.3 OF THE ARCHITECTURAL AND SITE DESIGN MANUAL. THE MATERIAL VARIATION REQUIREMENT SHALL NOT APPLY TO THE ALLEY FACING FACADES.
 - b. FRONT DOORS SHOULD BE ORIENTED TOWARDS PUBLIC RIGHT-OF-WAY AND OPEN SPACE.



12708 DEER CREEK DR
OMAHA NE 68142
sjuster@justercivilengineering.com



Project:

Quail Run
1712001

Address:

Quail Street & 54th Avenue
City of Wheat Ridge, CO

Revisions

Revision#

Mark	Date	Description
1	03/05/2018	

Checked By:

Drawn By:

Dwg File:

Sheet Title

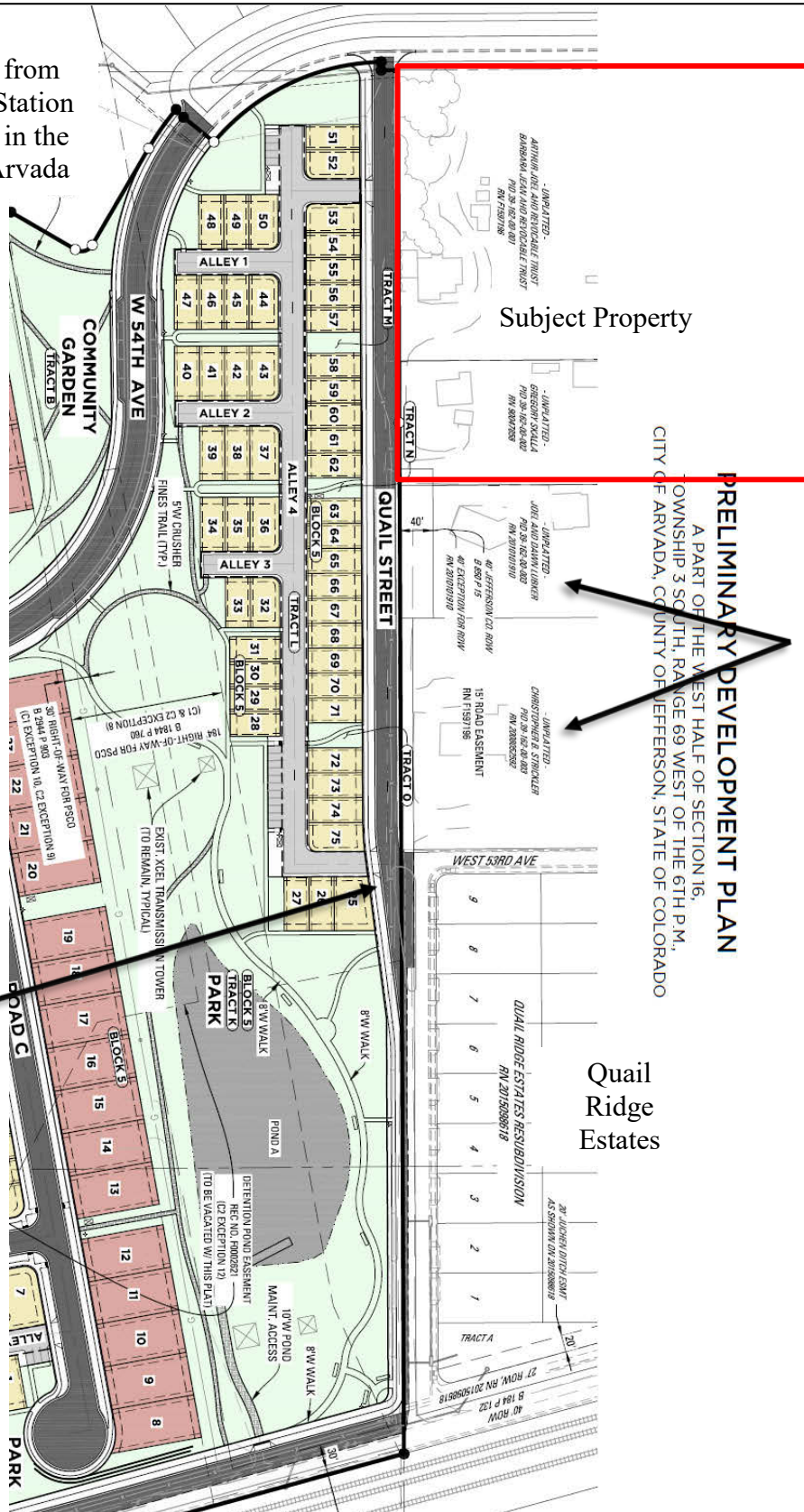
Prel. Site Plan

Sheet

2 of 2

EXHIBIT 4: QUAIL STREET

Excerpt from
Haskins Station
proposal in the
City of Arvada



Subject Property

PRELIMINARY DEVELOPMENT PLAN

A PART OF THE WEST HALF OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.,
CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO

Parcels not being
redeveloped

Quail
Ridge
Estates

Shift in Quail Street
in order to
accommodate a
functional street for
Haskins Station and
Quail Run.

EXHIBIT 5: AREA OVERVIEW

Attached as an 11x17 document on the following page.

Single-family

Office/
Commercial

Single-family

Multi-family

Single-family

Red Rocks
Community
College

Office/
Commercial

Condos

Haskins Station
Submittal for approx.
500 dwelling units
Single-family detached
Paired homes
Apartments

Subject
Property

Single-family

Arvada Ridge 2
Under construction
apartments

Quail Ridge
Estates:
Small lot
single-family

Multi-family



Arvada Ridge
G Line Station

Hance Ranch
North:
Townhomes

Single-family
and
duplexes

South:
Pre-application for
multi-family

Former Jolly Rancher site
Pre-application for
townhomes



Wheat Ridge - Ward
G Line Station

Industrial

Multi-family

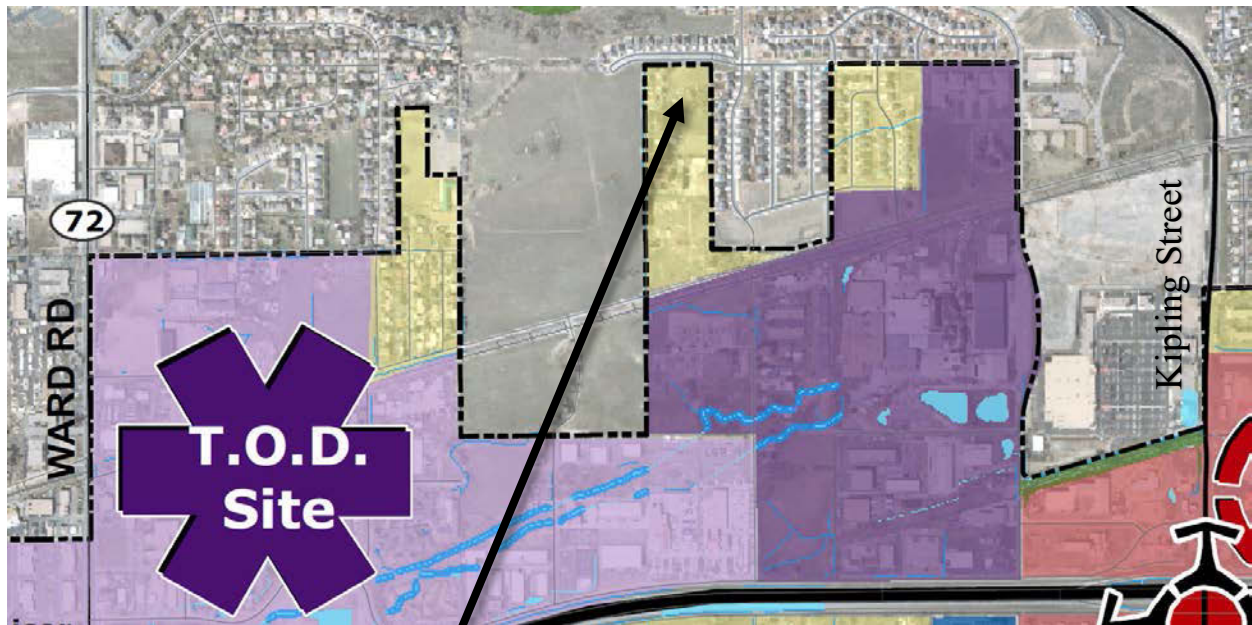
Commercial
Center

Industrial
and
Office/Warehouse



1000 ft

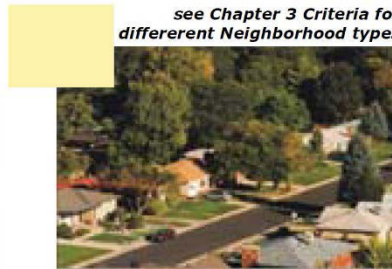
EXHIBIT 6: COMPREHENSIVE PLAN



Subject Property

Neighborhoods

*see Chapter 3 Criteria for
different Neighborhood types*



Employment



Mixed-Use Employment



EXHIBIT 7: APPLICANT LETTER

QUAIL RUN ZONE CHANGE REQUEST FROM A-1 to PRD

SCHAL Investments, LLC proposes to rezone properties currently known as 5372-5392 Quail Street from Zone A-1 to PRD. This proposed development will feature unique character with a variety of architectural designs in homes ranging from 1,200 to 3,000 square feet, with two-car garages, and ample on-street parking. Residences will be comprised of 14 two-story single family detached homes, and 8-10 three-story buildings with 42 single family attached homes. Open space is planned in the most central part of the PRD for residents to enjoy the natural beauty of the area and create community synergy.

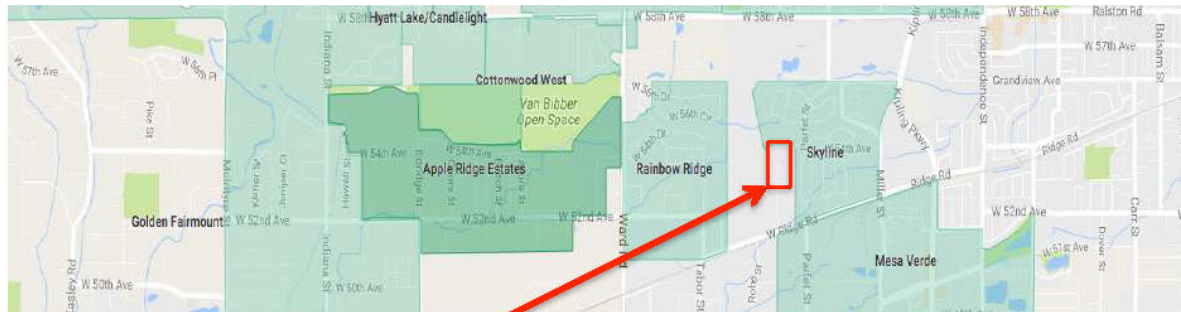
The goal of the “Quail Run” development is to bring quality housing to Wheat Ridge in an effort to renew aging housing and outdated agricultural habitats, while encouraging new homeownership opportunities for urban commuters frequenting the new RTD Gold-Line lite rail that runs near the project. The planned residential development will enhance an under utilized infill area on the northernmost top of a peninsula in Wheat Ridge surrounded by Arvada neighborhoods to the east, north and a future neighborhood to the west.

Quail Run will provide pedestrian connectivity and interaction with the surrounding communities. It will serve as a transitional neighborhood designed to allow buffering and density transition from the Skyline Estates neighborhood to the east and north, and for higher density multifamily uses to the west.

NEIGHBORHOOD HISTORY

The proposed PRD is not in any specific subdivision, though the Jefferson County Assessor’s office calls our neighborhood:

Neighborhood: 2320 - APPLERIDGE ESTATES, STANDLEY HEIGHTS, WR GARDN



Our neighborhood description is still referenced in metes and bounds originating through deeds from Anna Nelson, a believed descendent of E.G. Tost who received the initial deed to the land from the State of Colorado on May 15, 1885. Anna Nelson received deed from E.G. Tost on July 25, 1920 as follows:

“The West (W.) fourteen (14) acres of the Southeast (S.E.) quarter of the Northwest (N.W.) Quarter of Section Sixteen (16), Township Three (3) South, Range Sixty-nine (69) West (W.) of the 6th P.M.

subject to easements of County roads and the right-of-way of the Colorado and Southern Railway Company, together with Five(5) shares of stock in the Wannamaker Ditch Company.”

Today approximately 6 acres of these 14 acres are proposed for the Planned Residential Development of 56 fee simple lots.

NEIGHBORHOOD ANALYSIS

The subject neighborhood sits close to the new RTD Gold Line not far from the Gold Line Ward Station and uniquely among residential and mixed use industrial and commercial areas within a ¼ mile span.



REZONING

The RTD-Gold Line is one of the drivers for rezoning the properties due to the area's "Ward G Line Station Vision" resulting from ten years of planning and citizen support. Current market conditions and updated planning objectives around the RTD Ward Station area within a half mile radius result in a potential TND opportunity for the land bordering west of the "Quail Run" project. Below is the "Schematic of plans for Transit-Oriented Development north of I-70" which details the desired changes for the area that positions it to be... *"the premier location in the metro area for outdoor recreation-focused companies and employers utilizing the concept of co-working spaces that fosters a shared working environment."* (Quote from City Manager's Column, "Connections" publication from the City of Wheat Ridge, Issue 60, Fall/Winter 2016)

- Water: Valley Water District.
- Sewer: Clear Creek Valley Sanitation
- Gas/Electric: Xcel Energy
- Telecommunications: Comcast/Xfinity

PRESENT AND FUTURE EFFECT ON PUBLIC FACILITIES AND SERVICES

The agricultural properties represented in Quail Run for development are serviced with older private wells and septic systems. The new proposed development would create a safer and healthier environment for suburban community living eliminating concerns for fire or sanitary health in the neighborhood.

Adhering to the fire code, hydrants will be installed every 300 feet throughout Quail Run, and serviced by Valley Water District from 54th Avenue bordering the project to the north. Sanitation lines would replace the septic systems. An extended detention basin will be designed to capture storm water runoff following historic overall drainage patterns that flow into an existing drainage basin easement bordering east and flowing southeast of Quail Run.

Quail Run adds sidewalks while also increasing transportation connections by creating new roadways within the development and opening the area to connect 54th Avenue (currently dead ends north of the PRD) and Ridge Road via Quail Street.

A dedicated open space centrally located within Quail Run in addition to landscaping throughout are planned to cultivate natural beauty and preserve a park like presence within the development.

Due to its size, this development may enhance the Jefferson County School District with some students, and is not considered to bring an impact of concern to the district.

Based on the Quail Run Traffic Generation Report, this development does not add significant traffic that would negatively effect the neighborhood.

In summary, the requested zone change and proposed development embraces the City of Wheat Ridge's larger long-term vision as presented in its comprehensive plan by enhancing the quality of the established neighborhoods while increasing housing options within a plan designed for the creation of a healthy and active community.

EXHIBIT 8: SITE PHOTOS



View of the subject properties looking north along Quail Street. 5372 Quail Street can be seen in the foreground, while 5392 Quail Street can be seen through the trees in the background of the photo.



View of 5392 Quail Street looking southwest from 54th Avenue. The area closest to the fence is proposed to be single-family homes. Off the image, across 54th Avenue, to the right are existing Skyline Estates single-family homes.



View of Quail Street looking north from Ridge Road, within the Quail Ridge Estates Subdivision. This image demonstrates the improvements that will be made to Quail Street, and what is currently the only access point into the subject property.



View of Quail Street looking north from 53th Avenue within the Quail Ridge Estates subdivision. This is the point where Quail will shift into the City of Arvada to the left. The home that can be seen in this photo is not redeveloping, nor is the home to the north. Only 15-feet of dedicated right-of-way exists where the dirt road begins in this photo, necessitating the shift of Quail Street westward.



View of 54th Avenue looking east. Existing Skyline Estates single-family homes can be seen on the left (north) side of this photo. The subject property is located to the right (south), behind the fence.



View of existing multi-family homes in Skyline Estates.

EXHIBIT 9: LETTERS PRIOR TO NEIGHBORHOOD MEETING

Zackary Wallace

From: Robert E & Susan R Wilson <rewsrw44@comcast.net>
Sent: Sunday, December 3, 2017 7:46 PM
To: Zackary Wallace
Subject: Our meeting about the Quail Run development

Dear Zack,

I want to thank you for taking the time to meet with me before Thanksgiving about my concerns about our property boundary on Parfet Street in Skyline Estates (in Arvada) related to the proposed Quail Run development (in Wheat Ridge) behind our back fence. Behind our wood fence are some metal stakes placed by our builder about one foot away and a barb wire fence about 8 feet behind the fence. My husband has been unable to locate official survey pins, which may be buried, even using a metal detector. Also uncertain to us is the actual location of the city boundary between Arvada and Wheat Ridge. We hope that a detailed survey conducted by the developer will clarify the property line so that the developer does not encroach on our property and observes appropriate set-backs.

We are also concerned about potential drainage issues. The developer has apparently purchased a strip of land behind the fences of all the houses on the west side of the 5300 block of Parfet Street and has contacted homeowners at the south end of the block about possibly tying into our drainage pans and easement. This is unacceptable, as this could cause drainage problems for all the lots on Parfet, even those of us uphill. Because drainage and flood management are no doubt concerns for both cities, I believe care must be taken when approving drainage plans for the development of Wheat Ridge property so that it does not cause harm to our properties in Arvada. Perhaps the planners in both cities could work together on this.

My final concern is the level of density of the proposed development. Quail Run will be surrounded on three sides by single-family detached homes in the city of Arvada. Skyline Estates borders Quail Run on the east and north. The proposed 44 attached multi-story townhomes on that small parcel of land are just not compatible with our existing neighborhood. Plans for the new Arvada development on the west side of Quail Street show single family homes there as well that would be facing the townhomes. I am not surprised by nor opposed to residential development of this land. But I would like to see the Wheat Ridge re-zoning process take into consideration the impact of this development on homes in your neighboring city of Arvada and approve development that would be consistent with the character of this area.

I look forward to seeing you again at the community meeting Tuesday evening.

Many thanks,

Susan Wilson
5373 Parfet Street
Arvada, CO 80002
303-420-7127

December 1, 2017

City of Wheat Ridge - Planning Department
ATTN: Zack Wallace Mendez
7500 W 29th Avenue
Wheat Ridge, CO 80033-8001

Dear Zack,

Our neighborhood group, the 5300 block of Parfet Street in Skyline Estates, met to discuss the proposed Quail Run development by the Clark family. This was prompted by the public notice we received regarding a neighborhood meeting to be held on Tuesday, December 5th.

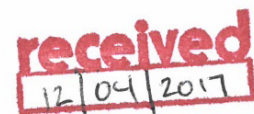
To begin, we received a draft plot of the proposed 11 single family homes and 44 attached units. We don't think this many units is a good fit for our neighborhood community. After discussion of this proposal we have the following concerns that we'd like the City of Wheat Ridge to strongly consider when deciding how to rezone:

- *Impact of high density additions to road usage in this area already at capacity: specifically Ridge Rd
- *Impact of high density additions to attendance in neighboring schools: specifically Vanderhoof
- *Drainage needs, detention ponds, and plans for possibly merging with our current drainage
- *High footprint percentages on small lots with multi-level homes
- *Loss of trees on east side of proposed development (bordering our yards) and loss of mature trees housing owl populations

Our neighborhood group would be satisfied with the development of Quail Run if it incorporates the following parameters:

1. **ALL** single family homes or ranch patio homes which would incorporate into our existing community
2. Protecting established mature trees that support owl populations; mirroring City of Arvada's rule to replace trees 1 for 1 if removing them
3. Larger lot sizes and a maximum 35-40% footprint on lots, similar to Quail Ridge down the road.
4. Homes built directly adjacent to the fences of Skyline Estates being set-back at the rear an equivalent distance as to Parfet Street (appx. 30 ft)
5. Home designs with no roof patios, to preserve our privacy
6. Creation of drainage/detention pond that does not access, merge, or impede on existing drainage easement on properties located on the 5300 block of Parfet Street in Skyline Estates.

We are not asking to stop the development, but we'd like to find a solution that pleases all parties and doesn't change the character of our neighborhood that we've enjoyed for so many years. We understand both the City of Arvada and Wheat Ridge are excited to build more high density housing near the commuter rails. This development falls geographically far enough outside the walkable distance for that to be a consideration.



Our concerns are compounded by the already proposed and upcoming high density housing in this immediate area and how adding more would increase the burden on city and county resources:

- *Apartments, patio homes and single family homes on Ridge road west of Quail Ridge Estates
- *Townhomes and single family homes on the south west corner of Ridge and Robb
- *Apartments on southwest corner of 52nd Avenue and Tabor St
- *Apartments on Ridge road east of Ridge Home and north of the Commuter rail station
- *389 apartments on 58th and Simms by the Stenger Soccer Fields

Please acknowledge receipt of our concerns and help us address protecting our neighborhood community.

Name & Address	Signature
ANDREW & MERRITH MORGAN 5383 PARFET ST.	[Signature]
TOM & KIM ANDERUEEN 5377 PARFET ST.	[Signature]
John & Kristen Tonder 5367 Parfet St.	Kristen Tonder
Ken & Dolene Fay 5393 Parfet St.	Ken Fay
Chris & Marti Sterne 5366 Parfet St.	Marti Sterne
Darrin & Jennette Hagman 5357 Parfet St.	[Signature]
KARL & CORRINE FRANKLIN 5347 PARFET ST.	Karl W. Franklin
Bernadine & Rodney Ames 51636 PAPER M	Bernadine Ames
James & Tammy LeMoulin 5313 Parfet Street	Tammy LeMoulin
Calvin Mukasakate & Hanna Chigwata 5343 Parfet St.	[Signature]

- * Apartments, patio homes and single family homes on Ridge road west of Quail Ridge Estates
- * Townhomes and single family homes on the south west corner of Ridge and Robb
- * Apartments on southwest corner of 52nd Avenue and Tabor St
- * Apartments on Ridge road east of Ridge Home and north of the Commuter rail station
- * 389 apartments on 58th and Simms by the Stenger Soccer Fields

[illegible]

EXHIBIT 10: NEIGHBORHOOD MEETING

Meeting Date:	December 5, 2017
Attending Staff:	Meredith Reckert, Senior Planner Zack Wallace Mendez, Planner II Scott Cutler, Planning Technician
Location of Meeting:	Wheat Ridge Recreation Center
Property Address:	5352-5392 Quail Street
Property Owner(s):	Joel & Dawn Lubker (5352 Quail Street) Gregory Skalla (5372 Quail Street) Arthur Joel Aho Revocable Trust & Barbara Jean Aho Revocable Trust (5392 Quail Street)
Applicant:	Summer Clark
Applicant Present?	Yes
Existing Zoning:	Agricultural-One (A-1)
Existing Comp. Plan:	Neighborhood

Existing Site Conditions: The subject properties are located along Quail Street north of Ridge Road and are currently unplatted. The site currently consists of three lots at the north end of Quail Street. Each lot is zoned Agricultural-One (A-1), each lot is under separate ownership, and each contains a single family home and various outbuildings.

To the south at the intersection of Ridge and Quail Streets is a Planned Residential Development, Quail Ridge Estates, which is subdivided to allow the construction of single-family homes. It is currently under construction by Remington Homes. To the north, east, and west are properties in the City of Arvada. The property to the west is undeveloped, and properties to the north and east consist of single-family homes.

Applicant Preliminary Proposal: The applicant would like to rezone and subdivide the property to develop 55 homes (11 single family, and 44 quadplex units). The single-family homes act as a transition from the lower density Skyline Estates subdivision on the east to the proposed quadplexes.

The property owner of the southern parcel is not fully participating in the subdivision. The eastern half of the property will be retained for a detention pond and a future street, and the western half will be retained along with the existing home and barn.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, approximately 22 residents and property owners from the neighborhood attended the meeting; see attached sign-up sheets.
- Staff explained the purpose of the neighborhood meeting, and informed the members of the public of the process for a rezone to Planned Residential Development (PRD)
- Staff discussed the site, its zoning and surroundings.
- The applicant presented their proposal and answered further questions, with help from staff.
- The members of the public were informed of their opportunity to make comments during the process and at the required public hearings.

The following issues were discussed regarding the zone change request and proposed development:

Streets and Parking

- Will Quail Street continue through to W. 54th Avenue?
Yes.
- How will the proposed parking along W. 54th Avenue affect the Arvada residents across the street?
The applicant is working with the City of Arvada. Arvada has requested improvements to the southern portion of 54th Avenue along the subject property, which include sidewalks, on-street parking, and potentially bike lanes. The development itself will not infringe into the City of Arvada.
- Concerns were raised about traffic and the capacity of the surrounding roads.
Staff noted that street connections are required and must meet Wheat Ridge standards if they are located in the City. They also noted that street designs and connections are being coordinated with the City of Arvada. The applicant noted that the southerly connection would focus on commerce and vehicles approaching I-70 and the TOD site, and the northerly connection would focus on pedestrian access to recreational facilities in Arvada.
- Will there be on-street parking on Quail Street?
Yes.
- Will Quail Street be widened?
Quail Street will need to follow street standards set forth by the City of Wheat Ridge and the City of Arvada. These standards and construction timelines are being coordinated and upgrades will be required as part of development on both sides of the street. A trip generation letter will be required by the City of Wheat Ridge as part of the ODP application. When a formal application is received, the City of Arvada will be referred on the application and will have the opportunity to provide comments.
- Concerns were raised about the lack of coordination between Wheat Ridge, Arvada, and Jefferson County regarding streets, and development in general.
Staff noted they have met with Arvada several times and are coordinating efforts on street construction and connectivity as well as drainage. The cities are coordinating a "Memorandum of Understanding" regarding the roads.

Site Design & Architecture

- How many stories will the homes be along 54th Ave.?
While subject to change, the idea is two stories; however, all residential development in the City of Wheat Ridge is allowed up to 35' in height.

- What is the square footage of the single-family lots?
They will likely be the same size or a little larger than the Quail Ridge Estates development to the south, which are approximately 6,500 to 7,500 square feet. The applicant noted the goal is to provide lots of at least 7,000 square feet.
- Several residents were concerned about the 4-plexes along W. 54th Avenue as they are not compatible with the single-family homes to the north. It was suggested that single-family homes be relocated to front along 54th and the 4-plexes be placed to be internal to the site along the west side of Pierson Street.
The applicant noted the suggestion and added that the 4-plexes would not detract from nearby home values as they will be underwritten as single-family homes and would be sold for approximately \$500,000.
- What are the proposed designs of the single-family homes and 4-plexes?
The plans are still in the conceptual stage, and will get more specific once a builder is confirmed. Staff noted that the Specific Development Plan, the second piece of the zone change, would focus on the architecture and site design.
- Will there be a fence along W. 54th Avenue?
No, the homes will face the street (front yards) with sidewalks allowing access for residents to pass through from 54th into the development.
- Why aren't there more single-family homes and less 4-plexes?
The applicant noted that they need to strike a balance between neighborhood transitions and balancing finances. This proposal was a result of a year of planning and plan iterations.
- What is the possibility of the plan changing?
That is up to the applicant. The plans will be subject to a review process through the City of Wheat Ridge, outside utility agencies, and public hearings at Planning Commission and the City Council.

General Development Questions

- Who is the engineer on the project?
Juster Civil Engineering, which also developed part of the neighboring Skyline Estates in Arvada.
- Who is the builder?
Unclear at this point. The applicant is discussing options with various builders.
- Where are the surrounding development proposals in their approvals process?
Staff noted that these developments are in the City of Arvada. The vacant parcel to the west (Haskins Station) has submitted an application to Arvada, which shows 54th Avenue curving to the south to eventually connect with Ridge Road.
- What are the potential list prices for the homes?
The applicant noted that units in the 4-plexes would likely be listed for \$500,000 each, and the single-family homes would be listed for more.
- What about drainage?
The applicant noted interested parties should discuss with the Civil Engineer, and that she would provide his contact information.
- Concerns were raised about owls that currently live in trees on the property.
The applicant was not aware of the owls and noted that diseased or dead trees would need to be removed.
- How does City staff feel about the development?

Staff noted that the City supports a variety of housing options and that current housing trends are moving away from single-family development to mixed housing types or attached homes. The City wants compatibility with adjacent development and has been coordinating this for some time.

- How will this affect local schools?

This area is part of the Jefferson County Public School District. Jefferson County schools will be referred on this application and will have the opportunity to provide comment. Staff noted that some schools in Wheat Ridge have actually closed due to low enrollment.

- Who will be responsible for the street frontages on W. 54th Avenue and Quail Street?
Landscaping maintenance will be handled by the HOA.

EXHIBIT 11: LETTER AFTER NEIGHBORHOOD MEETING

December 18, 2017



Meredith Reckert, AICP
Senior Planner, City of Wheat Ridge
7500 West 29th Avenue
Wheat Ridge, CO 80033

RE: Proposed Quail Run Rezoning and Residential Development

Dear Ms. Reckert:

This letter is intended to express our concerns with the proposed rezoning and development of the parcel located southwest of 54th Avenue and Parfet Street in Wheat Ridge, Colorado. We understand this development is named "Quail Run" and is proposed to contain both single family homes and town homes, with town homes proposed along the south side of 54th Avenue.

Our primary concern with the proposed site plan is the addition of up to sixteen (16) townhomes along 54th Avenue to the north, which would face existing single-family homes of the Skyline Estates Subdivision. We believe construction of townhomes along this frontage would be inconsistent with the existing character and feel of the adjacent single-family subdivision. In addition, we are concerned that the proposed on-street parking to support multi-family homes would add unnecessary glare and congestion to 54th Avenue, which currently does not support on-street parking and is better suited to bike lanes as currently exist east of Parfet Street.

We strongly oppose the development of multifamily homes in Quail Run and urge the City of Wheat Ridge to only approve rezoning of this parcel for single family development. Alternatively, if the City allows multifamily homes within this development, we request that only single family homes be allowed along 54th Avenue in lieu of townhomes. These would act as a buffer and allow the transition to townhomes to occur south of 53rd Court. Requiring single family homes along 54th Avenue would also be more consistent with the character of the existing adjacent Skyline Subdivision, have reduced glare by eliminating on-street parking, and reduce traffic congestion. This approach would also allow for continuation of the bike lanes and a more bike friendly neighborhood, similar to 54th Avenue east of Parfet Street.

As neighbors living nearby this proposed development, we have also observed numerous wildlife living on or near the property, including nesting owls. We respectfully request that the City of Wheat Ridge require a thorough Phase 1 Environmental Study as part of this development application, to ensure that existing wildlife habitats are maintained to the extent practicable, and that any protected species are identified.

We thank you in advance for considering our concerns and look forward to discussing this as part of the Wheat Ridge development process. Please direct correspondence to our neighborhood representative, Dennis Peter, at (303) 916-5965 or dpeter@martinmartin.com.

Sincerely,

QUAIL RUN REZONING AND RESIDENTIAL DEVELOPMENT
December 18, 2017

	Print Name	Print Address	Signature
1.	Beverly Derringer	11191 W 54 th Ave, Arvada	Beverly Derringer
2.	Julie Peter	11131 W 54 th Ave Arvada	Julie Peter
3.	Ron Worley	5333 PARFET ST. ARVADA	Ron Worley
4.	Joyce Worley	5333 Parfet Arvada	Joyce Worley
5.	Kenneth Fay	5393 Parfet St	Kenneth Fay
6.	Danny Rupoli	11271 W. 54 th Ave	Danny Rupoli
7.	ELISA Rupoli	11271 W. 54 th Ave	Elisa Rupoli
8.	Terri Krieger-Heang	11101 W. 54 th Ave	Terri Krieger-Heang
9.	Cheryl Houser	11011 W. 54 th Ave	Cheryl Houser
10.	CRAIG Houser	11011 W. 54 th Ave	Craig Houser
11.	Karen Ruby	11231 W. 54 th Ave	Karen Ruby
12.	Timothy A Bottoms	11191 W. 54 th Ave	Timothy A Bottoms
13.	Kim VanderVeen	5377 Parfet St	Kim VanderVeen
14.	Jay Ruby	11231 W 54 th Ave	Jay Ruby
15.	Tom VanderVeen	5377 PARFET ST.	Tom VanderVeen
16.	Marianne Rodriguez	11171 W 54 th Ave	Marianne Rodriguez
17.	Terri HOFFORD	11171 W. 54 th Ave	Terri HOFFORD
18.	Kimberly W. Coxson	11201 W. 54 th Ave	Kimberly W. Coxson
19.	DAVID Wikarson	1120 W. 54 th Ave	DAVID Wikarson
20.	Dennis Peter	11131 W 54 th Ave	Dennis Peter
21.	Matthew R. BECKER	11061 W. 54 th Ave Arvada 80002	Matthew R. Becker
22.	Maudie Becker	11061 W. 54 th Ave Arvada 80002	Maudie Becker
23.	Brad Becker	11061 W. 54 th Ave	Brad Becker
24.	Scott M. Work	11091 W 54 th Ave	Scott M. Work
25.	Kellydean McKinney	11251 W. 54 th Ave	Kellydean McKinney



Staff Note: This was the draft site plan presented at the neighborhood meeting on December 5, 2017 which was also included with this letter.



PLANNING COMMISSION

Minutes of Meeting

March 15, 2018

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Dirk Boden
Alan Bucknam
Emery Dorsey
Janet Leo
Scott Ohm
Vivian Vos
Amanda Weaver

Commission Members Absent:

Staff Members Present: Lauren Mikulak, Planning Manager
Zack Wallace Mendez, Planner II
Jordan Jefferies, Civil Engineer II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner BUCKNAM and seconded by Commissioner BODEN to approve the order of the agenda. Motion carried 7-0.

5. APPROVAL OF MINUTES – March 1, 2018

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to approve the minutes of March 1, 2018, as written. Motion carried 5-0-2 with Commissioners VOS and WEAVER abstaining.

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.

7. PUBLIC HEARING

→ A. **Case No. WZ-17-11:** an application filed by SCHAL Investments for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for the property located at 5372-5392 Quail Street. The ODP proposes a mix of single family homes and townhomes.

Mr. Wallace Mendez gave a short presentation regarding the zone change, the ODP 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 about the 30% open space in the townhome area because he didn't think it looked as though there was 30%.

Mr. Wallace Mendez explained it includes not only the area labeled open space, but also the front and side yards areas around the buildings.

Commissioner BODEN also asked if there was a trip generation report done.

Mr. Jefferies said there was a trip generation report submitted, and the results were not significant enough to trigger an additional traffic impact analysis.

Commissioner BUCKNAM asked if the paved right-of-way (ROW) is considered open space. He also asked if all of the open space is public

Mr. Wallace Mendez stated the paved ROW is not open space, the open space begins at the back of sidewalk. The large open space areas shown on the plan are public, however, as mentioned earlier some of the open space extends around the front and sides of buildings, which will be people's homes, and those areas may not feel as public as the main open space areas.

Commissioner BUCKNAM wanted to know if the people driving along 54th Avenue and the resident at Skyline Estates will be looking at the backyards or a fence at Quail Run.

Mr. Wallace Mendez said they will be backyards that will likely be fenced. Fencing will be determined during Specific Development Plan review.

Commissioner DORSEY asked what the timeline of the development of Quail Street will be.

Mr. Wallace Mendez explained that Quail Street will need to be dedicated and constructed prior to any vertical improvements being approved within the Quail Run development. He added the City of Arvada currently has a land use application under review to develop the property to the west, that proposed development will accommodate a majority of Quail Street north of the existing Quail Ridge Estates development due to the lack of existing right-of-way in that area, and the fact that two properties will not be redeveloping, thus force Quail Street further west into the City of Arvada. Mr. Wallace Mendez added that he believes the applicant has been working with the neighboring developer in Arvada to potentially dedicate the Quail Street right-of-way prior to public hearings for the remainder of the proposed development and rezoning to the west. If this is true, and successful, it means Quail Run can begin construction regardless of the status of the development proposal to the west.

Commissioner VOS asked why the 3 “fingers” of land that extend north that belong to the City of Wheat Ridge have not been annexed by Arvada.

Mr. Wallace Mendez said he did not know and those three fingers that belong to the City of Wheat Ridge have been like that since incorporation in 1969.

Commissioner VOS asked what the Code Enforcement issues have been that were mentioned on page 6 of the Staff Report.

Ms. Mikulak explained that there were some junk/weed complaints and they were cooperative to clean it up, it was not a major issue.

Commissioner VOS asked how close the nearest grocery store and schools are to this housing development as well as industrial zoning. She inquired because it seems to be very dense with housing.

Mr. Wallace Mendez and Ms. Mikulak said they were unsure of the nearest schools, there is a Target Superstore and Natural Grocers on Kipling Street near Ridge Road. Industrial zoning can be found nearby, mainly south of Ridge Road, but Staff did not consider the majority of it to be heavy industrial.

Commissioner VOS also inquired about the bulk plane in this development.

Mr. Wallace Mendez said there is no bulk plane requirement for this area, as it only applies to single-family homes in the R1-C and R-3 zone districts.

Commissioner OHM asked if condition number 1 of the recommended motion was reviewed by the City Attorney for due process.

Ms. Mikulak explained it did not need to be reviewed by the Attorney. The exact location and right-of-way required for Quail Street must be in place prior to

bringing a Specific Development Plan to public hearing, because without the ROW, the proposed development will not have adequate access or utilities.

Commissioner OHM asked how far the RTD commuter rail station is.

Mr. Wallace Mendez said a little more than ½ mile.

Commissioner OHM asked where the porches and doors of the townhomes on Pierson Court will face.

Ms. Mikulak explained that there is no provision in the ODP, but the homes will be alley loaded which would reasonably place front doors facing the right-of-way and open space.

Commissioner BUCKNAM asked about drainage and the detention on the southeast side of the property, on the ODP the drainage note seems to be in conflict with the legend on the site plan, and he wondered if the detention pond is on the neighbor's property.

Ms. Mikulak said the detention pond does sit partially on the neighbor's property, but that area is not included in the rezoning boundary. That neighbor is required to sign this document, and any future documents, and will need to be part of the play in order to convey the portion of their property to the development for drainage purposes. Staff understands the concern over the drainage note wording on sheet 1 of the ODP, and agrees it can be clarified as a condition of approval.

Commissioner OHM asked if on sheet 2 labels for Quail Street and 54th could be added.

**Summer Clark, Applicant
5392 Quail Street**

Ms. Clark gave a brief explanation of the history and her time of growing up on the farm (the subject property). Although it has been in her family for 50 years and they love the open space, she is open to change and would like to see this development move forward for others to live and enjoy the beauty of this ridge.

Commissioner VOS had concerns about the owls in the trees around the area.

Ms. Clark explained that the Van Bibber trail is the closest significant open space that absorbed some of those habitats when recent housing developments were built and the owls have also moved to the trees further south of the property.

Commissioner VOS asked about the traffic study and the time frame of when it was done and what area.

Mr. Jefferies explained that the trip generation report was produced in January, and that for this analysis no actual traffic counts are recorded. The ITE (“Institute of Transportation Engineers”) Trip Generation Manual is utilized to develop an estimate of vehicular trips that the development scenario is anticipated to generate on the nearby streets. Based on the application of formulas in the manual, if the use generates more than 60 trips during the peak AM or PM hour, the City requires a traffic impact study. This development scenario did not reach that threshold having only 37 trips in the peak hour.

Ms. Mikulak added some clarifying statements regarding the ITE analysis, and that it did not warrant further analysis for this development project.

Susan Wilson
5373 Parfet, Arvada

Ms. Wilson explained she has three major concerns: density, the location of her property line, and drainage. She likes the single family homes on the north side, but still worried about density. She asked if the fences on the west of Parfet Street is the boundary line between the City of Wheat Ridge and the City of Arvada. She want written authorization from the Parfet Street homeowners for any modification to the drainage in the easement.

Tim Bottomly
11191 W. 54th Ave., Arvada

Mr. Bottomly also appreciated the change to single family homes along 54th Avenue. He still has concerns about traffic especially when the G line opens. He also wondered who will respond to 911 calls for this development. His final concern is with the old building on the site and the possible asbestos in it.

Mike Wehling
5006 Parfet Street, Wheat Ridge

Mr. Wehling explained he grew up in this neighborhood also, has seen the area change and is in support of Ms. Clark’s vision.

Greg Dunkelberger
5320 Newcombe Street, Wheat Ridge

Mr. Dunkelberger is opposed to this development and thinks there should only be single family homes because the townhomes are out of character with the neighborhood. He added he believes there is also a large amount of disagreement with the neighboring development proposal under review for the Haskins Station property in Arvada.

Christia Chase and Chris Boubeck
3329 E. Bayaud Avenue, Cherry Creek

They explained that they live in Cherry Creek with a child and two dogs and have one car. It is hard to live in the city and they would like to move to this new development to be close to the G line station and have a bigger yard.

Terri Krieger-Heaney
11101 W. 54th Avenue, Arvada

Ms. Krieger-Heaney would only like to see single family homes and no townhomes, the area is getting too populated.

Joel Lubker
5352 Quail Street.

Mr. Lubker thinks this is a good deal and likes the single family homes around the perimeter.

Dennis Peter
11131 West 54th Avenue, Arvada

Mr. Peter thanked staff and Ms. Clark for taking considerations seriously and for adding a buffer zone, but he has concerns about density and would like to see two-story townhomes rather than three-story.

Julie Peter
11131 West 54th Avenue, Arvada

Thank you to Ms. Clark for working with the neighbors. Ms. Peter has concerns about cross thru traffic on Quail Street and 54th Avenue. She would also like to see more open space and is also concerned about density.

Marianne Rodriguez
11171 West 54th Avenue, Arvada

Ms. Rodriguez said she appreciates the single family homes around the perimeter, but wants to see more open space. She is also concerned about traffic and would like to see less density.

Commissioner OHM closed citizen's forum and asked staff to respond to several of the public comments.

- Parfet property line/City boundary

Mr. Wallace Mendez explained there was a survey for the property submitted with the ODP application. With the Specific Development Plan, Staff will work with the developer to provide a document, such as the survey, which identifies where neighboring fences and improvements are located.

- Homeowner provide written authorization for drainage impacts

Mr. Wallace Mendez and Mr. Jefferies said that because the drainage solution for this property will impact Parfet Street residents, those being impacted will have to provide written authorization during the SDP review.

- Fencing along 54th Avenue

Mr. Wallace Mendez said fencing will be determined by the Specific Development Plan. He added that the current fence is owned by the Skyline Estates HOA and the applicant will need work with the HOA as the plans progress.

- Requirement for open space

Ms. Mikulak explained that minimum open space requirement of 30% was taken from the City's existing R-3 development standards.

Mr. Wallace Mendez added that there is a large public component and the front doors will open to the open space.

- Cottonwood trees

Mr. Wallace Mendez said the large trees will most likely be removed.

Ms. Mikulak added there is no tree protection ordinance in the City of Wheat Ridge and cottonwood trees are considered a nuisance tree because of the seeds it drops so they are not seen in new developments.

- Emergency calls, code enforcement and maintenance of streets

Mr. Wallace Mendez said that for emergencies 911 will be called and the new Jeffcom 911 Communications Center will dispatch. Code enforcement will be handled by the City of Wheat Ridge and the maintenance of streets will depend which City the street is in. Quail Street will have an agreement between Arvada and Wheat Ridge, similar to other streets throughout the City which sit on municipal boundaries.

- Asbestos in old building

Mr. Wallace Mendez explained that a State of Colorado asbestos report is required to be submitted with a demolition permit through the City..

- Density concerns

Ms. Mikulak said that this site sits between two light rail stations and is located in a changing area of the City. She added the City of Wheat Ridge has height and density limitations in the charter and the densities proposed are well under the maximum of 21 units per acre and this are compatible with the surrounding area, especially once the G line opens.

It was moved by Commissioner BUCKNAM and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WZ-17-11, a request for approval of a zone change from Agricultural-One to Planned Residential Development with an Outline Development Plan (ODP) for property located at 5372 and 5392 Quail Street, 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. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.**
- 3. The proposed zoning includes a circulation network that support the City's goals related to bicycle and pedestrian connectivity.**
- 4. The proposed zoning establishes enhance design controls related to site design and architecture that will result in a high-quality development.**

With the following conditions:

- 1. The Quail Run specific development plan and subdivision plat shall not be reviewed at public hearing until Quail Street has been dedicated as public right-of-way on the adjacent property to the west or on the subject property.**
- 2. If final utility and/or drainage designs affect off-site property owners, written authorization shall be provided from those owners prior to public hearings for the Quail Run subdivision plat.**
- 3. Revise single-family detached minimum rear yard setback to 15 feet.**
- 4. Revise the language on sheet 1 of the ODP regarding drainage to reflect the correct position as indicated on sheet 2 of the ODP of the drainage area.**

Motion carried 6-1 with Commissioner LEO voting against.

Commissioner BUCKNAM appreciates the applicant's work with the neighbors regarding the single and multi-family alignment and will support motion.

Commissioner LEO agrees with the zone change but has issues with the multi-family because it takes up more surface land which can affect runoff and will not support motion.

- B. Case No. WSP-17-09:** an application filed by Quadrant Wheat Ridge Corners, LLC for approval of a master sign plan for the Corners development at the southwest corner of West 38th Avenue and Wadsworth Boulevard including 7690 Yukon Court, 3765 Wadsworth Boulevard, 3637 Wadsworth Boulevard, 3545 Wadsworth Boulevard, and 3501 Wadsworth Boulevard.

Ms. Mikulak gave a short presentation regarding master sign plan and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner VOS wanted an explanation of what channel letters are.

Ms. Mikulak explained that instead of all of the writing being printed on a single plastic board, like a cabinet sign, channel letters are printed and installed each individual letter separately.

Commissioner BUCKNAM added they are like a magnet letter found on a refrigerator.

Commissioner VOS asked if the material for the freestanding signs will be brick and plastic and what the height of the buildings will be.

Ms. Mikulak stated the signs materials will be compatible with the site's building which will be primarily brick, stucco and stone and said the B, C and D buildings will be 24 to 28 feet in height.

Commissioner OHM asked if the leasing signs and if there is any potential issues with code enforcement because the signs are not in code compliance.

Ms. Mikulak said the officers will have to double check with the planners for code compliance.

**Bob Turner, Quadrant Wheat Ridge Corners
981 Southpark Drive, Littleton**

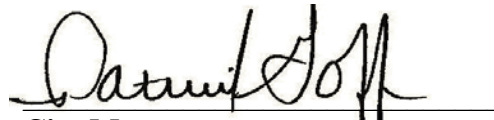
Mr. Turner explained that a master sign plan has always been a consideration for the site and want it to match the architecture features of the buildings. He stated he wants the signs to tie the development together. He added the first three buildings should be turned over for tenant improvements by the end of May and Lucky's should open in mid-July.

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 25-2018 – A RESOLUTION ESTABLISHING A STREET WIDTH FOR 29TH AVENUE FROM KENDALL STREET TO FENTON STREET, FOR FENTON STREET FROM 29TH AVENUE TO 30TH AVENUE, AND FOR 30TH AVENUE FROM HARLAN STREET TO FENTON STREET

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES☒ NO
Director of Public Works
City Manager**ISSUE:**

The City Council approved a Special Use Permit (SUP) and an Intergovernmental Agreement (IGA) with Denver Water on September 10, 2012, to allow for reconstruction of the Ashland Reservoir on property located at 2901 Fenton Street, including improvements to the adjacent streets upon completion of the reservoir construction. In conjunction with Denver Water's project, the City had planned to straighten the portion of 29th Avenue adjacent to the reservoir, just west of Fenton Street. In order to simplify design and construction coordination, the City Council approved an IGA with Denver Water on June 12, 2017, to construct the street improvements and be reimbursed by Denver Water for their share. In accordance with the requirements of the City Charter, the street widths were established last year in accordance with the established process.

Soon after, the City was approached by the City of Edgewater with a development proposal for the vacant land south of 29th Avenue between Kendall and Ingalls Streets. Edgewater also desires to construct a waterline between Kendall and Gray Streets. Both Cities decided to coordinate the

design and construction work to minimize the impact to traffic on 29th Avenue. Both Cities are well underway with the design work with construction anticipated to commence immediately after the Colorado Classic bike race on August 18, 2018. Since the project scope has expanded the full width construction of 29th Avenue to Kendall Street, and it has been one year since the street width east of Ingalls Street was designated by Council on April 24, 2017, a new street width designation is required in accordance with the provisions of the City Charter.

PRIOR ACTION:

On September 10, 2012, the City Council approved a SUP with Denver Water to allow for reconstruction of the Ashland Reservoir to replace the original concrete-lined ponds with two smaller tanks. At that same meeting, an IGA was also approved that outlined the responsibilities of Denver Water and the City for improvements to the adjacent streets. On April 24, 2017, the City Council designated the street width for 30th Avenue and Fenton Street adjacent to the Denver Water property. Also included was 29th Avenue between Ingalls and Fenton Streets. On April 4, 2016, and March 7, 2018, neighborhood informational meetings were held to discuss the proposed improvements with neighboring property owners and stakeholders. The second neighborhood meeting included the new segment of 29th Avenue between Kendall and Ingalls Streets. Feedback received at both informational meetings was generally positive.

FINANCIAL IMPACT:

Funding for the portion of the project that was originally Denver Water's responsibility will be provided by Denver Water. Likewise, Edgewater will be responsible for the portions of the project within their jurisdiction as well as the cost of the waterline. Denver Water and Edgewater will provide their respective portions of the funding of the project once the bids have been received. Completion of an IGA with the City of Edgewater is currently being developed and is expected to be presented to Council for approval at the June 11, 2018 regular meeting.

The total project cost is estimated at \$1,570,000, which is included in the Minor Street Improvement Project line item of the 2018 Capital Improvement Program Budget. The City will be reimbursed by Denver Water and Edgewater in the amount of \$733,375.

BACKGROUND:

The City of Denver has maintained water storage reservoirs at the Ashland site since the 1890s. The previous 41-million gallon reservoirs are being replaced with two 10-million gallon concrete tanks.

The SUP required that Denver Water add streetscape improvements to the adjacent streets, 29th and 30th Avenues and Fenton Street. The IGA required that Denver Water assist in the reconstruction of 29th Avenue to straighten the street. This also included dedication of right-of-way along 29th Avenue. Denver Water was assigned responsibility for reconstructing the north half of 29th Avenue along their frontage with the City being responsible for the remainder of 29th Avenue.

As the City has continued to work with Denver Water on this project, it was determined in the best interest of both entities, to include Denver Water's portion of the street and streetscape construction into the City's project. This simplifies the design, construction coordination, and would result in better pricing since all of the work would be done as one large project. In order to provide a logical starting point for the straightening of 29th Avenue, the western limit was extended to Ingalls Street, with the eastern limit at the alley between Fenton and Eaton Streets.

In mid-June 2017, the City was notified by the City of Edgewater of a potential development proposal for the vacant land south of 29th Avenue between Kendall and Ingalls Streets. Although this development project has been delayed, Edgewater is still interested in completing the improvements on their side of 29th Avenue. This is primarily due to the fact that Edgewater desires to construct a waterline between Kendall and Gray Streets. The line currently stops just south of the intersection of Kendall Street and 29th Avenue and must be frequently blown out (flushed) due to water quality issues caused by stagnation.

Both Cities saw numerous advantages in coordinating the design and construction work, including minimizing the impact to the traffic on 29th Avenue by combining the waterline project with the street project. The City is currently adding the segment of 29th Avenue to the plans for the remainder of the project. Edgewater is currently preparing the waterline plans, and they will be incorporated to the City's construction plan set. The City will provide the construction oversight with the waterline construction being inspected by Edgewater.

The 29th Avenue portion of the project includes three street widths, depending on where on-street parking is included, as illustrated in the accompanied exhibits. Between Kendall and Ingalls Streets, parking is provided on both sides for most of the segment. Between Ingalls and Gray Streets, only pockets of on-street parking will be provided due to the large number of driveways. Between Gray and Fenton Streets, parking is being provided on the south side of 29th Avenue. Fenton Street will be widened by two feet to achieve the standard width for local streets with on-street parking on both sides. Gray Street will be narrowed to achieve that same width.

RECOMMENDATIONS:

Street Width Designation and Process

Approval of a revised street width is required in accordance with Section 5.20 of the City Charter. Any change or revision to the width of affected streets has been reviewed in accordance with the City Code, Section 21-3, as follows:

1. Flow line
 - a. The flow line defines the width of the street and can be described as the face-of-curb to face-of-curb distance. This has been interpreted/understood to include any on-street parking.
 - b. The existing flow line width for 29th Avenue west of Fenton Street varies between 23 and 27 feet, as this is a rural section without curb and gutter. East of Fenton Street, the street width of 40 feet will not be changing with the realignment. The

proposed new construction provides for a flow line width of 38 feet between Kendall and Ingalls Streets, 26 feet between Ingalls and Gray Streets, and 32 feet between Gray and Fenton Streets. These section widths provide for two 11-foot-wide travel lanes in all segments and six-foot parking lanes on either one or both sides in the wider segments. See Attachment 2 for the proposed street plans.

- c. The existing flow line width for Fenton Street (29th Ave. to 30th Ave.) is 36 feet. The proposed new construction provides for a flow line width of 38 feet. This section width provides for two 11-foot-wide travel lanes and six-foot parking lanes on both sides. See Attachment 3 for the proposed street plans.
- d. The existing flow line width for 30th Avenue (Fenton St. to Harlan St.) is 44 feet. The proposed new construction provides for a flow line width of 38 feet. This section width provides for two 11-foot-wide travel lanes and six-foot parking lanes on both sides. See Attachment 4 for the proposed street plans.

2. Street Reconstruction

- a. Street reconstruction is defined per the City Code as at least 250 feet long and includes the removal of existing pavement, curb, and/or gutter and construction of the same.

3. Public Hearing Process

- a. No earlier than one year prior to reconstruction, a public hearing is required to designate a change in street width. The segments designated at the Council meeting on April 24, 2017 have been included with the new segment due to the project construction being delayed by more than one year.
- b. After the public hearing on April 23, 2018, some form of construction must occur by April 23, 2019. This has been interpreted by the City Attorney as the issuing of a Notice to Proceed (NTP) to a contractor who has been awarded a contract through the public bidding process.
- c. Upon approval of a street width designation at the public hearing, citizens who wish to protest must follow a procedure per City Charter that involves a petition process.

Additional Considerations/Next Steps

Should the City Council adopt a revised street width on April 23, 2018, construction must commence within one year as required by City Code. Since staff is already well into the design process and expects to issue the NTP by mid-August 2018, maintaining this timeline and project delivery is very doable at this stage, pending any unforeseen issues.

RECOMMENDED MOTION:

“I move to approve Resolution No. 25-2018, a resolution establishing a street width for 29th Avenue from Kendall Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street.”

Or,

“I move to postpone indefinitely Resolution No. 25-2018, a resolution establishing a street width for 29th Avenue from Kendall Street to Fenton Street, for Fenton Street from 29th Avenue to 30th Avenue, and for 30th Avenue from Harlan Street to Fenton Street for the following reason(s),
_____.”

REPORT PREPARED/REVIEWED BY:

Scott Brink, Director of Public Works

Steve Nguyen, Engineering Supervisor

Mark Westberg, Engineering Project Manager

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 25-2018
2. Proposed Street Plan – 29th
3. Proposed Street Plan – Fenton
4. Proposed Street Plan – 30th

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 25
Series of 2018

**TITLE: A RESOLUTION ESTABLISHING A STREET WIDTH FOR 29TH
AVENUE FROM KENDALL STREET TO FENTON STREET,
FOR FENTON STREET FROM 29TH AVENUE TO 30TH
AVENUE, AND FOR 30TH AVENUE FROM HARLAN STREET
TO FENTON STREET**

WHEREAS, City Council approved a Special Use Permit with Denver Water on September 10, 2012, to allow reconstruction of the Ashland Reservoir on property located at 2901 Fenton Street which included street improvements to the adjacent streets; and

WHEREAS, City staff has completed preliminary plans for those street improvements; and

WHEREAS, the preliminary plans establish new street widths on 29th Avenue from Kendall Street to Fenton Street, on Fenton Street from 29th Avenue to 30th Avenue, and on 30th Avenue from Harlan Street to Fenton Street; and

WHEREAS, City Charter Section 5.20 designates the City Council as the sole authority to determine the width of all city streets within the boundaries of the City of Wheat Ridge; and

WHEREAS, within one (1) year prior to construction or reconstruction of a street, the City Council shall hold a public hearing and adopt the new flowline of said street as the street's official street width designation.

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

Section 1. New Street Width Designation. Pursuant to the authority vested in it by Charter Section 5.20, the City Council hereby designates street widths for portions of 29th Avenue, Fenton Street, and 30th Avenue, as follows:

- a. 38 feet for that portion of West 29th Avenue located between Kendall Street and Ingalls Street
- b. 26 feet for that portion of West 29th Avenue located between Ingalls Street and Gray Street
- c. 32 feet for that portion of West 29th Avenue located between Gray Street and Fenton Street
- d. 38 feet for that portion of Fenton Street located between West 29th Avenue and West 30th Avenue

- e. 38 feet for that portion of West 30th Avenue located between Harlan Street and Fenton Street

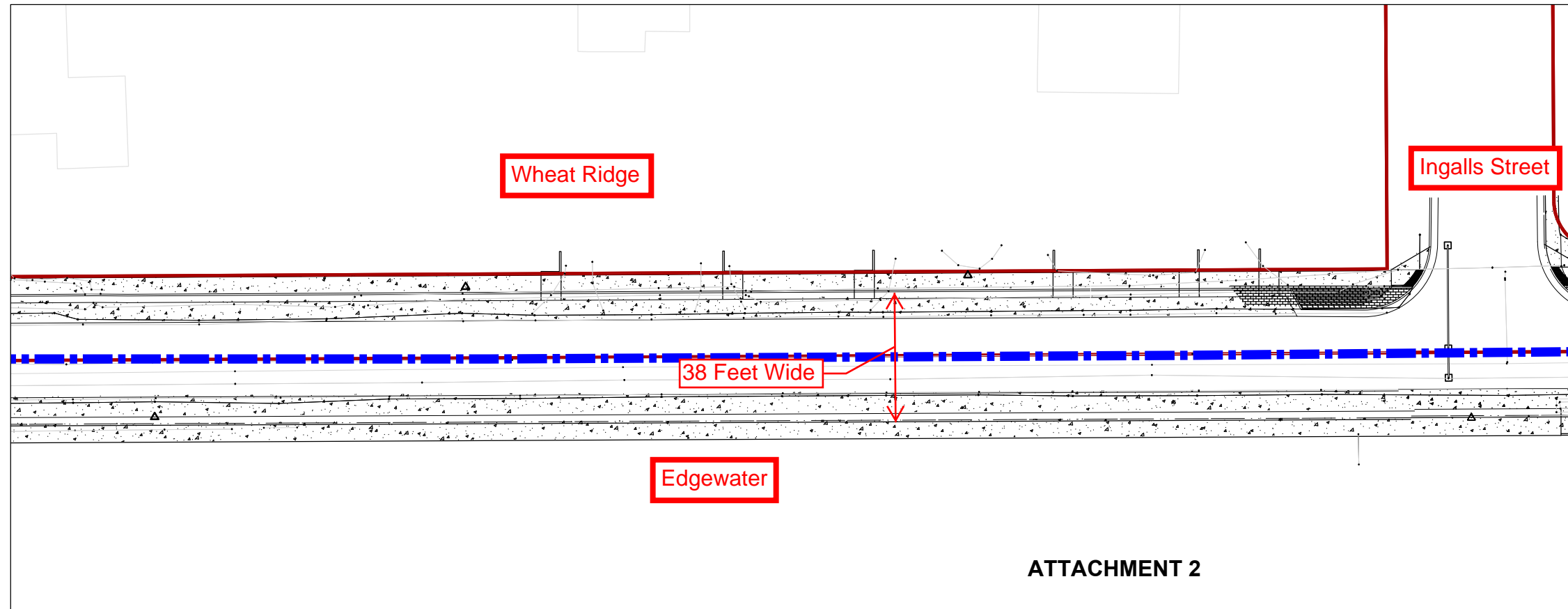
Section 2. This Resolution shall be effective immediately upon adoption.

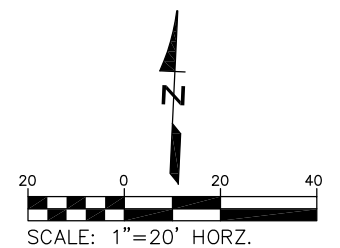
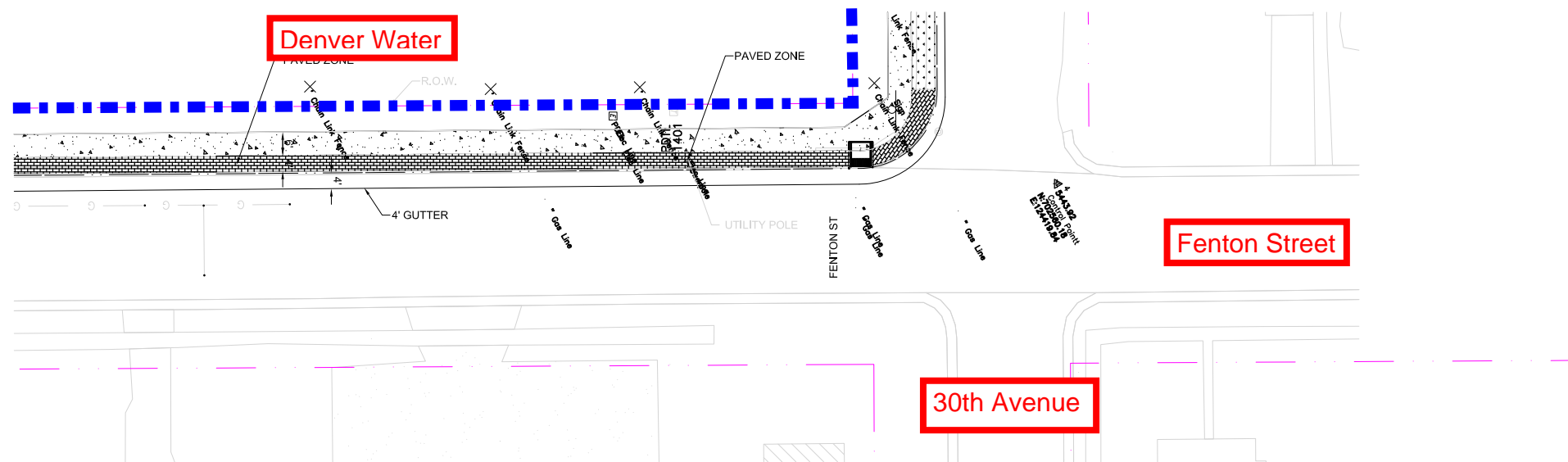
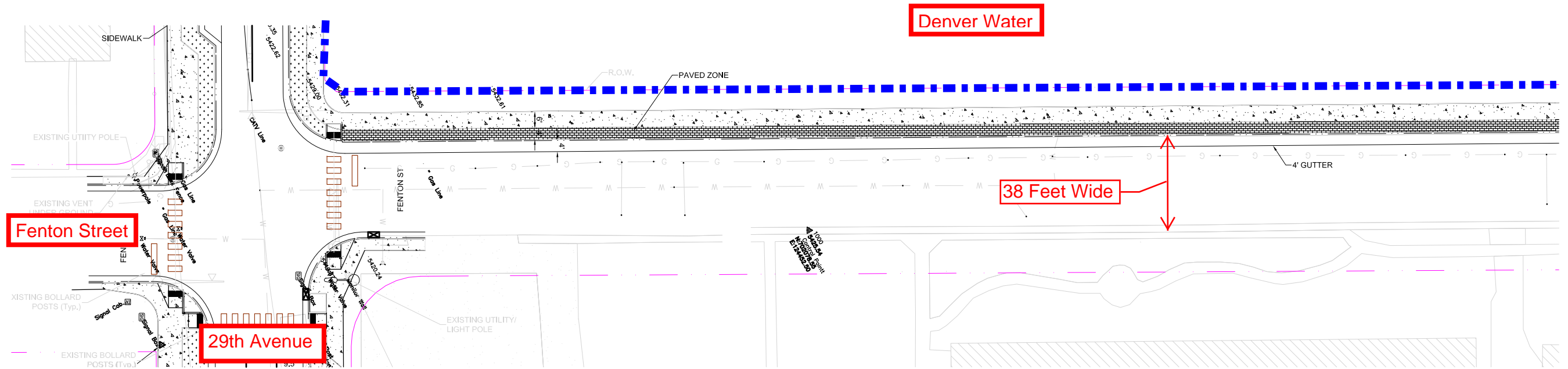
DONE AND RESOLVED this 23th day of April, 2018.

Bud Starker, Mayor

ATTEST:

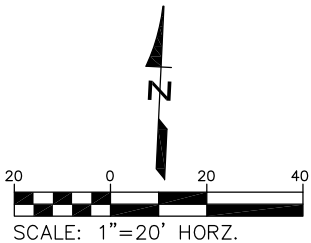
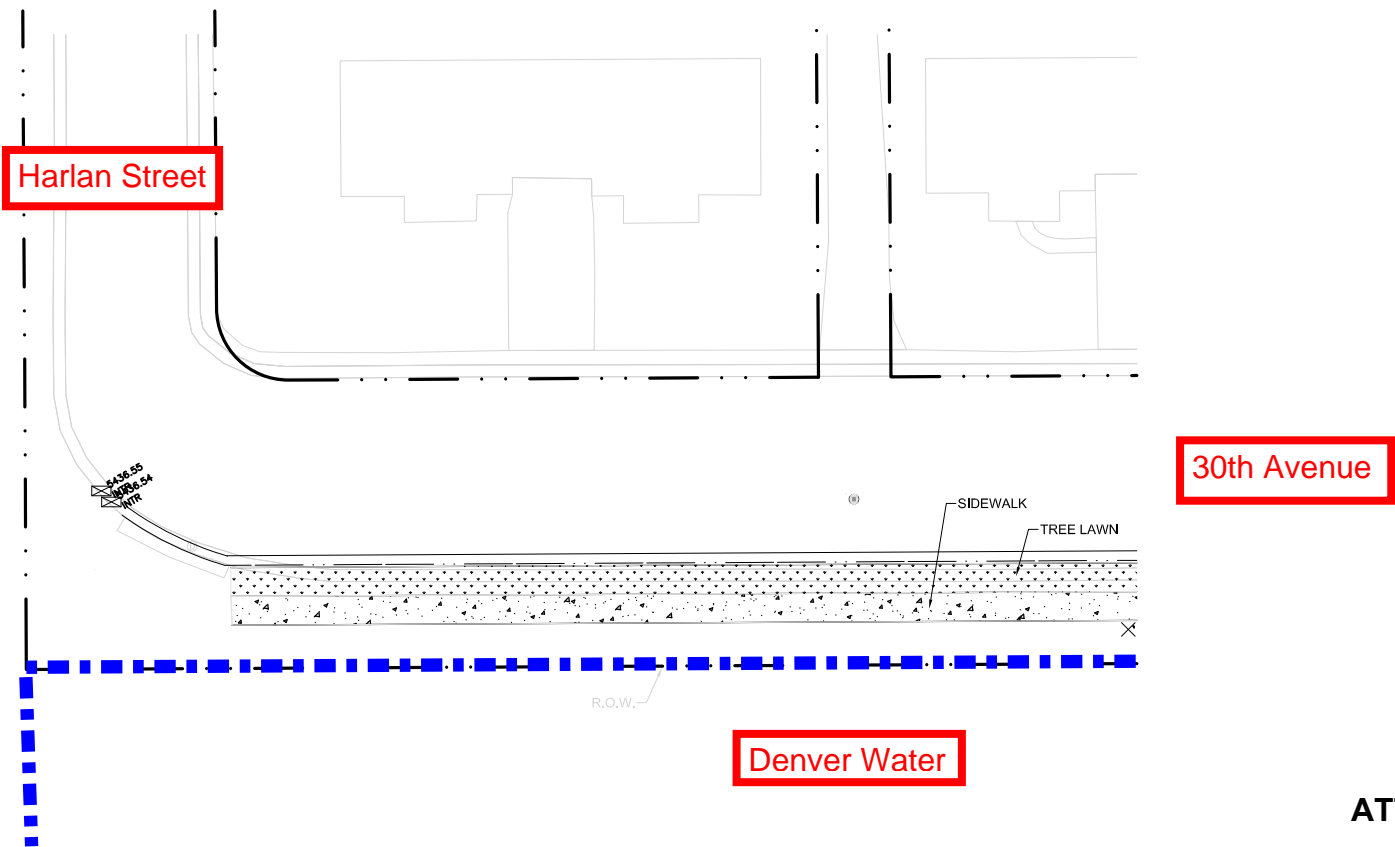
Janelle Shaver, City Clerk





ATTACHMENT 3

NO.	REVISIONS	DATE	INIT.			<div>SCALES HORIZ. 1" = 30' VERT.</div>		<div><div></div><div>7500 WEST 29TH AVENUE WHEAT RIDGE, COLORADO 80033</div><div>TELEPHONE: (303) 235-2861 FAX: (303) 235-2857</div></div>	S-01-16		WEST 29TH AVENUE ROADWAY RE-ALIGNMENT		WEST 29TH AVENUE ROADWAY RE-ALIGNMENT FENTON STREET EXHIBIT		SHEET
				DRAWN BY <u>JLB</u>	2016		<div>CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987 CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES</div>		WEST 29th AVENUE REALIGNMENT						
				DESIGN BY <u>JLB</u>	2016				30th & FENTON IMPROVEMENTS						
				CHK'D BY <u>MAW</u>	12/2016										
				APPROVED <u>MAW</u>	12/2016										



NO.	REVISIONS	DATE	INIT.	DRAWN BY <u>JLB</u> 2016 DESIGN BY <u>JLB</u> 2016 CHK'D BY <u>MAW</u> 12/2016 APPROVED <u>MAW</u> 12/2016	SCALES HORIZ. 1" = 30' VERT. CALL UTILITY NOTIFICATION CENTER OF COLORADO 1-800-922-1987 CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES	 City of Wheat Ridge DEPARTMENT OF PUBLIC WORKS	7500 WEST 29TH AVENUE WHEAT RIDGE, COLORADO 80033	TELEPHONE: (303) 235-2861 FAX: (303) 235-2857	S-01-16 WEST 29th AVENUE REALIGNMENT 30th & FENTON IMPROVEMENTS	WEST 29TH AVENUE ROADWAY RE-ALIGNMENT WEST 30TH STREET EXHIBIT	SHEET SHEETS 22
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REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 11-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 4650 WADSWORTH BOULEVARD FROM RESIDENTIAL-TWO (R-2) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-06/BIELICH)

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (04/23/2018)
☐ ORDINANCES FOR 2ND READING (05/14/2018)

QUASI-JUDICIAL: ☒ YES

☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard.

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

PRIOR ACTION:

Planning Commission heard the request at a public hearing on April 5, 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 zone change is not expected to have a direct financial impact on the City. Fees in the amount of \$825 were collected for the review and processing of Case No. WZ-18-06.

BACKGROUND:

The subject property is located at 4650 Wadsworth Boulevard. The property is approximately a third of an acre in size and located on the east side of Wadsworth Boulevard, between W. 46th Avenue and W. 48th Avenue. Currently the property contains one structure, a duplex. The duplex was built in 1951, per the Jefferson County Assessor. There is a parking area in the front of the duplex as well as additional space in the rear of the lot, which is currently gated.

Surrounding Land Uses

The property is currently zoned Residential-Two (R-2). Surrounding properties include a variety of commercial and residential uses. Properties along Wadsworth Boulevard are primarily commercial in nature, though north of W. 46th Avenue, the Wadsworth corridor transitions to smaller lots and more residential uses. Properties to the east are zoned R-2 and contain mostly single-family homes, with some duplexes. This same condition applies to the properties beyond Wadsworth Boulevard to the west. Properties to the north and south are zoned Restricted Commercial (R-C) and contain light commercial uses. The property across Wadsworth to the west is zoned Residential-Three (R-3), and the property at the corner of W. 47th Avenue and Wadsworth is zoned Mixed-Use Neighborhood (MU-N); both properties contain residential uses.

Current and Proposed Zoning

The property is currently zoned Residential-Two (R-2). This zone district allows single-family homes, duplexes, and associated home occupations.

The applicant is 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.

RECOMMENDATIONS:

The application in this case is for the rezoning of property. This action is quasi-judicial, and as a result, the applicant is entitled to a public hearing on the application.

As Council is aware, rezoning in Wheat Ridge is accomplished by ordinance (Charter Sec. 5.10; Code Section 26-112). Ordinances require two readings, and by Charter, the public hearing takes place on second reading.

First reading in these cases is a procedural action that merely sets the date for the (second reading) public hearing. No testimony is taken on first reading. Because it is important that the applicant and all interested parties have their due process rights to a hearing, the City Attorney advises Council to approve rezoning ordinances on first reading. This merely sets the date for the public hearing, and for this reason, the packet materials provided on first reading are generally limited. The Planning Commission packet and minutes will be included in the City Council packet for the public hearing.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 11-2018 an ordinance approving the rezoning of property located at 4650 Wadsworth Boulevard from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, May 14, 2018 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

REPORT PREPARED/REVIEWED BY:

Scott Cutler, Planner I

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 11-2018

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 11
ORDINANCE NO. _____
Series of 2018

**TITLE: AN ORDINANCE APPROVING THE REZONING OF
PROPERTY LOCATED AT 4650 WADSWORTH BOULEVARD
FROM RESIDENTIAL-TWO (R-2) TO MIXED USE-
NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-06 / BIELICH)**

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, Luis Bielich 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 4650 Wadsworth Boulevard; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses and reinvestment along Wadsworth Boulevard by virtue of it being designated a primary commercial corridor; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on April 5, 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 Luis Bielich for approval of a zone change ordinance from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard, 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:

A parcel of land situated, lying and being in the County of Jefferson, State of Colorado, described as follows, to wit:
LOT 5, BLOCK 1, CLEAR CREEK VISTA, EXCEPT THE WEST 10 FEET OF SUBJECT PROPERTY AS CONVEYED TO THE DEPARTMENT OF HIGHWAYS BY THE STATE OF COLORADO IN DEED RECORDED MAY 13, 1959 IN BOOK 1193 AT PAGE 189, COUNTY OF JEFFERSON, STATE OF COLORADO.

Section 2. Vested Property Rights. Approval of this zone change does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 23rd day of April, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 14, 2018 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication:

2nd publication:

Wheat Ridge Transcript:

Effective Date:

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 10-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 11221 WEST 44TH AVENUE FROM COMMERCIAL-ONE (C-1) AND AGRICULTURAL-ONE (A-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-07/CHRISP)

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (04/23/2018)
☐ ORDINANCES FOR 2ND READING (05/14/2018)

QUASI-JUDICIAL: ☒ YES ☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of a zone change from Commercial-One (C-1) and Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 W. 44th Avenue.

The proposed rezoning area includes one parcel, the total size of which is approximately 2.25 acres.

PRIOR ACTION:

Planning Commission heard the request at a public hearing on April 5, 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 zone change is not expected to have a direct financial impact on the City. Fees in the amount of \$1,105.87 were collected for the review and processing of Case No. WZ-18-07.

BACKGROUND:

The subject property is located at 11221 W. 44th Avenue, in the northwestern quadrant of the City. It is located on the north side of 44th Avenue, west of Pierson Street and currently contains a series of structures. On the western half of the property there are four single-family homes. The first home (the largest one nearest 44th Avenue) was constructed in 1869, with the other three homes all being constructed in 1909, according to the Jefferson County Assessor. The existing improvements on the property are considered non-conforming, as the zoning on this portion of the property, Agricultural-One, allows for only one single-family home on a minimum of one acre of land. The construction of these homes pre-dates the City of Wheat Ridge, and zoning in general, as Jefferson County did not adopt its first zoning code until the early 1940s. On the eastern half of the property there is one structure, listed as a “Nightclub, Bar Lounge” by the Jefferson County Assessor, which was licensed by the City as a tavern until recently. This structure was constructed in 1942 and features a large parking lot to the rear of the building.

The property currently consists of one parcel, despite the split zoning and multiple structures. The only land use case in City records is a zone change in 1977 from Agricultural-One to Commercial-One for the rear portion of the eastern half of the property, where the tavern parking lot is currently located. The case file notes the zone change for the rear portion of the lot was to allow for a parking lot to be constructed behind the tavern. At that point in time the tavern was already zoned C-1. Staff was unable to find record of any zone change for the tavern area of the property. Since this structure was constructed in the early 1940s, at the same time as Jefferson County was establishing its first zoning code, it is possible the commercial zoning has existed on this portion of the property since the County’s first assignment of zone districts.

Surrounding Land Uses

The surrounding properties include a variety of zoning designations and land uses. To the north of the subject property is the City of Wheat Ridge Public Works Maintenance Shop, zoned Public Facilities (PF). To the east are properties zoned Residential-Two (R-2) and Commercial-One (C-1), utilized for single-family homes and commercial businesses, respectively. To the south of the subject property is 44th Avenue, and a series of properties zoned C-1 and utilized for a variety of commercial, retail, and office establishments, in addition to a Planned Residential Development (PRD), for the Parkside patio home development. To the southeast is the City of Wheat Ridge’s Prospect Park, zoned A-1. To the west of the subject property are a series of properties zoned A-1 and Residential-One (R-1), all utilized residentially. Further to the west and extending to Robb Street is zoned A-1 and contains the Baugh House, owned by the City of Wheat Ridge. The Baugh house is a building of historical significance to the City, County, and State; it is listed on the National Register of Historic Places and the Colorado State Register of Historic Properties.

Current and Proposed Zoning

The applicant is 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 is intended for “neighborhood main streets,” such as 44th Avenue and 38th Avenue.

The property is currently zoned Agricultural-One (A-1) and Commercial-One (C-1). The A-1 zone district was established to allow for residential estate living within a quasi-rural or agricultural setting. This zone district allows single-family homes on a minimum of one acre of land in addition to a variety of agricultural related uses such as farming, farmers markets, produce stands, riding academies and public stables, in addition to governmental buildings and schools. The C-1 zone district was established to accommodate a wide range of commercial uses, such as office, general business, retail sales, and service establishments, which are oriented towards the community or entire region.

RECOMMENDATIONS

The application in this case is for the rezoning of property. This action is quasi-judicial, and as a result, the applicant is entitled to a public hearing on the application. As Council is aware, rezoning in Wheat Ridge is accomplished by ordinance (Charter Sec. 5.10; Code Section 26-112). Ordinances require two readings, and by Charter, the public hearing takes place on second reading.

First reading in these cases is a procedural action that merely sets the date for the (second reading) public hearing. No testimony is taken on first reading. Because it is important that the applicant and all interested parties have their due process rights to a hearing, the City Attorney advises Council to approve rezoning ordinances on first reading. This merely sets the date for the public hearing, and for this reason, the packet materials provided on first reading are generally limited. The Planning Commission packet and meeting minutes will be provided in the public hearing packet.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 10-2018 an ordinance approving the rezoning of property located at 11221 W. 44th Avenue from Commercial-One (C-1) and Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, May 14, 2018 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

REPORT PREPARED/REVIEWED BY:

Zack Wallace Mendez, Planner II

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 10-2018

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 10
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 11221 WEST 44TH AVENUE FROM COMMERCIAL-ONE (C-1) AND AGRICULTURAL-ONE (A-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-07 / CHRISP)

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 11221 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 has adopted a subarea plan—*Fruitdale Subarea Plan*—which calls for a mix of uses within this area of 44th Avenue; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on April 5, 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 Francesca Chrisp for approval of a zone change ordinance from Commercial-One (C-1) and Agricultural-One (A-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 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:

A parcel of land situated, lying and being in the County of Jefferson, State of Colorado, described as follows, to wit:
THAT PORTION OF THE EAST HALF (E1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-ONE (SEC. 21), TOWNSHIP THREE (3) SOUTH OF RANGE SIXTY-NINE (69) WEST, COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID LAND AND THE NORTH LINE OF THE COUNTY ROAD, KNOWN AS THE NORTH GOLDEN AND DENVER ROAD, JEFFERSON AVENUE OR WEST FORTY-FOURTH

AVENUE, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID LAND SEVEN HUNDRED AND TEN (710) FEET, THENCE EASTERLY TWO HUNDRED FIFTY-FIVE (255) FEET, THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LAND SEVEN HUNDRED AND TEN FEET (710) TO THE NORTH LINE OF SAID ROAD, THENCE WESTELY TWO HUNDRED FIFTY-FIVE (255) FEET TO THE PLACE OF BEGINNING;

EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF WHEATRIDGE, A MUNICIPAL CORPORATION, BY INSTRUMENTS RECORDED NOVEMBER 18, 1970 IN BOOK 2221 AT PAGE 663, JANUARY 12, 1971 IN BOOK 2231 AT PAGE 545, JUNE 30, 1978 AS RECEPTION NO. 78059221, AND OCTOBER 21, 1985, AS RECEPTION NO. 85101326; AND EXCEPT ANY PORTION LYING WITHIN BLAGDON SUBDIVISION, RECORDED NOVEMBER 22, 1955 IN PLAT BOOK 15 AT PAGE 45,

TOGETHER WITH THE EAST 2 FEET OF THE E1/2 OF THE NE1/4 OF THE SW1/4 OF THE NW1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST, EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF WHEATRIDGE, A MUNICIPAL CORPORATION, BY INSTRUMENTS RECORDED NOVEMBER 18, 1970 IN BOOK 2221 AT PAGE 663 AND JUNE 30, 1978 AS RECEPTION NO. 78059221.

Section 2. Vested Property Rights. Approval of this zone change does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 23rd day of April, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 14, 2018 at 7:00 o'clock p.m.**, in the Council

Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication:
2nd publication:
Wheat Ridge Transcript:
Effective Date:

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE APPOINTMENT OF REPRESENTATIVES TO THE OUTSIDE AGENCY PROGRAM CITIZEN REVIEW COMMITTEE**

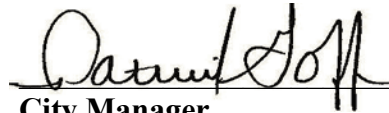
- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO

City Clerk



City Manager

ISSUE:

The purpose of creating the Outside Agency Review Program Citizen Review Committee is to provide an additional opportunity for citizens to participate in the budget process. This committee gives citizens the opportunity to weigh community needs with available resources and provide recommendations to City Council.

FINANCIAL IMPACT:

None

BACKGROUND:

The current committee recommended to have one member in each district serve another year to stagger one new member and one experienced member in each district. We advertised for the committee on our website, social media, Mayor's Matters, and in the Wheat Ridge Transcript.

Current members will be appointed to expire in 2018 after recommendations are presented. New members will be appointed to serve on the committee in May/June 2018. The second year of their term will be in May/June 2019, to expire after recommendations are presented in 2019. We have seven people interested in serving on the committee, which is one person less than last year, but we anticipate a smooth transition.

Outside Agency Program Review Committee Appointments

April 23, 2018

Page 2

District I:

1. Scott Wesley (Current Member)
2. Alejandra Major (Applicant)

District II:

1. Carla Mead (Current Member)
2. _____

District III:

1. Margie Robinson (Applicant)
2. _____

District IV:

1. John Clark (Current Member)
2. Tracy Langworthy (Current Member)
3. Sunny Garcia (Applicant)

Applications for organizations requesting funding allotments are due April 23, 2018. The review committee meetings will be Thursday nights 6-8:30pm: May 10, May 17, May 24, and May 31. The final recommendation decision meeting is June 7. The committee or representatives will present to council on June 18th Attachment 1 includes all the applications received by the April 17th due date by interested individuals.

RECOMMENDED MOTIONS:

For Current Members:

“I move to appoint _____ to the Outside Agency Program Citizen Review Committee, District _____, term to expire after 2019 budget recommendations are presented in 2018.”

For New Members:

“I move to appoint _____ to the Outside Agency Program Citizen Review Committee, District _____, term to expire after 2020 budget recommendations are presented in 2019.”

REPORT PREPARED/REVIEWED BY:

Carolyn Lorentz, Assistant to the City Manager
Patrick Goff, City Manager

ATTACHMENTS:

1. Outside Agency Citizen Review Committee Applications

**Outside Agency Program
Citizen Review Committee Application
City of Wheat Ridge**

The Wheat Ridge City Council is seeking volunteers to participate on

Name: Alejandra Major

Address: 3781 Depew Street, Unit D Wheat Ridge, CO_ Zip: 80212

Phone: (303) 619-4797 Alternate Phone: N/A

E-Mail Address: alejandra.anais@gmail.com

I live in Council District: Dist. I

Why do you want to serve on the Committee? I am looking to get further involved in our community. This committee provides an opportunity to learn about the groups in Wheat Ridge, the work they carry out, and the leaders who have the passion to drive it forward. My role at work requires me to review funding requests from nonprofits for a family foundation and make recommendations to the Foundation's Trustees. I believe I can use my professional experience and background in reviewing funding requests to help enhance our community.

Can foresee any conflicts of interest you may have with the outside agencies that may apply? (i.e. working at or serving on a board of a non-profit)

No

To be considered for the committee you need to attend meetings in 2018. The meetings are Thursday nights 6-8:30pm. Please check the days you plan to attend:

☒ May 10 ☒ May 17 ☒ May 24 ☒ May 31

SIGNATURE: AJ Major DATE: 03.29.2018

Applications are due April 2, 2018 at 5 p.m. Please submit to Laura McAvoy in person, or by mail or email. 7500 W. 29th Avenue, Wheat Ridge, CO 80033 lmcavoy@ci.wheatridge.co.us

**Outside Agency Program
Citizen Review Committee Application
City of Wheat Ridge**

The Wheat Ridge City Council is
seeking volunteers to participate on

Name: Sunny Garcia

Address: 4304 Hoyt St, Wheat Ridge Zip: 80033

Phone: 303-478-1281 Alternate Phone: 303-650-0889

E-Mail Address: sundish76@gmail.com

I live in Council District: Dist. I Dist. II Dist. III Dist. IV X

Why do you want to serve on the Committee? It would be a great opportunity to become more involved in the community. To have a voice in allocation of funds to non-profits that could benefit my district and the whole Wheat Ridge community.

Can foresee any conflicts of interest you may have with the outside agencies that may apply? (i.e. working at or serving on a board of a non-profit)

I foresee no conflicts of interest

To be considered for the committee you need to attend meetings in 2018. The meetings are Thursday nights 6-8:30pm. Please check the days you plan to attend:

☒ May 10 ☒ May 17 ☒ May 24 ☒ May 31

SIGNATURE: Sunny Garcia

DATE: 3/29/2018

Applications are due April 2, 2018 at 5 p.m. Please submit to Laura McAvoy in person, or by mail or email. 7500 W. 29th Avenue, Wheat Ridge, CO 80033 lmcavoy@ci.wheatridge.co.us



**Outside Agency Program
Citizen Review Committee Application
City of Wheat Ridge**

The Wheat Ridge City Council is seeking volunteers to participate on the Outside Agency Program Citizen Review Committee to review and recommend funding allocations for the Outside Agency Program. One Wheat Ridge resident will be chosen from each City Council District to serve on the Committee for a two-year budget cycle term (2018 and 2019) to expire July 2019.

Name: Margie Robinson

Address: 4 Hillside Dr. Wheat Ridge Zip: 80215

Phone: 303-278-0786 Alternate Phone: _____

E-Mail Address: margie-robinson7@gmail.com

I live in Council District: Dist. I ____ Dist. II ____ Dist. III ☒ Dist. IV ____

Why do you want to serve on the Committee? Because I have not served on this board, and have not seen a list of who applies for these donations, I can't speak to their merits, but I believe it is our obligation and in our city's best interest to acknowledge and financially support, as best we can, any non-profits that serve less fortunate individuals.

On a personal level, I'm interested in becoming more aware of the operations of Wheat Ridge, and contributing to my community.

Can foresee any conflicts of interest you may have with the outside agencies that may apply? (i.e. working at or serving on a board of a non-profit)

No

To be considered for the committee you need to attend meetings in 2018. The meetings are Thursday nights 6-8:30pm. Please check the days you plan to attend:

☒ May 10 ☒ May 17 ☒ May 24 ☐ May 31

SIGNATURE: Margie Robinson DATE: 4-17-18

Applications are due April 17, 2018 at 5 p.m. Please submit to Laura McAvoy in person, or by mail or email. 7500 W. 29th Avenue, Wheat Ridge, CO 80033 lmcavoy@ci.wheatridge.co.us