AGENDA

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

May 14, 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 April 9, 2018 and April 23, 2018 and Study Session Notes of April 16, 2018 and May 7, 2018

PROCLAMATIONS AND CEREMONIES

Active Living Month
National Police Week
Public Works Week
Municipal Clerk's Week

CITIZENS' RIGHT TO SPEAK

a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the PUBLIC COMMENT ROSTER.

b. Citizens who wish to speak on an Agenda Item, please sign the GENERAL AGENDA ROSTER.

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

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

APPROVAL OF AGENDA

1. **CONSENT AGENDA**

   a. Motion to approve payment to Kaiser Permanente for May 2018 Membership Billing in the amount of $179,840.88
   b. Motion to approve the installation of a Traffic Calming Device on Benton Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program
   c. Motion to approve payment to Colorado State Bank and Trust for a Bond Interest Payment in the amount of $552,650 for the City of Wheat Ridge, Colorado, Sales and Use Tax Revenue Bonds, Series 2017A

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. 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)

3. Council Bill 11-2018 – approving the Rezoning of property located at 4650 Wadsworth Blvd. from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-06/Bielich)

ORDINANCES ON FIRST READING

4. Council Bill 13-2018 – approving the Rezoning of property located at 12600 West 42nd Avenue from Agriculture-One (A-1) to Planned Commercial Development (PCD) and for approval of an Outline Development Plan (ODP) (Case No. WZ-18-08/Ball)

5. Council Bill 14-2018 – approving the Rezoning of property at 7955 West 42nd Avenue from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) (Case No. WZ-17-08/Environfinance Group)

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution 27-2018 – Amending the Fiscal Year 2018 2E Bond Budget Fund to reflect the approval of a Supplemental Budget Appropriation in the amount of $447,708 for the purpose of revising the Anderson Park Master Plan to retain a lighted Baseball Field and add a removable outfield fence to allow for a multi-use field

7. Resolution 28-2018 - Approving the acceptance of the Wheaties Academy Community Art Project Proposal by Jenuine & Blu

8. Motion to Ratify the Mayoral Appointment(s) of Michele Koons to the District I position and Valerie Nosler Beck to the District IV position on the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge

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

April 9, 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	Monica Duran	Tim Fitzgerald	
Larry Mathews	Leah Dozeman	Kristi Davis	George Pond

Absent: Janeece Hoppe (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Parks and Recreation Director, Joyce Manwaring; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Study Session Notes of March 19, 2018

There being no objections, the Study Session Notes of March 19, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

Arbor Day

Mayor Starker read a proclamation declaring Saturday April 20, 2018 as Arbor Day in the City and urged citizens and businesses to plant a tree. **Margaret Paget**, City Forester, who was present to receive the proclamation, noted this is our 39th year as a Tree City USA. **Allen Gallamore**, Northeast Area Manager of the Colorado State Forest Service, presented the Tree City USA Award to Ms. Paget. He explained the award and reminded the assembly that the Tree City designation is something that has to be earned, and he congratulated the City on maintaining its commitment to healthy trees. He presented Ms. Paget with materials to be used around the City.

Victim's Rights Week 2018

Mayor Starker read a proclamation declaring April 9-14 as National Crime Victims' Rights week. **Sgt. Moellenberg** received the proclamation and spoke briefly about the growing voice of crime victims. Dana Easter, Deputy District Attorney of Jefferson County, thanked all for their continued support of VOI and helping accomplish its goals.

Mental Health Awareness Month

Mayor Starker read a proclamation declaring May as Mental Health Awareness Month.

David Goff from the Jefferson Center for Mental Health received the proclamation and thanked the City for its continued support of Jefferson Center. He elaborated on the large number of services provided. He noted the opening of the 24 hour walk-in crisis center at 4643 Wadsworth. He invited folks to join the large group of volunteers. Training is available.

Jefferson Center 60th Anniversary
Mayor Starker read a proclamation recognizing the 60 years of service that Jefferson Center for Mental Health has provided to Jefferson, Clear Creek and Gilpin Counties for mental health and substance abuse issues. **David Goff** received the proclamation.

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) read from the City's Neighborhood and Housing booklet, first citing on page 51, under goals and policies, the aim "to maintain the appeal and character of the City's established neighborhoods." Additionally.....

- Page 52 addresses Neighborhood Identity Programs – 'to work with neighborhood groups to define boundaries/areas; use neighborhood level planning to determine appropriate character and design for distinct areas; work with interested neighborhoods to develop guidelines, standards and tools to retain that character'.
- Page 53 says 'the City will guide infill development and redevelopment to keep the overall character and vernacular of the surrounding neighborhood'.
- Page 93 states 'the City will strive to make all aspects of City government transparent, engaging, and accessible for all community members'.
- Page 106 'Certain development regulations and zoning should be amended to achieve the development patterns or neighborhood protection'.

They are not asking that homes be scraped. They are asking for elimination of the 35 ft height allowance for residential dwellings. She reminded Council again every surrounding city has eliminated 35 ft. They are asking for a 25 ft height limit. The 15 ft bulk plane adds another half story – which is more than adequate. ¾ of east Wheat Ridge is zoned 2 [sic]; if 35 ft houses are brought it, you will be eliminating the sustainability, transparency, and the character of the neighborhood.

Councilmember Mathews thanked Dorothy Archer. Whether you agree or disagree with her, she represent the essence of the Citizens' Right to Speak. She researches the information she brings to Council and does an excellent job presenting it.

1. CONSENT AGENDA

a. Motion to award ITB-18-05, 2018 Overlay Project Base Bid and Bid Alternate 1 to Martin Marietta Materials, Westminster, CO, in the amount of $1,374,430.02, with a contingency amount of $68,720.00 *[budgeted; includes*

overlay of 38th Ave (Wads to Sheridan), 44th Ave (Xenon to I-70 eastbound ramps) and maintenance on selected local streets]

b. Motion to award ITB-18-03, 2018 Concrete Rehabilitation and ADA Improvements Project Base Bid, and Bid Alternates 1 and 2 to the Perfect Patch Asphalt Company, Commerce City, CO, in the amount of $403,652.20, with a contingency amount of $20,200 *[budgeted; concrete rehab with streets scheduled for overlay; ADA improvements on 38th Ave; public improvements for 3715 Pierce St]*

c. Resolution 20-2018 – amending the 2018 General Fund Budget in the amount of $2,216 for the purpose of appropriating Grant Awards for the installation of two bike repair stations along the Clear Creek Trail *[at Youngfield Trailhead and Creekside Park]*

d. Motion to approve payment to Kaiser Permanente for April 2018 membership billing in the amount of $198,233.22 *[monthly bill for employees and COBRA]*

Councilmember Mathews introduced the Consent Agenda.

Councilmember Mathews asked to remove Item 1a).

Motion by Councilmember Mathews to approve the Consent Agenda Items b), c) and d); seconded by Councilmember Urban; carried 7-0.

Motion by Councilmember Mathews to approve Item a); seconded by Councilmember Fitzgerald.

Councilmember Mathews noted the contract in question is for the repaving and restriping of 38th Avenue. He asked for an explanation. Mr. Goff said this is routine scheduled maintenance. It will be repaved and striped as it is now.

The motion carried 7-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

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

The applicant is requesting rezoning of the quarter-acre parcel containing a single family house, to allow the property to be used for commercial and/or residential.

Councilmember Davis introduced Council Bill 07-2018.

Clerk Shaver assigned Ordinance 1640.

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

Staff Presentation

Zach Wallace Menendez presented. He entered into the record the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation. He testified that all posting and notification requirements had been met.

- The property is across from Hopper Hollow Park; it is a regular rectangular shape and has no topographical irregularities.
- Current zoning is N-C; the property is surrounded by a variety of zonings.
  - The Park is zoned C and R-3;
  - Some properties across the street were recently been rezoned to MUN; Properties along the street (east and west) have a variety of commercial zonings – C-1, R-C, N-C,
  - Further away from 44th (north and south), there are a variety of residential zonings and uses. South of the parcel is single family.
- The Comprehensive Plan indicates this property is in a Neighborhood Commercial Corridor and encourages a mix of uses.
- A neighborhood meeting was held in January. 6 neighbors attended. There were concerns about parking requirements and what the buffers will be if this property is redeveloped as something other than a single family home.
- All outside agencies have indicated they can serve the property
- Staff concludes the rezoning meets criteria and is compatible with surrounding uses.

The applicant was available for questions from Council. There were none.

No one from the public asked to speak.

Council Questions

Councilmember Mr. Mathews asked if 44th Ave is intended to be commercial artery, or is it to be residential. Mr. Menendez said the corridor is labeled a "neighborhood" commercial corridor, so residential is appropriate.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 07-2018, an ordinance approving the Rezoning of property located at 6320 West 44th Avenue from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) on second reading, and that it take effect fifteen 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."

seconded by Councilmember Dozeman;

Councilmember Mathews asked if this goes commercial, what else can be done on this property. Why accommodate more residential? He is fearful of a patchwork of uses and there is no cohesive plan. Councilmember Davis noted there are some homes along 44th. She hasn't heard of a desire for more commercial. Councilmember Dozeman sees this as turnover.

The motion carried 6-1, with Councilmember Mathews voting no.

ORDINANCES ON FIRST READING

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

The June, 2015 United States Supreme Court ruling on the case of Reed v. Town of Gilbert, Arizona, has had a significant impact on local government sign codes throughout the nation. Signs can no longer be regulated by their content; sign codes can only regulate time, place and manner.

In addition to bringing the sign code into compliance with the federal ruling, the City Council is using this opportunity to update the sign code with different standards, clarify enforcement language, and reaffirm former policy directions.

Councilmember Duran introduced Council Bill 08-2018

Motion by Councilmember Duran to approve Council Bill 08-2018 an ordinance amending Article VII (Sign Code) of Chapter 26 of the Wheat Ridge Code of Laws (Case No. ZOA-18-01) on first reading, order it published, public hearing set for Monday, April 23, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTION

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

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

Councilmember Dozeman introduced Item 4.

Staff presentation
Joyce Manwaring thanked the Cultural Commission for their work on the Vision.

Public Comment
Diane Robb thanked the Commission members who were present who worked on the Vision. The Cultural Vision reflects the diversity in the community. She spoke about the importance of public art and culture as a vital part of our community. She has had developers call her wanting direction for public art. We now have that.

Motion by Councilmember Dozeman to approve Resolution No. 21-2018, a resolution adopting a Cultural Vision for the City of Wheat Ridge; seconded by Councilmember Davis; carried 7-0.

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

To update the 2005 Neighborhood Revitalization Strategy (NRS) staff has negotiated a scope of work with CZB LLC for a process that will include an extensive public outreach effort to determine how the City can make the most of its assets and answer the question, "What does the City want to be in the coming decades?" A comprehensive assessment of the City's retail market will also be done. This is not a budgeted item.

Councilmember Pond introduced Item 5.

There was no staff presentation or discussion.

Motion by Councilmember Pond to approve a resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $213,310 and awarding a contract to CZB LLC for a Neighborhood Revitalization Strategy Update; seconded by Councilmember Duran; carried 7-0.

CITY MANAGER'S MATTERS
Mr. Goff reported that he and the mayor will be meeting with Denver Transit partners about the Gold Line.

CITY ATTORNEY'S MATTERS
Mr. Dahl reported that the business license for Break the Stigma Yoga has been revoked. The time for an appeal is currently running. Council will be kept informed.

ELECTED OFFICIAL'S MATTERS
Larry Mathews thanked the staff for acting quickly on the marijuana yoga place.

Treasurer DiTullio explained some numbers on the current CSAFE statement he had distributed. About $10M that the City previously had in illegal CD's has been put in this fund; it is liquid and earning good interest. He highlighted amounts in the 2E account and the Conservation Trust Fund that are both also now earning better interest.

Monica Duran offered condolences to the family of Donna Kimsey who passed away recently. Until recently she had served on the Planning Commission and she will be missed.

Leah Dozeman reported the Jeffco Schools Foundation will be hosting the Elevate Education Gala on April 26 at the Arvada Center. Proceeds will support the district-wide programs including the Jeffco Summer of Early Learning. Tickets are available and community support is encouraged.

Zach Urban thanked the Jefferson Center for Mental Health for their service over the years and for their efforts to bridge the gap when Arapahoe House closed. He thanked the City Treasurer for his reports. He announced it is National Work Zone Awareness Week and urged folks to be aware of workers when they drive through these areas.

George Pond thanked the Cultural Commission for their hard work on the Vision document. He also recognized the staff and previous Councils who have committed to Tree City status and being a leader.

Mayor Starker congratulated the Cultural Commission on a job well done and Jefferson Center for Mental Health for 60 years of service.

ADJOURNMENT

The meeting adjourned at 8:02pm.

Janelle Shaver

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 14, 2018

_____

Tim Fitzgerald, Mayor Pro tem

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

CITY COUNCIL MINUTES

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

April 23, 2018

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

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

ROLL CALL OF MEMBERS

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

Absent: Janeece Hoppe (excused)

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

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

There being no objections, the minutes of the Regular Meetings of March 26, 2018 and the Study Session Notes of April 2, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

Sexual Assault Awareness Month

Mayor Starker read a proclamation declaring April as Sexual Assault Awareness Month and April 25 as Denim Day, on which people can wear denim to show support for this issue. Councilmember Duran received the proclamation and thanked the staff for their attention to this concern.

CITIZENS RIGHT TO SPEAK

Dorothy Archer (WR) remarked that no notice has been given to businesses about the changes that are being made to the sign code tonight. ~ She also said she would like Mr. Goff to call her with answers to the questions she raised at the last meeting about the survey. ~ She read from the Comprehensive Plan: Pg2 says "Preserve and enhance WR neighborhoods." Pg 11 "Maintaining the character of existing neighborhoods and establishing new housing options will retain and attract a large range of household types." No one is against a dilapidated house being razed. They

are against 35 feet. It would be simple to change to 25 feet with 15 ft bulk plane. Nowhere is anyone in favor of a 35 ft flat roof. She noted again 3310 and 3320 [Chase] that are monsters next to the ranch houses. She suggested using the structure plan will provide consistent character in a predominantly single family area – with some high quality multi-family that fits the neighborhood. "Fits the neighborhood" is important.

Vivian Vos (WR) commented on remarks that were made last week about citizen advisory boards. She is a volunteer, is on the Planning Commission, and has observed other committees and City Council regularly. Every citizen group she's seen discusses whether Council will take its advice; Council itself negotiates internally; and Councils have been overturned by the voters at times. Life and government are all about negotiations and compromise. All volunteers should remember that they are only advisory. Council should not be afraid people will not volunteer if their advice isn't taken. She pointed to the Outside Agency Committee – whose recommendations have always been accepted with no change – that still needs volunteers this year. She challenged all citizens to volunteer for boards and committees.

Roger Loescher (WR) commented on the projected traffic count for Wadsworth. We have 45K daily now, and 75K projected for 2040. The 1999 corridor plan projected 64.4K by 2020. If the 1999 numbers are being used, we should use the 1999 design. He described scenarios that are not realistic and he thinks the numbers are bad. Traffic will not be helped by the new proposed design. He suggested it's unrealistic to say U-turns will be possible. The Wadsworth Transportation, Land Use and Design Plan of May 12 1999 states on p.26 that "The finished value of the new development must be greater than the private costs for the purchase of property, site prep, construction and the other various costs." He noted how little the Wadsworth corridor is used by bikes or pedestrians in Lakewood and Arvada, and he thinks we should have a Plan B.

Bob Brazell (WR) remarked how everything is getting zoned to Multi-Use, and spoke against it. We control land use through zoning. He thinks Multi-Use in nonsense and that people should rezone to what they are going to do. They should have a plan. Developers increase their property value by getting it zoned MU, but we have no idea what will be built there later. The only way to control what goes on in our city and maintain our property values is through zoning. He suggested MU is an excuse. He'd rather see staff do research and do what's necessary to preserve our city.

APPROVAL OF AGENDA

1. CONSENT AGENDA

a. Resolution 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 *[accounting requirements necessary to meet State budget law]*

b. Resolution 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 *[accounting requirements necessary to meet State budget law]*

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 *[May 2017 hailstorm damage; insurance payment $267,500 from CIRSA]*

d. Resolution 26-2018 – A Resolution amending the Fiscal Year 2017 Budget to reflect the approval of increased available beginning fund balances in certain funds *[adjustments; actual 2016 year-end revenues were higher and/or expenditures were lower than estimated; seven funds: Police Investigation, Capital Improvement (CIP), Open Space, Muni Court, Conservation Trust Fund, Crime Prevention/Code Enforcement Fund, and Rec Center Fund]*

Councilmember Davis introduced the consent agenda.

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

Councilmember Mathews asked for clarification on the transfer of funds for 2017. Heather Geyer explained the budget clean-up to satisfy state law.

Councilmember Urban asked about the City Hall roof repairs – if it is being funded by insurance. Mr. Goff explained most of it is covered by insurance. Any overage will come from insurance money not being used elsewhere in the City.

Motion carried 7-0

PUBLIC HEARING AND ORDINANCES ON SECOND READING

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

The June, 2015 US Supreme Court ruling on the case of Reed v. Town of Gilbert, AZ has had a significant impact on local government sign codes nationwide. Signs can no longer be regulated by their content; sign codes can only regulate time, place and manner. Besides bringing our sign code into compliance with federal law, the City Council is also using this opportunity to update the sign code with different standards, clarify enforcement language, and reaffirm former policy directions.

Councilmember Fitzgerald introduced Council Bill 08-2018.

Clerk Shaver assigned Ordinance 1641.

Mayor Starker opened the public hearing.

Staff presentation

Zach Wallace-Mendez presented.

- He entered into the record the case file, the zoning ordinance, and the contents of the digital presentation. He testified that all posting and notification requirements had been met.
- He explained the issue and reviewed the City Council study sessions and Planning Commission meetings that have addressed this matter.
- He reviewed the direction given by Council for revisions in the sign code.
    - Anything referencing content was scrubbed from the code.
    - Additional changes include:
        - Temporary signs – commercial: 1 per business at a time.
        - Signs carried by persons (sign spinners): allowed in public ROW; not allowed on the street; no interference with traffic, bikes, pedestrians
        - Electronic Message Centers (LED): adds illumination standards; minimum time between messages reduced from 15 seconds to 8 seconds (industry standards and aligns with neighboring cities)
        - 3D signs: allowed as a percentage of wall or free standing sign allowance
        - Off –premise: sign applicant must be the property owner or lessee
        - Business district signage: to be regulated through an internal policy
        - Yard signs: no limit on number
        - Free standing signs: new development and total redevelopment must have monument signs only (no pole signs)
        - Non-conforming: no change at this time; more information needed
        - Changeable copy: continue to prohibit in MU-N and MU-C TOD zones
- There have been additions, modifications, deletion of definitions based on sign categories and code-based language, and reorganization of the code
- Billboards will not be affected by this change, other than renumbering. Staff met with representatives of the billboard industry and lobbyists last week. They are concerned that eliminating the off-premise sign category will open us to billboards in commercial corridors where they are currently not allowed.
    - Staff recommends the clarifying language saying that the sign applicant must be the property owner, so property owners can't sell off random pieces of land to accommodate a billboard by another entity.
- Staff also recommends additional language added to 'size of sign' definition to define the measurement for a free-standing sign. (Amended motion provided.)
- After adoption, staff will prepare new handouts and online documents. For the new illuminance and temporary sign regulations staff and the Public Information Officer will do outreach with local businesses. The graphics will be updated.

Public Comment

R.D. Sewald (Denver) represents Colorado Outdoor Advertising Association, some of whom were present. They participated in CDOT's rule making for the state sign code and recently worked with Jefferson County on their new sign code. He said defining on- and off-premise signs will not threaten free speech. Their objection is you shouldn't be

able to monetize from an on-premise sign; on-premise signs should advertise the primary use only. They fear businesses will buy spaces for signs at secondary locations. They oppose passage of the sign code as written. They are just now having a policy discussion with the staff. Do businesses and residents even know about this? This particular change is not about the Supreme Court Decision, so they wonder who is pushing this? He gave details about other local cities that are addressing their sign codes and including extensive public outreach. He asked for changes or a delay so the matter can be addressed.

Marcus Danneil (Greenwood Village) has been in outdoor advertising for 20 years. He gave his perspective related to on and off-premise signage. On-premise signs advertise the business at the location; off-premise signs refer to goods or services available elsewhere. This distinction has been around a long time. They believe doing away with the distinction will create sign chaos. Passive income from selling space will become more attractive, and indecent content will be protected. Owners of LED signs could sell space. Businesses in the community and those with expertise weren't brought in on this. They think this is a bad idea; it should be tabled for further study with input.

Steve Shinn (Denver) offered support for his colleagues. He believes this is a bad idea - a solution looking for a problem.

Mr. Dahl responded to the testimony of the billboard industry representatives:

- He's appreciative that they admit this presents competition for them and it is understandable that they are protective of their rights.
- All businesses in the city have a "sign budget" for the amount of space they are allowed for signs. He believes it is incorrect to say that this new ordinance will result in a proliferation of signs; it just won't.
- The fundamental legal question is that having to read a sign so that you know how to regulate it (i.e. determining that it is an off-premise sign) is regulation of content.
- This is the 8th sign code he has done in his practice and in his view, he thinks this is a good recommendation. Some jurisdictions may not take this approach, but others have. It is a well-established practice; Wheat Ridge will not be out there by itself.

Council questions followed.

Councilmember Duran asked about the Jefferson county sign language. Mr. Dahl said he assumes they are just retaining the language prohibiting off-premise signs.

Councilmember Mathews asked about WR Cyclery having signs on the vacant land at 38th & Wadsworth for a time. Mr. Dahl explained that a property owner can reach an agreement with a party to allow signs. Mr. Johnstone commented that at the time those were illegal temporary signs and he doesn't recall how that was handled by code enforcement. Wheat Ridge Corners now has an approved masterplan for signs that they will regulate internally; he expects there will be lots of demand for space from on-site tenants. But, in the spirit of content neutrality, the City cannot control the content.

Councilmember Davis reported having met with some of the people who spoke tonight. She has the language that Jefferson County used, and would like our ordinance to mirror that. She is concerned about removing the definition of off-premise sign.

- She read an outline of elements in the Jefferson County sign code.
- Mr. Dahl advised that this offers more than what the billboard folks are asking for. It distinguishes between commercial and non-commercial signs – which he sees as content regulation. He advised against adding all of that. He advised that a simple prohibition of off-premise signs would be adequate.
- Councilmember Davis wants to add back the definition of off-premise sign.
- Mr. Dahl suggested that could be added without delaying this ordinance.

Councilmember Mathews asked how far "no regulation of content" can go. Can a naked picture be on a sign?

- Mr. Dahl advised that the unanimous Supreme Court decision suggests there are a number of regulatory tools that can be used; content is not one of them. He spoke about cases on obscenity (e.g. art) and a "compelling state interest" (e.g. putting a stop sign in the wrong place). The need to respect content is basic and simple to do. He believes the added wording about ownership of the sign achieves that purpose.

Councilmember Urban and Mr. Dahl exchanged thoughts about the opinions of the various Supreme Court Justices on the Reed v Gilbert decision.

Councilmember Duran said she would support adding Jefferson County's language about off-premise signs.

Councilmember Dozeman asked for clarification on pole signs. Mr. Wallace reviewed Council's recommendation to allow pole signs for existing and replacement signs, but new development would have to have monument signs. He confirmed that variances are allowed.

Councilmember Urban asked Mr. Sewald if the addition of the County's off-premise definition would satisfy them.

- Mr. Sewald said they like having the off-premise definition, but they are opposed to opening the gate for advertising for something other than the primary use.
- Councilmember Davis suggested including the County wording that includes allowing a business to advertise products they are selling at their store.
- Mr. Dahl advised Councilmember Duran that if the definition of an off-premise sign is added back, and also prohibited, it will satisfy the concerns of the billboard industry.
- Mr. Dahl noted that after time it may be necessary, as with any comprehensive regulation, to do small fixes to this ordinance.

Mayor Starker closed the public hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 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 revisions:

1. Strike and insert in Section 4 of the ordinance and Section 26-705.E of the Code, "The property owner, principal lessee, or authorized agent of the PLATTED OR OTHERWISE RECOGNIZED AS LEGALLY DEVELOPABLE PARCEL...."
2. Add the following language to the definition of "size of sign" in Section 26-702 (Definitions.): "For a freestanding sign, the sign area shall include the frame, if any, but shall not include the pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display, or part of a display device. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building, or structural forms completing the site in general shall also not be in the sign area."
3. Where applicable in the code, add the definition of off-premise sign as follows: A commercial sign advertising a land use, business, product or service not located or available as the primary business, product or service upon the premises whereon the sign is located.

seconded by Councilmember Urban.

Mr. Dahl asked if the maker of the motion would add the words: "and such additional conforming changes as necessary to implement the addition of the definition of the off-premise sign, and the prohibition of same." During discussion it was determined that adding the words "...and prohibiting the same." to the end of condition 3 would be adequate. The maker of the motion and the second agreed.

Clerk Shaver confirmed from Councilmember Fitzgerald that Condition No.1 should read as "developable parcel", not "developed parcel".

Motion carried 7 -0.

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 (ODP) for property located at 5372 and 5392 Quail Street (Case No. WZ-17-11/Clark)

The applicant is requesting approval of a zone change for the 5.25 acres to allow for development of single family homes and townhomes.

Councilmember Mathews introduced Council Bill 09-2018.

Clerk Shaver assigned Ordinance 1642.

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

Staff presentation
Zack Wallace Menendez presented.

- He entered into the record the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation. He testified that all posting and notification requirements had been met.
- The property is 5 acres surrounded by Arvada on 3 sides (west, north and east).
- The PRD zoning will allow for single family attached and detached homes.
- He presented the Outline Development Plan showing allowed uses, lot layout and street locations.
  - 14 single family are proposed along the north and east sides of the development.
  - No more than 42 attached town homes will be in the center, bordering south and west.
  - Home occupations and pets will be allowed. RV storage will be prohibited.
- The neighborhood meeting was held December 5, 2017. 22 neighbors attended.
  -
  - Concerns were raised about the placement of townhomes along 54th Ave, so they were moved south of 54th Ave – away from the single family.
  - There was concern about traffic impacts to Ridge Road and general questions about architectural style, drainage, and potential price points.
- During the posting and notification period, staff received one call about property lines and process, and one letter of support.
- Outside agencies report they can serve the property and have no concerns.
- If the rezoning is approved that next steps will be:
  - Subdivision Plat review/approval by Planning Commission and City Council.
  - Review of the Subdivision Improvement Agreement by staff.
  - Specific Development Plan review/approval by Planning Commission only.
- The Comprehensive Plan designates this area as a neighborhood.
- Mr. Wallace explained the neighborhood context. Since the coming of the commuter rail, more of the recent developments have been higher density.
- Staff recommends approval with three conditions:
  - That the SDP and Subdivision Plat not be reviewed at public hearing until Quail Street has been dedicated as ROW. (Arvada and Wheat Ridge are working closely on this.)
  - If final utility and/or drainage designs affect off-site property owners, written authorization shall be provided prior to public hearings.
  - Single-family detached minimum rear yard setbacks shall be increased from 10 feet to 15 feet.

Applicant

Summer Clark (WR), the applicant, gave a slide presentation about the history of her family farm since the 1880's, which included aerial photos from 1920 and 1978 and photos over time. The farm was surrounded by 100+ acres of open space – some preserved with a 100 year pledge. She spoke of the area farming operations, a nearby horse-rescue pasture, property used by Ridge Home, and the wildlife. The wildlife was first driven away by the Rainbow Ridge development in the 1980's, followed by the Skyline Estates in early 2000's. The family made an effort to maintain their land, but the views they once had now belong to others. As properties developed around them and

complaints from neighbors about the farm animals persisted, the family finally considered that it was time to relinquish their farm lifestyle for the good of the neighborhood. They are working with Wonderland Homes to develop Quail Run.

Public Comment

Maryann Rodriguez (Arvada) lives on 54th. She appreciates the townhomes being moved, but has concerns about traffic. She thinks the traffic studies are unrealistic. Things are getting so crowded in this area; she encouraged councilmembers to come up there and see what is happening. A drawing on a paper doesn't really show it all. Her other concern is building height. She would like to see only single family homes, because that's what is in the area and she wishes Wheat Ridge would retain its openness and lower density. That said, all the homes and condos in the area are 2 stories. She hopes the City will not allow 3-story dwellings.

There were no questions or comments from Council.

Mayor Starker closed the public hearing,

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 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.

seconded by Councilmember Dozeman; carried 7-0

4. Resolution 25-2018 – A Resolution establishing a Street Width for 29th Ave 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.

It has been one year since the street width for 29th Ave east of Ingalls St was designated by Council. The project scope has now expanded the full width construction of 29th Avenue to Kendall Street. As a result, a new street width designation is required in accordance with the provisions of the City Charter.

Councilmember Duran introduced Resolution No. 25-2018.

Staff Presentation

- Mr. Westberg explained that on April 24, 2017 the street width designations were approved by Council for 30th Ave, Fenton and 29th Ave in the area.

- Two months later Edgewater came to the City with a development proposal for the vacant land south of 29th Ave between Kendall and Ingalls Streets. Edgewater also desires to construct a waterline between Kendall and Gray.
- It was decided to coordinate the design and construction work with Edgewater to minimize the impact to traffic on 29th Avenue.
- Since the project scope for 29th has expanded to Kendall Street, and it has been one year since the street width east of Ingalls Street was designated by Council, a new street width designation is required to comply with the City Charter.
- Mr. Westberg reviewed the street width designation process.
- Total cost of the project is $1.57M
  - Denver Water -- $411.1K, as approved in the 2017 IGA
  - Edgewater -- $322,275, with the IGA scheduled for approval June 11, 2018.
  - Wheat Ridge -- $836,625
  - This will include curb gutter and sidewalk from Fenton to Kendall.
- We are designing and building all of it; Edgewater and Denver Water are responsible for paying for certain portions of the project.
- Mr. Westberg went through diagrams of the various portions of the plan.
- Fenton Street will be widened by 2 feet (to 38 feet wide) to accommodate the on-street parking at Wheat Ridge Manor.
- 30th Avenue is being shrunk in width to our standard width. This will allow for more landscaping to buffer the view of the water tanks.
- The construction contract should be awarded in July, with construction starting after the bike race on Aug 18th.

Mayor Starker opened the public hearing.

Public Comment

Raymond Ely (WR), owner of the property at 29th and Ingalls, wanted to know about the number of bump-outs on his property, as he can't tell from the drawings. He can't tell from the drawing. Mr. Westberg will work to resolve his concerns.

Discussion followed.

- Councilmembers Mathews had a question about the process.
- Councilmember Dozeman asked how long the construction will take. Mr. Westberg advised that most of the main construction should be done by fall with finishing work done after that – based on weather. Some of the work on 30th Ave will happen next April or May to coordinate with Denver Water's project.
- Councilmember Dozeman reference the current struggle of the businesses on 29th due to Denver Water. She asked what efforts will be taken to support those businesses through an even longer construction project.
  - Mr. Westberg said this road construction will not involve underground utilities so they should be able to keep one lane open at all times.
  - Councilmember Dozeman asked if extra signage would be possible for that area. Mr. Goff said they could do that.
- Councilmember Duran asked if the current street closure on 29th will conclude at the end of the month.

- Mr. Westberg understands that Denver Water is running ahead of schedule. They should finish the underground work (street closure) next week. After that they will have to do street repairs, but they can have traffic flow during that. Also, this new project will cover Fenton west to Kendall; Fenton to Sheridan should not be affected.
- Mr. Westberg explained what street lighting there will be and where.
- Sidewalks will be 5 feet wide – which is standard for residential.
- There will be no traffic signal at 29th & Fenton; it will be a 2-way stop only. We may add a flashing beacon.

Mayor Starker closed the public hearing.

Motion by Councilmember Duran 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, seconded by Councilmember Urban; carried 7-0.

Mayor Starker recessed the meeting at 9:13pm. The meeting resumed at 9:21pm.

ORDINANCES ON FIRST READING

5. Council Bill 11-2018 – An ordinance approving the rezoning property located at 4650 Wadsworth from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-06/Bielich)

The proposed rezoning is for a 1/3 acre plot. The MU-N zone provides medium density mixed-use development, including residential, office and a range of neighborhood-serving commercial and retail uses.

Councilmember Urban introduced Council Bill 11-2018

Motion by Councilmember Urban to approve Council Bill 11-2018 an ordinance approving the rezoning of property located at 4650 Wadsworth from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) located at 4650 Wadsworth 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; seconded by Councilmember Duran; carried 7-0.

6. Council Bill 10-2018 – An Ordinance approving the rezoning of property located at 11221 W. 44th Avenue from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-07/Chrisp)

The property consists of one 2.25 acre plot with split zoning. The western half of the property contains 4 houses built in 1869 and 1909. The eastern half of the property contains a "Nightclub, Bar Lounge" that was licensed as a tavern until recently.

Councilmember Dozeman introduced Council Bill 10-2018

Motion by Councilmember Dozeman to approve Council Bill 10-2018 an ordinance approving the rezoning of property located at 11221 W. 44th Avenue from Agricultural-One (A-1) and Commercial-One (C-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; seconded by Councilmember Mathews; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

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

This committee reviews requests for funding from outside agencies and organizations and makes recommendations to the City Council.

Councilmember Pond introduced Item 7

Motion by Councilmember Pond to appoint Scott Wesley, Carla Mead, John Clark, and Tracy Langworthy as current members to the Outside Agency Program Citizen Review Committee, from Districts I, II and IV respectively, term to expire after the 2019 budget recommendations are presented in 2018; seconded by Councilmember Urban; carried 7-0.

Motion by Councilmember Pond to appoint Alejandra Major (District I) and Margie Robinson (District III) to the Outside Agency Program Citizen Review Committee, term to expire after the 2020 budget recommendations are presented in 2019; seconded by Councilmember Davis; carried 7-0.

Motion by Councilmember Pond to appoint Sunny Garcia to the Outside Agency Program Citizen Review Committee, living in District IV, but filling a District II spot, term to expire after the 2020 budget recommendations are presented in 2019; seconded by Councilmember Dozeman; carried 7-0.

Motion by Councilmember Pond to appoint Alissa Antol to the Outside Agency Program Citizen Review Committee, District III term to expire after the 2020 budget recommendations are presented in 2019.; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver shared with Council having seen on TV part of a panel discussion with the fire chiefs from Arvada, Fairmount, Larkspur and another small department. They were discussing the possibility of having to close some fire stations due to lack of revenue. She suggested with all the new residential and commercial growth in Wheat Ridge, Council may want to address, up front, some funding mechanism from the developers, to ensure we have adequate resources for all the services we will have to provide. ~ She is glad to hear that Council is talking about the businesses on 29th that are struggling due to the construction. She encouraged people to shop at Wheat Ridge Poultry and the other businesses there.

Leah Dozeman reported that ATAT will be having their first Neighborly Streets meeting this Thursday, April 26th at Pietra's at 44th & Field from 6:45 – 8:30pm. The topics will be neighborly streets and traffic calming.

ADJOURNMENT The City Council Meeting adjourned at 9:33pm

Janelle Shaver

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 14, 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 16, 2018

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

Councilmembers present: George Pond, Janeece Hoppe, Kristi Davis, Tim Fitzgerald, Zachary Urban, Larry Mathews, Leah Dozeman

Absent: Monica Duran (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Parks and Recreation Director, Joyce Manwaring; Public Works Director, Scott Brink; other staff and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Tom Sundheim (WR) is pleased to hear that keeping the baseball field at Anderson Park is being considered. As he stated before, at some point he would like to see a statement from the Council about their level of support for baseball for the future. He said when people voted for the 2E tax many had no idea it included removing the field. It's one of few places in the City where a regulation field could be located. He also repeated his request for clarification on how many open fields we currently have.

Carol Mathews (WR) reported attending a public meeting a couple years ago for the widening of Wadsworth in Lakewood. Their impressive planning widened the street, provided amenities and access to local businesses, while providing walks and spaces for pedestrians. She is pleased with the finished product: traffic flows easily; most intersections have traditional turns; double left turns at major intersections; ready access from right lanes to local businesses; wide and open sidewalks, and green spaces on both sides. It accommodates cars, businesses, pedestrians and bicycles. She urged Council to save $1 million and remove the lane deviations from the plan. Access for businesses in critical. The complex and confusing lane proposal also takes up valuable space that could be used for pedestrians. All over the City pushes business interests as the number one priority. She asked Council to go with the established flow use by Littleton, Lakewood, Arvada and Westminster; it will be good for Wheat Ridge.

Vivian Vos (WR) supports Option 2 of staff's recommendation for retaining Anderson field. She wonders if 2E money must be used for the new roof for the Anderson Building or if insurance money can be used. She questioned the need for more open space for festivals when other parks have it and there is talk of spending $1M for "the green". ~ On Wadsworth widening she asked if the pedestrian connection added to Clear Creek Trail on the east side is at 48th Ave? Also, in reference to the "public outreach" done with 3 articles in the Connection, she wondered of the Connection is now what the City is using for our official notices.

Kyle Paulson (WR) advocated for keeping the baseball field at Anderson Park. He plays there. Their season started last Thursday. This field is critical for their league. He thinks having parks like Anderson that have diversity are neat for families to see all those activities on any given day.

Rachel Hultin (WR) has followed the issue of the baseball field. She has learned that people are nostalgic about the field and the heritage of baseball at Anderson Park. That's important to consider when a Masterplan has been adopted that removes the field and people feel impassioned about it. She also learned how important the field is to the Carnation Festival. For a once in every 30-40-50 year renovation of our City's hallmark park, it's important to ask what carries forward that is valuable and part of our identity for the next 50 years, and what do we want to preserve for the things ahead that we don't know. She feels losing the lighting for the festival is a valuable thing to discuss, and the proposed budget should be considered. When talking about spending $½ M to preserve a field that serves only men ages 14 and older -- that's a significant investment that doesn't serve the majority of our current or future community. The Anderson Park process established it should be an adaptable, flexible park that serves our whole community today and in the future. Losing Anderson field will have a regional impact, but Anderson Park is a park that our whole community has been participating in the discussion about what it should be moving forward. Any discussion about replacing this field should be a regional discussion – not a burden on our vision for this park

Rollie Sorrentino (WR) is pleased to see that two alternatives under consideration maintain the ball field. He noted a moveable fence allows for a multi-use area that would draw and serve many folks and uses. He thinks Option 2 will make this a jewel – a unique and valuable asset for the community that will bring in people and revenue. He hopes the baseball field will survive. It is an ideal location because the lights are down low.

Dick Orcutt (WR) still believes there is no reason for the baseball field to be taken away. The ball field can co-exist with all the other proposed uses in the Master Plan and serve special events that come along. The field could also be used more – with multiple use by a wide range of users. The need is there. It is an income producer; the rent is below the going rate for comparable fields. He knows from his work with college baseball that raising the rates will not affect the use. If you remove this field people will come in later and ask for a field; the need will not go away.

Patti Lazzari (WR) lives next to Anderson Park and walks her dog there daily. She doesn't understand why there is any need to get rid of the baseball field. It is what's left of Wheat Ridge. People in the area connect with the park. She prefers a baseball field over rugby or some other sports because it is American. It's been there for so long. There is still a place for soccer. It's a multi-use filed already; track runners use the grass for practice and soccer uses the field when baseball isn't being played. She suggested putting rugby and lacrosse somewhere else. She doesn't think it's good use

of resources to remove the field to replace it with something else. She listed some signage needs for the nearby trails.

Val Nosler Beck (WR) explained how she and her husband picked their home next to Anderson Park during a concert of a Carnation Festival. They like being near the festival and they like the community feel of the baseball field. The lights also provide some security, as people camp on their property next to the Creek and the lights help with that. She supports Option 2 because it provides an opportunity to open the back gate to serve other groups and purposes.

Adam Miller (Golden), head baseball coach at WRHS, gave the Council details about why the Anderson field is so important to the high school baseball program. They have three teams and only one field provided by the county. This field is essential from Feb to May. He recalled how they used the field in the fall as a college showcase for area high school kids. He suggested that with the right planning the field could be used more. It's a valuable space and once it's gone it would be hard to replace it elsewhere in Wheat Ridge. He explained how having to use an alternate field this year has been a hardship on the teams. When he was in high school getting to play at Anderson was "the big time". He suggested that the field could also be used in other valuable ways.

Councilmember Hoppe read into the record a letter from Brittany Fitzsimmons which supported replacing the baseball field with a multi-use field. Main points included: There is a great need for soccer fields. Citizens who participated in the public process wanted a multi-use field. The baseball field should be removed because it serves only men, high school and older. The Masterplan for Anderson Park that was created by citizen planners should be followed. If Council doesn't listen to the citizens who participated, eventually they will stop showing up.

2. Relocation of Baseball Field – Anderson Park

Joyce Manwaring gave a power point presentation summarizing Council's request to search for alternative locations for the Anderson baseball field. They looked at

1) Revision of the Fruitdale Park Master Plan
   - Would need significant neighborhood process as the adopted Fruitdale Master Plan had a robust public input process
   - Need to assess infrastructure to make sure parking and traffic can support the additional use
   - Estimated construction cost $685-775K
2) Investigate JEFFCO Schools' interest in lighting the field at Everitt Middle School
   - Jeffco might possibly be interested; would require an IGA or MOU for usage
   - Not sure there would be any program opportunities for the City
   - Cost $275-$375K, depending on what electrical service is required
3) Pursue adding lighting for use by the Carnation Festival

- Lighting for the festival can be added for $25K

4) Feasibility of the Clear Creek Crossing parcel
   - Coors is not interested in selling their property
   - Estimated cost $1M (would need restrooms, parking and infrastructure)
5) Options within the Master Plan

Option #1 Retain the adopted Master Plan as is

- Construct grass area with multi-purpose practice fields
- No baseball field. No lighted multi-purpose field.
- Cost of multi-purpose field as included in adopted plan - $240,770

Option #2 Revise the Master Plan to include:

- Retention of current baseball field
- New lights covering baseball and existing multi-purpose field
- Portable outfield fence to provide field use flexibility
- Multi-purpose/soccer field and large festival friendly grassy area
- Upgrade to storage building on SE corner for portable fence storage
- Estimated additional cost above adopted plan - $447,708 (subtracts the cost of the multi-purpose field in Option #1)

Option #3 Retain current baseball field configuration

- No addition of multi-purpose/soccer field and large grass area for festivals
- No portable fence
- Upgrades to infield
- Addition of new baseball field lights, may require additional electrical service
- Estimated additional cost - $400,000

Ms. Manwaring recommended Option #2. It serves the community and provides more flexibility for programming. It would require additional funding. The $447,708 is not available in the Open Space or Conservation Trust Fund budgets until 2020.

She highlighted the numerous upgrades and renovations that are part of the Anderson Park Masterplan and went over the diagrams of the three options.

Discussion followed.

Councilmember Mathews asked for clarification on the numbers for Everitt.

Councilmember Davis addressed communication on this issue: Inviting baseball without telling them the baseball field was going to be removed. And the soccer people not being told that "relocation of the baseball field" included changing the Master Plan. This isn't good. She appreciates the initial process. It wasn't perfect, but we have to listen to everyone. No one should feel they were not listened to. She thinks Option 2 is a happy medium; fees could be raised; use could be monitored to maximize use.

Councilmember Dozeman inquired how separate lights for the festival would look.

- Ms. Manwaring said it's still in the design phase, so she doesn't know yet.

Councilmember Dozeman expressed concern that we create citizen committees and then don't listen to them. She understands people are nostalgic and want to save the

field, but she wants to respect the process. If we don't, we are undermining our credibility. She knows government is about compromise and she personally likes Option 2, but she has to think about, and listen to, the people who came to those meetings.

Councilmember Pond asked about the movable fence.

- Ms. Manwaring said they are looking at chain link panels with sleeves in the ground, and capped to provide safety for soccer players. Will be based on programming. She doesn't think it would be practical to take the fence up and down more than 2-3 times a year.

He defended the process and spoke to the importance of listening to the people who came to the meetings.

Councilmember Hoppe agrees with Councilmembers Pond and Dozeman. She doesn't think the plan to take the fence up and down accommodates enough sports, and she doesn't like to throw people under the bus.

Councilmember Fitzgerald honors the effort of the people who came to the meetings, but thinks that Option 2 is the best compromise. The baseball field stays; the people who need multi-use have that; and the Harvest Festival [sic] gets its lights. Everyone wins. ~ He asked about figures on the cost of the fence. Ms. Manwaring explained.

Councilmember Urban suggested using the old 38th Ave lights for the thoroughfare at Anderson Park. He favors Option 2 because it is a compromise. People were told that keeping the baseball field was not an option, so that affected their participation.

Councilmember Mathews asked about the style of the fences.

- Ms. Manwaring reported they are still looking at options. She added that about $50K of the cost is to upgrade the shed to allow storage of the fence panels.

Councilmember Mathews believes what we have here is failure to communicate.

- He recalls the Council being told initially that nobody uses the field anymore – that it was severely underutilized and there was no need for it.
- Many people didn't realize the field was going to go away; they just knew the park would be upgraded.
- He appreciates those who participated, but there is a regular group of activists that come out and participate; it is a small portion of the population. One meeting he attended had 10-20 people – of a population of 30,000. While he respects those who participated, he isn't sure it was a valid cross section.
- It appears we still haven't communicated to the soccer people that they will be able to use this field with Option 2. This compromise accommodates many more types of users.
- He thinks it is wise to revisit decisions. The first decision is not always the best decision.
- do a lot of things for small groups of our population, such as bike riders, playgrounds for children, and skateboard parks.

Mr. Goff noted the fence can't be put up and down daily; we don't have the staff.

Councilmember Mathews related he had received word from Councilmember Duran that she favors Option 2.

Councilmember Davis received a 4-3 consensus to move forward with Option 2 and look at raising the fees for use of the lighted field.

There were some additional comments and suggestions from councilmembers.

Ms. Manwaring advised she will have a more exact cost when it comes time to fund this.

A break was requested at 8:00pm. The study session resumed at 8:07 pm.

3. Wadsworth Widening Update ~ Scott Brink and Mark Westberg.

Scott Brink explained that the update would include the design, environmental updates, public outreach, funding and scheduling. Mr. Westberg continued.

Continuous Flow Intersections (CFI's) are displaced left turns

- Thru and turning traffic on Wadsworth (at 38th and 44th) goes at the same time; estimate for increased capacity is 30%. ROW impact is about the same.
- There are 26 in the United States; 3 in Colorado, with possibly 5 more planned.
- The cross-over signals will be 600+ feet before the main intersections.
- North-bound cross-over signals at 36th (for left turn at 38th) and 43rd (for left turn at 44th). Left turns [into businesses] are also allowed at these intersections.
- South-bound crossover signals at 45th (for left turns at 44th) and 39th (for left turns at 38th).
- The light at 3 Acre Lane will be relocated to 41st.
- Two-stage pedestrian crossings (with refuges in the medians) will be at three of the four cross-over signals and at major intersections.
- Pedestrian crossings will have refuge areas in the medians.
- This design provides the necessary capacity for current and future traffic.
- There will be protected left turn access into four primary commercial locations.
    - At 36th, allowing access into new Corners development (Lucky's Market)
    - At 39th, the existing entrance into Wheat Ridge Market Place (Safeway)
    - At 43rd into the old Graul block (where Jackson Hewitt is)
    - At 45th for entrance to Pep Boys
    - Entrances to Lucky's Market, Safeway and the Graul property include a mid-block, two-stage, pedestrian crossing at the crossover signals
- This design also allows traffic to U-turn in places.
- Left turns will be possible into properties adjacent to the left turn lane.

Historic properties (eligible for historic designation)

- 5 properties were revisited. The final decision was that 3 are adversely impacted.

4301 Wadsworth – Butters-Plumb House – Dacko & Sons
4643 Wadsworth – CM Dunn – JeffCo Mental Health (formerly Arapahoe House)
4695 Wadsworth – Davis House – mid-century modern house

- Mr. Westberg provided details and mock-up drawings of the mitigation for each of the 3 adversely impacted properties – plus Holy Cross Lutheran Church and the 1918 Bacher House at 47th & Wads.
- As mitigation, the City has proposed interpretive signage on the bus shelters at 38th and 44th about the history of Wheat Ridge and of Wadsworth highlighting agricultural history and post-War expansion.

Noise Walls – (Potential Requirement)

For multi-family properties (2 existing: Morningside and Town Center North; 3 proposed: apartments at The Corners, West End 38th [38th & Upham], and 43rd & Yarrow); 20 ft high noise walls; need to be found to be feasible and reasonable

Public Outreach

- Public meetings in 2016
- Block meetings in 2016 and 2018 (Most comments were positive, but people are worried about the impact to their properties.)
- Individual meetings with specific property owners in Jan 2017 about parking impacts.
- Ongoing public outreach via Connections, City website and 2E updates
- Future Public Meetings
    - EA Public Hearing in February 2019
    - Public Meeting in late summer 2019 to update on final design
    - Individual meetings as needed

Identified Funding

- $31.6 M TIP → $25.28M Federal + $6.32M City local match
- $2.6M HSIP → $2.34M Federal + $0.26M CDOT local match
- $4.1M CDOT Maintenance → $3M surface treatment + $1.1M signal replacement

Total Funding

- $39.23M Total Funding Secured
    - $27.62M Federal funding
    - $4.36M CDOT funding
    - $7.25M City funding

City Funding $7.25Million

- $6.32 million – TIP local match required
    - $0.25 million – TIP local match in 2016 & early 2017
- $7 million – 2E funding in 2018
    - $6.07 million in remaining TIP local match
    - $0.93 million additional fund

Total Project Budget

- $50 Million Estimated Costs
  $2M -- EA/Design
  $2M -- Design
  $15M – ROW acquisition
  $31M -- Construction

Closing the Gap

$10M in other funding is needed. Possible resources include

- DRCOG TIP – Regional or Sub-regional
- Another round of TIGER funding in May 2018
- CDOT or other State grants
- Value Engineering
    - VE Team = 1 city staff, 3-4 from CDOT and 5-6 from consultant staff

Mr. Westberg went through details of the future schedule. Next steps include the VE workshop, revision of the conceptual plans, awarding a design contract, doing an RFQ for a ROW consultant, preparation of the EA documents, and historic mitigation. Construction is expected from mid-2020 through mid-2022.

Discussion followed

Councilmember Hoppe asked for the CFI video to be played. Mr. Westberg explained as it played. There was discussion.

- There will be a 6 ft median between the thru-lanes and the left turn lanes.
- Northbound Wadsworth will not be able to turn left onto 39th. But they can go to 41st and make a U-turn.
- Mitigating the impact to 41st Ave (and other neighborhood streets) will have to be done as separate projects.
- The storage of the northbound left turn lane for 44th Ave is shorter. That will be reviewed during the design phase.
- The CFI's (with turn lights) may possibly add $1M dollars to the project
- CDOT rejected the plan with traditional double left turn lanes.
- Timeline for funding to fill in funding caps? Mr. Westberg provided more details.
- Peerman Law Firm and Bank of the West do not want to move their locations. A search for more parking for Peerman is ongoing.
- Staff continues to look for grants.

Councilmember Urban asked how CDOT could be rejecting traditional left turns.

- He read from the PEL (which CDOT approved) which calls for traditional left turns.
    - "CFI's were not recommended in the PEL because they are not typically found in older commercial corridors that are being upgraded.
    - CFI's are not found elsewhere in the corridor and may cause driver confusion and safety issues.
    - The medians which channel left turns reduce flexibility for two blocks at 38th and 44th.
    - The medians are too narrow for streetscapes and pedestrian respite.
    - The medians at major intersections limit where protected pedestrian crossings can be placed.
    - The medians are primarily for vehicular transition and will not function properly in the future if they are used for high speed transit."

He expressed concern that Council is being asked to approve a plan with CFI's that were properly considered and rejected in the PEL process as not meeting our needs. They also require more real estate, which drives up the cost.

- He favors comparing traditional turn lanes and CFI's during the Value Engineering process.

Mr. Westberg explained we are not doing full blown CFI's (that have double turn lanes)

- The real estate impact will not be as great.
- Medians all up and down Wadsworth were always in the plan.
- CDOT traffic folks were not very engaged in the PEL process.
- We got the PEL done, but all parties knew the traffic issues would need to be changed. The change to CFI's in the EA was done in March 2016.
- We learned not to use the PEL process again: CDOT doesn't get engaged, and the historic properties issues set us back.

Councilmember Urban encouraged following the recommendations of the PEL process.

Councilmember Hoppe accepts the reduced CFI's, and likes the ped crossing places.

Councilmember Urban noted that CFI's are challenging for people with visual impairments and asked if additional accommodations are being made for them.

- Mr. Westberg said all crossings are designed as Accessible Pedestrian Signals (APS). They are also looking at in-ground lights, which would help during snow. The refuge areas will also accommodate a bicycle with a trailer.

1. Staff Report(s)

Mr. Goff noted that the appointments to the citizen committee for distribution of donations to outside agencies will be on the agenda next Monday. Only 6 members have reapplied. District III has no one; Districts I has two persons; District II has one opening. Councilmembers are encouraged to find people to fill those positions.

Colorado Legal Services is a program that provides services to residents (primarily in Denver) for landlord/tenant issues. Jeffco and Adams County want to start a similar pilot program. It would be an 18 month pilot program to see if services are needed. Cost is $300K for that period, giving each county one full-time attorney and one half-time paralegal. Participation would be an $18K ask from Wheat Ridge.

Discussion followed.

- Councilmember Hoppe asked where referrals would come from. Mr. Goff indicated anyone could use it. Likely there would be an income requirement – except for seniors. She believes Family Tree already does this for free.
- Councilmember Urban suggested the number of evictions per jurisdiction should be factored in to determine cost share – not just population. He would like to see the need established first, then do a pilot; not "do a pilot to see if there is a need".
- Councilmember Fitzgerald expressed he is not enthusiastic about this. From his experience as a landlord, he believes the Jefferson County court system is

already programmed to favor the tenant. He wants to know more about what they intend to do.

Councilmember Mathews received consensus to not participate in this program.

4. Elected Officials' Report(s)

Leah Dozeman made two announcements: 1) A call for art through the Wheaties Academy for a temporary mural at Anderson Park. Submissions are due April 27 through the Academy. 2) Carnation Parade entry registration is open and there will again be a plate design contest for the Festival. This year's theme is Deep Roots.

Janeece Hoppe announced the Sunshine Home Share program is having a fundraiser at Right Coast Pizza on May 21 from 5-7. Tickets are $20 for two beers and a slice of pizza. They are also looking for homes.

Janelle Shaver noted that among the many miscellaneous calls she gets as Clerk, over time, very few are inquiries for help with landlord/tenant disputes -- now and then, but not many.

Mayor Starker reported his Second Saturday Coffee at Vinnola's had a great group. He will be back again the second Saturday in May at 9am. He also shared that the Wheat Ridge Historical Society has activities on 2nd Saturdays at the Historic Park out at 46th & Robb Street.

ADJOURNMENT: The Study Session adjourned at 9:22p.m.

Janelle Shaver

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 14, 2018

_____

Tim Fitzgerald, Mayor pro tem

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
May 7, 2018

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

Councilmembers present: Monica Duran, Janeece Hoppe, Kristi Davis, Tim Fitzgerald, Zachary Urban, Larry Mathews, Leah Dozeman, and George Pond (arrived late)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; City Attorney, Jerry Dahl; Parks and Recreation Director, Joyce Manwaring; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; Police Chief, Daniel Brennan; interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Michael Pate (Columbia, South Carolina) represents the electric fence company involved with Agenda Item 4. He spoke about battery powered electric fences. He explained how they work and that they would be charged to 7,000 volts. They would be set up behind a secondary perimeter fence. Signs are in English and Spanish. It is a safe device. The devices are tested for safety by a firm in Germany. Camping World has purchased Ketelsen Campers. They have recently sustained very costly damage from break-ins. Thieves have caused shut-downs of Pennington Elementary due to robbers escaping through school property.
Questions were asked of Mr. Pate:

- The power can be on a timer. It is a very sophisticated system.
- A human, on-sight security guard cannot cover the area. /the area is too big and there are too many potential places of entry.
- Cameras are in place, but that doesn't stop burglars.
- The electricity can be turned off during school hours.

Charlie Myers (WR) is with Bike Jeffco and the Wheat Ridge ATAT. They reached out to People for Bikes from Boulder and E-bike Outfitters. He told the Council that e-bikes are not a fad; it is a growing market. Riders include 60% retired seniors, 30% commuters, and 10% people who are disabled in some way. E-bikes are getting more people out onto the trails. They don't want to see a patchwork of ordinances. They would like to connect with other communities so there is consistency. Reckless e-bike riders have not been seen in any surveys. Bike Jeffco and ATAT would like to help.

Mike Raber (Evergreen) has testified to the legislature that the majority of e-bike users are seniors. They are fun to ride. They appeal to seniors for the ability to climb hills. It is a mobility choice for people with disabilities. In the state bill e-bikes are subject to the same rules as regular bikes.

Art Gallo (WR) is an e-bike rider. He said the Clear Creek Trail is great. He knows there are bad actors out there because he commutes to Aurora by bike. The concept of an e-bike is a pedal assist. Class 1 can go 20. Class 2 has a throttle. Class 3 can go faster. He believes Classes 1 and 2 would be appropriate on the Clear Creek Trail.

1. Staff Report(s)

a) Code change to allow electric bikes on Clear Creek Trail – Joyce Manwaring

Joyce Manwaring had some opening remarks about the first draft of the ordinance that has been prepared to allow e-bikes on the trail. They have started with definitions and posted speeds. The goal is consistency.

Discussion followed. Points included:

- Ms. Manwaring will be meeting with other trails directors on Wednesday.
- Exact numbers for demand are unknown, but it is clear they are becoming more popular.
- Our section of Clear Creek Trail has signage that is consistent with that of Golden.
- Clear Creek Trail is part of the regional trail system which will ultimately be the Peaks to Plain Trail. The goal is a consistent experience.
- We have only a few medians in the trail.
- Recharging station are not considered at this time.
- Current enforcement is soft. CSO's do visit the trail.
- Mr. Dahl's office authored the ordinance.
- The Colorado Model Traffic Code is referenced for consistency.
- Motorized vehicles are not allowed on the trail. We will be addressing scooters and electric wheelchairs in the coming weeks..
- Mr. Dahl advised that it will be a simple matter of a clear definition so there is no confusion with motorized vehicles.
- There were comments about the definition of vehicles.
- Bikes must conform to the same rules as cars regarding movement. They do not need the same equipment as other motorized vehicles (licenses, lights, turn signals, etc.).

Councilmember Hoppe received consensus to direct staff to move forward with an amendment to Chapter 17 Code of Laws concerning motorized bicycles, and that points of tonight's discussion and some wordsmithing be included.

2. Harlan Street Streetscape Maintenance – Scott Brink

Mr. Brink highlighted the concerns about the streetscape on Harlan Street from 38th northward to I-70. It was installed in the early 2000's -- with no irrigation system. It was understood the City would maintain the hardscape features, and that property owners would maintain the turf areas. Over time staff has done some restoration to the hardscape, but in general the maintenance of the softscape space between the sidewalks and curbs has become a mish-mash of disrepair. Some areas are well tended; others are not. There is no consistency. Staff wants to know if Council wants to address the issue, and if so, how.

Discussion focused on the various issues and options:

- Would like to encourage property owners to take responsibility.
- There is no IGA with Lakeside for the median. They are not interested in contributing to its maintenance.
- Property owners have not been contacted yet. Mr. Brink said there are written agreements with the property owners, but they have not been located yet.
- Does Council want the City to enforce the agreements, or take over the responsibility, or something in between.
- Would like to have the City work with property owners.
- Who should be responsible for maintaining the vegetation? When Wadsworth is done it will present with the same issues, and there are other places around town that have this issue of responsibility for maintenance.
- Xeriscape is preferred when there is no irrigation.
- Generally property owners maintain the tree lawns in front of their property.
- Irrigation would help.
- Get it up to par and then enforce the agreements with property owners.
- If property owners have to maintain it, they should be allowed to choose what they are maintaining.
- It's not too much to ask property owners to maintain these spaces.
- The City does contract out some maintenance of ROW areas. Harlan /street is not aon that list, but it could be.
-
-
- Any maintenance agreements that may exist with property owners.
- How to handle the shared median between Lakeside and Wheat Ridge
- Contracting the maintenance work out
- Working with individual property owners and business owners
- It was also pointed out that we have this issue on some other streets around town and Wadsworth will present with the same issue.
- A policy that is fair citywide is desired.

Councilmember Pond received consensus to direct staff to conduct analysis of the streetscape agreements and conditions and return to a future study session with some fair and balanced solutions and options and possible programs for the future.

Clerk Shaver shared that the issue of how to handle the median between Wheat Ridge and Lakeside was debated 20 years ago; it is still the same issue.

3. Special Use Permit Review Criteria – Ken Johnstone

Councilmembers Hoppe and Duran had requested a discussion about adding another criterion to the Special Use Permit (SUP) review process.

Mr. Johnstone explained that SUP's are typically reviewed and approved administratively by the Community Development Director (Mr. Johnstone) in all but three cases:

- If the CDD finds that one or more of the criteria for review are not met,
- If a written objection is received during the public noticing period,
- If the CDD recommends a condition of approval, to which the applicant objects.

In those instances, SUPs are forwarded to City Council to be heard at a public hearing.

To protect the public interest it may be wise to consider if a particular use is in compliance with the Comprehensive plan or any subarea plan.

The City Attorney's office has drafted an additional, ninth criterion which would read as follows: *"The proposed special use is in substantial conformance with applicable portions of the City's Comprehensive Plan and any sub area plan applicable to the subject property."* It's a fairly straightforward ordinance change that can come to Council quickly.

Discussion followed.

- There have been two SUP's granted recently in the Fruitdale District that were not in conformance with the Fruitdale subarea plan.
- If we have subarea plans we should follow them. Citizens contributed to them.
- SUP's are, by definition, for special uses, so the extra criterion is not necessary. A special use does not meet criteria because it is special. Council should decide if the use is appropriate.
- It is hard to define what an "Orchard District" is.
- "Substantial conformance" is not specific enough.
- Better to ask, "Does it promote the goals and outcomes of the subarea plan?".
- Comprehensive Plans and subarea plans should be guiding documents, but not set in stone. We shouldn't be too restrictive.
- SUP's are discretionary uses. They need not meet all the criteria to be approved.
- Having Item 9 will remind the Council to be mindful of the goals of a subarea plan. It would just be another thing to consider. Staff/Council can still grant the SUP.
- This doesn't go far enough to prevent certain uses.
- There are still property rights to consider.
- Don't want this to stop the process before it comes to Council.

Councilmember Hoppe asked for consensus to direct staff to add the 9th criteria and

take it to the Planning Commission. The vote was 6-2.

4. Amendment to Code to allow electric fences under certain conditions – Ken Johnstone

Mr. Johnstone explained that our code is silent on electric fences, but historicallky has been interpreted to prohibit electric fences.

He went through the process that took place in 2014 when Ketelsen Campers asked to erect a 10 foot electric fence one foot inside their chain link fence, to stem the large amount of criminal activity on their property. The adjacent school, Pennington Elementary, had input; and an administrative variance was granted. The Board of Adjustments ruled that Ketelsen's could have a 9 foot electric fence placed 3 feet inside their regular chain-link fence, and the fence could not be erected adjacent to the school. Ultimately Ketelsen's did not erect the fence because the portion adjacent to the school was not allowed to be electrified.

Ketelsen Campers continues to be owned by the Ketelsen's, but is operated with a long term lease by Camping World and retains the name Ketelsen Campers. Criminal activity has increased recently and the new owners would like to erect an electric fence. District IV councilmembers arranged a meeting between staff, the owners and the fence company, Electric Guard Dog. A legislative solution is recommended to solve the issue of electric fences.

Discussion followed. Areas of concerns and comments included:

- Let the BOA handle it on a case by case basis.
- Mr. Dahl advised that the BOA interpretations are reasonable and would be hard to overturn. A Special Use Permit is an option.
- Electric fences are allowed in Aurora and are called electric alarms.
- The 3 foot area is a no-man's land which not only needs to be mowed, but also provides more room that is helpful for an intruder,
- Live dog guards are deemed not to be a safe solution due to liability issues.
- Security cameras are on sight, but they are not preventive.
- They aren't really fences – just horizontal wires. The voltage is not as strong as cattle fences.
- We should support all our businesses that choose to operate here and generate sales tax.
- Mr. Dahl advised that an SUP would take care of this one property (adjacent to a school), but since all circumstances are different, a legislative answer may not be the best solution.
- Would like more information on the different approaches taken by other cities.
- Cities label these fences with different names.

- Having the fence off during school hours satisfies the school.
- Conditions of qa
- An SUP could regulate the zone districts where they are allowed, hours of operation, the distance from the outer fence, and the height.
- A timeline for getting this enacted as soon as possible was discussed.

Chief Brennan reported on the location from a police perspective.

- This location has had 10 significant break-ins since the first of the year. Crime at the Camping World at 4100 Youngfield is not as severe.
- There has only been one lockdown at Pennington and it was not related to anything at Ketelsen Campers.
- The I-70/Kipling corridor is a hot spot for crime and there is an increase in transient population.

Mr. Goff stressed again that the school is agreeable to an electric fence now -- if it is shut off during school hours.

Councilmember Dozeman received consensus to direct staff to create an ordinance to allow electric fences with a Special Use Permit. The vote was 7-1.

5. Free Standing Emergency Rooms – Ken Johnstone

Mr. Johnstone explained that the City has had a series of temporary moratoria on free standing emergency rooms as we wait for the state legislature to act. Very recently two bills were passed and signed into law that apply to freestanding ER's, but they will not really help with regulatory decisions we need to make.

Carol Salzman from Lutheran Hospital reported that unfortunately the most recent bill, the one that would have affected cities and licensure, did not pass out of committee.

Mr. Johnstone explained that freestanding ER's are deemed to be more like a hospital than a medical office. He provided the nuances of what zones they can be located in. We can probably do some things regarding licensing.

Options for location include:
#1 Do nothing. When the moratorium expires freestanding ER's would be allowed in Mixed Use-Commercial zone districts, which are prevalent on Wadsworth.
#2 Begin a process to adopt local regulations for freestanding ER's. There is time to take this to the Planning Commission for a public hearing before it comes to City Council and do it all before the current moratorium expires in August.
#3 Extend the moratorium. This is possible, but not recommended since the legislature has failed to act on this for the last three sessions.

One appropriate requirement would be a demonstration of need.

The current moratorium expires in August 27, 2018.

Discussion followed.

- Adding a freestanding ER does not contribute to the vision for our city.
- This is not how we should "spend" our available land.
- We should differentiate between freestanding ER's and urgent care for our citizens.
- Freestanding ER's are most like hospitals in use, and are considered accordingly.
- Would like to get feedback from the public.
- Request including requirements similar to what a hospital ER would have:
  - Licensing and statement of need
  - Operating requirements (hours of operation)
  - Compliance with the Emergency Medical Treatment and Labor Act,
  - Equipment requirements (x-ray, defibulator, ultra-sound, pediatric equipment, etc.)
  - Staffing requirements (having a doctor on sight 24 hours a day.
- Concern about expectations of the public for what a freestanding ER is able to provide.

Councilmember Urban received unanimous consent to proceed with Option 2.

6. Elected Officials' Report(s)

Leah Dozeman announced three upcoming events this weekend:

1. Saturday, May 12 is the 44th Avenue Rumble from 8am – 2pm at Anderson Park.
2. The Everitt Resource Fair is this Saturday from 10-2 at Everitt Middle School.
3. The May Festival is also this Saturday at the Wheat Ridge Historical Society at 44th & Robb from 10-2.

Larry Mathews suggested that Council consider the crime problem in the area of I-70 & Kipling and look at being proactive.

Clerk Shaver noted that the crime situation at I-70 & Kipling is another 20 year old issue. The 10% Lodger's Tax was enacted to provide revenue for crime prevention, code enforcement, and some aesthetic improvements in that area. Mr. Goff clarified that only half of the Lodger's Tax is for that purpose.

Mr. Goff alerted Council that CDOT's emergency work on the Highway 58 flyover and Denver Water's shut down of 44th Avenue will likely keep 44th and I-70 shut down through tomorrow morning's rush hour.

He reported that a law firm from Ohio has contacted the City to see if we would like to participate in the law suits that are being conducted in Colorado related to opiate litigation.

- There are around 200 lawsuits filed in federal court, with over 50 defendants and

hundreds of government claimants.

- Six lawsuits in Colorado involve mostly southern Colorado jurisdictions.
- Jefferson County and Lakewood are considering joining.
- This is not a class action lawsuit; it is a multi-jurisdictional litigation.
- If we are interested, we need to join soon, maybe by May 10, or we may be left out.
- There would be no cost to the City.
- Any recovery would be based on the amount of the settlement and what the data determines our damages are. Regardless of the amount of the settlement, the first 25% will go to the lawyers, 75% will go to the City (depending what our chare is).

Councilmembers had questions and comments:

- The defendants are numerous pharmaceutical companies and distributors – not the doctors.
- The biggest drug problem in Wheat Ridge is heroine.
- It was generally agreed that not enough information was available and a hurried decision on such short notice was not wise.

Larry Mathews received unanimous consent to pass on this issue at this time.

ADJOURNMENT: The Study Session adjourned at 9:14 p.m.

_____

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 14, 2018

_____

Tim Fitzgerald, Mayor pro tem

City of Wheat Ridge

ITEM NO: 1a.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE PAYMENT TO KAISER PERMANENTE FOR MAY 2018 MEMBERSHIP BILLING IN THE AMOUNT OF $179,840.88

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Heather M. Geyer
Administrative Services Director

Patrick Goff
City Manager

ISSUE:
For 2018, the City offers employees two medical plans through Kaiser Permanente; a High Deductible plan and Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees who choose to enroll. May billing is in the amount of $179,840.88 which requires City Council approval.

PRIOR ACTION:
Approval of April 2018 Kaiser bills.

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

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

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

RECOMMENDED MOTION:
"I move to pay the May 2018 Kaiser bill in the total amount of $179,840.88."

Or,

"I move to deny the payment of the May 2018 Kaiser bill in the amount of $179,840.88 for the following reason(s) _____."

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

ATTACHMENTS:
1. 2018 May Kaiser Bill

KAISER PERMANENTE®

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

MB 02 000082 41357 H 2 A

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

GROUP-BILLGROUP-REGION: 00181-01-16

Invoice Creation Date: April 02, 2018

Bill Period Dates: 05/01/2018-05/31/2018
Invoice Number: 0021176039
Bill Date: 04/02/2018
Amount Due: $786,132.75
PLEASE PAY BY: 04/30/2018

000082 1/10

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

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

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

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

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

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

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

Invoice Number:	0021176039
Bill Period Date:	05/01/2018
Please pay this amount:	$786,132.75
Credit Jan-April Billing	- 18,344.92
Payment must be received by:	04/30/2018

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

Amount Paid: 177302.17

ATTACHMENT 1

1600181000001000000000002117603905012018041810000000786132750000000000000005

KAISER PERMANENTE®

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

MB 02 000341 54632 H 4 A

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

GROUP-BILLGROUP-REGION: 00181-02-16

Invoice Creation Date: April 16, 2018

Bill Period Dates: 05/01/2018-05/31/2018
Invoice Number: 0021273283
Bill Date: 04/16/2018
Amount Due: $5,077.42
PLEASE PAY BY: 04/30/2018

000341 1/6

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

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

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

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

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

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

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

Invoice Number: 0021273283
Bill Period Date: 05/01/2018

Please pay this amount: $5,077.42

Employee - April 2538.71

Payment must be received by: 04/30/2018

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

Amount Paid: 2,538.71

160018100000200000000000021273283050120180418100000000050774200000000000003

ITEM NO: 1b.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE THE INSTALLATION OF A TRAFFIC CALMING DEVICE ON BENTON STREET BETWEEN 35TH AVENUE AND 38TH AVENUE IN ACCORDANCE WITH THE NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Director of Public Works **City Manager**

ISSUE:
Recently, residents on Benton Street petitioned the City to address traffic issues for the segment from 35th Avenue to 38th Avenue. In accordance with the City's Neighborhood Traffic Management Program (NTMP), the City conducted a public process and met with residents at a neighborhood meeting to discuss and address traffic issues, primarily speeding. Residents subsequently secured a petition with the necessary amount of signatures to support the installation of a traffic calming device (speed hump), in accordance with NTMP policy.

PRIOR ACTION:
None

FINANCIAL IMPACT:
Funding for this program was approved in the NTMP line item of the 2018 Capital Improvement Program Budget in the amount of $30,000. A speed hump is estimated to cost approximately $6,000.

BACKGROUND:
On April 28, 2014, City Council approved the NTMP to systematically address traffic issues on residential streets. The goal of the program is to foster safety and livability in neighborhoods by

reducing the negative impact of vehicular traffic on residential streets. The program guide was established with a policy and intent to explore available means such as enforcement, education and engineering to address concerns and issues. The policy intent is also to clearly identify a problem, if one exists, and ensure full support from the affected residents in devising a plan through consensus to a solution(s). The NTMP essentially provides a means and process for residents to request consideration for the installation of traffic calming measures on local streets. Traffic calming measures may include speed humps, curb extensions, signs, speed trailers and enforcement, and other traffic control measures as requested and as applicable.

On August 16, 2016, Benton Street residents filed a request for NTMP consideration to discuss traffic issues on Benton Street from 35th Avenue to 38th Avenue. A meeting was conducted with the residents to examine the extent of the problems and to explore available remediation. A traffic study was conducted to analyze traffic speed, volume and vehicle classification. In addition, the engineering evaluation also looked at sight distance, drainage and roadway geometry. Staff determined that the street segment is suitable for a traffic calming treatment.

Subsequent to the evaluation and findings, the residents elected to move forward with a permanent traffic calming solution, more specifically the installation of a speed hump or speed humps. Staff initially identified two speed hump locations for the requested segment between 35th and 38th Avenues with the intent of curbing excessive speeding. After the City sent out proposed speed hump locations to the neighborhood, a resident requested staff to investigate an existing drainage issue on this street, more specifically at 3530 And 3540. The homeowner provided videos and pictures of the drainage problem in recent years. The problem revealed that the gutter at this location does not have the capacity to contain all of the storm water in the street. As a result, some of storm water ends up diverting into the properties in question. Another issue is the fact that this street does not have storm sewer to collect storm water and reduce gutter flow.

In summary, staff determined that placement of a traffic calming device at this location could further act as a flow impediment and potentially worsen the existing drainage problem. Based on the field findings of the drainage issue, staff does not recommend installing a traffic calming treatment at the southerly location, more specifically, the segment between 35th and the Rocky Mountain Ditch. However, staff feels the proposed speed hump on the north side of the Rocky Mountain Ditch is still feasible to help reduce speeding. The City can revisit the southern traffic calming device once the aforementioned drainage issue is resolved in the future.

This segment of Benton Street is not part of an emergency route and is therefore eligible for the placement of a traffic calming device. A petition of majority support was received late last year to move forward with installation.

In accordance with the City's adopted NTMP, speed humps can be ordered for installation by the City Council if at least 80% of residents in a designated street segment area sign the petition, including the residents who reside immediately adjacent to the speed hump. Based on the results of the petition received by the City, a sufficient number of signatures have been attained for one

speed hump as referenced above.

RECOMMENDATION:
Residents on Benton Street in the petition segment (35th Avenue to 38th Avenue) have satisfied the process outlined in the NTMP policy and through the staff evaluation process. As a result, staff recommends moving forward with the installation of a speed hump on Benton Street as specifically requested by the residents.

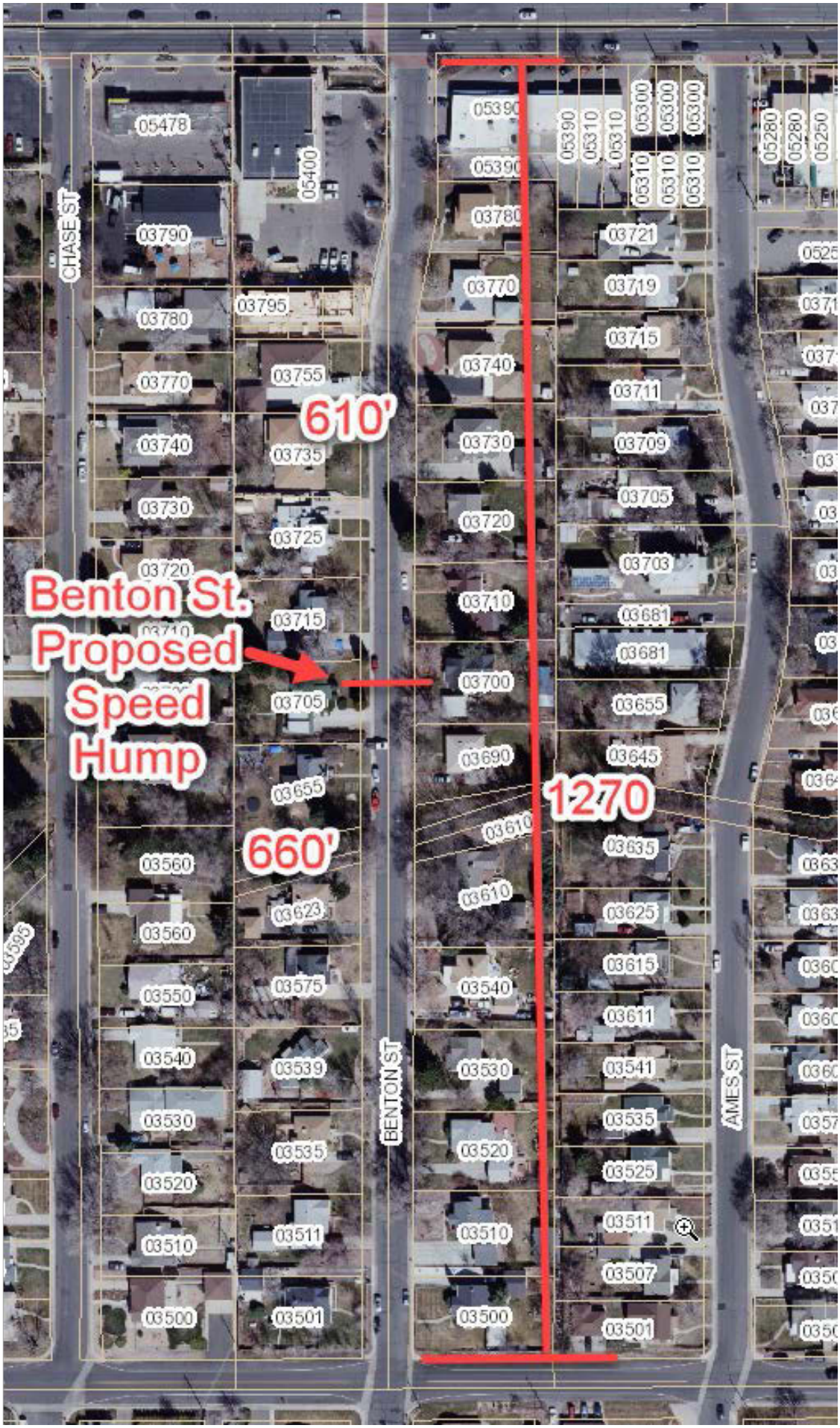
RECOMMENDED MOTION:
"I move to approve the installation of a traffic calming device on Benton Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program."

Or,

"I move to not approve the installation of a traffic calming device on Benton Street between 35th Avenue and 38th Avenue in accordance with the Neighborhood Traffic Management Program for the following reason(s) _____."

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

ATTACHMENTS:
1. Proposed Speed Hump Location Map



ATTACHMENT 1

3705 Benton St
Wheat Ridge, Colorado
Google, Inc.
Street View - Sep 2017
Google

ITEM NO: 1c.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE PAYMENT TO COLORADO STATE BANK AND TRUST FOR A BOND INTEREST PAYMENT IN THE AMOUNT OF $552,650 FOR THE CITY OF WHEAT RIDGE, COLORADO SALES AND USE TAX REVENUE BONDS, SERIES 2017A

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Administrative Services Director **City Manager**

ISSUE:
On May 2, 2017, the City closed on Series 2017A Sales and Use Tax Revenue Bonds in the par amount of $30,595,000 with a net premium of $2,687,079 for a total of $33,282,079. The City's first interest payment for 2018 is due on June 1, 2018 in the amount of $552,650. Funds to cover this payment are budgeted in the 2018 2E Bond Fund budget.

PRIOR ACTION:
On February 13, 2017, City Council approved Resolution No. 02-2017 creating the 2E Bond Fund. The City made the first principal and interest payment on the bonds in November 2017.

On August 22, 2016, City Council approved Council Bill 17-2016, an ordinance giving notice of and calling for a special municipal election to be held November 8, 2016 and submitting a ballot question concerning a temporary increase of one-half of one cent (0.50%) in the City's sales and use tax rate for 12 years, without increasing property tax, and the issuance of debt to finance City investment in public infrastructure to facilitate economic development opportunities.

FINANCIAL IMPACT:
The aggregate principal amount of the bonds totals $30,595,000 with a total repayment cost of $37,809,255 by December 1, 2028. The maximum annual repayment cost of the bonds will not exceed $3,700,000.

The 2018 adopted 2E Bond Fund budget includes $2.4 million in funding for the principal payment and $1,105,300 for interest payments for a total of $3,505,300 in debt service payments. In 2017, the one-half of one-cent sales and use tax rate increase generated $4,157,930, which was $457,931 over the projected budget amount of $3.7 million. Therefore, funds are available to cover this debt service payment.

BACKGROUND:
In 2007, when the Mayor initiated a citizen task force to prioritize infrastructure needs, the City identified numerous unfunded capital infrastructure projects. That task force was referred to as the DIRT Task Force, referencing "drainage, infrastructure, roads and trails." A second DIRT Task Force was initiated by City Council directive on April 25, 2016. This citizen group was tasked with reprioritizing and updating the list of projects and recommending priorities to City Council. City Council directed staff to move forward with a ballot question requesting a temporary, one-half of one-cent (0.50%) increase to the City sales and use tax rate for 12 years and the issuance of debt to finance the following projects:

- Anderson Park Improvements
- Wadsworth Boulevard Reconstruction – 35th Avenue to Interstate 70
- Wheat Ridge • Ward Commuter Rail Station Area
- Clear Creek Crossing Mixed-Use Development Site on the West Side of I-70 at 38TH and Youngfield

At the regular general election held on November 8, 2016, the electorate of the City approved ballot question 2E. The revenues from the voter approved 0.5% tax increase will be accounted for in a special fund and will not be released or available for any purposes except to pay debt service on these bonds and to replenish the reserve fund.

RECOMMENDATIONS:
The City entered into a Registrar and Paying Agent Agreement with Colorado State Bank and Trust on May 2, 2017, which requires the City to transfer principal and interest debt payments to the bank by a certain date. The bond interest payment is due by June 1, 2018, otherwise the City will be in default of this Agreement.

RECOMMENDED MOTION:
"I move to approve payment to Colorado State Bank and Trust for the 2E Bond interest payment in the amount of $552,650 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A."

Or,

"I move to not approve the payment to Colorado State Bank and Trust for the 2E Bond interest payment in the amount of $552,650 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A for the following reason(s) _____ _____."

REPORT PREPARED AND REVIEWED BY:
Patrick Goff, City Manager
Heather Geyer, Administrative Services Director

ATTACHMENTS:
1. Bond Interest Payment Invoice

BOK FINANCIAL®
Services provided by BOKF, NA

Corporate Trust Account Invoice Summary

Name of Issue:

City of Wheat Ridge Series 2017A

City of Wheat Ridge
Heather Geyer
7500 W 29th Ave
Wheat Ridge CO 80333

Ref. Number : WHEATRIDGE17

For questions contact: Keith Papantonio 303-864-7236

DUE DATE 6/1/2018

Principal Outstanding	$27,795,000.00
Debt Service	
Principal Due	$0.00
Interest Due	$552,650.00
Total Debt Service Due :	$552,650.00
TOTAL AMOUNT DUE:	**$552,650.00**

Wire payments must be received 1 business day prior to Due Date
Check & ACH Payments must be received 5 business days prior to the Due Date

IF REMITTING CHECK PAYMENT, PLEASE RETURN THE BOTTOM SECTION AND RETAIN TOP PORTION FOR YOUR RECORDS.

Name of Issue:

City of Wheat Ridge Series 2017A

DUE DATE 6/1/2018

Reference Number:	**WHEATRIDGE17**
Net Amount Due:	**$552,650.00**
Debt Service Payment Enclosed:	
Paying Agent Fee Enclosed:	
Amount Enclosed:	

Remit Check To:
(Must be received 5 business days prior to Due Date)
BOKF, NA
Corporate Trust Services
1600 Broadway, 3rd Fl
Denver CO 80202

Wire/ACH Instructions:
(Wires must be received 1 business day prior to Due Date)
(ACHs must be received 5 business day prior to Due Date)
BOKF, NA
ABA 103900036
A/C Name: Wealth Management
A/C #: 600024642
REF: DEN CORP TRUST - WHEATRIDGE17

ATTACHMENT 1

City of Wheat Ridge

ITEM NO: 2.
DATE: May 14, 2018

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. The rezoning is requested to facilitate potential redevelopment of the property, which currently contains a mix of residential and commercial uses.

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 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 $1,105.87 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 (4) single-family homes. The first home (the largest one nearest 44th Avenue) was constructed in 1869, with the other three (3) 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 (1) 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 (1) structure, listed as a "Nightclub, Bar Lounge" by the Jefferson County Assessor, which was licensed by the City as a tavern until recently. The building is currently vacant. It 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 southwest 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 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.

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.

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 second reading and that it take effect 15 days after final publication for the following reasons:

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

Or,

"I move to deny Council Bill No. 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 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. 10-2018
2. Planning Commission staff report with attachments
3. Planning Commission hearing minutes

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
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 HUNDREND 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 SUBDIVION, 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 CONVETYED 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 7 to 0 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: April 26, 2018
2nd publication:
Wheat Ridge Transcript:
Effective Date:

CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT

TO:	Planning Commission	**MEETING DATE:**	April 9, 2018
CASE MANAGER:	Zack Wallace Mendez		
CASE NO. & NAME:	WZ-18-07 / Chrisp		
ACTION REQUESTED:	Approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N).		

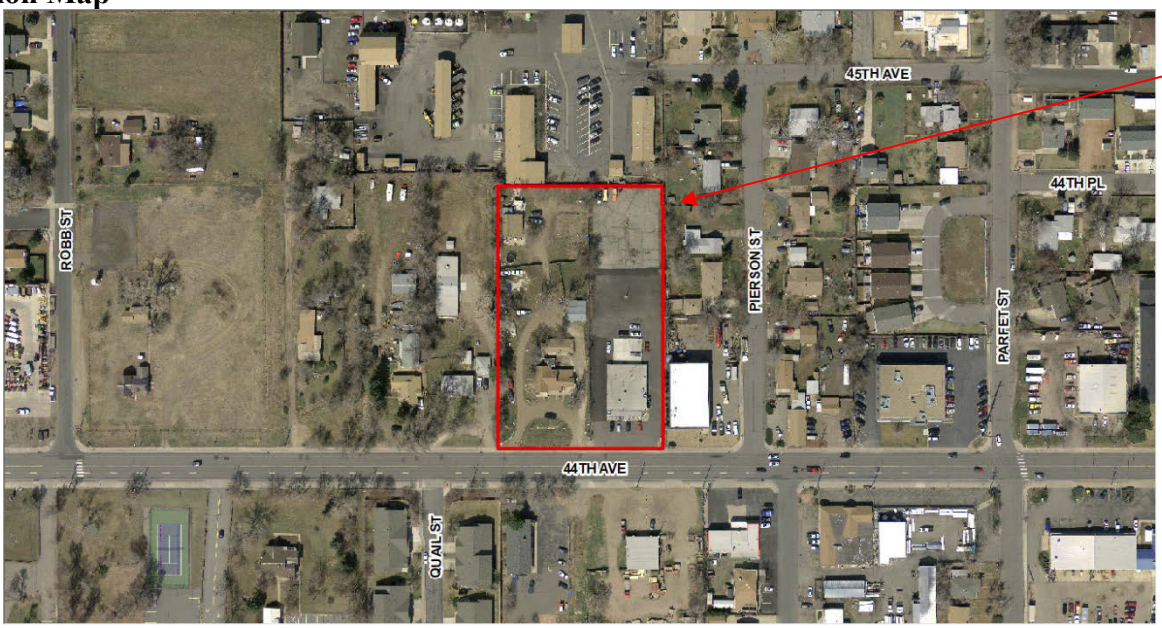
LOCATION OF REQUEST:	11221 W. 44th Avenue
APPLICANT (S):	Francesca Chrisp
OWNER (S):	SG Ventures LLC
APPROXIMATE AREA:	97,879 square feet (2.25 acres)

PRESENT ZONING:	Agricultural-One (A-1) and Commercial-One (C-1)
COMPREHENSIVE PLAN:	Neighborhood Commercial Corridor

ENTER INTO RECORD:

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

Location Map



JURISDICTION:

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

I. REQUEST

The applicant and current owner of the property has submitted this application requesting approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N).

II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located at 11221 W. 44th Avenue. The property is approximately 2.25 acres in size and located on the north side of 44th Avenue, west of Pierson Street. The property currently contains a series of structures (*Exhibit 1, Aerial*). On the western half of the property, zoned Agricultural-One (A-1), there are four (4) single-family homes. The first home (the largest one nearest 44th Avenue) was constructed in 1869, with the other three (3) homes all being constructed in 1909, according to the Jefferson County Assessor. The existing improvements on the property are considered non-conforming, as the A-1 zone district allows for only one (1) 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, zoned Commercial-One (C-1), there is one (1) 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.

As was previously mentioned, the site is zoned both Agricultural-One (A-1) and Commercial-One (C-1). 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 (*Exhibit 2, Zoning Map*). 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.

III. 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 in 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.

The applicant intends to rezone the property in order to better position the property for redevelopment, as the current split zoning does not easily lend itself to redevelopment opportunities (*Exhibit 3, Applicant Letter*). The zone change will allow the property to be developed with commercial uses, residential units, or a mix of the two. Additionally, in the short term, it will bring the existing site conditions more into compliance with the existing Code of Laws.

The following table compares the existing and proposed zoning for the property, with standards for new development or major additions. In terms of permitted uses, MU-N allows commercial uses at a lesser intensity than the existing C-1 zoning, however it does allow for a wider range of uses than are permitted in the A-1 zone district.

	CURRENT ZONING Commercial-One (C-1)	CURRENT ZONING Agricultural-One (A-1)	PROPOSED ZONING Mixed Use-Neighborhood (MU-N)
Uses	Allows a wide range of commercial uses including office, general business, retail sales, and service establishments.	Allows for single-family residential and a range of agricultural and related uses including produce stands and farmers markets.	Allows residential, commercial or mixed use – includes multi-family and live/work facilities, excludes outdoor storage.
Architectural Standards	Contemporary Overlay ASDM standards apply, including high quality architecture, standards related to articulation, variation, materials, and transparency.	No architectural standards apply in agricultural zone districts.	Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation and materials.
Max. Building Height	50'	35'	35' if the building has residential use 50' for all other uses
Max. Building coverage	80%	25%	90% for mixed use 85% for single use
Min. Landscaping	20%	25%	10% for mixed use 15% for single use
Build-to Area	0-12' along front property line	Not applicable	0-12' along front property line
Setbacks **Front** **Side** **Rear**	 See build-to above 0 feet if nonflammable or 5 feet per story 10 feet plus 5 feet per story	 30 feet 15 feet 15 feet	*Side setback adjacent to single-family residential*: 10 feet for the first 2 stories, additional 5 feet for each additional story. Must be landscaped. *Side setback adjacent to commercial*: 0 feet *Rear setback*: 5 feet

IV. ZONE CHANGE CRITERIA

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

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

   The change of zone will not result in adverse effects on the surrounding area. The rezoning would allow a less intensive range of commercial uses than the current C-1 zoning, and encourage more neighborhood-oriented businesses. The proposed zone change would allow for more intensive development than is currently allowed under A-1 zoning, however, the potential development intensity under the MU-N zoning is not out of character with 44th Avenue and the wide array of businesses and residences located in the vicinity of the subject property.

   Based on the existing character and land use patterns on 44th Avenue, the MU-N zone district is more appropriate than the split zoning between A-1 and C-1. For that reason, the zone change should not have an adverse effect on the surrounding area.

The MU-N zoning is expected to add value to the subject property and also to the surrounding community. The mixed use development standards will support compatibility between future redevelopment and existing land uses.

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.**

   Infrastructure currently serves the property, and all responding agencies have indicated they can serve the property. In the event that the current utility capacity is not adequate for a future use, the property owner/developer would be responsible for utility upgrades.

   Staff concludes that this criterion has been met.

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

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

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

      Additionally, the Fruitdale Subarea Plan was adopted for this area in 2007. The future land use map *(Exhibit 6, Fruitdale Subarea Plan)* denotes the area around 44th Avenue between approximately Owens Street and Quail Street, including the subject property, as a mixed-use area. The subarea plan encourages redevelopment and revitalization of properties within this area and encourages mixed use developments to create a neighborhood center. The subarea plan speculates this neighborhood center could include neighborhood type retail or commercial on the ground floor with residential or office on the upper floors.

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

      Staff concludes that this criterion has been met.

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

Staff has not found any evidence of an error with the current A-1 and C-1 zoning designations as they appear on the City zoning maps.

Staff concludes that this criterion is not applicable.

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

Staff finds no evidence of significant changes in the area. The zone change request from A-1 and C-1 to MU-N neither responds to nor results in notable change of character.

Staff concludes that this criterion is not applicable.

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

The proposed rezoning does not relate to an unanticipated need.

Staff concludes that this criterion is not applicable.

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

V. NEIGHBORHOOD MEETING

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

A meeting for neighborhood input was held on February 7, 2018. Five members of the public attended the meeting in addition to the applicant and staff. Some concerns were raised regarding traffic, schools, potential uses, and the uncertainty of what might develop on the site. Staff addressed some concerns, which related to the development standards and permitted use list that would apply to the property if rezoned. The concerns and the discussion from the meeting are summarized in the meeting summary (*Exhibit 7, Neighborhood Meeting Notes*).

VI. AGENCY REFERRAL

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

Wheat Ridge Public Works Department: No comments.

Fruitdale Sanitation District: No objection.

Valley Water District: No objection.

Wheat Ridge Police Department: No objection.

Arvada Fire Protection District: No objection.

Xcel Energy: No objection.

Century Link: No objection.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

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

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-18-07.

VIII. SUGGESTED MOTIONS

Option A:
"I move to recommend APPROVAL of Case No. WZ-18-07, a request for approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 W. 44th Avenue, for the following reasons:

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

Option B:
"I move to recommend DENIAL of Case No. WZ-18-07, a request for approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 W. 44th Avenue, for the following reasons:

1.

2. …"

EXHIBIT 1: AERIAL

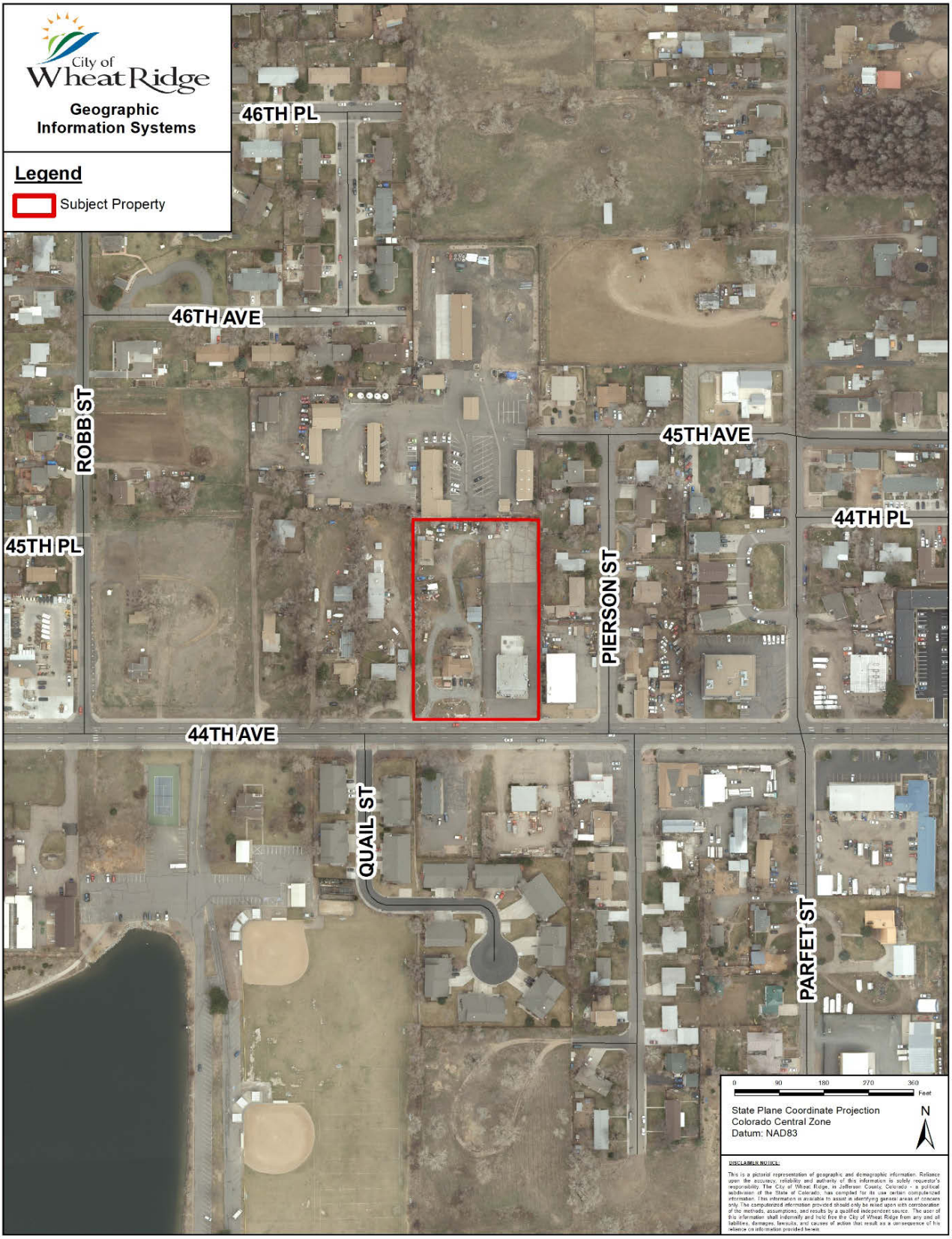


EXHIBIT 2: ZONING MAP

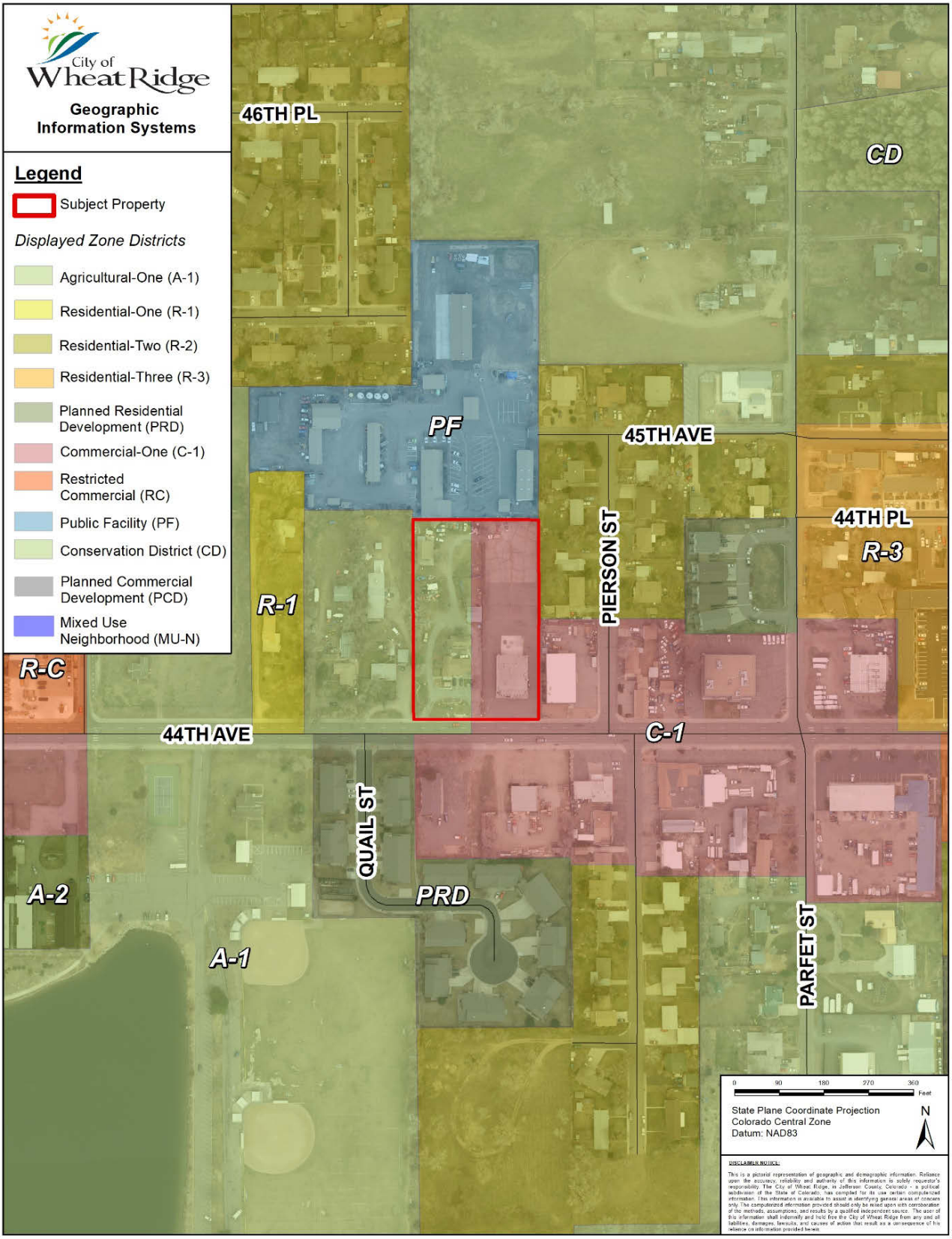


EXHIBIT 3: APPLICANT LETTER

2-24-2018

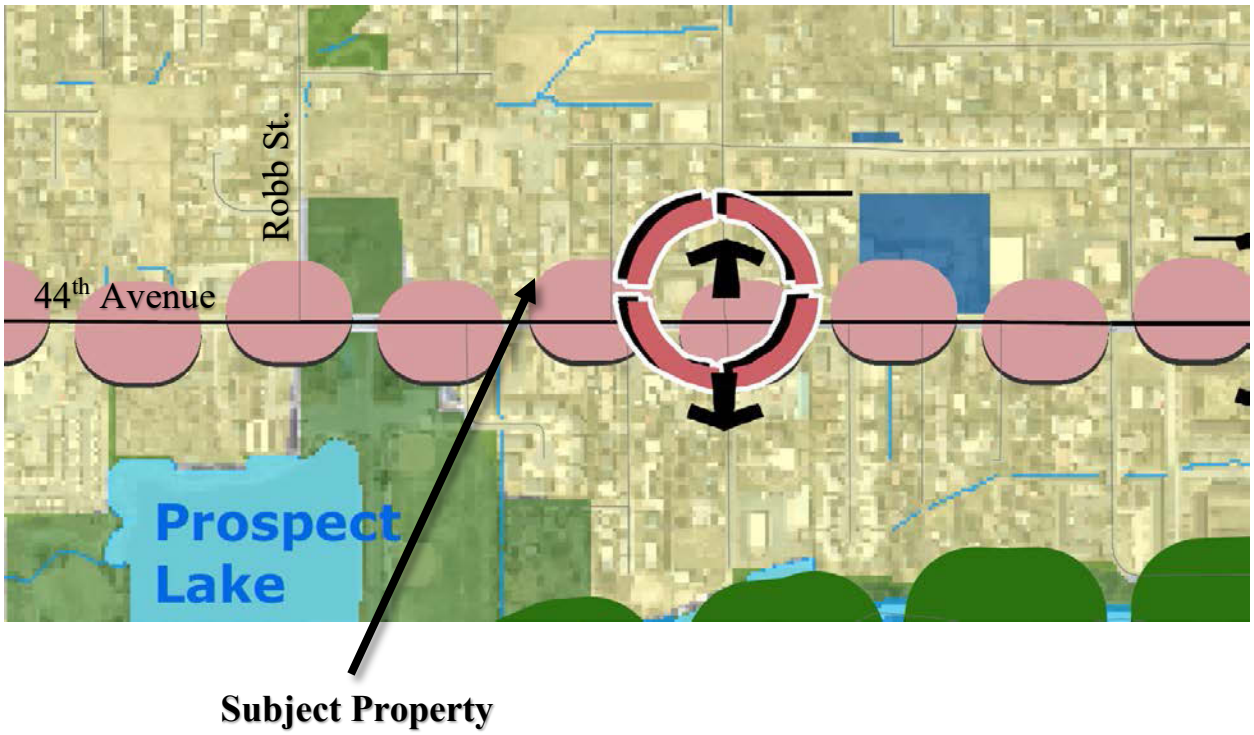
Good afternoon!

I am proposing to rezone the site from its current split zoning agricultural-one (A-1) and commercial one (C-1) to mix use- neighborhood (MU-N). I would like to make the land more useful and have a vision of town home, row homes and/or apartment development with the potential of a storefront on 44th. This will benefit the city by bringing value to the city of Wheat Ridge and the surrounding neighbors. It will present nice curb appeal for 44th Street especially because everything is becoming more modernized. It will not have any negative affect on any public facilities. There will be not be an impact on traffic. It will have the necessary entrance and exits to the property. We are in hopes that the public hearing will present the opportunity to engage on this in endeavor.

Regards,

Francesca Chrisp
303 506 6155

EXHIBIT 4: COMPREHENSIVE PLAN



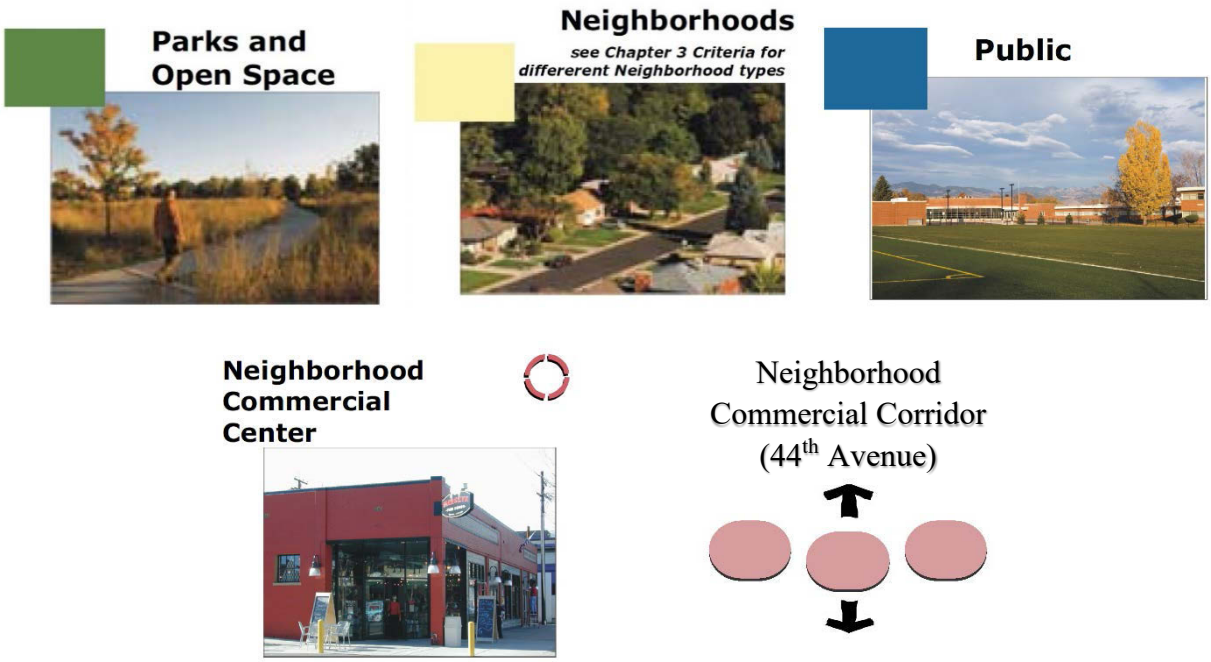


EXHIBIT 5: FRUITDALE SUBAREA PLAN

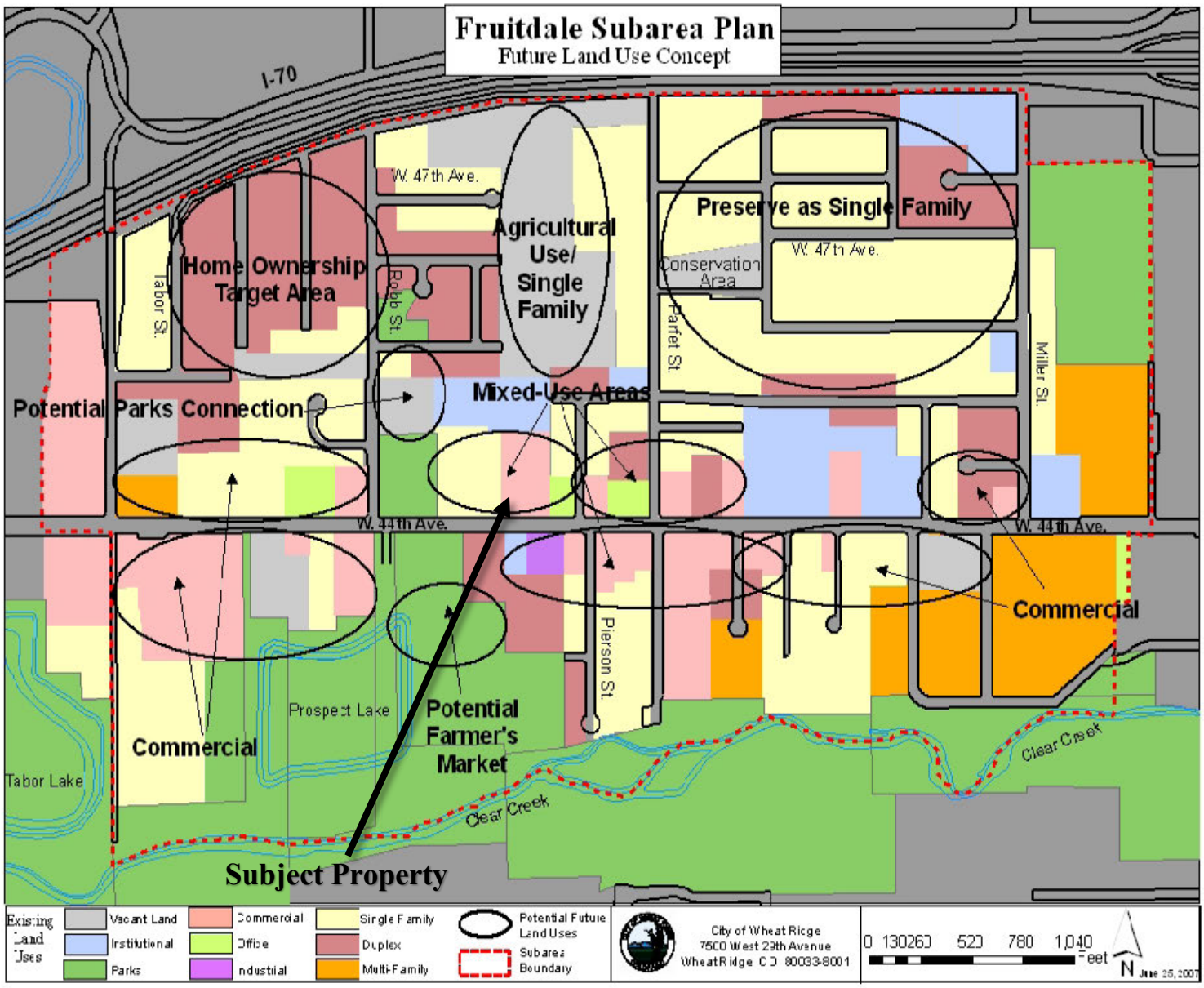
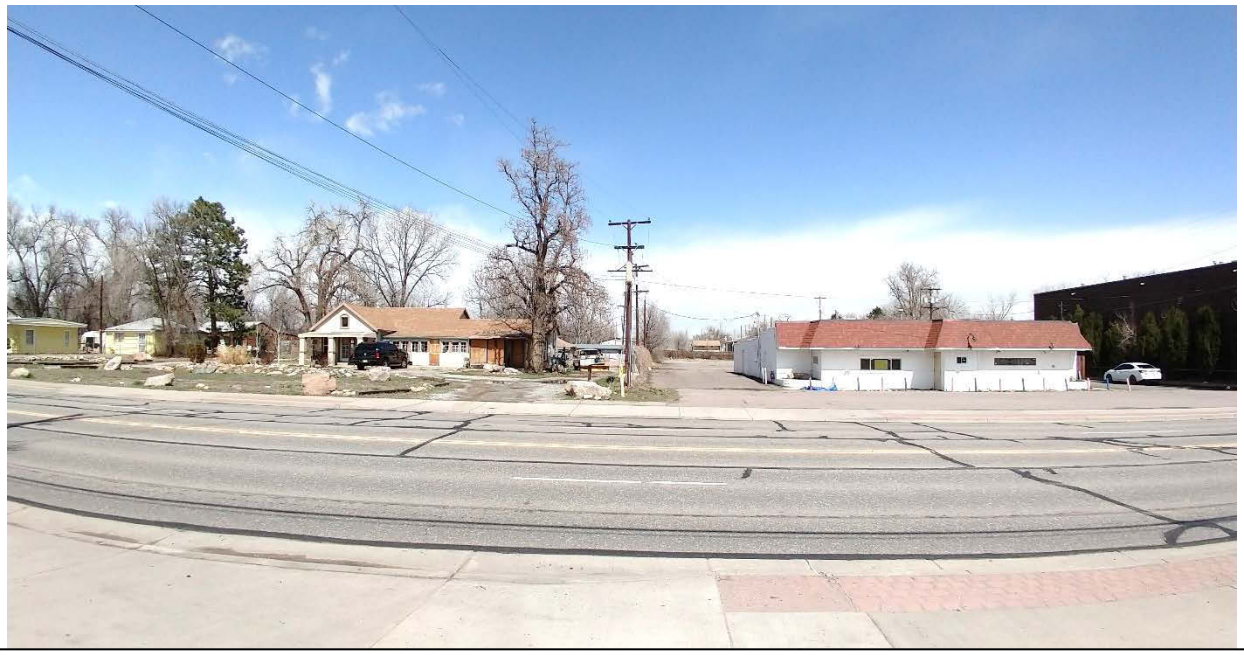
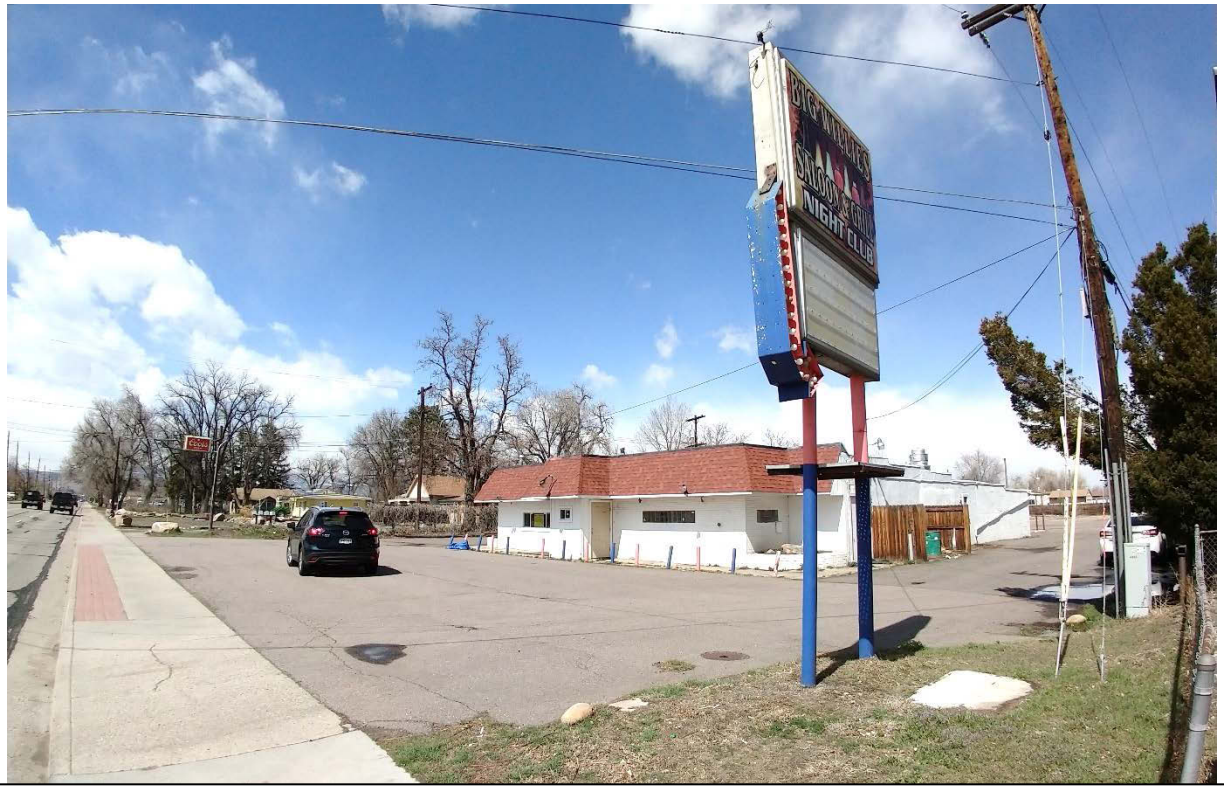


EXHIBIT 6: SITE PHOTOS



View of the subject property looking north from 44th Avenue. The residential portion of the property, zoned A-1, can be seen to the left, while the tavern, zoned C-1, can be seen to the right.

Closer view of the subject property looking north from 44th Avenue. Despite the fence and power lines running down the middle of the property, the tavern and residential dwellings are all located on 1 parcel.



View looking northwest from 44th Avenue. The tavern can be seen in the foreground with the residential portion of the property visible in the background.

View looking northeast from 44th Avenue. Two residential dwellings are visible in this photo, with two additional dwellings out of sight. The tavern can be seen in the background.

EXHIBIT 7: NEIGHBORHOOD MEETING

Meeting Date:	February 7, 2018
Attending Staff:	Zack Wallace Mendez, Planner II
Location of Meeting:	Wheat Ridge Municipal Center
Property Address:	11221 W. 44th Avenue
Property Owner(s):	SG Ventures, LLC
Property Owner(s) Present?	Yes, Francesca Chrisp
Applicant:	Francesca Chrisp
Applicant Present?	Yes
Existing Zoning:	Agricultural-One (A-1) and Commercial-One (C-1)
Existing Comp. Plan:	Neighborhood Commercial Corridor

Existing Site Conditions: The property is located on the north side of W. 44th Avenue, between Pierson Street and Quail Street. The western side of the property is zoned Agricultural-One (A-1) and contains four single-family homes. The eastern side of the property is zoned Commercial-One (C-1) and contains a vacant commercial building, formerly a bar. The largest home was built in 1869, and the other homes were built in 1909, according to the Jefferson County Assessor. The bar building was built in 1942. The lot is approximately 97,879 square feet (2.247 acres).

Surrounding properties include a variety of commercial and residential uses. Properties to the east along W. 44th Avenue are zoned C-1 and contain commercial uses, including several auto-oriented uses. Properties to the west along 44th Avenue are mostly zoned A-1 and contain homes on large lots. The City's Public Works shops are located to the north of the site and are zoned Public Facility (PF).

Applicant/Owner Preliminary Proposal: The applicant has proposed to rezone the site from its current split zoning of A-1 and C-1 to Mixed Use-Neighborhood (MU-N). The zone change would allow for residential and/or commercial uses on the site, and allow for increased density on the site. While the applicant has no immediate plans for redevelopment, they envision a townhome or apartment development with a potential small storefront on W. 44th Avenue.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, five members of the public attended the neighborhood meeting:
- Staff discussed the site, and its current zoning.
- The applicant and members of the public were informed of the process for the zone change.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing.
- The applicant spoke about her vision for the property: townhomes with some commercial activity along 44th Avenue. The applicant added that no developer is engaged, and she desires to update the zoning to better market the property to developers.

The following issues were discussed regarding the zone change request:

- A question was raised regarding the land use and zoning of the property, as it already appears to be mixed use.
  Staff explained the property is one parcel but zoned with two different zoning designations. Under the current code, the Agricultural zoning allows for one single-family house on an acre of land. Currently the property has four homes, all of which pre-date the City of Wheat Ridge and the present zoning. The Agricultural zone is a bit antiquated, and a remnant from Jefferson County, and does not allow for much reinvestment in the property. The Mixed Use-Neighborhood zone district would permit a mix of uses across the site, and provides more options for reinvestment.
- Concerns were raised that after the zoning is approved anything could happen with the site.
  Staff noted that while the exact future use of the property is undetermined, there is a defined list of permitted uses and development standards in the City Code that will need to be met. Additionally, future development will be subject to a site plan review to ensure it is in compliance with the Code requirements.
- What school would children living here attend?
  The applicant and Staff were unsure of the closest school to the property.
- Difference between MU-N and C-1 and A-1?
  The MU-N zone district encourages a mix of uses, and is flexible in allowing residential development, commercial development, or a mix of the two. The C-1 zone district primarily allows only commercial uses and development, and the A-1 zone district has a very limited list of permitted uses that are more agricultural in nature.
- Is there a need for housing here, have any studies been conducted regarding the need? The attendee added there is a perception of vacant residential buildings in area.
  The City does not require market studies for zone changes or development applications.
- Concerns were raised that the rezoning and development of the property would devalue nearby residential properties.
  The applicant suggested that redevelopment in this property would bring up property values in the area.
- An attendee asked if after rezoning the property could be anything and not just residential?
  Staff noted that the development is not required to have any residential. But development must still follow the list of permitted uses within the Zoning Code. The MU-N is more limited in nature, in that it allows for a slightly more limited list of uses than the current C-1 zoning, and does not allow some uses, such as auto related uses.
- Requirements that landscaping are upkept?

Staff mentioned the landscaping requirements in the Zoning Code and the required landscaped setback buffers from adjacent single-family homes, and that maintenance of landscaping is required. If it is not upkept, Code Enforcement can take action.

- How long is the process?
  Once an application is submitted, the zone change process takes approximately 3 months. Additionally, once development is proposed, the developer will need to process a site plan and have building permits reviewed, each of which can take multiple months.
- Concerns regarding a proliferation of auto-related uses and 'erotic' shops.
  Auto-oriented uses and adult entertainment uses are not allowed in the MU-N zone district.
- Traffic and parking concerns were raised.
  The City does not require any traffic information with a speculative rezone such as this. Traffic will be analyzed when a specific development proposal has been submitted to the City. There are minimum parking requirements in the City Code that will be reviewed and enforced as part of a future site plan application.

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

City of Wheat Ridge

PLANNING COMMISSION
Minutes of Meeting
April 5, 2018

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:01p.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:	Emery Dorsey Daniel Larson Janet Leo Scott Ohm Richard Peterson Amanda Weaver (arrived at 7:04)
Commission Members Absent:	Alan Bucknam Vivian Vos
Staff Members Present:	Meredith Reckert, Senior Planner Zack Wallace Mendez, Planner II Scott Cutler, Planner I Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 5-0.

5. APPROVAL OF MINUTES – March 15, 2018

It was moved by Commissioner LEO and seconded by Commissioner DORSEY to approve the minutes of March 15, 2018, as amended. Motion carried 3-0-2 with Commissioners Larson and Peterson abstaining.

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

ATTACHMENT 3

No one wished to speak at this time.

7. PUBLIC HEARING

A. Case No. WZ-18-07: an application filed by Francesca Chrisp for approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 West 44th Avenue.

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

Commissioner PETERSON asked about the zoning code in section 26-112, private zoning under applicability. He mentioned it talks about changing the zoning on a parcel from one zone classification to another zone classification on land of 1 acre or less. He wanted clarification if this property should include two zone changes not one.

Ms. Reckert explained that split zoning is frequently seen in the City which we inherited from Jefferson County in 1969 when the City incorporated. She clarified that if a parcel is over one acre in size then a zone change must be to a planned unit development unless it is changed to one of the City's mixed use zone districts.

Commissioner WEAVER asked if this property will require a plan once the zoning has been changed.

Mr. Wallace Mendez confirmed that if any redevelopment is proposed on the property, there will have to be a site plan approval.

It was moved by Commissioner DORSEY and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WZ-18-07, a request for approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 West 44th Avenue for the following reasons:

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

5. **The criteria used to evaluate a zone change support the request.**

Motion carries 6-0.

B. **Case No. WZ-18-06:** an application filed by Luis Bielich for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard.

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

Commissioner Peterson wanted clarification about section 26-112 regarding the Mixed Use-Commercial (MU-C) and Mixed Use-Neighborhood (MU-N) zone districts. Since Wadsworth is more commercial he asked if MU-C would be a better fit than MU-N.

Mr. Wallace Mendez explained that further south on the Wadsworth corridor there is a large portion zoned MU-C, but given the surrounding land uses in this area being residential, the MU-N permits less intense uses and acts as a better buffer than the MU-C zone district. Mr. Wallace Mendez also said that MU-N is more context sensitive and is a good transition to the existing adjacent residential uses to the east.

Mr. Cutler added that in the MU-C zone district the building heights are permitted to be taller than building heights in the MU-N zone district.

Dan Grant, resident
4645 Webster Street, Wheat Ridge

Mr. Grant feels the property owners are being greedy and is concerned if a fourplex is constructed on the site, there will be more people and vehicles on the property. He is also concerned about the height of the building because future residents would be able to look into his backyard. His final concern is that Code Enforcement has been called on this property numerous times and he wants to make sure the property is going to be maintained.

Joann Warner, resident
4635 Webster Street, Wheat Ridge

Ms. Warner feels this is too much growth for this property and thinks it should be commercial zoning.

City of Wheat Ridge

ITEM NO: 3.
DATE: May 14, 2018

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 are attached for reference and to be taken into consideration when taking action on the ordinance at second reading. City Council introduced the ordinance on first reading on April 23, 2018, and set the public hearing date.

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.

Referral Process
The case has been through a standard referral process. All referral agencies are currently serving the property and have no objections to the request.

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 <u>second</u> reading.

Per City Code, the City Council shall use the criteria in Section 26-112 of the code to evaluate the applicant's request for a zone change. A detailed staff report is enclosed with this criteria analysis, as well as additional information on the existing conditions and zone districts. As detailed in the attached staff report, staff and the Planning Commission are recommending approval of this request.

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) for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-112.E of the Code of Laws."

REPORT PREPARED/REVIEWED BY:
Scott Cutler, Planner I
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 11-2018
2. Planning Commission staff report and attachments
3. Planning Commission hearing minutes

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
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.

ATTACHMENT 1

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

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 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

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Effective Date:

CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT

TO:	Planning Commission	**MEETING DATE:**	April 5, 2018
CASE MANAGER:	Scott Cutler		
CASE NO. & NAME:	WZ-18-06 / Bielich		
ACTION REQUESTED:	Approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N).		

LOCATION OF REQUEST:	4650 Wadsworth Boulevard
APPLICANT (S):	Luis Bielich
OWNER (S):	ML Rentals LTD (Luis Bielich and Mike Nguyen)
APPROXIMATE AREA:	14,505 square feet (0.33 acres)

PRESENT ZONING:	Residential-Two (R-2)
COMPREHENSIVE PLAN:	Primary Commercial Corridor

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

The owners of the property at 4650 Wadsworth Boulevard are requesting approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N). The zone change will allow the property to be used for residential or commercial uses, as well as a mix of residential and commercial uses (mixed-use or live/work).

II. EXISTING CONDITIONS

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 (*Exhibit 1, Aerial*). 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.

The property is 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 (*Exhibit 2, Zoning Map*).

III. PROPOSED ZONING

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

The property is currently zoned Residential-Two (R-2). This zone district was established to provide high quality, safe, quiet, and stable low to moderate-density residential neighborhoods.

The applicant intends to rezone the property in order to potentially redevelop the rear portion of the property for residential use. However, no plans have been submitted, and any redevelopment of the property would require a Site Plan review which is a separate application process. The applicant has stated they believe the zone change would bring the property into conformance with the surrounding zoning designations, since most properties are zoned for mixed-use or commercial uses *(Exhibit 3, Applicant Letter).*

The following table compares the existing and proposed zoning for the property, with standards for new development or major additions. In terms of permitted uses, MU-N allows commercial uses whereas the R-2 zone does not (with the exception of approved home occupations). In terms of

residential uses, MU-N is more flexible because the R-2 zone district only allows single-family homes and duplexes. The MU-N zone district could allow approximately 6 residential units on the property, or 4 new dwelling units if taking into account the existing duplex, shown in *Exhibit 4, Site Photos*.

	CURRENT ZONING **Residential-Two (R-2)**	**PROPOSED ZONING** **Mixed Use-Neighborhood (MU-N)**
Uses	Allows single-family homes and duplexes, and associated home occupations	Allows residential, commercial or mixed use – includes multi-family and live/work facilities
Architectural Standards	None	Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation and materials.
Max. Building Height	35’	35’ if the building has residential use 50’ for all other uses
Max. Lot coverage	40%	90% for mixed use 85% for single use
Min. Landscaping	25% of lot at 100% of front yard (exclusive of driveway and sidewalk)	10% for mixed use 15% for single use
Build-to Area	0-20’ along front property line (property is in Contemporary Overlay district)	0-12’ along front property line
Setbacks	East (rear): 10’ North & South (side): 5’ per story	East (rear): 10’ (1-2 story building) *or* 15’ (3-story building) North & South (side): 0’ (since the property abuts commercial uses)

IV. ZONE CHANGE CRITERIA

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

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

   The MU-N zone district would allow the property owner to expand residential uses on the property. They could also incorporate neighborhood-serving commercial uses, which are currently prohibited on the property but permitted on the properties zoned RC to the north and south. Based on the existing character and land use patterns on Wadsworth Boulevard, the MU-N zone district is more appropriate than R-2 in terms of allowed land uses and intensity. For that reason, the zone change should not have an adverse effect on the surrounding area. Based on the small size of the property, many of the more intensive permitted uses in MU-N zone district are unrealistic (such as large apartment buildings or intensive commercial uses).

   The MU-N zoning is expected to add value to the subject property. The mixed use development standards will support compatibility between future redevelopment and existing land uses.

   In addition, any MU-N building containing residential is limited to 35 feet in height. Commercially-zoned properties (RC, C-1, and NC) may contain buildings up to 50 feet in height. The design standards for MU-N are stricter than for other zones, including setbacks, landscaping buffers, and architecture.

Staff concludes that this criterion has been met.

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

   Adequate infrastructure currently serves the property. All responding agencies have indicated they can serve the property. In the event that the current utility capacity is not adequate for a future use, the property owner/developer would be responsible for utility upgrades. A Site Plan review and building permits will be required for any new construction on the site, and will ensure compliance with current Building Codes, as well as the Fire Code.

   Staff concludes that this criterion has been met.

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

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

      Wadsworth Boulevard is a primary north-south thoroughfare in the City, is classified as a major arterial, and is predominantly commercial in character. *Envision Wheat Ridge*, the City's 2009 comprehensive plan, identifies this corridor as a Primary Commercial Corridor *(Exhibit 4, Comprehensive Plan)*. This designation envisions a corridor with a broad mix of activities, accommodating multiple transportation modes and exemplifying high quality urban design and appearance over time. Specifically for Wadsworth, the comprehensive plan notes the importance of improving the appearance and function of the corridor and working to redevelop outdated and underutilized properties.

      A stated goal in the comprehensive plan is to promote reinvestment in property and to promote a mix of neighborhood supporting uses, including residential use and office use. This zone change request supports the comprehensive plan by enabling investment in the property and by aligning the zoning with the City's mixed-use goals for this corridor.

      Staff concludes that this criterion has been met.

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

      Staff has not found any evidence of an error with the current R-2 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.**

Commercial development along the Wadsworth Boulevard corridor continues to intensify. Staff believes low-density residential zoning along the Wadsworth corridor does not reflect the reality of Wadsworth as a major regional arterial. Based on recent intensification of land uses along Wadsworth, both residential and commercial, Staff concludes that there are changed conditions which make this property undesirable to be limited to low-density residential use.

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.

Staff concludes that this criterion is not applicable.

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

V. PUBLIC NOTICING

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

A meeting for neighborhood input was held on February 13, 2018. Six members of the public attended the meeting in addition to the applicant and staff. In general, most of the attendees were supportive of the request. However, some concerns were raised by a neighbor over rear setbacks, increased density, and privacy; these concerns and the discussion from the meeting are summarized in the meeting summary (*Exhibit 6, Neighborhood Meeting Notes*).

One letter of support was received prior to the neighborhood meeting *(Exhibit 7, Letter of Support)*.

As of the date of distribution of this staff report, March 30, 2018, the City has not received additional comments or inquiries from surrounding property owners.

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.

Wheat Ridge Building Division: No comments.

West Metro Fire Protection District: No concerns. Future site plans are subject to review by West Metro.

Xcel Energy: No concerns.

Century Link: No concerns.

Wheat Ridge Water District: No comments.

Wheat Ridge Sanitation District: No comments.

Colorado Department of Transportation: No comments.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

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

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-18-06.

VIII. SUGGESTED MOTIONS

Option A:
"I move to recommend APPROVAL of Case No. WZ-18-06, a request for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard, for the following reasons:

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

Option B:
"I move to recommend DENIAL of Case No. WZ-18-06, a request for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard, for the following reasons:

1.

2. …"

EXHIBIT 1: AERIAL

EXHIBIT 2: ZONING MAP

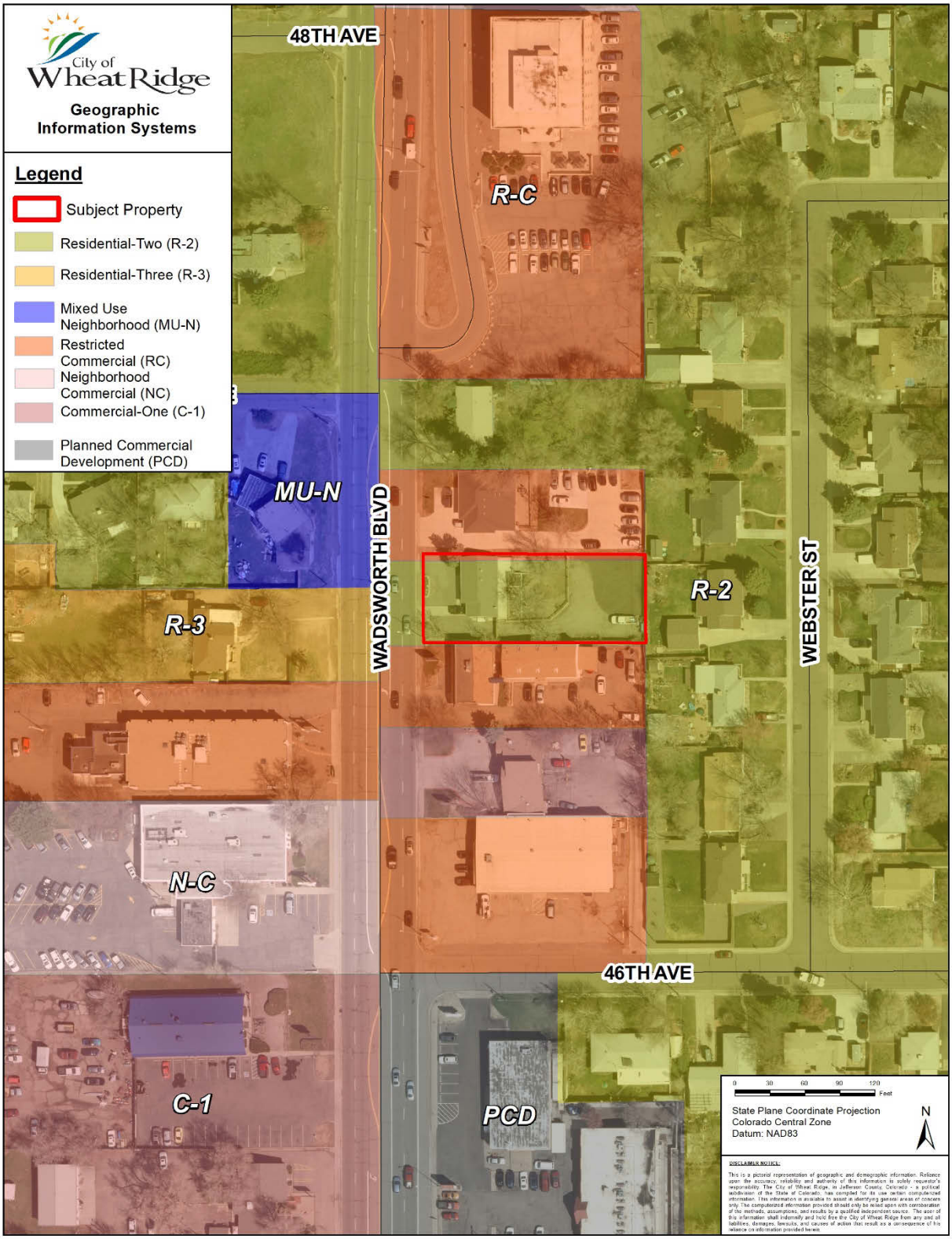


EXHIBIT 3: APPLICANT LETTER

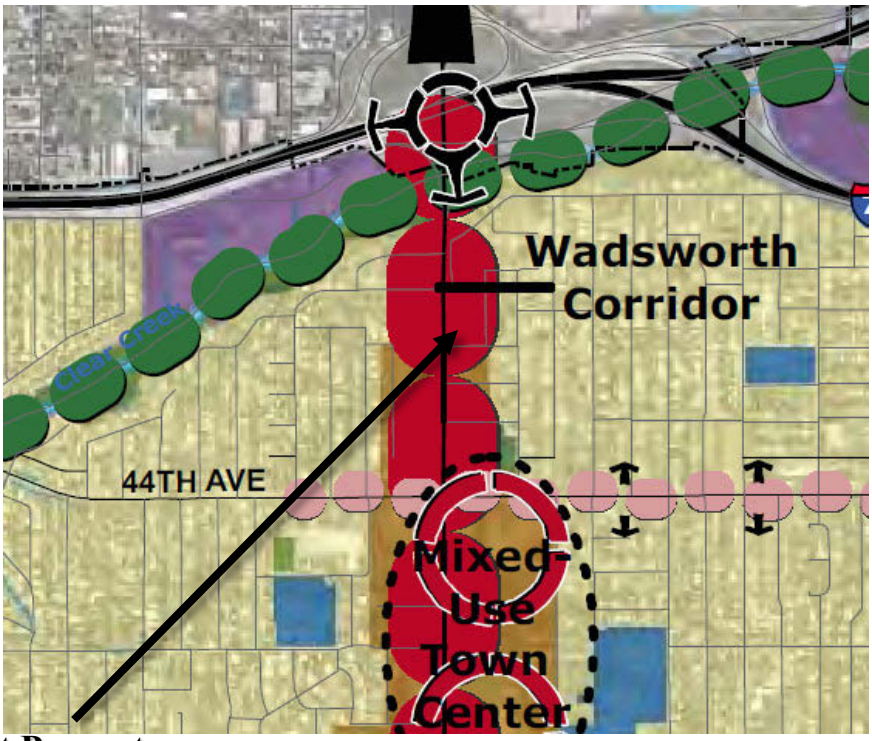
3161 Johnson Ln
Erie, CO 80516
MLRentals.colorado@gmail.com
(720) 507-1657

ML Rentals is proposing to rezone the property located at 4650 Wadsworth Blvd from R2 to MU-N. The zone change promotes the health, safety, and general welfare of the community as it would enable further development in the backyard which is currently undeveloped and it is prone to dumping or collection of trash. This is especially true once the streets are widened and the sidewalk is located closer to the fence to the backyard.

The infrastructure and facilities nearby already serve commercially zoned properties to our next door neighbors. Since our surroundings are already zoned as commercial, we believe that rezoning the property as MU-N would bring the property into conformance with the City of Wheat Ridge comprehensive plan goals, objective and policies and other city-approved policies or plans for the area.

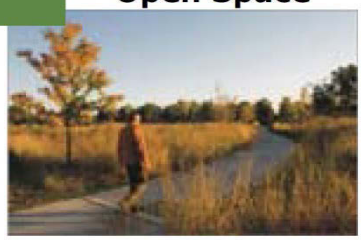
Best Regards,
Luis Bielich & Mike Nguyen
ML Rentals

EXHIBIT 4: COMPREHENSIVE PLAN



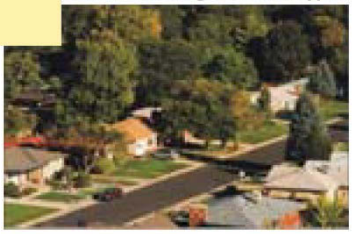
Subject Property

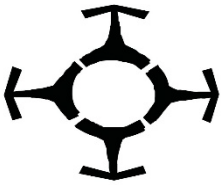
Parks and Open Space



Neighborhoods

see Chapter 3 Criteria for differerent Neighborhood types





Primary Gateway (Intersection of Wadsworth & I-70)

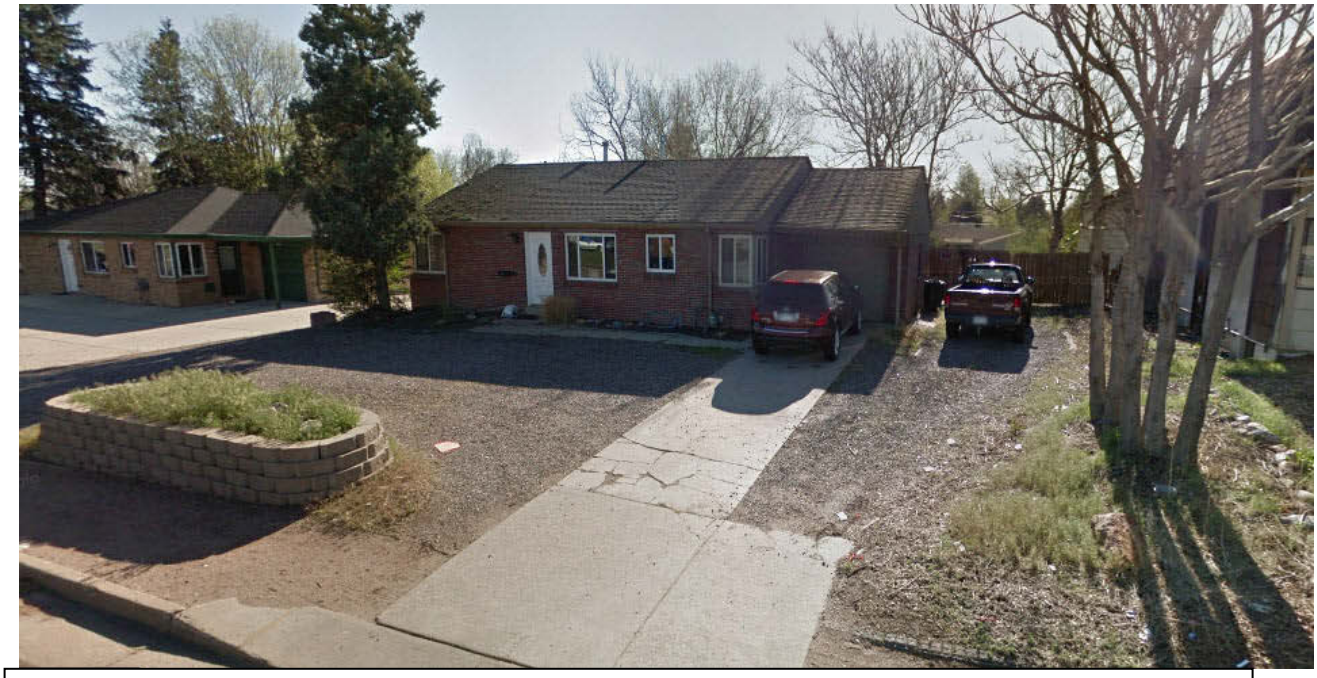
Primary Commercial Corridor (Wadsworth Boulevard)

EXHIBIT 5: SITE PHOTOS

View of the subject property looking east across Wadsworth Boulevard. The existing duplex is in the middle of the photo, and the front yard landscaping box can be seen as well. The properties to the left and right of the subject property are zoned Restricted Commercial and contain commercial uses.

View of the property looking southeast (subject property has the white truck parked in front) across Wadsworth Boulevard.

A view looking southeast down Wadsworth Boulevard, just south of the subject property. This photo was taken to show the increasingly intensive uses as you head south on Wadsworth Boulevard.



The subject property from Wadsworth Boulevard showing the front/side yard and the neighboring commercial properties. There is access to the large rear yard through the gate on the right. (Source: Google Street View, May 2017)

EXHIBIT 6: NEIGHBORHOOD MEETING

Meeting Date:	February 13, 2018
Attending Staff:	Lauren Mikulak, Planning Manager Scott Cutler, Planning Technician
Location of Meeting:	Wheat Ridge Municipal Building
Property Address:	4650 Wadsworth Boulevard
Property Owner(s):	ML Rentals, LLC
Applicant:	Luis Bielich
Applicant Present?	Yes
Existing Zoning:	Residential-Two (R-2)
Existing Comp. Plan:	Neighborhood Buffer / Primary Commercial Corridor

Existing Site Conditions: The property is located on the east side of Wadsworth Boulevard, between W. 46th Avenue and W. 48th Avenue. The site is currently home to a duplex which was built in 1951, according to the Jefferson County Assessor. The lot is approximately 14,505 square feet. There is a parking area in the front of the duplex as well as additional space in the rear of the lot.

The property is 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.

Applicant Preliminary Proposal: The applicant has proposed to rezone the site from Residential-Two (R-2) to Mixed Use – Neighborhood (MU-N). The zone change would allow for residential and/or commercial uses on the site as opposed to strictly residential uses, and allow for increased density on the site.

In the future, the applicant wants to build a quadplex behind the existing duplex, increasing the total units on the site to 6. The building would be 3 stories with garages on the first floor. Each unit is proposed to have 3 bedrooms.

The applicant bought the property in October 2014 and currently rents out both units. They intend to rent the additional units as well.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 6 residents 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 rezoning process.
- Staff discussed the site, its zoning and land use.
- 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 purpose of the meeting was to discuss the zone change, but most questions from neighbors related to the applicant's potential future plans to develop additional units.

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

- What are the setbacks for the current and proposed zoning? What will the buffer look like at the rear of the property?
  The Residential-Two (R-2) zone district requires 5-foot per story side setbacks and 10-foot rear yard setbacks. Buildings must be set back 25 feet from public streets. The Mixed Use – Neighborhood (MU-N) zone district requires 15-foot rear setbacks for 3-story buildings, so the required setbacks would be larger than under current standards. Side setbacks could be 0 feet because the property abuts commercial uses to the north and south; however the applicant noted they wish to provide some side setback. The applicant noted the desire to have a large buffer at the rear of the property to provide yard space and bring the building closer to the front of the property.
- What are the adjacent zone districts?
  Properties to the north and south are both zoned Restricted Commercial (RC) and properties to the east are zoned Residential-Two (R-2). Multifamily, commercial, and mixed-use zone districts are across Wadsworth Boulevard to the west.
- How tall would the buildings be?
  Likely 30 feet (3 stories) because of fire restrictions for any buildings that are taller. Staff noted that the maximum height for residential buildings in MU-N is 35 feet.
- How many bedrooms in each unit?
  Three
- What direction would be building face?
  The front doors would face south onto a shared driveway.
- A resident whose property borders the site to the east was concerned about fitting everything on a relatively small site. They were concerned about the number of new residents and associated cars and pets. They did not want a tall building infringing on their privacy.
  The applicant responded to these concerns stating the windows would be facing north and south and side windows could be elevated so that residents could not look into neighboring

properties. They also noted the proposed buffer space between the building and the resident's property and pointed out the required 15-foot rear setback.

- Who are you trying to attract to this development?
  Young professionals and families.
- Do you currently own the property? Do you own other properties too?
  Yes, and current tenants are young professionals. The applicant also owns other properties in the Denver Metro area.
- What is the square footage per unit?
  There are no plans yet because a zone change must be successful. The target square footage is 1,300 to 1,400 square feet; 3-bedroom units with a home office.
- How will parking be accommodated?
  Each unit will have a garage and there will be additional parking stalls available. The applicant noted they are targeting 8 spaces total, maybe more if they can be accommodated. They also plan to provide bike racks.
- Will there be balconies facing the back of the property?
  No balconies are planned for now. The building will be oriented north-south.
- A neighbor noted they want to see the property kept up better. There have been issues in the past with weeds and dogs.
  The applicant described when they purchased the property (2014) and described some of the investments they have made (fences, upkeep, hiring a maintenance crew, and front yard improvements).
- Staff discussed the Wadsworth Boulevard widening project and potential timing of construction. The property would be affected by the widening and a right-of-way acquisition by the City will be required, shrinking the lot and bringing the existing building closer to the street.
- What is the square footage of the lot?
  The lot is approximately 14,500 square feet, but will shrink when right-of-way is dedicated for the Wadsworth project.
- Can there be a condition of approval for the MU-N zone change related to setbacks?
  Adding conditions to straight zone changes is rare because they become hard to track and administer in the future. The MU-N rear setback requirements are greater than under current zoning.
- Can there be commercial uses on the property under MU-N?
  Yes.
- Are parking requirements for commercial higher than residential?
  Staff noted the varying parking requirements for commercial uses. Residential uses require at least 1 parking space per unit, with a maximum of 2.5 Commercial parking requirements are based on the specific use.
- Staff explained the process specific to the zone change. Site design is not a component of the zone change process.

EXHIBIT 7: LETTER OF SUPPORT

7620 W. 47th Ave.
Wheat Ridge CO
Jan. 25, 2018

Community Development
7500 West 29th Ave.
Wheat Ridge CO 80033

Dear planners,

I have lived on the corner of West 47th Avenue + Wadsworth Blvd for almost 20 years. The highway is in very bad condition. I look forward to 2020 when it's fixed. The strip just from W. 46th to W. 47th will need rezoning to Mixed Use-Neighborhood in the future. Most properties there are businesses.

Respectfully,
Michael V. Fratini

City of Wheat Ridge

PLANNING COMMISSION
Minutes of Meeting
April 5, 2018

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:01p.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:	Emery Dorsey Daniel Larson Janet Leo Scott Ohm Richard Peterson Amanda Weaver (arrived at 7:04)
Commission Members Absent:	Alan Bucknam Vivian Vos
Staff Members Present:	Meredith Reckert, Senior Planner Zack Wallace Mendez, Planner II Scott Cutler, Planner I Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 5-0.

5. APPROVAL OF MINUTES – March 15, 2018

It was moved by Commissioner LEO and seconded by Commissioner DORSEY to approve the minutes of March 15, 2018, as amended. Motion carried 3-0-2 with Commissioners Larson and Peterson abstaining.

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

ATTACHMENT 3

No one wished to speak at this time.

7. PUBLIC HEARING

A. Case No. WZ-18-07: an application filed by Francesca Chrisp for approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 West 44th Avenue.

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

Commissioner PETERSON asked about the zoning code in section 26-112, private zoning under applicability. He mentioned it talks about changing the zoning on a parcel from one zone classification to another zone classification on land of 1 acre or less. He wanted clarification if this property should include two zone changes not one.

Ms. Reckert explained that split zoning is frequently seen in the City which we inherited from Jefferson County in 1969 when the City incorporated. She clarified that if a parcel is over one acre in size then a zone change must be to a planned unit development unless it is changed to one of the City's mixed use zone districts.

Commissioner WEAVER asked if this property will require a plan once the zoning has been changed.

Mr. Wallace Mendez confirmed that if any redevelopment is proposed on the property, there will have to be a site plan approval.

It was moved by Commissioner DORSEY and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WZ-18-07, a request for approval of a zone change from Agricultural-One (A-1) and Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 11221 West 44th Avenue for the following reasons:

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

5. **The criteria used to evaluate a zone change support the request.**

Motion carries 6-0.

B. **Case No. WZ-18-06:** an application filed by Luis Bielich for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard.

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

Commissioner Peterson wanted clarification about section 26-112 regarding the Mixed Use-Commercial (MU-C) and Mixed Use-Neighborhood (MU-N) zone districts. Since Wadsworth is more commercial he asked if MU-C would be a better fit than MU-N.

Mr. Wallace Mendez explained that further south on the Wadsworth corridor there is a large portion zoned MU-C, but given the surrounding land uses in this area being residential, the MU-N permits less intense uses and acts as a better buffer than the MU-C zone district. Mr. Wallace Mendez also said that MU-N is more context sensitive and is a good transition to the existing adjacent residential uses to the east.

Mr. Cutler added that in the MU-C zone district the building heights are permitted to be taller than building heights in the MU-N zone district.

Dan Grant, resident
4645 Webster Street, Wheat Ridge

Mr. Grant feels the property owners are being greedy and is concerned if a fourplex is constructed on the site, there will be more people and vehicles on the property. He is also concerned about the height of the building because future residents would be able to look into his backyard. His final concern is that Code Enforcement has been called on this property numerous times and he wants to make sure the property is going to be maintained.

Joann Warner, resident
4635 Webster Street, Wheat Ridge

Ms. Warner feels this is too much growth for this property and thinks it should be commercial zoning.

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

- Is there a site plan in place?

  Mr. Cutler confirmed there is no site plan at this time. He explained that the development will go through a site plan review and the site will be brought into compliance. He added that if the building is 3 stories in height then the setback would be increased to 15 feet.

  Mr. Wallace Mendez added that the setback will be required to be landscaped.

- Commissioner WEAVER asked if there is any way that staff can address the total amount of potential people and parking on the property.

  Mr. Wallace Mendez said in the MU-N zone district a maximum of 21 dwelling units per acre is allowed. Additionally, the City Code permits one family per dwelling, and the definition of family includes persons related by blood, marriage, adoption, or legal custody. During site plan review staff will make sure that the permitted density is not exceeded. Staff will also make sure there is adequate parking available per the minimum parking requirements in the Code.

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to recommend APPROVAL of Case No. WZ-18-06, a request for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4650 Wadsworth Boulevard for the following reasons:

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

Motion Carries 6-0.

8. OLD BUSINESS

9. NEW BUSINESS

Mr. Wallace Mendez introduced the two new Commissioners on the dais, Commissioners Peterson and Larson, and mentioned the vote for Chair and Vice Chair will take place at the next meeting, which will be in May because there is no case to hear on April 19.

He also mentioned that Ms. Mikulak had her baby in March and all are doing well.

Ms. Reckert added that there will be future training now that Planning Commission is fully represented. There is no specific date at this point. .

10. ADJOURNMENT

It was moved by Commissioner WEAVER and seconded by Commissioner DORSEY to adjourn the meeting at 7:49 p.m. Motion carried 6-0.

Scott Ohm, Chair

Tammy Odean, Recording Secretary

City of Wheat Ridge

ITEM NO: 4.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 13-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 12600 W. 42nd AVENUE FROM AGRICULTURAL-ONE (A-1) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-18-08/BALL)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (05/14/2018)
☐ ORDINANCES FOR 2ND READING (06/11/2018)

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 Commercial Development (PCD) for property located at 12600 W. 42nd Avenue.

The purpose of the rezoning is to approve a list of limited commercial uses for future development of the property. The Outline Development Plan (ODP) also depicts the general location of building footprints, parking areas and perimeter landscape buffers.

PRIOR ACTION:
Planning Commission heard this request at a public hearing on May 3, 2018, and gave a recommendation of approval for the following reasons:

1. The proposed zone change will not result in an adverse effect on the surrounding area and could serve as a catalyst for additional investment in the area.
2. The proposed zoned change is consistent with the goals and objectives of the City's Comprehensive Plan and the I-70/Kipling Corridor Urban Renewal Plan.

3. The criteria used to evaluate a zone change support the request.

With the following condition:

1. A minimum of 25% office space is required with warehouse or workshop primary use with office use to be determined and defined at the discretion of the Community Development Director.

The staff report and meeting minutes from that 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 $1,244 were collected for the review and processing of Case No. WZ-18-08.

If the proposed rezoning is approved, there could be an advancement of the City's goals for the redevelopment of underutilized properties in the community.

BACKGROUND:
The property is located on West 42nd Avenue at its intersection with Xenon Street. The property is zoned Agricultural-One (A-1), which allows large-lot, single-family residential and associated light agricultural uses. The site is the only vacant lot on the south side of 42nd extending from Xenon to Youngfield. The parcel is 47,748 square feet, or 1.1 acres. There are no public improvements on West 42nd along the property frontage.

Surrounding Land Uses
This property is located in an area of transition with a mix of zoning districts and uses. The south side of 42nd Avenue on either side of the property is zoned A-1, and includes the Prospect Recreation & Park District facility to the east and a single-family home to the west. The Clear Creek greenbelt and 100-year flood plain is located to the south of the property and is undeveloped. The north side of 42nd Avenue is zoned Restricted-Commercial (R-C), and is home to a mix of businesses, including the Wheat Ridge Head Start preschool and a multi-tenant "flex" building. Lots to the north on Xenon Street are zoned Agricultural-Two (A-2), which allows for single-family dwellings and more intensive and commercially oriented agricultural uses. Xenon Street going north contains a mix of single-family homes and businesses, including a dog boarding facility.

Current and Proposed Zoning
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.

Through the planned development process, the applicant has the ability to propose a list of uses allowed on the property to ensure compatibility in this mixed use area. A list of uses has been proposed which are both commercial and semi-industrial but are lower in impact than other uses

allowed in the City's Commercial and Industrial-Employment zone districts. Taken from the commercial use chart are uses which include general offices, medical offices, vet clinics and fine art studios. Uses taken from the industrial use chart include research laboratories, light manufacturing and wholesale businesses. Due to the proximity of the residential property to the west, many of the higher impact uses were not supported by staff and have been removed from the use list through the staff review process.

The application has been through the standard referral process with no concerns raised by any outside agencies or City departments. A separate referral process will be required as part of future site development.

A letter of objection was received from the property owner of 4225 Vivian Street and 4200 Xenon Street. This letter will be included in the packet for second reading.

RECOMMENDATION:
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 only sets the date for the public hearing, and for this reason, the packet materials provided on first reading are generally limited.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 13-2018 an ordinance approving the rezoning of property located at 12600 W. 42nd Avenue from Agricultural-One (A-1) to Planned Commercial Development (PCD) and for an Outline Development Plan on first reading, order it published, public hearing set for Monday, June 11, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication."

REPORT PREPARED/REVIEWED BY:
Meredith Reckert, Senior Planner
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 13-2018

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 13
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 12600 W. 42nd AVENUE FROM AGRICULTURAL-ONE (A-1) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-18-08/BALL)

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 Ball has submitted a land use application for approval of a zone change to the Planned Commercial Development zone district and for approval of an ODP for property located at 12600 W. 42nd Avenue; and,

WHEREAS, a zone change will allow for an expanded mix of uses which may facilitate development of an underutilized property; and,

WHEREAS, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws;

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

Section 1. Upon application by Chris Ball for approval of a zone change from Agricultural-One (A-1) to Planned Commercial Development (PCD) and for approval of an Outline Development Plan (ODP) for property located at 12600 W. 42nd 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:

Lot 1, Block 1, Rock Subdivision Filing No. 1, County of Jefferson, State of Colorado.

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

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The

City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 14th day of May, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 11, 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 eleventh day of June, 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:

City of Wheat Ridge

ITEM NO: 5.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 14-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7955 W. 42nd AVENUE FROM RESIDENTIAL-TWO (R-2) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-17-08/ENVIROFINANCE GROUP)

- ☐ PUBLIC HEARING
- ☐ BIDS/MOTIONS
- ☐ RESOLUTIONS
- ☒ ORDINANCES FOR 1ST READING (05/14/2018)
- ☐ ORDINANCES FOR 2ND READING (06/11/2018)

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director **City Manager**

ISSUE:
The applicant is requesting approval of a zone change from Residential-Two to Planned Residential Development (PRD) for property located at 7955 W. 42nd Avenue.

The purpose of the rezoning is to allow development of the property with townhomes. A total of 16 units are proposed for this 1.3 acre parcel.

PRIOR ACTION:
Planning Commission will hear this request at a public hearing on May 17, 2018, and will provide a recommendation to City Council. The staff report and meeting minutes from that 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 $1,188 were collected for the review and processing of Case No. WZ-17-08.

If the proposed rezoning is approved, there could be an advancement of the City's goals for the redevelopment of underutilized properties in the community and for increased housing options.

BACKGROUND:

The property is located on West 42nd Avenue where it dead-ends west of Yarrow Street. The property is zoned Residential-Two (R-2), which allows single and two-family residential development. There is an existing home on the western portion of the property and the rest is vacant.

Surrounding Land Uses

Surrounding properties include a variety of land uses. Immediately to the west is a parcel zoned Residential-Two (R-2) that contains an urban garden, owned by the City of Wheat Ridge, and known as Happiness Gardens. Beyond that parcel to the west are properties zoned R-2 that contain primarily single-family dwellings. To the south are the fields for the Wilmore-Davis Elementary School, owned by Jefferson County School District. Also on the southern side of the subject property are properties zoned R-2 that contain single-family homes. To the east is a multi-family property zoned Residential Three (R-3). The property to the north was the site of a greenhouse which has been demolished and the soil remediated.

Current and Proposed Zoning

The existing R-2 zoning on the property allows single and two-family residential development. It is the intent of this zone change to assemble the eastern portion of the subject parcel with the land to the north at 4255 Yarrow Street to allow for redevelopment of the site into multi-family, owner-occupied townhomes. The parcel on Yarrow Street was rezoned from Residential-Two to Mixed Use-Neighborhood pursuant to Case No. WZ-16-08. This zoning allows both commercial and residential use. There are several other cases related to this development that City Council will be considering at the June 11, 2018, public hearing. The existing single family home on the western portion of the lot will remain "as is".

The application has been through the standard referral process with no concerns raised by any outside agencies or City departments. A separate referral process will be required as part of future site development.

RECOMMENDATION:

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 <u>second</u> 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 only sets the date for the public hearing, and for this reason, the packet materials provided on first reading are generally limited.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 14-2018 an ordinance approving the rezoning of property located at 7955 W. 42nd Avenue from Residential-Two (R-2) to Planned Residential Development (PRD) and for an Outline Development Plan on first reading, order it published, public hearing set for Monday, June 11, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication."

REPORT PREPARED/REVIEWED BY:
Meredith Reckert, Senior Planner
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 14-2018

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 14
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 7955 W. 42nd AVENUE FROM RESIDENTIAL-TWO (R-2) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-17-08/ENVIROFINANCE GROUP)

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, EnviroFinance Group has submitted a land use application for approval of a zone change to the Planned Residential Development zone district and for approval of an ODP for property located at 7955 W. 42nd Avenue; and,

WHEREAS, a zone change will allow for redevelopment opportunities on an underutilized property and increased housing options; and,

WHEREAS, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws;

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

Section 1. Upon application by EnviroFinance Group (EFG) for approval of a zone change from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) for property located at 7955 W. 42nd 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 property addressed as 7955 W. 42nd Avenue located within the following described land:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 23, BEING A FOUND 3-1/4" DIAMETER BRASS CAP AND ALUMINUM MONUMENT IN RANGE BOX, MARKED "CITY OF WHEAT RIDGE PLS 13212", WHENCE THE SOUTH QUARTER CORNER OF SAID SECTION, BEING A FOUND 3-1/4" DIAMETER BRASS CAP AND ALUMINUM MONUMENT IN RANGE BOX, MARKED "CITY OF WHEAT RIDGE PLS 13212", IS ASSUMED TO BEAR SOUTH

00°10'11" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE SOUTH 68°54'09" WEST A DISTANCE OF 732.50 FEET TO THE WESTERLY RIGHT-OF-WAY OF YARROW STREET AND THE **POINT OF BEGINNING**;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 00°13'43" EAST A DISTANCE OF 386.23 FEET;
THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 23.53 FEET, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'14" AND WHICH CHORD BEARS SOUTH 44°42'40" WEST A DISTANCE OF 21.29 FEET;
THENCE SOUTH 89°39'02" WEST A DISTANCE OF 618.95 FEET;
THENCE NORTH 00°15'42" WEST A DISTANCE OF 394.56 FEET;
THENCE NORTH 89°40'58" EAST A DISTANCE OF 104.15 FEET;
THENCE NORTH 00°15'42" WEST A DISTANCE OF 7.00 FEET;
THENCE NORTH 89°40'58" EAST A DISTANCE OF 530.00 FEET TO THE POINT OF BEGINNING.
SAID DESCRIBED PARCEL OF LAND CONTAINS 253,373 SQ. FT. OR 5.8250 ACRES, MORE OR LESS.

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 14th day of May, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 11, 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 eleventh day of June 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:

City of Wheat Ridge

ITEM NO: 6.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 27-2018 – A RESOLUTION AMENDING THE FISCAL YEAR 2018 2E BOND FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF $447,708 FOR THE PURPOSE OF REVISING THE ANDERSON PARK MASTER PLAN TO RETAIN A LIGHTED BASEBALL FIELD AND ADD A REMOVABLE OUTFIELD FENCE TO ALLOW FOR A MULTI-USE FIELD

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Parks and Recreation Director **City Manager**

ISSUE:
Consensus was reached by City Council at the April 16 study session to revise the Anderson Park Master Plan to retain a lighted baseball field and add a removable outfield fence as part of the 2E Bond Anderson Park Renovation project. When removed, the outfield fence will expand the baseball field into a multi-use field for other activities. A supplemental budget appropriation in the amount of $447,708 is required to fund these revisions to the Anderson Park Master Plan.

PRIOR ACTION:
On March 27, 2017, City Council awarded a contract to MIG, Inc. to prepare a concept plan for Anderson Park and concept design for improvements to the Anderson Building and the Outdoor Pool bathhouse.

On October 16, 2017, City Council consensus was reached to revise the proposed Anderson Park Master Plan to retain the baseball field with the opportunity to light the field in the future.

On October 23, 2017, City Council approved Resolution 39-2017 adopting the Anderson Park Master Plan, which included replacing the baseball field with a multi-use field.

On November 27, 2017, City Council awarded a contract to Barker Rinker Seacat Architecture for Anderson Park renovation design and construction documents.

On March 5, 2018, City Council consensus was reached to direct staff to investigate alternative options to retain a lighted baseball field in the city and estimate the costs associated with those options.

On April 16, 2018, City Council consensus was reached to revise the Anderson Park Master Plan to retain the baseball field with a removable outfield fence, replace the lights and add a multi-use field.

FINANCIAL IMPACT:

The 2E Bond Fund includes a total of $4 million for the Anderson Park Renovation project. Additional funds have been budgeted in the Open Space and Conservation Trust Fund budgets in the amount of $1,950,000 in 2018 and 2019 to meet the estimated construction budget for the design reflected in the adopted Anderson Park Master Plan for a total budget of $5,950,000.

Additional funding in the amount of $447,708 is required to retain the baseball field, replace the lights and add a removable outfield fence. Approximately $600,000 in interest revenue is available in the 2018 2E Bond Fund to fund this supplemental budget request. If this supplemental budget appropriation is approved the total budget for this project will increase to $6,397,708.

BACKGROUND:

The renovation of Anderson Park is one of the four projects approved by voters through the 2E Bond Issue, Investing 4 the Future, in November of 2016. The improvements associated with this project are intended to provide an updated park that functions effectively for the current uses, future trends and park users.

A public input process was conducted by MIG, Inc. and Barker, Rinker, Seacat Architecture to determine the final adopted Anderson Park Master Plan recommendation. An in-depth process of public outreach ensured that the Master Plan reflected the desires and needs of the Wheat Ridge community. Residents, business owners and stakeholders were invited to focus groups, an open house, a pop-up workshop and a final community meeting. Input was provided through written comments, interactive exercises, voting, facilitated discussions and one-on-one conversations. An additional group of neighbors, business owners, parks staff and events organizers participated in focused discussions and a digital design charrette which helped to inform the final plan. All input was tallied and considered and the final design best reflected a majority of the feedback received from the community.

At the April 16 study session, City Council requested detailed information on the removable fence design. This design will consist of a 6 foot high, lightweight, fence panel system, with insert sleeves and caps installed in ground. The width of the panels are 10 feet. A cut sheet representing the type of fence that meets program and maintenance needs is attached. Depending on the cost of this fence a custom chain link similar in design may be pursued to save cost. It is estimated that the labor required to install and remove the fence is two staff at 16 hours each for a total of 32 hours.

In addition, City Council also requested the new schedule for use of the baseball and multi-use fields. The attached document represents the calendar year, month to month schedule. The first column is the current schedule and second column is the proposed new schedule. The main difference between the current and the new schedule is the fall months will now be primarily soccer usage as opposed to baseball usage. There is flexibility to accommodate new requests for special events and festivals by cancelling or rescheduling sports games and practices during a special event. If a request was approved during the spring months the fence would be removed.

RECOMMENDATIONS:

Staff recommends approval of the supplemental budget appropriation to revise the Anderson Park Master Plan to retain a lighted baseball field with a removable outfield fence to allow for a multi-use field.

Additional public input received from baseball field advocates included a request to replace the current lights to the Engineering Society Sports and Recreational Area Lighting standard with a higher illuminating system (70-50) that would meet the requirements for college level play. Staff recommends replacing the lights with the recommended illumination system (50-30) which meets the requirements of the planned usage of the field, which is youth and recreational league play. The higher illuminating system (70-50) would cost an estimated additional $117,600. An additional $32,000 is the cost to upgrade the 50-30 fixture light poles to accommodate a higher illuminating system in the future.

RECOMMENDED MOTION:

"I move to approve a Resolution No. 27-2018 – a resolution amending the fiscal year 2018 2E Bond Fund budget to reflect the approval of a supplemental budget appropriation in the amount of $447,708 for the purpose of revising the Anderson Park Master Plan to retain a lighted baseball field and add a removable outfield fence to allow for a multi-use field."

Or,

"I move to postpone indefinitely Resolution No. 27-2018 – a resolution amending the fiscal year 2018 2E Bond Fund budget to reflect the approval of a supplemental budget appropriation in the amount of $447,708 for the purpose of revising the Anderson Park Master Plan to retain a lighted baseball field and add a removable outfield fence to allow for a multi-use field for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Joyce Manwaring, Director of Parks and Recreation
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 27-2018
2. Illustration of removable outfield fencing system
3. Baseball multi-use field program schedule – current and future

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 27
Series of 2018

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2018 2E BOND FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF $447,708 FOR THE PURPOSE OF REVISING THE ANDERSON PARK MASTER PLAN TO RETAIN A LIGHTED BASEBALL FIELD AND ADD A REMOVABLE OUTFIELD FENCE TO ALLOW FOR A MULTI-USE FIELD

WHEREAS, the renovation of Anderson Park is one of four projects approved by voters through the 2E Bond Issue, Investing 4 the Future, in November 2016; and

WHEREAS, City Council wishes to revise the Anderson Park Master Plan to retain a lighted baseball field with a removable outfield fence to allow for a multi-use field; and

WHEREAS, additional funding in the amount of $447,708 is required to retain a lighted baseball field with a removable outfield fence and multi-use field; and

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

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

A transfer of $447,708 is hereby approved from Fund 31 budget undesignated reserves to account #31-104-800-805 and the 2018 revenues are amended accordingly.

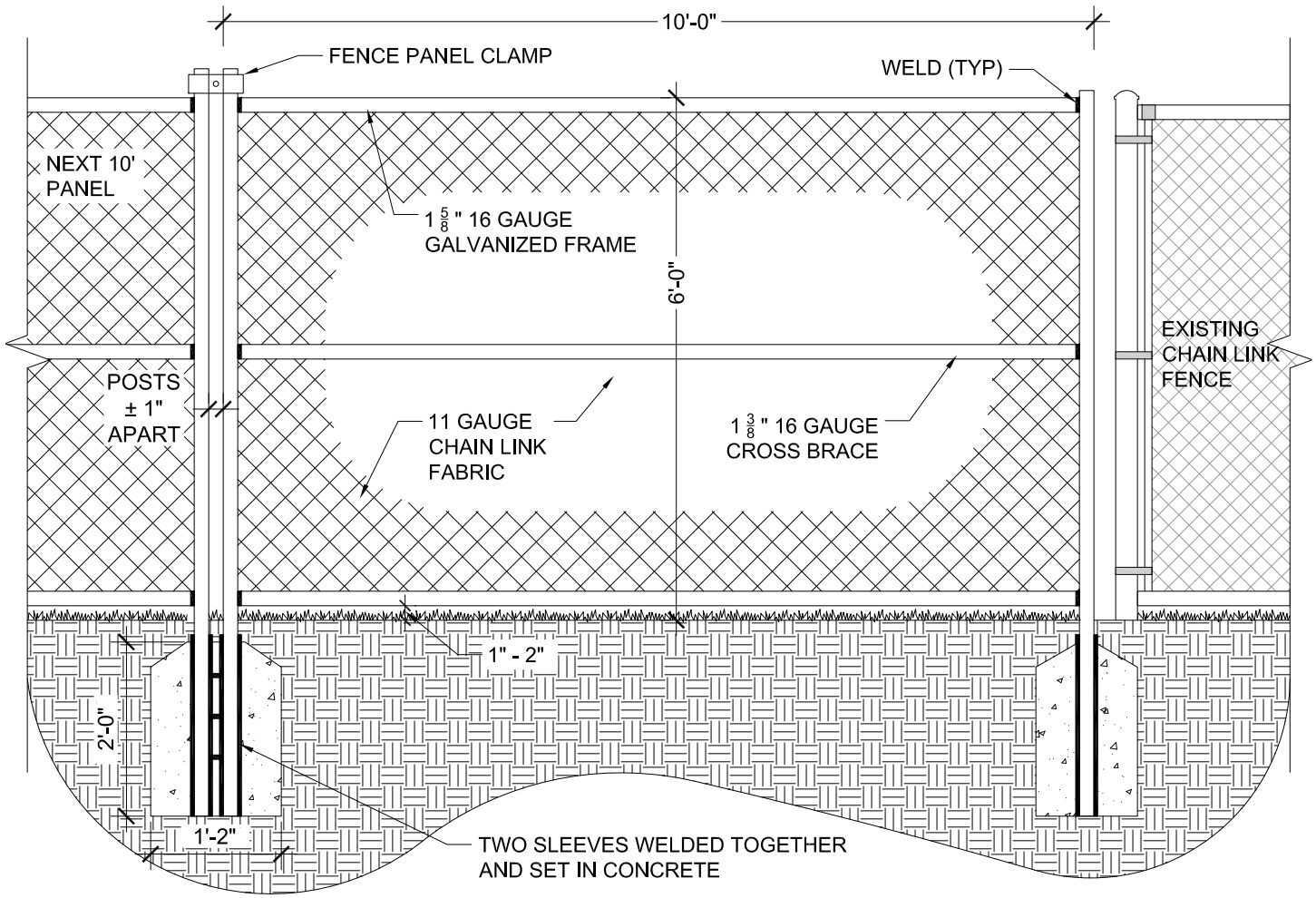
DONE AND RESOLVED this 14th day of May 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1



NOTES:

1. SLEEVES TO HAVE SOFT REMOVABLE CAPS TO SEAL SLEEVES WHEN FENCE PANELS ARE NOT IN USE.
2. FABRIC TO BE SECURED TO FRAME WITH 12.5 GAUGE LACING ON ALL FOUR SIDES.

Section

REMOVABLE OUTFIELD FENCE

Scale: $\frac{1}{2}$" = 1'-0"

ATTACHMENT 2

Anderson ParkBaseball/Multi-Use Field - *Annual Programming*

	Current Schedule		New Schedule
Jan	No programing - field closed for winter		No programming - field closed for winter
Feb	Field closed for winter until 3rd week Soccer weeknight practices start 3rd week (outfield)	**fence installed 2/19**	Field closed for winter until 3rd week Soccer weeknight practices start 3rd week (outfield)
Mar	WRHS 3rd Level Baseball practices (weekday afternoons) Mens Baseball - preseason practices (nights & weekends)		WRHS 3rd Level Baseball practices (weekday afternoons) Mens Baseball - preseason practices (nights & weekends)
Apr	WRHS 3rd Level Games (weekday afternoons) Mens Baseball Games (weekday evenings & weekends)	**fence removed if needed**	WRHS 3rd Level Games (weekday afternoons) Mens Baseball Games (weekday evenings & weekends) Festival opportunity
May	WRHS 3rd Level Games (weekday afternoons) Mens Baseball Games (weekday evenings & weekends)		WRHS 3rd Level Games (weekday afternoons) Mens Baseball Games (weekday evenings & weekends)
Jun	Mens Baseball Games (weekday evenings & weekends)		Mens Baseball Games (weekday evenings & weekends)
Jul	Mens Baseball Games (weekday evenings & weekends)		Men s Baseball Games (weekday evenings & weekends)
Aug	Mens Baseball Games (weekday evenings & weekends)	**fence removed 8/6**	Carnation Festival events Youth soccer practices (weeknights), Games (weekends)
Sep	Mens Baseball playoffs (weekday evenings & weekends)		Youth soccer practices (weeknights), Games (weekends)
Oct	No programming - Infield closed for maintenance		Youth soccer practices (weeknights), Games (weekends) Soccer field open - Infield closed for maintenance
Nov	No programming - field closed for winter		Youth soccer practices (weeknights), Games (weekends)
Dec	No programming - field closed for winter		No programming - field closed for winter

ATTACHMENT 3

City of Wheat Ridge

ITEM NO: 7.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 28-2018 – A RESOLUTION APPROVING THE ACCEPTANCE OF THE WHEATIES ACADEMY COMMUNITY ART PROJECT PROPOSAL BY JENUINE & BLU

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Parks and Recreation Director

City Manager

ISSUE:
Included as part of the curriculum for The Wheaties Academy is a community Public Art project. The Cultural Commission has received a request to approve the recommendation for a temporary piece of art, selected by a Public Art Acquisition Committee, convened per the guidelines of the Public Art Management Plan, for a temporary piece of art to be installed at Anderson Park.

PRIOR ACTION:
The Cultural Commission Public Art Management Plan outlines a formal process for approving temporary public art acquisitions. The Cultural Commission convened an art acquisition committee to review the final selections for the community art project. The Wheaties Academy was responsible for issuing the call for entries. The commissioned art is to be an engaging and fun artwork that represents the Wheat Ridge community. It will be installed along one façade of the Anderson Pool Building in Anderson Park from Memorial Day 2018 to Labor Day 2018.

The Academy accepted all entries, reviewed the entry proposals, and submitted three recommendations to the public art acquisition committee. The committee then selected one proposal for recommended acceptance by the Cultural Commission.

FINANCIAL IMPACT:
The Wheaties Academy will award $2,000 for the selected proposal to cover the artist(s) honorarium and up to an additional $500 for fabrication costs. Wheaties Academy and the City of Wheat Ridge will cover reasonable costs for installation including posts, framing supports, and/or materials needed to affix the artwork to the building or as a free-standing display.

BACKGROUND:
The Cultural Commission acts on behalf of the City to enhance the public spaces and provide for a more aesthetic and humane environment in the City by acquiring temporary works of art. Their duties include making recommendations on issues concerning culture and the arts to City Council and to promote and develop positive relationships with other persons and entities interested in promotion of culture and the arts.

The Wheaties Academy is a grassroots leadership program hosted by Localworks. Wheaties Academy provides dedicated community members with the skills to turn inspiration into ideas and ideas into action as they work together to creatively address issues by demonstrating possibilities in Wheat Ridge. Inspired by the City's commitment to invest in Anderson Park, this year's academy participants selected commissioning a community art piece at the Anderson Pool Building for their community project requirement for the following reasons:

1. Anderson Park connects with a diverse, broad, inclusive and large audience that is representative of our whole community.
2. The park and the building are welcoming and accessible to all community members.
3. The park and pool already offer extensive programming to attract people which will connect them with the final piece of art.
4. The upcoming renovation is an exciting next step in the City's story which invokes the "what's next" question.
5. This is a unique opportunity to demonstrate incorporating community art into civic and municipal projects, inspire more community art moving forward and elevate awareness of Wheat Ridge's local art scene.

The temporary art will become the property of the Wheaties Academy/Localworks at the end of the display period, Labor Day 2018.

RECOMMENDATIONS:
The recommendation by the Cultural Committee to City Council for acceptance of the Jenuine & Blue proposal of the Wheaties Academy community art project is pending action at the Wednesday, May 9, 2018, Cultural Commission meeting.

RECOMMENDED MOTION:
"I move to approve Resolution No. 28-2018, a resolution approving the acceptance of the Wheaties Academy Community Art Project proposal by Jenuine & Blu."

Or,

"I move to postpone indefinitely Resolution No. 28-2018, a resolution approving the acceptance of the Wheaties Academy Community Art Project proposal by Jenuine & Blu for the following reason(s) _____."

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

ATTACHMENTS:
1. Resolution No. 28-2018
2. Jenuine & Blu Proposal
3. Jenuine & Blu Artwork

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 28
Series of 2018

TITLE: A RESOLUTION APPROVING THE ACCEPTANCE OF THE WHEATIES ACADEMY COMMUNITY ART PROJECT PROPOSAL BY JENUINE & BLU

WHEREAS, the City Council desires to enhance the public spaces and provide for a more aesthetic and humane environment in the City by acquiring temporary works of art; and

WHEREAS, Wheaties Academy; a grassroots leadership program of Localworks, commissioned an engaging and fun artwork project that represents the community; and

WHEREAS, Wheaties Academy requested artists include a component of community interaction into the artwork; and

WHEREAS, the Cultural Commission is recommending acceptance of this temporary art;

WHEREAS, the Public Art Action Plan process requires approval and acceptance of all public art by City Council;

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

The City accepts the temporary art of the Wheaties Academy Community Art Project proposal by Jenuine & Blu

DONE AND RESOLVED this 14th day of May 2018.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

VIDEO PRODUCTIONS

ARTWORK PROPOSAL

- *Visual representation of the proposed artwork including any detail sketches and exact dimensions:*

Dimensions: 15' (width) x 7.5 (height)

(visual examples of state/city name made up of - containing - illustrative photography/artwork inside each letter)

- *Written description of the work and how it will invite viewers of all ages and backgrounds to connect with our city's past, see themselves as part of its present and be inspired to shape its future.*
  To connect and maintain continuity with Wheat Ridge's existing "retro" brand our concept is to create an oversized vintage-style, large type postcard for Wheat Ridge that would showcases many of the city's wonderful and unique features, historical points of interests and outdoor offerings. Further, the 'postcard' concept will serve as a vibrant and iconic "invitation" for visitors (as well as new residents just moving to the Denver metro area) come to Wheat Ridge, to get their picture taken in front of the piece (and share through their social media accounts) and to consider visiting, shopping and/or even moving to our fair city.

- *Explanation of how the community will contribute to the artwork either through community-generated elements incorporated into the final piece and/or community participation in executing the installation or installation and/or an element of the final piece to be programmed after installation.*
  To "introduce" the project and our design to the city (and possibly beyond) we would circulate a press release/article that would create media attention and local/public awareness. In order to generate grassroots interest, as well as public participation, we would use local newspapers, Facebook, etc., to invite Wheat Ridge residents to help "fill the letters" with iconic visual ideas that best represented Wheat Ridge's past, present and future.

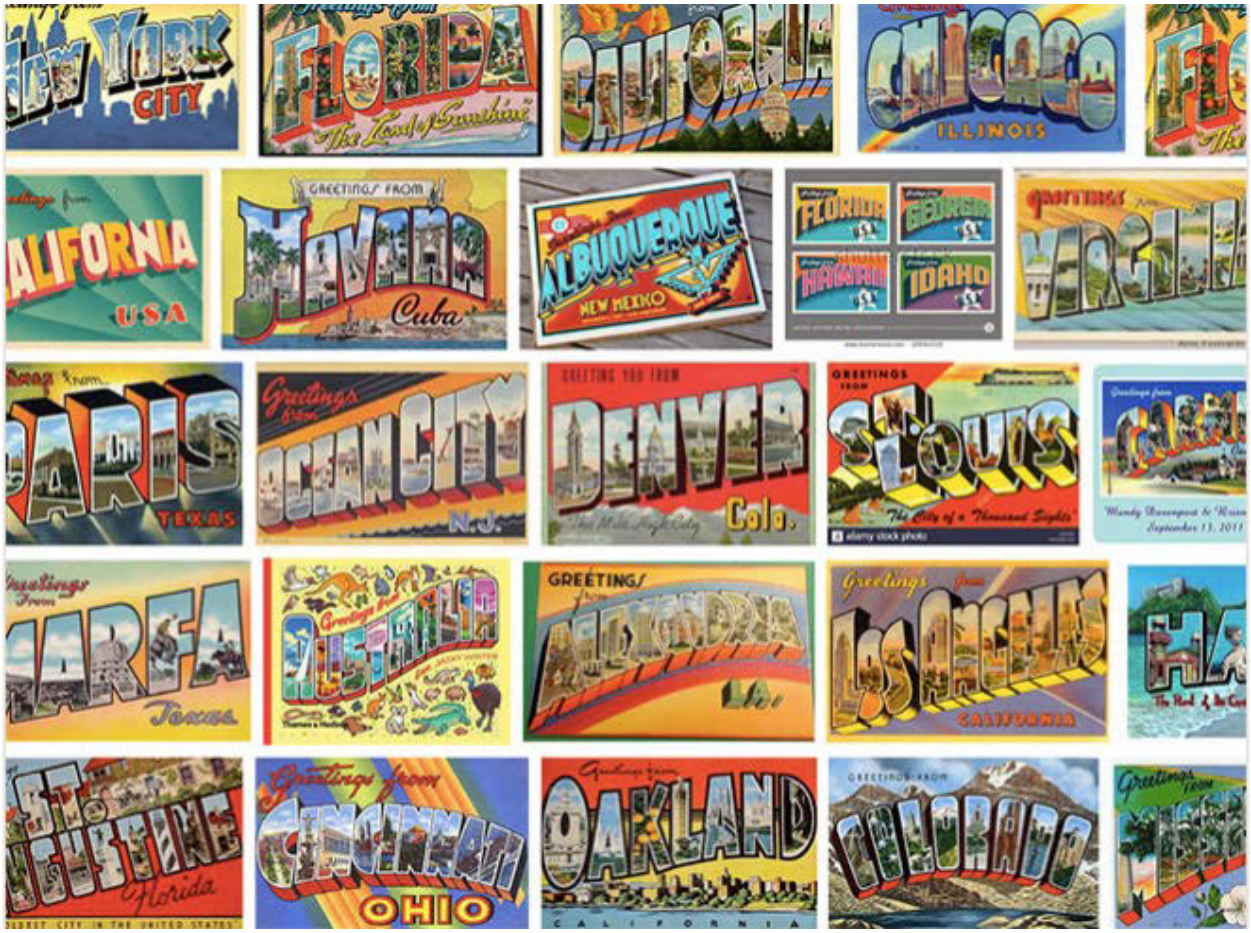
ATTACHMENT 2

Winning entrants could be invited to the final art installation, get their pictures taken in front of it with the mayor and possibly receive gift card(s) (???) supplied by Wheat Ridge's many local eateries, shops, micro brew pubs, etc.

- *Description of how the piece can be dismantled and relocated.*
  We will create a billboard that reflects/mimics the trapezoid shape of the rec center wall. The artwork itself would be created digitally and printed and output onto a single, large (oversized) vinyl sheet that would be wrapped around the wooden (billboard) structure. Because the postcard image will be printed on a vinyl wrap, removal, transport, storage, etc., will be extraordinarily simple and convenient and easy to recreate/use elsewhere.

- *List of materials needed for artwork and installation and approximate cost if known.*
  - 6 - 8 sheets of 3/4" thick 4' x 8' plywood
  - 2 4"x 4"x 8" cedar posts
  - 2 lbs of nails/screws
  - 1 (approx.) 14' x 20' digitally printed vinyl wrap
  - Costs (depending on supplier) approx. $1000

ATTACHMENT 3


YORK
CITY
FLORIDA
The Land of Sunshine
CHICAGO
ILLINOIS
ALIFORNIA
USA
GREETINGS FROM
HAVANA
Cuba
ALBUQUERQUE
NEW MEXICO
FLORIDA
GEORGIA
HAWAII
IDAHO
PARIS
TEXAS
Greetings from
OCEAN CITY
N.J.
GREETING YOU FROM
DENVER
Colo.
GREETINGS FROM
ST. LOUIS
The City of a Thousand Sights
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Greetings from
Greetings from
Texas
GREETINGS
Greetings from
LOS ANGELES
CALIFORNIA
Florida
Greetings from
CINCINNATI
OHIO
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OAKLAND
CALIFORNIA
GREETINGS FROM
COLORADO
Greetings from

ITEM NO: 8.
DATE: May 14, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO RATIFY THE MAYORAL APPOINTMENT(S) OF MICHELE KOONS TO THE DISTRICT I POSITION AND VALERIE NOSLER BECK TO THE DISTRICT IV POSITION ON THE WHEAT RIDGE URBAN RENEWAL AUTHORITY dba RENEWAL WHEAT RIDGE

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Janelle Shaver
City Clerk

Daniel Hoff
City Manager

ISSUE:
There are two vacant positions with existing terms on the Renewal Wheat Ridge Board in District I - term expiring March 2, 2019, and in District IV - term expiring March 2, 2021.

The vacancies were advertised in the Wheat Ridge Transcript, Channel 8, Facebook, and the City's website. Applications were received and compiled by the Clerk's office with notification sent to the Mayor on the status.

Mayor Starker is requesting ratification of the appointments of Michele Koons to the District I position, term to expire March 2, 2019, and Valerie Nosler Beck to the District IV position, term to expire March 2, 2021.

PRIOR ACTION:
None

FINANCIAL IMPACT:
None

BACKGROUND:
Members of Renewal Wheat Ridge are appointed by the Mayor and ratified by City Council.

RECOMMENDATIONS:
Mayor Starker is recommending that Michele Koons be appointed to Renewal Wheat Ridge, District I, term to expire March 2, 2019.

Mayor Starker is recommending that Valerie Nosler Beck be appointed to the Renewal Wheat Ridge, District IV position, term to expire March 2, 2021.

RECOMMENDED MOTIONS:

1) "I move to ratify the Mayoral appointment of Michele Koons, District I, to the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire March 2, 2019."

2) "I move to ratify the Mayoral appointment of Valerie Nosler Beck, to the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire March 2, 2021."

Or

"I move to postpone indefinitely the Mayoral appointment of Michele Koons to the District I Position of the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire March 2, 2019, for the following reason(s) _____."

"I move to postpone indefinitely the Mayoral appointment of Valerie Nosler Beck to the District IV Position of the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire March 2, 2021, for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Janice Smothers, Administrative Assistant to the Mayor and Council
Patrick Goff, City Manager

ATTACHMENTS:
1. Michele Koons, Application for Appointment
2. Valerie Nosler Beck, Application for Appointment
3. Renewal Wheat Ridge Applications Received

ATTACHMENT 1

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Renewal Wheat Ridge Board

(Board/Commission/Committee)

DATE: 1/10/17 **DISTRICT:** 1

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 3.5 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

To serve and engage more with my community. To learn more about community development issues and renewal projects.

DO YOU HAVE EXPERIENCE IN THIS AREA?

Not really. I have a PhD in archaeology and have worked with developers and oil and gas companies as a consultant and in a monitoring capacity, but I don't have experience with urban renewal projects.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG?

I am on the Colorado State Historical Fund Archaeology and Historic Preservation Committee. I have been on the committee for 2.5 years.

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDENCE OR DUTIES?

Not that I know, but I don't know when the board generally meets.

PRINT NAME

Michele Koons

ADDRESS

3510 Pierce St

HOME PHONE 215-279-3301 **BUSINESS PHONE** 303-370-6457

E-MAIL ADDRESS michelekoons@gmail.com

☑ **Checking here completes your application, constitutes your signature and affirmation that the statements made are true.**

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR
City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

City of Wheat Ridge

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Renewal Wheat Ridge

(Board/Commission/Committee)

DATE: April 11, 2018 **DISTRICT:** IV

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 3.5 Years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

Wheat Ridge has multiple diverse Urban Renewal projects teed up and in the works. The future of Wheat Ridge is intrinsically tied to how these projects are executed. I have the experience and know how to provide a balanced and responsible voice on the commission.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I have worked in state government, Federal government and with local governents like Wheat Ridge on community engagement and communications. I understand all sides of an issue when presented. I also know how to execute contracts and am familiar with Urban Renewal policy.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG?

Yes. I currently sit on the Wheat Ridge Cultural Commission. I just started on April 11, 2018.

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDENCE OR DUTIES?

No.

PRINT NAME

Valerie Nosler Beck

ADDRESS

4325 Everett Street Wheat Ridge CO 80033

HOME PHONE same **BUSINESS PHONE** 303-350-0772

E-MAIL ADDRESS valbeck303@gmail.com

☑ **Checking here completes your application, constitutes your signature and affirmation that the statements made are true.**

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR
City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

City of Wheat Ridge

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Renewal Wheat Ridge-At Large

(Board/Commission/Committee)

DATE: 1/10/18 **DISTRICT:** 2

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 3.5 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

I have been looking for a way to get involved in the community since we moved to Wheat Ridge. One of the reasons we chose to make Wheat Ridge our home was the small town, neighborhood feeling that existed here, even inside a bigger metropolitan area. I have lived in Colorado my entire life and understand the unique opportunities and challenges that are facing us as we deal with the unprecedented growth in our state. I think volunteering on the Renewal Wheat Ridge Commission is the perfect way to help Wheat Ridge become the best city it can be, while still staying true to its roots.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I have worked on state level public policy, but do not have any experience in the municipal arena. I have a surface level understanding of Urban Renewal, but not indepth knowledge.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG?

No

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDENCE OR DUTIES?

No

PRINT NAME

Krystal Knutson

ADDRESS

3850 Kendall Street Wheat Ridge, CO 80033

HOME PHONE 303-884-3926 **BUSINESS PHONE**

E-MAIL ADDRESS Knutson.Krystal@gmail.com

☑ **Checking here completes your application, constitutes your signature and affirmation that the statements made are true.**

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR
City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Renewal Wheat Ridge

(Board/Commission/Committee)

DATE: 01/08/2018 **DISTRICT:** 2

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 3.5 years

ARE YOU A REGISTERED VOTER? Y

WHY ARE YOU SEEKING THIS APPOINTMENT?

I believe it's important to be an active member of my community by being civically engaged.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I am interested in smart planning and revisiting Wheat Ridge's brand as a pro-business destination for visitors and residents alike.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG?

I've previously served on the Arapahoe County Citizens Budget Committee and the Littleton Historic Preservation Board.

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDENCE OR DUTIES?

I do work full-time and have two young kids.

PRINT NAME

Richard Coolidge

ADDRESS

4050 Chase Street

HOME PHONE 303-478-4276 **BUSINESS PHONE**

E-MAIL ADDRESS rich.coolidge@gmail.com

☐ **Checking here completes your application, constitutes your signature and affirmation that the statements made are true.**

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR
City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

City of Wheat Ridge

RECEIVED
2017 AUG
CITY OF WHEAT RIDGE

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Renewal Wheat Ridge Board

(Board/Commission/Committee)

DATE: 08/18/2017 **DISTRICT:** III

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 11 Years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

I want to make a difference in my community. I want to help Wheat Ridge make sound financial decisions, and invest in businesses that will attract new citizens to live and work here.

DO YOU HAVE EXPERIENCE IN THIS AREA?

Yes, I am very involved in residential real estate transactions, and finance.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG?

I was a Vestry member and Junior Warden at St John Chrysostom Church in Golden, CO for 7 years. The Vestry handles the financial decisions of the church.

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDENCE OR DUTIES?

Nothing I can see now, would impede my attendance.

PRINT NAME

Greg Miller

ADDRESS

3780 Tabor Ct Wheat Ridge, CO 80033

HOME PHONE 3035017526 **BUSINESS PHONE** 3034308305

E-MAIL ADDRESS greg60622@yahoo.com

☑ **Checking here completes your application, constitutes your signature and affirmation that the statements made are true.**

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR
City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

Board & Commission Application
City of Wheat Ridge

PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION

APPLICATION FOR APPOINTMENT TO THE:

Renewal Wheat Ridge, At Large (term expires November 2022)
(BOARD/COMMISSION/COMMITTEE)

DATE: 11/30/2017 DISTRICT At Large

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 2 yrs

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT? I believe in community service, and this is an area that I have passion and experience. I grew up not too far from here in Westminster and am very happy to be back. I would like to help make Wheat Ridge a better place for all of its residence.

DO YOU HAVE EXPERIENCE IN THIS AREA? Yes. As a civilian employee over the last 21 years, I have worked on 4 military bases in the pacific (3 Navy and 1 Army). At each, I served on planning boards and committees that oversaw facilities, their use, and renewal.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG? No

ARE YOU EMPLOYED BY THE CITY OF WHEAT RIDGE? No

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? None

SIGNATURE BRIAN EBEL Digitally signed by BRIAN EBEL Date: 2017.11.30 08:23:19 -07'00'

PLEASE PRINT OR TYPE NAME: Brian J Ebel

ADDRESS: 3550 Moore Court, Wheat Ridge ZIP: 80033

HOME PHONE: 720 275-0363

BUSINESS PHONE: 303 445-0363

E-MAIL ADDRESS: BrianEbel@yahoo.com

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR