AGENDA

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

July 23, 2018
7:00 p.m.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF Council Minutes of July 9, 2018 and Study Session Notes of June 18, 2018 and July 2, 2018

PROCLAMATIONS AND AWARDS

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

PUBLIC HEARING AND ORDINANCES ON SECOND READING

1. Council Bill 17-2018 – approving the rezoning of property located at 9800 W. 38th Avenue from Residential-One (R-1) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) (Case No. WZ-18-9/Laudick)

ORDINANCES ON FIRST READING

2. Council Bill 22-2018 – creating a new Section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of Freestanding Emergency Room Facilities

3. Council Bill 21-2018 – adopting a new Section 2-9 of the Wheat Ridge Code of Laws concerning the Retention of Interest Earned on Escrow Accounts held by the City

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution No. 47-2018 – support of the recommendation to create RTD Youth and Low-Income Passes and Low Income Program for Families

5. Resolution No. 46-2018 – endorsing Statewide Transportation Sales Tax Solution

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURN TO EXECUTIVE SESSION

1. Excess Revenue Obligations under TABOR

CITY COUNCIL MINUTES

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

July 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	George Pond

Absent: Kristi Davis (excused), Janeece Hoppe (excused)

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

APPROVAL OF City Council Minutes of June 11, 2018 and June 25, 2018

There being no objections, the City Council Minutes of June 11, 2018 and June 25, 2018 were approved as published.

PUBLIC INPUT

First Opportunity for Public Input on the 2019 Budget

Rachel Hultin (WR) spoke on behalf of the Activate 38 grant. They are one year into their grant. Their goals are to work on things people have said they want – more street crossings, slower traffic, buffering from cars, and a safe place for people.

CITIZENS' RIGHT TO SPEAK

Dorothy Archer (WR) congratulated Monica Duran on her recent victory and thanked her for standing up for the citizens of District 1. She distributed to Council an article from Your Hub explaining the assessed value of homes in the County. Wheat Ridge ranked the highest, and 1-story, single-family homes also ranked the highest. This article speaks to the need for 1-story single family homes, and Council needs to respond to this. Wheat Ridge has a peace about it that would be good to preserve. Even farm style homes were two stories, not three.

Janey Jones (WR) spoke about Lateral No. 77 LLC – a ditch LLC that was formed recently, of which she is an officer. She spoke of improper activity related to the ditch, and now they want to get some culverts replaced. They've worked with the City in the past. Who should they talk to about this easement? It's not on any deed. This was set up in the 1800's. Mr. Goff suggested she give her contact information to Mr. Brink.

Evan Clark (WR) had a handout for Council and spoke about 4H. He has been in it for 8 years and it has provided many benefits for him and taught him many skills. He passed around the belt buckle and jacket he'd won. He asked for donations for the buckles and jackets that are awarded for prizes. He invited all to the fair August 9-12.

Ian Clark (WR) He recently graduated from WRHS and will be attending the U of Wyoming to study engineering. He spoke about the opportunities and skills that 4H has given him. He also passed around his prize jacket. He invited everyone to the 4H fair August 9-12 that concludes with an auction. He hopes to see everyone at the fair.

Annette Cannon (Westminster) introduced herself. She is a registered nurse and is running for Jefferson County Coroner.

Rachel Hultin (WR) thanked the City for the investment of handicapped ramps in the 38th Ave corridor. She thanked the people who helped get the mural up at Anderson Pool. She thanked those who participated in Active Living Month in June. They partnered with several organizations for 23 different events, large and small. 50 different zip codes were represented.

APPROVAL OF AGENDA

1. **CONSENT AGENDA**
   a. Motion to approve payment to Kaiser Permanente for July 2018 Membership billing in the amount of $193,409.15 *[scheduled, budgeted expenditure]*

   b. Motion to approve a Contribution to the Wheat Ridge Carnation Festival Committee in the amount of $80,000 *[budgeted]*

Councilmember Duran introduced the Consent Agenda.

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

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Council Bill 18-2018 – An Ordinance providing for a 2.5% Admissions Tax Credit, 1.5% Sales Tax Credit, and 5.0% Lodging Tax Credit against certain Public Improvement Fees paid at Clear Creek Crossing.

This Public Finance Agreement (PFA) with the Longs Peak Metropolitan District and Evergreen-Clear Creek Crossing, L.L.C. will impose a 1.5% sales tax credit, 5.0% lodging tax credit and 2.5% admissions tax credit with the District, for up to 30 years (or when the bonds are repaid), to finance the construction of public improvements. The

PFA will grant credits against these revenue sources that will be shared with the District for payment of the bonds issued to construct those public improvements.

Councilmember Fitzgerald introduced Council Bill 18-2018.

City Clerk Shaver assigned Ordinance 1649.

Mayor Starker opened the public hearing.

Staff Presentation – Patrick Goff
Mr. Goff explained briefly the long road it has been to get to the point where he can now ask for approval for several things for the Clear Creek Crossing project. He introduced representatives of several participating entities who were present.

Mr. Goff explained the finance agreement with the Longs Peak Metropolitan district.

- He reviewed the IGAs that have been approved to date as well as the rezoning and the subdivision plat that has been done.
- The range of uses includes retail, entertainment, restaurants, 300 apartment units, 200 hotel rooms, and a 26.6 acre SCL-Lutheran medical campus.
- Cost for land, hard costs (w/ hook ramps), soft costs, and financing total $64.3M.
- The public improvements cost $43.6M. $36.7M of these improvements are eligible for public financing. $6.9M will be private.
- Evergreen is asking for $20M in contribution from the City and URA to assist in paying for the public infrastructure.
  - Public assistance is deemed critical because the property lacks basic access and utility service, and is challenged topographically.
  - Without this contribution from public sources the return on cost for this project is estimated at approximately -19.0%
  - With a $20 million public assistance package, the return on cost is estimated at approximately 17%
  - A third party, EPS, has advised on this project.
  - The $20M would provide
    1- $15M in bonds issued by the metro district and the City - to be covered by Retail PIF, Admission PIF, Accommodation PIF and a 35mills property tax.
    2- $5m loan from URA (100% property tax increment for 10 years). The URA has already been approved for the loan.
- Estimated new revenue for the City in general merchandise tax, admission tax, accommodations tax, a one-time use tax (for building construction), and a project rebate to the City would total $1.3M per year – or $41.3 over 30 years.
- After the 25 year clock expires in 2041 the property tax increment will go to the City.
- When the 2E monies have been collected the City will resume collection of that tax.
- He went through the numbers for the various categories of project revenue.
- The PFA will grant credits against certain revenue sources that will be shared with the District for payment of the bonds.
- Staff is recommending one amendment that clarifies the definition of bonds. He supplied Council with wording.

No one from the public came forward to comment.

Council questions
What if the URA doesn't approve the loan? Mr. Goff offered options. It wouldn't increase the amount of tax.

Councilmember Urban asked where the 35 mill number came from. Mr. Carlson from the Evergreen Development explained the mill levy is 50 mills. 30 is pledged for debt service. 15 is set aside for operation and maintenance. They don't want to go lower than that. Mr. Carlson elaborated on the current crisis with commercial property taxes that are driving companies out of business. 50 mills is standard for the metro area; they feel any higher would hurt the end users.

Mayor Starker closed the public hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 18-2018, an ordinance providing for a 2.5% Admissions Tax Credit, 1.5% Sales Tax Credit, and 5.0% Lodging Tax Credit against certain public improvement fees paid at Clear Creek Crossing on second reading and that it take effect immediately upon adoption, as permitted by Section 5.11 of the Charter, with the following amendment:

> Amend the definition of "Bonds" appearing on Section 1 of the Ordnance to read: "Bonds" means one or more series of bonds, **to which the Credit PUF revenues are pledges in accordance with the Public Finance agreement**, issued by the District in accordance with the terms of the Act, which may be in the form of a note, loan, or other financial obligation identified as a Bond, including any bonds, notes, loans or other financial obligations issues by the District to refund Bonds.

seconded by Councilmember Pond; carried 7-0.

3. Resolution 43-2018 – A Resolution approving the amended and restated Service Plan for Longs Peak Metropolitan District

The Longs Peak Metropolitan District has petitioned the City to approve an Amended and Restated Service Plan that sets forth how the District may provide and finance public improvements and services for the Clear Creek Crossing project.

Councilmember Pond introduced Item 3.

Mayor Starker opened the public hearing.

Staff presentation
Kim Seter, attorney for the Long Peak Metropolitan District, explained three things:
1. The original Service Plan was for Cabela's. It is now restated for the new Clear Creek Crossing project. Things have just been reorganized.
2. The agreements are just drafts. The IGA's will come to Council later for approval.
3. Mr. Dahl has provided findings for Council to justify this Service Plan.

There was no public comment or questions from the Council.

Mayor Starker closed the public hearing

Motion by Councilmember Pond to approve Resolution No. 43-2018, a resolution approving the Amended and Restated Service Plan for the Longs Peak Metropolitan District; seconded by Councilmember Fitzgerald; carried 7-0

4. Council Bill 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) *Continued from June 11, 2018*

City Council reviewed the proposed rezoning at a public hearing on June 11, 2018. After input and discussion, a motion was made that the public hearing be continued until July 9, 2018, and directing the applicant to formulate a traffic study and possible traffic mitigation strategies.

Councilmember Mathews introduced Council Bill 13-2018.

City Clerk Shaver noted the previously assigned Ordinance number 1646.

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

Staff Presentation – Meredith Reckert
Ms. Reckert briefly highlighted the actions of the previous hearing on June 11. The new information requested included submission of traffic data, and strategies for traffic mitigation. The engineers report is added as Attachment 6. She placed into the record Attachment 6, the zoning ordinance, the subdivision regulations, and the contents of the digital presentation.

Applicant -- **Chris Ball** (Golden) of Clear Creek Tech

- Mr. Ball testified that a commercial development is planned.
- He talked about their company, and what they do.
- He said it will be a high quality project -- a single story office/commercial structure.
- He provided highlights of the development. He suggested it would be a positive development for the area.
- They like the location because it has good access to major roads, Wheat Ridge is a desirable location, and there would be speed to the market.
- He submitted that the current zoning of A-1 is not economically feasible. He believes the area is in transition and is too commercial to be developed as residential.
- The proposed uses were created with staff. It excludes auto service and repair, contractor storage, car wash and any marijuana related use.
- Hours would be limited from 7am-9pm.

- Bay doors would be required to be closed. It will not accommodate large trucks.
- They are agreeable to the condition of 25% office space requirement.
- They are willing to pay for traffic mitigation, but they would like to add two conditions: that only applies 1) within the next 24 months and 2) only after building completion.

Public Comment

Esther Kettering (Denver), local realtor, was the listing broker and has been assisting with the rezoning. She provided and highlighted to Council four letters from neighboring commercial properties and the Jefferson Economic Council that support this rezoning or state that they have no objection to the rezoning.

Cindy Beckfeld (WR) lives on Xenon and has concerns about the traffic counting strips. She observed they were not up during some peak business hours. She asked that an easement remain open for access to the greenbelt. She told of a man who bought what he thought would be his dream house in the neighborhood; now, due to the storage building, and now this, he is selling and moving out. She bemoaned that empty lots are being replaced with businesses, not houses. Earlier in the meeting it was pointed out that there is a shortage of housing. This should be for housing.

Greg Boom (WR) owns the property diagonal from this property. He spoke against switching this property to commercial because it is surrounded by agriculture; there is no transition and this doesn't fit. He would love to buy this property, if it was reasonably priced, and put three houses there. People love the houses in the area – not the commercial. His neighbor would like to see it become part of the park. He noted there is empty commercial property available right across the street, so the need is not great. Traffic is a nightmare already and school isn't even in session right now; it will be dangerous when school starts. He pointed out that this request for this property was previously denied by Council; and nothing has changed. He too would like access to the greenbelt preserved. There is the issue of the ditch that flows through the property – that provides water for his horses. How will that be addressed? He reported another neighbor that opposes this, but couldn't be here due to work. These neighbors have made investment in their properties. People want to move to Wheat Ridge; we need houses. He asked Council to save this neighborhood and hoped they do the right thing.

Council Questions

Councilmember Fitzgerald asked the applicant if he could provide a social trail to the park. Mr. Ball said he would support that if it can be formalized.

Councilmember Urban asked the City Attorney's to address the issue of Councilmember Pond's absence from the June 11 hearing and his ability to vote.

Mr. Dahl asked Mr. Pond if he had the opportunity to review the testimony from the original hearing and go over the minutes, other materials, and the packet materials from that hearing. Mr. Pond said he had, and stated he felt he could render an informed and fair decision. Mr. Dahl concluded that Councilmember Pond can and should participate

Mayor Starker closed the public hearing.

Motion by Councilmember Mathews to approve Council Bill 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 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 in compliance with all public notice requirements as required by Section 26-109 of the Code of Laws.

2. The required rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval with one condition.

3. The required rezoning has been found to comply with the criteria for review in Section 26-112- E and 260-303-D of the Code of Laws.

With the following conditions:

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.

2. If the property owners initiate an NTMP application which anticipates, as a potential mitigation, one or more speed humps installed on Xenon and/or 42nd Avenue, that all related costs shall be at the applicant's expense.

seconded by Councilmember Fitzgerald;

Mr. Dahl noted the applicant's requests related to the NTMP application. Council may or may not wish to include those terms in the motion, but the applicant has asked that his responsibility to pay for speed humps only last for 24 months, and that this responsibility only apply after the building is completed. Mr. Dahl suggested "upon receipt of a Certificate of Occupancy" would be better wording.

There was discussion about the need for an amendment. Mr. Dahl advised that if the maker of the motion and the second both agreed to that wording, it could be added without a formal amendment.

Councilmember Mathews restated the second condition to read that the cost for implementing speed humps on Xenon or 42nd would not fall on the applicant for the next 24 months, and that it not be his responsibility until after receipt of the Certificate of Occupancy.

There was further discussion to clarify what the 24 month time frame meant. Mr. Dahl advised the applicant only wants to be liable for the cost of speed humps for 24 months.

The maker of the motion and the second agreed to those changes.

The vote was 4-3, with Councilmembers Dozeman, Urban and Duran voting no.

Mr. Dahl stated the Charter requires five affirmative votes of the entire Council to pass an ordinance and declared, therefore, that passage of the ordinance failed.

ORDINANCES ON FIRST READING

5. Council Bill 19-2018 – An Ordinance approving the rezoning of property located at 4288 Youngfield Street from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-12/Copper Forest)

The proposed rezoning of the 1.38 acre parcel would expand the list of allowed uses. The new owner of the log structure (that has been converted into several office spaces) wants to open a wine and beer bar to improve financial sustainability. The current zoning allows some commercial uses, office, general business, retail sales and service establishments, but not bars. The MU-N zone would support residential or commercial uses or a mix of the two. It would also allow a bar – which is the applicant's intent.

Councilmember Dozeman introduced Council Bill 19-2018

Motion by Councilmember Dozeman to approve Council Bill 19-2018 an ordinance approving the rezoning of property located at 4288 Youngfield Street from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) on first reading for the sole purpose of ordering it published and for a public hearing set for Monday, August 13, 2018, at 7 pm in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Hoppe; carried 7-0.

6. Council Bill 20-2018 – An Ordinance approving the rezoning of property located at 6701 West 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-14/Potrykus)

The proposed rezoning area includes one parcel that is slightly less than half an acre. At this time the intent of the rezoning is to allow the current tenant to live and work on the property.

Councilmember Urban introduced Council Bill 20-2018

Motion by Councilmember Urban to approve Council Bill 20-2018 an ordinance approving the rezoning of property located at 6701 W. 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on first reading for the sole purpose of ordering it published and for a public hearing set for Monday, August 13, 2018 at 7 pm in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Duran; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

7. Resolution No. 39-2018 – A Resolution approving an Intergovernmental Agreement among the Cities and Towns of Arvada, Bow Mar, Edgewater, Golden, Lakewood, Littleton, Morrison, Superior, Westminster and Wheat Ridge and the County of Jefferson providing for a Collaborative Transportation Forum

This action approves an Intergovernmental Agreement (IGA) between the City of Wheat Ridge, Jefferson County, and other municipalities in Jefferson County for the purpose of establishing a process for requesting federal Transportation Improvement Program (TIP) funds in accordance with DRCOG and federal rules

Councilmember Pond introduced Item 7.

Staff presentation - Scott Brink
Mr. Brink explained that every four years federal TIP money is distributed. DRCOG wants to streamline the process. In this case it will have communities collaborate on regional projects. RTD is included. He thinks it will be a good process. The change from regional to sub-regional gives the local communities more control of design. 20% will go to regional, 80% to local.

Council questions
An agency has to be eligible to receive federal funding -- must be members of DRCOG.

Public Comment No one from the public spoke.

Motion by Councilmember Pond to approve Resolution No. 39-2018, a resolution approving an Intergovernmental Agreement among the Cities and Towns of Arvada, Bow Mar, Edgewater, Golden, Lakewood, Littleton, Morrison, Superior, Westminster and Wheat Ridge and the County of Jefferson providing for a Collaborative Transportation Forum; seconded by Councilmember Duran; carried 7-0.

8. Resolution No. 40-2018 – A Resolution approving an Intergovernmental Agreement with the City of Edgewater regarding the 29th Avenue Street Improvements and 26th Avenue Drainage Improvements

Councilmember Hoppe introduced Item 8.

Staff presentation – Mark Westberg
Mr. Westberg explained the issue. Edgewater came to us.

- Edgewater has a development proposal for 29th (south side) from Kendal to Ingalls.
- They need a new water line put in on 29th from Kendall to Gray.
- WR staff worked with Edgewater to minimize the impact to traffic on 29th Avenue.
- Mr. Westberg explained the map showing what areas each entity is responsible for.
- The City budget has $1,570,000 in the capital budget this year.

- Denver Water would pay $411,100 for their part.
- Edgewater's share is $322,275.
- WR share would be $836,625 (which includes the planned street widening).

- 30th Ave, Fenton St, and 29th Ave are pretty torn up from the Ashland project. Denver Water will be responsible for overlaying 30th, Fenton and some on 29th. The City will be responsible for most of 29th and a narrow east strip along Fenton. Edgewater will be responsible for the south side of 29th from Kendall almost to Gray. Mr. Westberg labeled this a win for everyone.
- They'd like to award the construction contract on Aug 13, and begin construction by September 10 -- right after the bike race.

There is also a drainage issue at 26th & Fenton when rain is heavy.

- Most of this project is in Edgewater (going south on Fenton).
- WR would be responsible for a short east/west strip on 26th at Fenton (north side).
- The City also found a gas line going through our water pipe. This is bad. When it happened and who did it is unknown. That will be taken care of.
- Staff recommends adding two inlets just north of the existing ones at 26th & Fenton to capture more drainage, and upgrading to an 18 inch pipe -- that is NOT clay.

No one from the public spoke.

Councilmember Mathews had a brief question about flow in the pipes.
Councilmember Urban asked about liability for the gas provider for installing a gas line through the water line. Mr. Westberg said it's so old there is no way to prove who did it.

Motion by Councilmember Hoppe to approve Resolution No. 40-2018, a resolution approving an intergovernmental agreement with the City of Edgewater regarding the 29th Avenue Street Improvements and the 26th Avenue Drainage Improvements; seconded by Councilmember Duran; carried 7-0.

9. Resolution No. 41-2018 - A Resolution approving a Public Finance Agreement by and between the City of Wheat Ridge, the Longs Peak Metropolitan District, and Evergreen-Clear Creek Crossing, L.L.C.

Evergreen Development Company has submitted a request for public financing to assist in the construction of public improvements for the Clear Creek Crossing mixed-use project.

Councilmember Mathews introduced Item 9.

Staff presentation
Mr. Goff suggested that the necessary information had already been provided earlier.

No one from the public spoke and there were no questions from Council.

Motion by Councilmember Mathews to approve Resolution No. 41-2018, a resolution approving a public finance agreement by and between the City of Wheat Ridge, the Longs Peak Metropolitan District, and Evergreen-Clear Creek Crossing, L.L.C.; seconded by Councilmember Dozeman; carried 7-0.

10. Resolution No. 44-2018 – A Resolution approving the termination of the Annexation and Development Agreement between the City, Coors Brewing Company and Cabela's Retail, Inc.

- The Cabela's project at the southwest corner of the intersection of Interstate 70 and Highway 58 was never completed.
- Evergreen LLC has purchased the property owned by Cabela's.
- Evergreen desires to develop the property as a mixed-use commercial development project, which is in conflict with the planned commercial district outlined in the Development Agreement for Cabela's.
- The Annexation and Development Agreement for the Cabela's project should be terminated in order to avoid confusion about future development on the property

Councilmember Urban introduced Item 10.

There was no staff presentation. No one from the public spoke. There were no questions from the Council.

Motion by Councilmember Urban to approve Resolution No. 44-2018, a resolution approving the termination of the Annexation and Development Agreement between the City, Coors Brewing Company and Cabela's Retail, Inc.; seconded by Councilmember Dozeman; carried 7-0.

11. Resolution No. 45-2018 – A Resolution approving the termination of the 2006 Intergovernmental Agreement between the City and the Longs Peak Metropolitan District (LPMD)

The Intergovernmental Agreement (IGA) for the financing and construction of public improvements for the Cabela's project is no longer necessary and should be terminated as provided for in Section 15 of the IGA.

Councilmember Duran introduced Item 11.

There was no staff presentation, no questions from Council and no public comment.

Now that Clear Creek Crossing is ready to begin, Mr. Carlson took the opportunity to thank the Council for the confidence they have placed in his company. He gave assurance that they take seriously their fiduciary responsibility to the City.

Motion by Councilmember Duran to approve Resolution No. 45-2018, a resolution approving the termination of the 2006 Intergovernmental Agreement between the City and the Longs Peak Metropolitan District; seconded by Councilmember Hoppe; carried 7-0.

12. Motion to approve appointments to the 2019 Neighborhood Revitalization Strategy Update Steering Committee

The 2005 Neighborhood Revitalization Strategy (NRS) is due for an update. A committee of citizens will guide a process that will include an extensive public outreach effort to determine how the City should best use its assets and what plans should be made for the future.

Councilmember Dozeman introduced Item 12.

Mr. Goff reported that 27 applications had been received. Council agreed at the last study session to appoint all the applicants to the Committee.

The Committee will include the following citizens (with number of years living in WR):

District I
Nicole Carter (3)
Kathleen Martell (18)
Morgan Richards (18)
Lauren Schevets (2)

District II
James Bahrenburg (21)
Julie Boardman (1)
Kimberly DeJong (4)
Kristine Disney (22)
Jennifer Hayden (1)
Rachel Hultin (6)
Lindsay Madonia (1)
Julie Stern (2)
James Wright (25)

District III
Ron Abo (23)
Sonny Betancourt (5)
John Bulter (4)
Madelaine DeVan (35)
Christine Fraser (10)
Guy Nahmiach (13)
Korey Stites (30)
Jill Tew (1)

District IV
Christopher Bird (3)
Sunny Garcia (5)
Carol Mathews (58)
Andy Rasmussen (2)

Plus Carol Salzmann (Lutheran Hospital) and Ellen Daehnick (businss owner)

Motion by Councilmember Dozeman to approve the appointments of the entire slate of applicants on the attached NRS Steering Committee Applications Matrix; seconded by Councilmember Mathews; carried 7-0

CITY MANAGER'S MATTERS

Mr. Goff reported about 2E funds. We've had a full year now. There were some TABOR restrictions in the ballot measure, and we have received more revenue than anticipated – mostly due to the hail. He said the City Attorney is working on what to do about that; we'll have to decide. Clerk Shaver inquired about the possibility of a TABOR ballot issue. Mr. Goff suggested she tell the County we may have one.

CITY ATTORNEY'S MATTERS

Mr. Dahl informed Council about the issue of interest that has been earned on escrow accounts. These accounts are for landscaping, various projects – a variety of things. The City needs to return the money to those people. They aren't large amounts, but they have earned interest. He has researched and found out that the City need only return the money -- not the money with the interest that was accrued.

There was unanimous consent to have an ordinance prepared to accomplish that.

ELECTED OFFICIALS' MATTERS

Leah Dozeman reported that she and Ms. Duran have discussed it, and they would like to have the topic of affordable housing at a future study session.

Zachary Urban commended the Police Department on their response time to several calls reporting fireworks.

George Pond commented on all the work that has been done on Clear Creek Crossing at the staff level, by various agencies, by Evergreen Development, and by the Council. He acknowledged that effort and thanked everyone.

Tim Fitzgerald added that Mr. Carlson has been a good partner.

Mayor Starker thanked the Clark brothers for coming in to speak about 4H. He believes 4H is very good program,

ADJOURNMENT

The meeting adjourned at 9:08 pm.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON JULY 23, 2018

_____

Tim Fitzgerald, Mayor Pro tem

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

` **STUDY SESSION NOTES**
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
June 18, 2018

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

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

Absent: Monica Duran (excused)

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

CITIZEN COMMENT ON AGENDA ITEMS

Kia Ruiz (WR) is not on the sustainability committee, but thinks it is a good idea. She would like to see the committee term of service extended after tonight.

Dorothy Archer (WR) asked if Council knows what Lutheran's intentions are for Clear Creek Crossing. She thinks that might be considered related to Item 1. Related to Item 3 she feels that housing is part of community sustainability. She spoke against scraping houses to build 35 ft houses in all residential districts except R1-C and R3 and explained how this practice does not help with our goal of affordable housing – but in fact aids in the elimination of the lower and middle class. There are five councilmembers who won't move on this. By next year there will be 500 condos and town homes that are not here today. She thinks it's imperative that the two surveys that indicate 1,000 people favor the bulk plane be addressed, not ignored.

Madeline Devan (WR) expressed support for the recommendations of the Environmental Sustainability Committee. She believes they will provide great economic returns and improved quality of life. It's important to her that a full time person be hired to ensure the recommendations are implemented. As a third generation Wheat Ridge resident, now raising her family here, she wants Wheat Ridge to continue to be a great place to live for future generations.

The Mayor announced that Item 1 would be delayed until the arrival of the City Attorney.

2. Outside Agency Recommendations - Carolyn Lorentz (staff)

Citizens Scott Wesley and Sunny Garcia from the citizen committee presented.

Mr. Wesley reported the committee reviewed applications and listened to presentations from 23 different community organizations – with two new groups this year. He offered

thanks from the outgoing members of the committee to the Council for the opportunity to serve. He thanked Carly Lorentz for her guidance throughout.

Ms. Garcia thanked everyone who participated and thanked Council for its commitment to community involvement. This was a very fulfilling experience for her. She encouraged others to participate on this, and thanked Carly Lorentz for her help.

Discussion followed.

All the councilmembers thanked the members of the committee for their time. This year's committee included:

District I: Scott Wesley and Alejandra Major
District II: Carla Mead
District III: Margie Robinson
District IV: Sunny Garcia, John Clark, and Tracy Langworthy

Councilmembers asked for an explanation of what some of the organizations were.

- The Chanda Plan Foundation helps people with spinal disabilities. It is located close-by in Lakewood and offers a holistic approach to improving quality of life. Half of their $10,000 request is recommended.
- Friends of Paha is an organization in Littleton that provides summer activities for people with disabilities. Their request of $1,200 is recommended to be granted in full.
- Sunshine Home Share pairs younger housemates with older folks so they can age in place. It was in the news recently. There are no WR residents currently participating. There are currently five people in this; their goal is 17. $25,000 is asked. $2,500 is recommended.
- WR Youth and Sage Partnership is a mentoring group. No funding is recommended. It was felt they needed to get better organized. Their request of $19,390 was 100% of their entire budget.

Councilmember Mathews noted citizens have to spend $3M to raise this $133K. He believes this money should stay within the city and fund WR citizens.

Mr. Wesley and Ms. Garcia explained how the committee considered how many WR residents were being served and what percentage of their budget was being requested.

- Regional Air Quality Council put in the electric charging station at Fruitdale. They are also working with the City to get a green street sweeper. This money will help them continue their lobbying and work efforts. $2,600 of their request for $4,000 is recommended.
- Institute for Environmental Solutions (IES) does replanting of trees in the greenbelt and environmental education at elementary schools. $3,000 was asked. $1,800 is recommended.
- WR Community Foundation gives scholarships to WRHS kids and facilitates other non-profits that aren't large enough to be 501(c)3's. $5,150 is asked. $$4,700 is recommended.
- CASA provides volunteers for court appointed advocates for children who are wards of the court. Their entire request of $4,800 is recommended.
- Audio Info Network does transcription for the sight impaired. $1,600 of their $2,000 is recommended.

Mr. Wesley and Ms. Garcia were glad to report that several of the larger repeat organizations have now made their requests smaller and more focused.

Mayor Starker remarked on the great report and stated the information would be considered at budget time.

1. Free Standing Emergency Rooms – Jerry Dahl

Mr. Dahl referenced the memo he and Ken Johnstone had prepared for Council. He asked Council if they want to adopt any regulations related to free standing emergency rooms. The temporary moratorium will expire on August 27th. He highlighted the wide range of options and asked what regulatory path Council would like to take.

Discussion followed. Councilmembers gave their opinions.

Councilmember Pond expressed pro and cons of some of the options, and had a question about spacing restrictions vis a vis need.

Councilmember Fitzgerald favors an outright ban. He is curious about Lutheran's plan at Clear Creek Crossing, and asked for suspension of the rules to allow a representative of Lutheran Hospital to provide information on the issue. That was not supported.

Councilmember Mathews doesn't see any direct benefit to our citizens to allow free standing ER's. Everyone lives within 2 miles of the Lutheran ER. He favors banning them at this point.

Councilmember Urban pointed to the fact that the state has dragged its feet and not provided any regulations for this type of facility. If we allow them we would have to embark on a full scale regulatory framework for this type of facility. He elaborated on that and doesn't think WR is in a position to do that. He supports banning them.

Councilmember Davis agreed the state should be regulating these. Regarding need, she noted that Lutheran and St. Anthony's are full service hospitals close by, and both have ER's. She also doesn't think this is the best use of our commercial space.

Councilmember Davis asked for consensus on a permanent ban. All were in favor.

3. Wheat Ridge Environmental Sustainability Committee Report - Carolyn Lorentz (staff)

Amy DePierre and Joy Opp presented an overview of the committee's work and the Action Plan they recommend. Their purposes were to

- Interact with the Community to prioritize environmental goals
- Provide recommendations to the City for effective programs and policies

Ms. DePierre explained the group met every other week for a year. 550 man hours were spent. They first reached out to organizations and industry leaders. Small working groups created a draft Action Plan and then they met with representatives as necessary to solidify the recommendations.

She acknowledged help from the City staff and individuals from the cities of Denver, Edgewater, Golden, Lakewood, and Westminster. Several representatives from Xcel as well as folks from the Wheat Ridge Sanitation District, the Regional Air Quality Council, DRCOG, the Jeffco Climate Action Team, NREL, WR ATAT, the Brindle Group, and others were also resources.

The key topic areas, which merged economic vitality, a healthy community, and a natural environmentalong with recommended goals are:

- Energy Efficiency & Green Building
- Renewable Energy
- Water
- Transportation
- Solid Waste & Recycling
- Communications & Engagement

Energy Efficiency & Green Building – Why?

- Wheat Ridge has limited opportunities for horizontal growth.
- Buildings account for 44% of all energy consumed.
- Green building practices lead to an improved quality of life.

Energy Efficiency goals include reducing 1) municipal energy use, 2) commercial and industrial energy use, and 3) residential energy use.

Green Building goals include
1) Preserving the city's distinct community character, small town identify and agricultural history while providing modern amenities and services (NRS and urban farming), and
2) Encouraging sustainable infrastructure design and building renovation to promote green building practices and create a livable community.

Renewable Energy – Why?

- Reduces risks of warming climate, fossil fuel pollution, and negative health impacts
- Renewable energy is cheaper than fossil fuels
- Solar energy provides more jobs than oil, coal and gas combined
- Helps the environment and the economy

Renewable Energy goals include joining the compact of communities, promoting solar gardens and investing in community solar energy.

The Plan proposes a target of 100% renewable energy for all uses by 2050.
The Plan has goals and strategies for WR government, residences and businesses

Transportation -- Why?

- 33% of WR residents don't drive
- Provides mobility for younger, disabled, and older folks
- Facilitates healthy living

- Reduces traffic congestion
- Improves air and water quality and reduces greenhouse gasses
- Provides flexibility for travelers

Goals

- 1 Encourage all forms of transportations
- 2 Increase use of alternate forms of transportation (busses)
- 3 Increase safety and environmental quality

Ms. Opp continued the presentation.

Solid waste – Why?

It effects everyone, and the current system is not sustainable or efficient (too many trucks).

Goals

- Improve waste management behavior by residents, businesses and institutions by developing and providing information on waste reduction
- Reduce negative impact of waste hauling on city and environment by reducing overlapping service routes and updating the city code to incorporate progressive solid waste management standards.

Water – Why?

- Colorado is a dry climate; drought is becoming more frequent.
- Conservation is vital for our health and economy.
- 80% of our water is on the western slope; 80% of the people live on the eastern slope.

We should take care of Clear Creek.

Goals

- Improve stormwater management and water quality in all major waterways and water bodies in the city
- Increase water efficiency and conservation measures

Communication & Engagement – Why?

- Increased education/support to the community on related sustainability issues
- Engage/activate community to take responsibility for their sustainability practices

Goals

1) Communicate the Action Plan to businesses /residents with a big kick-off
2) Encourage/grow participation in sustainability with activities (contest, recognition, etc)
3) Engage the community with implementation in the Action Plan
4) Engage businesses and organizations

Recommended Next Steps

1. Adopt the Sustainability Action Plan
2. Hire a full-time sustainability coordinator
3. Identify a path for WRESC's future
4. Prioritize implementation

5. Perform a cost saving analysis of recommendations
6. Continue to engage residents, businesses and institutions about sustainability
7. Seek further expertise on social and economic facets of sustainability

The Committee stood to be recognized and Council applauded them. Members included: Karen Berry and Alex Helling (water), Heather Head and Andy Rasmussen (green building), Amy DePierre and Joy Opp (communication), Dan Graeve and April Nowak (solid waste and recycling), Rob Robinson and Eric Wilson (renewable energy) and Adam Wylie (transportation).

Council comments and questions followed.

- Councilmember Fitzgerald said this report is a fantastic document.
- Councilmember Pond acknowledged former mayor Joyce Jay for getting this going. He pointed out things he appreciated about the recommendations.
- Councilmember Dozeman thanked the committee. She is interested in a cost benefit analysis and is cautious about government overreach. She likes the education pieces. She is very interested in affordable housing for the next generation.
- Councilmember Hoppe noted the professional presentation of the document. The outdoor recreation industry relies on this, so she feels this is absolutely worth it.
- Councilmember Davis thinks they are all good ideas, but acknowledged some of it will be a hard sell. A big part of this is educating the community.
- Councilmember Mathews asked if there were underlying assumptions made by the committee. Mr. Robinson thinks the "why" section cover that. Yes, man-made climate issues were assumed.
- Electric rates in CO continue to rise. Kid are on free reduces lunch because their parents can't afford to feed them.
- Ms. Opp noted they tried to strike a balance between engaging and improving WR
- Councilmember Mathews pointed out the green building legislation that Denver passed last year is now having to be revisited. He's not against everything, but is not sure we can save the planet here in WR.
- Conner Merrigan from unincorporated Jeffco PIE advised that the first thing is to quantify the estimated payback.
- Councilmember Mathews noted that renewable energy is subsidized by the taxpayers.
- Amy DePierre said the recommendations are very specific.
- Councilmember Urban suggested that costs should be examined before we hire a coordinator. No resources are identified. He believes this should be the responsibility of all departments – not just one person. He also pointed out that
    - Some of this is against our affordable housing goals.
    - He's concerned about home energy reports being required at time of closing on real estate.
- Councilmember Hoppe believes this is in our strategic plan. We asked this committee to look at where we are now. She also thinks it is bad business to keep

adding work to our current staff. Maybe start with a part time person, but we need to adopt the Plan.

- Councilmember Pond supports adopting the report.
- Andy Rasmussen addressed the issue of real estate.

Mayor Starker asked the Council to receive the report with thanks. There was unanimous consent.

Council will take the recommendations under advisement and discuss implementation at a later time.

Mayor Starker declared a 10-minute break at 8:17pm.
The meeting resumed at 8:27pm.

4. Clear Creek Crossing Financial Agreement – Patrick Goff

Tyler Carlson of Evergreen Development Corporation addressed the Council. He talked about the project creating an enduring area that brings the community together. SCL will be closing on their property later this summer.
Besides Evergreen and the Longs Peak Metropolitan District the main parties are:

Attorneys: Seter & Vander Wall (Service Plan); Kutak Rock (bond counsel); Brownstein (PFA, PIF IGA) and Jumps Law (SIA)
Bond Issuer: DA Davidson
Construction Manager: Mortensen
Construction Engineers: Martin & Martin for Evergreen and AECOM for the City
Traffic: Felsburg Holt and Ullevig

He reported that interest in the project is very, very high. Evergreen has been swarmed with interest by potential tenants – to include three entertainment anchors, a specialty movie theater operator, a family entertainment center, six hotel groups and at least a dozen restaurant concepts, brewpubs, sports bars, urban wineries, and destination burger outfits. The biggest questions are When will the hook ramps be done? and When can we take possession of a site?

- The financing is critical to be able to move forward.
- He noted the lot line between Areas 1 and 2 has been changed a little at Lutheran's request to provide flexibility. The zoning allows this minor adjustment.
- The reason for the large request for funding is the fact that there is no infrastructure.
  - Except for the narrow frontage road we are starting at ground zero.
  - Of the $45M hard cost construction budget, only $7M is for private on-site private improvements. That's only 15% of the construction budget; usually it's 85%.
  - This is a very unusual situation, so the public financing request is unusual.
  - With 2E and this finance package the proportion will be down to about 50/50, which is better. It lessens the burden and will make this project competitive.
  - Besides the basics of sewer, water, electric grids, and roads, there is also handling Applewood drainage, lots of earth moving required to address topography, 4 traffic signals, ramps, fly-over bridge, internal roads, trails and sidewalks. There is a need to level the playing field.

- He noted the architecture and signage will be iconic, unique and provide identity.

Request for Public Financing

Mr. Goff provided background on the finances for this piece of property.

- Originally, and in 2017, the whole area was assessed at $109M. In 2018 it was assessed at $135M which is an increase in the base.
- The underwriter is concerned about the method the County is using to calculate base vs increment. To eliminate this risk, the City decided to capture all the sales tax ($17M).
- The developer still needs $3M. A second option is looking at $3-5M in bond issuance by URA (similar to what was done with the Sprouts development).

Tim Morzel of EPS continued, addressing the changes in the financing proposal and an overview of the funding strategy. Mr. Carlson and Mr. Goff contributed as needed.

Reasons for the Request for Financing are due to changes between original and updated proposals.

1) Construction cost have gone up. (Mr. Carlson elaborated on this.)
2) Despite this, the developer request for $20M has not changed.
3) TIF revenue issues with how the Assessor calculates property tax increments (risk)
4) City Secured Loan: The City is exploring options associated with the issuance of a loan serviced by TIF revenue and backed by the City.

Overview of current project funding strategy by. He went through:

- Estimated City revenue and project revenues
- The funding strategy which involves two primary sources.
    - Bonds by the metro district to be serviced by PIFs and metro district mill levy
    - A secondary funding source and estimate of TIF revenue
- The Credit PIF and Add-on PIFs for general merchandise tax, admission tax and accommodation tax. (This is more stable and involves less risk.)
- Mr. Goff estimated City revenues ($41.3 M) for the General Merchandise Tax, Admission Tax, Accommodation Tax, Use Tax and Project Rebate to the City over the next 30 years. (With rebate, the effective GM credit PIF rate drops).
- Total estimated revenues to service the bonds ($49.3M over the next 30 years).
- Originally the project was slated to be a 50/50 split between the project revenues and city revenues. Now it has shifted more in the City's favor.
- Exploring the feasibility of the URA securing a loan that is backed by the City and serviced by property tax increment.
- The secondary funding sources (TIF revenue and Loan).

Next steps and additional analysis:

Secondary Funding Source finalized (EPS and City staff)
But-For Analysis and final recommendations regarding public funding (EPS)
Final Recommendations for funding strategy, estimates of public revenue and

project need (EPS)

Final Approval – Final presentation to City Council and decision to approve or deny request for public financing (City Council)

Discussion followed.

Mr. Goff noted this still has to be presented to Urban Renewal. The plan is to have final approval on July 9th. More information could be given on July 2nd if Council desires.

Councilmember Pond asked for consensus to proceed with the recommended financing plan. The vote was 4-3.

5. Staff Reports none

6. Elected Officials' Reports

Larry Mathews asked if it would be possible to have some of these larger documents sooner before they have to make decisions on them. Example: When a contract is 160 pages, he'd like more time to digest and review. Mr. Goff offered perspective. More time can be given, but sometimes there are consequences. It's mostly about scheduling. There was discussion.

Clerk Shaver reported that with the signing of SB18-243 several changes were made to the State's liquor codes, particularly related to the sale of 3.2% beer (usually at convenience stores). She explained some of the changes to regulations for tastings and new distance requirements for 3.2% beer sales (at convenience stores). Some of our ordinances may need to be adjusted. Mr. Goff said this will be coming up in a future study session.

ADJOURNMENT: The Study Session adjourned at 9:44 p.m.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 23, 2018

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Tim Fitzgerald, Mayor pro tem

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

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

Councilmembers present: Monica Duran, Janeece Hoppe, Tim Fitzgerald, Zachary Urban, Leah Dozeman, George Pond, Kristi Davis (arrived at 6:39pm)

Absent: Larry Mathews (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Parks & Recreation Director, Joyce Manwaring; guests and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS There were no speakers.

1. Sale of Park Property – 38th and Johnson – Joyce Manwaring/Patrick Goff

Mr. Goff and Ms. Manwaring explained the issue.

- The City has been approached by a developer with an offer to purchase the vacant parcel of park land located on the SW corner of 38th Avenue and Johnson Street.
- The development would be a commercial project the details of which the City is not at liberty to release at this time.
- The developer has found a location nearby where Apple Ridge Café can relocate.
- This parcel was intentionally left undeveloped as part of the original Discovery Park master plan due to its corner location and proximity to the Appleridge Café.
- The City Charter requires a unanimous vote of Council to dispose of park property.
- The 0.5 acre parcel is appraised at $600,000.
- Because this parcel was bought with Open Space funds (with the land that is now Discovery Park) all proceeds from the sale must go into Open Space Fund 32
- The funds are earmarked for construction of Phase II of Prospect Park.

Discussion followed.

- The City is not required to publicly offer the land for sale to other developers.
- $600,000 is actually a reasonable offer.
- Jefferson County Open Space no longer has a financial interest in the property due to the removal of the reverter clause encumbrance on this portion of the park property.
- The City can make the sale contingent on the development of the land.
- Clerk Shaver, having been on Council when the property was purchased, noted that the original vision for this parcel – since it is in a wet drainage area – was to

include a small pond with a wooden bridge over it, and a covered gazebo of sorts and possibly some fish.

Councilmember Fitzgerald received consensus to move forward with the sale of the park land. The vote was 6-1.

2. Yarrows Gardens Metropolitan District -- Kristen Bear and Kevin Puccio

Kristen Bear, attorney for the developer of the Yarrow Gardens townhome project, explained that the developer would like to create a special district for the 89-unit residential development that is happening at 42nd & Yarrow.

- She went over the state law in Title 32 that governs special districts.
- A Special District is a tax exempt financing vehicle for the provision of public infrastructure to facilitate development (new and existing).
- The District would acquire, design, finance, construct and install public improvements within the boundaries of the District.
- She went over the many uses that can be covered by a metropolitan district.
- They are different than HOA's which can limit membership and use of facilities.
- They are responsible for covenant agreements.
- The operating agreement is called the Service Plan.
- Following the application process and approval by City Council, a district judge calls an election; it must be a TABOR election.
- Unlike BID's, the members of the district have to be individuals.
- The elected board members are publicly accountable and subject to transparency laws.
- The District levies and collects property taxes, and can fix and increase fees, rates, tolls, penalties and charges.
- An ad valorem tax is levied to each property based on the value of all the properties.
- The taxes are to cover Yarrow and 42nd Streets, wet utilities, storm drainage, and landscaping. The District would maintain landscaping and snow removal.
- Revenues cover administrative costs, operations and maintenance, parks and landscaping, sidewalks and open space, debt service and covenant control.
- The debt cap would be $7million with a mill levy limit of 60 mills.
- Average yearly fee per property is estimated at $2,000.
- Maximum term of debt is 40 years.

Council questions and comments followed.

- Longs Peak (Clear Creek Crossing) and the TOD site have metropolitan districts.
- This will be all residential. The collateral will be the homes.
- 55mils would be for debt service. This would drop off at 40 years.
- Risks and encumbrances to the property owners were explained.
- The City has no financial liability with a metro district.

- **Kevin Puccio**, the developer, explained that most improvements are private; some are off site and maintained by the District.
- Mr. Puccio explained what might happen if the District fails to meet its obligations.
- Mr. Puccio explained there are off site and on site improvements, and the developer does pay for the sewer connections.
- It was pointed out that this would be the 8th taxing district on these properties and the total mill levy for each one will be 135 mills.
- Besides the $2,000 per year for debt service, these properties will have to pay an additional HOA fee.

There was consensus of 5-1 to move forward. Mr. Goff reported this is scheduled to come to Council for approval on August 13.

3. Selection of NRS Update Steering Committee -- Patrick Goff

Mr. Goff reported that a consultant, CZB, has been contracted to manage the NRS update process. 27 applications were received. CZB recommends 16-22 members, but have said they can work with 27 if Council wishes.

Mr. Goff went through the matrix of applicants he had sent to Council in an email, noting that all are home owners (no renters). There are 17 women and 8 men. 14 moved here within the last 10 years; 7 have lived here less than 2 years; 5 have lived here 25 years or more. Six are business owners. Two are landlords.

Appointments are scheduled for approve on July 9th and the first meeting of the committee will be on July 18th.

Discussion followed.

Most of the discussion focused on whether to keep all 27, the shortage of men, and the shortage of representation from Districts 1 and 4.

Mr. Goff advised the most important thing to the consultant is that everyone be at all the meetings. There will be one meeting a month for 12 months. There will also be meetings with Planning Commission and several opportunities for community input.

There was consensus to include all 27 applicants.

3. Staff Report(s)

Mr. Goff gave a status update on the G Line. FRA has a new staff person who has to be updated, but she is committed to getting this taken care of soon.

Mr. Dahl raised the issue of when proposals for development come in, some developers need more help. The City pays that cost. Council may wish to continue that policy, but may want to consider adopting a rate – as many cities do. Over time quite a bit of money has been spent. Private lawyers cost more, and the case could be made that the City is being taken advantage of. There may be engineering fees and other services related to the development. He pointed out this is a policy choice that has been made, and Council may want to keep offering these services or establish a policy.

There was discussion. There were differing views about whether to charge for services like this or do it gratis. Regarding conflict of interest, Mr. Dahl reported that even when he is assisting the developers, he always represents the City first.

Councilmember Hoppe suggested that Mr. Dahl bring some examples to Council showing how much time and money has been spent on this. Mr. Dahl agreed to do that.

4. Elected Officials' Report(s)

Leah Dozeman wished all a Happy Independence Day. She reminded everyone that all fireworks are illegal and recommended folks enjoy a neighboring fireworks display.

ADJOURNMENT: The Study Session adjourned at 7:45 p.m.

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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 23, 2018

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Tim Fitzgerald, Mayor pro tem

City of Wheat Ridge

ITEM NO: 1.
DATE: July 23, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 17-2018 - AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 9800 W. 38th AVENUE FROM RESIDENTIAL-ONE (R-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-18-09/LAUDICK)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING (06/25//2018)
☒ ORDINANCES FOR 2ND READING (07/23/2018)

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director **City Manager**

ISSUE:
The applicant is requesting approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) for property located at 9800 W. 38th Avenue.

The purpose of the rezoning is to modify the permitted uses to allow a new residential duplex development. The Outline Development Plan (ODP) accompanies a zone change to planned development and depicts the general location of building footprints, circulation, parking, building height and landscaping.

Rezoning to a planned development is a two-step process. If the zone change and ODP were approved, the applicant would proceed to a Specific Development Plan and plat which will be a separate application.

PRIOR ACTION:
Planning Commission heard this request at a public hearing on May 17, 2018, and gave a recommendation of approval for the following reasons:

1. The proposed zone change will serve as a land use transition between 38th Avenue and the neighborhood to the south 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.
3. All agencies can serve the property with improvements installed at the developer's expense.
4. The criteria used to evaluate a zone change support the request.

With the following condition:

1. All minor corrections occur prior to the City Council public hearing.

FINANCIAL IMPACT:
The proposed zone change is not expected to have a direct financial impact on the City. Fees in the amount of $1,281 were collected for the review and processing of Case No. WZ-18-09.

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 increased housing choices.

BACKGROUND:
The site is located at 9800 W. 38th Avenue, just east of Kipling Street, at the southeast corner with Johnson Street. The property is 1.28 acres in size and is unplatted. The subject property has roughly 275 feet of street frontage along W. 38th Avenue and 140 feet of street frontage along Johnson Street. The southern boundary of the property, which is angled from the southwest to the northeast, contains a drainage way that empties into Lena Gulch via an inlet on the City-owned property west of Johnson. The site has roughly 20 feet of fall from the front of the property to the rear, sloping from the northeast to the southwest.

Surrounding Land Uses
Surrounding properties include a variety of land uses and zoning. Immediately to the west across Johnson Street is a vacant parcel zoned PCD, owned by the City of Wheat Ridge. Beyond that parcel is a property zoned C-1, containing the Appleridge Café. To the southwest is the City of Wheat Ridge's Discovery Park. On the west side of Kipling Street is the recently developed Kipling Ridge development with Sprouts and Starbucks as major tenants. To the east is the Meadow Haven Subdivision, zoned R-2A, consisting of single family and duplex residences. To the south are properties zoned R-1 containing single-family homes. To the north, across W. 38th Avenue, are properties zoned R-2.

Current and Proposed Zoning
The property is currently zoned Residential-One (R-1) which allows single-family homes on a minimum lot of 12,500 square feet.

The applicant is requesting planned residential development zoning for the construction of eight-duplexes, for a total of 16 units. Density proposed is roughly 19.5 units per acre. The units have rear access from a private street extending from Johnson Street to West 38th Avenue.

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 submittals for Specific Development Plan and plat.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 17-2018, an ordinance approving the rezoning of property located at 9800 W. 38th Avenue from Residential-One (R-1) to Planned Residential Development (PRD) and for an Outline Development Plan on second reading and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 17-2018, an ordinance approving the rezoning of property located at 9800 W. 38th Avenue from Residential-One (R-1) to Planned Residential Development (PRD) and for an Outline Development Plan, on second reading for the following reasons:

1.
2.
3. ."

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

ATTACHMENTS:
1. Council Bill No. 17-2018
2. Planning Commission staff report
3. Planning Commission public hearing minutes

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER POND
COUNCIL BILL NO. 17
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 9800 W. 38th AVENUE FROM RESIDENTIAL-ONE (R-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND FOR APPROVAL OF AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-18-9/LAUDICK)

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, Nathan Laudick 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 9800 W. 38th Avenue; and,

WHEREAS, a zone change will allow for redevelopment opportunities on an underutilized property and increase 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 Nathan Laudick for approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (ODP) for property located at 9800 W. 38th 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 BEING A PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 27 BEING N 89°39'35" E, CITY OF WHEAT RIDGE DATUM AND MONUMENTED AS FOLLOWS:

-NORTHWEST CORNER OF SECTION 27, BEING A FOUND 3.25" ALUMINUM CAP IN RANGE BOX, PLS 29757, PER MON. REC. DATED 1-14-13, CITY OF WHEAT RIDGE DATUM CONTROL POINT NO. 15409.

-NORTH 1/4 CORNER OF SECTION 27, BEING A FOUND 3.25" BRASS CAP IN RANGE BOX, PLS 13212, PER MON. REC. DATED 5-5-06, CITY OF WHEAT RIDGE DATUM CONTROL POINT NO. 15509.

POINT OF COMMENCEMENT AT THE NORTHWEST CORNER OF SECTION 27;

THENCE N 89°39'35" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 27 A DISTANCE OF 662.91 FEET;

THENCE S 00°11'55" E A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF MEADOW HAVEN SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 86051870 AND THE **POINT OF BEGINNING**;

THENCE S 00°11'55" E ALONG THE WESTERLY LINE OF SAID MEADOW HAVEN SUBDIVISION AND THE EXTENSION THEREOF A DISTANCE OF 247.00 FEET TO A POINT ON THE NORTHERLY LINE OF WESTHAVEN SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 51495593;

THENCE ALONG SAID NORTHERLY LINE OF WESTHAVEN SUBDIVISION THE FOLLOWING FOUR (4) COURSES:

1. N 84°09'48" W A DISTANCE OF 40.12 FEET;

2. N 66°49'07" W A DISTANCE OF 66.72 FEET;

3. N 70°16'31" W A DISTANCE OF 166.12 FEET;

4. N 43°14'39" W A DISTANCE OF 28.03 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF JOHNSON STREET;

THENCE N 00°12'32" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 138.53 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE;

THENCE N 89°39'35" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE A DISTANCE OF 276.48 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 55,957 SQUARE FEET, OR 1.2846 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 7 to 0 on this 25th day of June, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 23, 2018 at 7:00 o'clock p.m**., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this twenty-fifth 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: June 28, 2018
2nd publication:
Wheat Ridge Transcript:
Effective Date:

CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT

TO:	Planning Commission	**MEETING DATE:**	June 7, 2018
CASE MANAGER:	Meredith Reckert		
CASE NO. & NAME:	WZ-18-09 / Laudick		
ACTION REQUESTED:	Approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP)		
LOCATION OF REQUEST:	9800 W. 38th Avenue		
APPLICANT (S):	Nathan Laudick		
OWNER (S):	Athanas Group		
APPROXIMATE AREA:	1.28 acres		
PRESENT ZONING:	Residential-One (R-1)		
COMPREHENSIVE PLAN:	Neighborhood		

ENTER INTO RECORD:

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

Location Map

ATTACHMENT 2

JURISDICTION:

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

I. REQUEST

Case No. WZ-18-09 is an application for approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 9800 W. 38nd Avenue. The purpose of the request is to allow construction of a new residential development on the property.

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

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

II. EXISTING CONDITIONS/PROPERTY HISTORY

The site is located at 9800 W. 38th Avenue, just east of Kipling Street, at the southeast corner with Johnson Street. According to the Jefferson County Assessor, the property is 55,957 square feet (1.28 acres) in size and is unplatted. *(Exhibit 1, Aerial Photo)*

The subject property has roughly 275 feet of street frontage along W. 38th Avenue and 140 feet of street frontage along Johnson Street. The southern boundary of the property, which is angled from the southeast to the northwest, contains a drainage way that empties into Lena Gulch via an inlet on the City-owned property west of Johnson. The site has roughly 20 feet of fall from the front of the property to the rear, sloping from the northeast to the southwest.

Surrounding properties include a variety of land uses and zoning. *(Exhibit 2, Zoning Map)* Immediately to the west across Johnson Street is a vacant parcel zoned PCD, owned by the City of Wheat Ridge. Beyond that parcel is a property zoned C-1, containing the Appleridge Café. To the southwest is the City of Wheat Ridge's Discovery Park. On the west side of Kipling Street is the recently developed Kipling Ridge development with Sprouts and Starbucks as major tenants. To the east is the Meadow Haven Subdivision, zoned R-2A, consisting of single family and duplex residences. To the south are properties zoned R-1 containing single-family homes. To the north, across W. 38th Avenue, are properties zoned R-2. *(Exhibit 3, Site photos)*

III. OUTLINE DEVELOPMENT PLAN

Attached is a copy of the proposed Outline Development Plan (ODP), which contains two sheets (*Exhibit 4, Outline Development Plan*). The first page is a typical cover page with certifications, legal description and signature blocks. Also on the first page is a character of development statement, list of permitted uses, and other notes.

The second page includes the conceptual layout of the property, which depicts building location, access and landscaped areas. Additionally, this page establishes the development standards that will govern future development on the site.

Allowable Uses

The applicant has proposed that the property be developed into eight duplexes. Also allowed, as accessory uses are home occupations and the keeping of household pets. The applicant has added notes prohibiting detached accessory structures, RV or boat storage in the project. These provisions are consistent with other recent Planned Residential Development single-family and duplex developments in the City

Site Configuration

The ODP depicts a 16-unit duplex development with two access points, one each from West 38th Avenue and Johnson Street connected with a private street. Eight duplexes with four on each side line the street. Units will be facing "out" toward either West 38th Avenue or the open space on the south. Parking will be provided by rear-loaded, two-car garages. Six overflow parking spots are provided at the entrances of the subdivision. There is also on-street parking on Johnson to accommodate three additional spaces.

A large landscaped tract is shown on the southern portion of the site. This area will accommodate drainage detention and open space. A 5' wide sidewalk is provided on the south side of the drive. An additional pedestrian walk is provided through the open space area.

Development Standards

The property is 1.2 acres in size, which means that the proposed density is 12.5 units/acre. Maximum density allowed in a planned residential development is 21 units per acre. Lot sizes range from 3100 square feet to 4300 square feet.

The paired units will be required to have a 15' front setback (from 38th Avenue or the open space tract). Side setbacks adjacent to right-of-way or development boundaries will be 15' as well. Interior side setbacks are proposed as 5'. The aggregated open space requirement is a minimum of 30%.

The maximum height permitted within the development is shown as 35', which is consistent with the maximum height, permitted in residential zone districts in the City; however, the ODP indicates that the proposed duplexes will be two-story.

Architecture

The applicant has proposed architectural requirements with front facades and facades facing open space to have 30% masonry. A provision has also been included that prohibits flat, sloped roofs.

Onsite Drainage Design
When a previously undeveloped parcel of land is developed, historic drainage patterns should be preserved as much as possible and the runoff flow entering and releasing from the site must be reduced to near original, undeveloped conditions. The preliminary drainage proposal for the Westhaven Duplex project has been analyzed by Public Works and sufficient measures are being taken to ensure that developed flows are being adequately addressed. The proposed development, while increasing impervious area, will reduce the 100-year runoff flow to rates below the flow rates of the undeveloped parcel with an underground detention structure. This reduction complies with Urban Drainage and Flood Control District criteria (UDFCD). Additionally, the detention structure will be oversized (if space allows), or hydrodynamic separators will be installed upstream of the detention structure to provide water quality treatment as required by the UDFCD.

Historically, runoff has drained via sheet flow from the northeast to the southwest corner of the site. There is an existing drainage swale along the southern property boundary of the site to capture flows from the Westhaven Duplex site and adjacent parcels to the south and east. The runoff from the Westhaven Duplex site, once entering this swale, flows to the west to a culvert under Johnson St whereupon it flows north under 38th Avenue and then continues north until ultimately draining to Lena Gulch.

Runoff for the proposed site will mimic the historical undeveloped runoff flows. An underground detention structure will be installed on the southern portion of the site and it will release to the existing swale on the southern border of the site. The proposed flows will then follow the same path as the historic flows ultimately draining to Lena Gulch.

A full drainage report and final design will be required at the time of SDP and/or plat applications.

Traffic Analysis
Traffic from the existing site is not anticipated to have an impact on traffic in the neighborhood. Typically, Public Works will require a trip generation letter to determine the amount of traffic generated by a proposed development. The number of vehicular trips generated by the site is determined by a standardized method that utilizes the Institute of Transportation Engineers (ITE) Trip Generation Manual to determine the number of trips based on a proposed land use and number of units. The analysis for the Westhaven Duplexes indicates a total of 16 vehicular trips in the PM peak hour, generally between 4 PM – 6 PM. Public Works does not require a more detailed Traffic Impact Study for projects generating less than 60 trips in the peak hour. It has been demonstrated over time that sites generating less than 60 trips in the peak hour have a negligible impact on neighborhood traffic.

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. The applicant has provided his analysis for the zone change request. *(Exhibit 5, Applicant letter)*

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 promotes the health, safety, and general welfare of the community and will not result in significant adverse effects on the surrounding area.

The property has been underutilized and has been the subject of nuisance violations for the owner including weeds, illegal parking and dumping violations. The Planned Residential Development zoning is expected to have a positive impact on the neighborhood both aesthetically and from a property value perspective. The project will serve as a transition between 38th Avenue and the lower density residential uses to the south and supports compatibility between the commercial land uses to the west and the Kipling and 38th Avenue corridors.

Public Works has determined that the local streets are adequate to support the rezoning request.

Staff concludes that this criterion has been met.

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

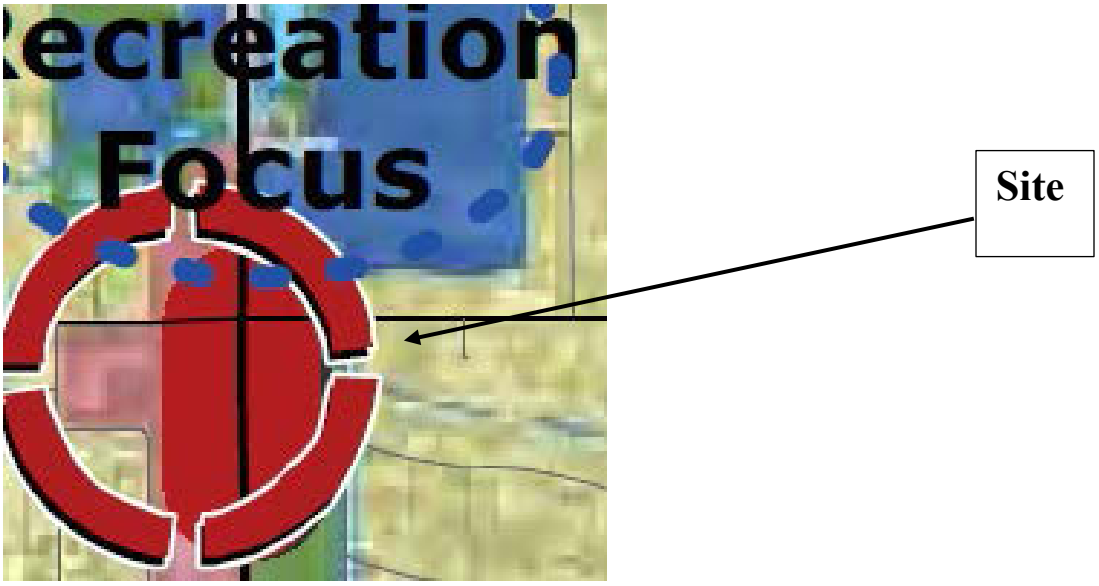
   All responding agencies have indicated they can serve the property with improvements installed at the developers' expense. Should the zone change be approved, a more detailed review will occur at the time of the Specific Development Plan.

   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.**

      The existing Comprehensive Plan was adopted in 2009. The Structure Plan map in *Envision Wheat Ridge* illustrates the community's vision by classifying different types of land use areas and transportation corridors.



The property is identified as a Neighborhood classification, which calls for places for people to own homes and thrive. Many times these areas are anchored by a school or park use.
This location has both with Everett Middle school about a block to the north and Discovery Park adjacent to the west. The site also has proximity to the City's recreation center, one of the most popular and heavily used rec centers in the metropolitan area

The 'red ring" in the image above identifies the 38th and Kipling intersection as a Community Commercial Center. Kipling is shown as a Primary Commercial Corridor represented by the red dots. Kipling is high on the list of redevelopment priorities, which has been realized through redevelopment of the Kipling Ridge shopping area. The new duplexes will provide homes that will support these commercial uses, and will have convenient access to the recreation amenities in the area.

The structure plan is just one component of the Comprehensive Plan. There are other goals identified in the plan such as recognizing the need to improve underutilized property and encouraging revitalization of "problem" properties. This investment will help bring stability to the property, which has been underutilized, difficult to maintain and subject to Code Enforcement action. Other goals met will be to enhance the quality and character of Wheat Ridge's established neighborhoods and increased housing options

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-1 zoning designation as it appears on the City zoning maps.

Staff concludes that this criterion is not applicable.

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

Development activity along the Kipling corridor continues to intensify with new commercial redevelopment to the west (Kipling Ridge development) on 38th Avenue and commercial reinvestment to the south at 26th Avenue (Gold's Market).

Kipling is classified as a Principal Arterial and carries over 39,000 vehicles per day (2016 count). West 38th Avenue is classified as an Arterial and carries over 13,000 vehicles per day east of Kipling (2011 count). It is constructed with two through lanes and a center turn lane. Improvements on the south side of 38th adjacent to the property frontage include curb, gutter and attached 5' wide sidewalk

The City of Wheat Ridge has also invested in the Kipling Street corridor. With the aid of federal funding, the City completed constuction of a multi-use trail along the east side of Kipling Street. Completion of this project resulted in a 10'-wide concrete trail extending from the Crown Hill Open space at the southeast corner of 32nd and Kipling north to West 44th Avenue, increasing pedestrian connections and safety.

Based on increased traffic and intensification of land uses on the corridor, Staff concludes that there are changed conditions, which make this property less desirable for low-density residential use. The PRD zoning would provide a land use transition between 38th Avenue and the lower density residential neighborhoods to the south.

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 <u>not applicable</u>.

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 was required to hold a neighborhood input meeting in accordance with section 26-109 of the Code of Laws.

The meeting was held on March 27, 2018, with about fifteen attendees from the neighborhood present. Please refer to the neighborhood meeting notes attached as an exhibit. (*Exhibits 6 and 7, neighborhood meeting notes and sign-up sheet*) Two letters were received in response to the notice. *(Exhibit 8, Letters received)*

Staff would note that the proposed development has been modified since the neighborhood meeting in March. The original proposal was for 23 units configured as townhomes. In response to feedback from the neighbors, the plan was modified for sixteen duplex units.

VI. AGENCY REFERRAL

All affected service agencies were contacted regarding their ability to serve the property. The developer will be responsible for any needed upgrades to accommodate the proposed development. An additional referral will be distributed during the SDP process. Specific referral responses follow.

Consolidated Mutual Water District: Can serve the property subject to installation of improvements with the new development.

Westridge Sanitation District: Has no objection to the development and has the ability to serve the property from Johnson Street or West 38th Avenue.

West Metro Fire Protection District: Can serve the property. A new hydrant will be required to be installed at the west entrance to the development.

Wheat Ridge Building Department: No comments.

Wheat Ridge Parks Department: Will require fees in lieu of land dedication in the amount of $2497.29 per unit.

Wheat Ridge Police: Can serve the new development.

Wheat Ridge Public Works: Will require 1.5' of right-of-way for Johnson Street and a 1' strip along 38th Avenue at the time of SDP and plat. Has reviewed preliminary drainage and traffic data.

Xcel Energy: Can serve.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zone change will provide a land use transition between 38th Avenue and the low-density neighborhood to the south. The redevelopment of the site could also serve as a catalyst for other investment in the area. Utility infrastructure is adjacent to and can serve the property with improvements installed at the developer's expense. Finally, Staff concludes that the zone change is consistent with the goals and objectives of the Comprehensive Plan.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-18-09.

VIII. SUGGESTED MOTIONS

Option A:

"I move to recommend APPROVAL of Case No. WZ-18-09, a request for approval of a zone change from Residential-One to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 9800 W. 38th, for the following reasons:

1. The proposed zone change will serve as a land use transition between 38th Avenue and the neighborhood to the south and could serve as a catalyst for additional investment in the area.
2. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.
3. All agencies can serve the property with improvements installed at the developer's expense.
4. The criteria used to evaluate a zone change support the request.

With the following conditions:

1..."

Option B:
"I move to recommend DENIAL of Case No. WZ-18-09, a request for approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 9800 W. 38th Avenue, for the following reasons:

1.
2. …"

EXHIBIT 1: AERIAL

EXHIBIT 2: ZONING MAP

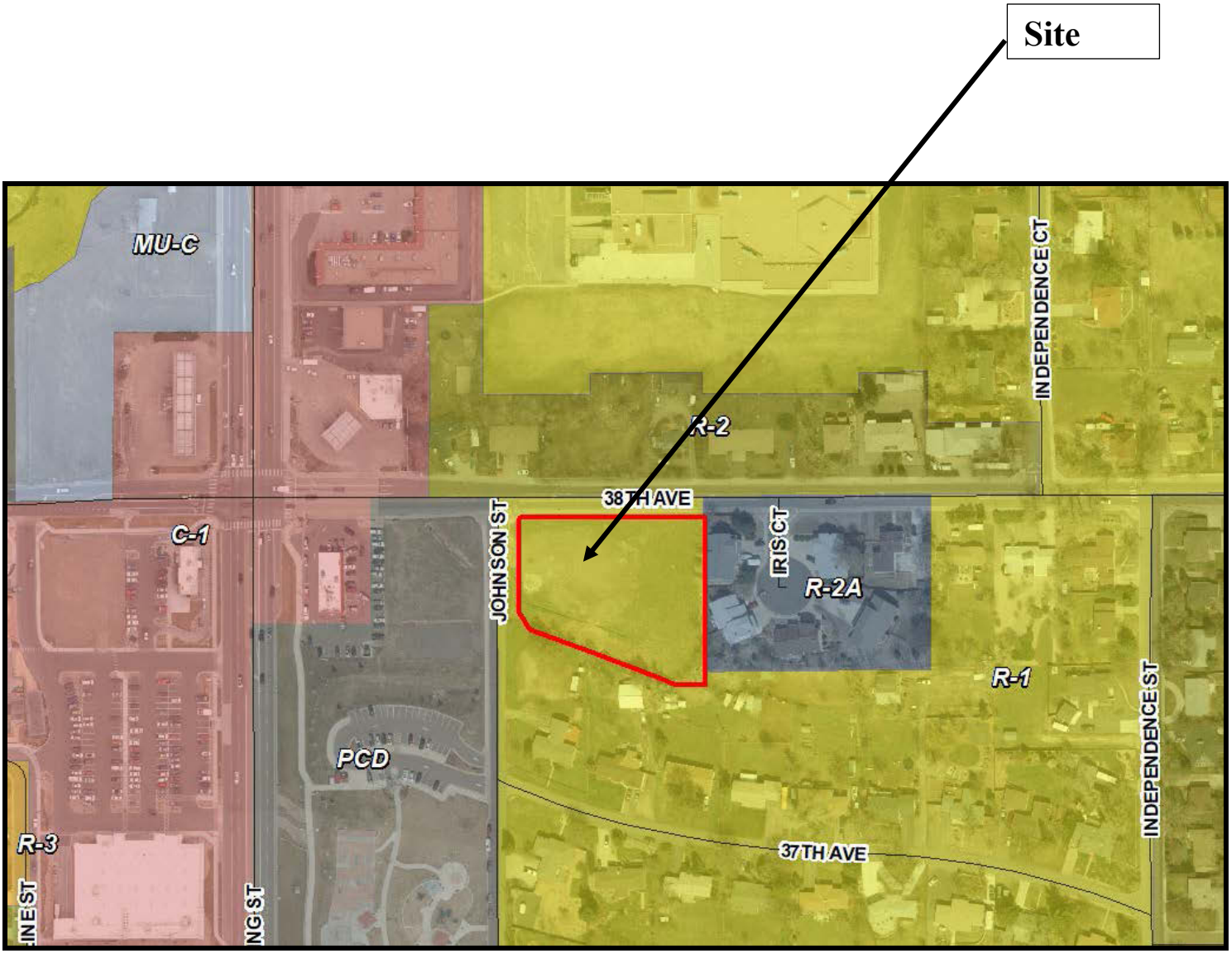


EXHIBIT 3: SITE PHOTOS

View looking northeast
from Johnson Street

View looking north toward 38th Avenue from Johnson Street

View looking east at adjacent homes

View looking east at 38th Avenue frontage

View looking south at Johnson Street frontage

EXHIBIT 4: ODP DOCUMENT

[See Attached]

WESTHAVEN DUPLEXES PLANNED RESIDENTIAL DEVELOPMENT
AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE

A PORTION OF THE NW 1/4 OF NW 1/4 OF SECTION 27,
TOWNSHIP 3 SOUTH, RANGE 69 WEST 6TH P.M.
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

UTILITY NOTIFICATION CENTER
The811.Promise.com
FOR MARKING OF UNDERGROUND MEMBER UTILITIES.

L&L ENGINEERING ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

OWNER / DEVELOPER

B&B ENGINEERING, LLC
6324 XAVIER CT.
ARVADA, CO 80003
CONTACT: NATHAN LAUDICK, PE
PHONE: (419) 203-5000
EMAIL: NATHAN@LAUDICKENG.COM

CIVIL ENGINEER

LAUDICK & LAUDICK ENGINEERING
1150 DELAWARE ST., SUITE 104
DENVER, CO 80204
CONTACT: NATHAN LAUDICK, PE
PHONE: (419) 203-5000
EMAIL: NATHAN@LAUDICKENG.COM

SURVEYOR

SURVEY 303, LLC
CONTACT: CHRIS MCELVAIN, PLS
5368 LYNN DR.
ARVADA, CO 80002
PHONE: (303) 514-3668

ALLOWED USES:

1. INTENT:

1.1. THIS PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD) IS ESTABLISHED TO PROVIDE FOR A QUALITY RESIDENTIAL NEIGHBORHOOD, CONSISTING OF DUPLEXES THAT ARE COMPATIBLE WITH ADJACENT EXISTING RESIDENTIAL AND OPEN SPACE USES.

2. USES:

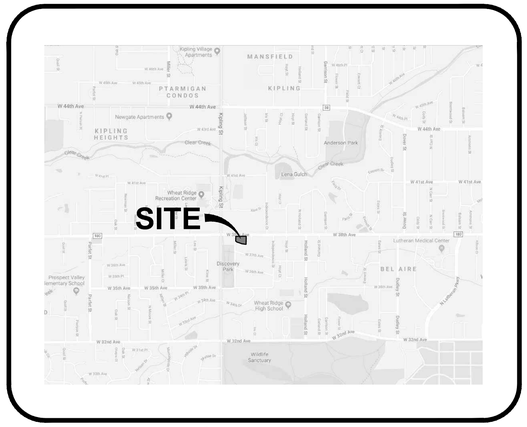
2.1. ALLOWED USES
2.1.1. DUPLEX DWELLINGS
2.1.2. OPEN SPACE

2.2. ACCESSORY USES
2.2.1. HOME OCCUPATION
2.2.2. HOUSEHOLD PETS

QUASI-PUBLIC AND PUBLIC UTILITY LINES, STORM DRAINAGE, SANITARY SEWER AND WATER SUPPLY FACILITIES.

DETACHED ACCESSORY STRUCTURES ARE NOT ALLOWED.

RV AND BOAT STORAGE ARE NOT ALLOWED.



VICINITY MAP

WESTHAVEN DUPLEXES PROPERTY DESCRIPTION - ZONING:

A PARCEL OF LAND BEING A PORTION OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE S 00°11'55" E ALONG THE WESTERLY LINE OF SAID MEADOW HAVEN SUBDIVISION AND THE EXTENSION THEREOF A DISTANCE OF 247.00 FEET TO A POINT ON THE NORTHERLY LINE OF WESTHAVEN SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. 51495593;

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2. N 66°49'07" W A DISTANCE OF 66.72 FEET;

3. N 70°16'31" W A DISTANCE OF 166.12 FEET;

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THENCE N 89°39'35" E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE A DISTANCE OF 276.48 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 55,957 SQUARE FEET, OR 1.2846 ACRES MORE OR LESS.

SEE SHEET 2 OF 2 FOR DEVELOPMENT STANDARDS

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER H. MCELVAIN, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF WESTHAVEN DUPLEXES WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAN ACCURATELY REPRESENTS SAID SURVEY.

_____
CHRISTOPHER H. MCELVAIN, PLS 36561, FOR AND ON BEHALF OF SURVEY303, LLC

CHARACTER OF NEIGHBORHOOD:

THE PLANNED RESIDENTIAL DEVELOPMENT WILL ENHANCE AN UNDERUTILIZED INFILL SITE NEAR THE INTERSECTION OF 38TH AND KIPLING. THE DEVELOPMENT WILL PROMOTE PEDESTRIAN CONNECTIVITY AND INTERACTION WITH THE SURROUNDING COMMUNITIES AND COMMERCIAL CENTERS. IT WILL PROVIDE DUPLEX UNIT TYPES AND MEETS THE CITY OF WHEAT RIDGE CODE REQUIREMENTS OF SECTION 26-301C. THE PROPOSED DEVELOPMENT IS A TRANSITIONAL COMMUNITY DESIGNED TO ALLOW BUFFERING AND DENSITY TRANSITION FROM THE COMMERCIAL CENTER TO THE WEST AND THE DUPLEXES TO THE NORTH AND EAST TO THE LOWER DENSITY SINGLE FAMILY NEIGHBORHOOD TO THE SOUTH. THE NEIGHBORHOOD FEATURES A UNIQUE CHARACTER WITH A VARIETY OF ARCHITECTURAL DESIGNS. HOMES WILL FEATURE TRADITIONAL ARCHITECTURAL DESIGN WHILE INCLUDING A VARIETY OF MATERIALS THAT MEET WHEAT RIDGE'S ARCHITECTURAL GUIDELINES. THE DEVELOPMENT FEATURES A COMMUNAL LANDSCAPED OPEN SPACE ALLOWING RESIDENTS TO ENJOY THE NATURAL BEAUTY OF THE AREA, WHICH CREATES COMMUNITY SYNERGY. MATERIALS AND COLOR PALETTES WILL BE PREDETERMINED IN THE SPECIFIC DEVELOPMENT PLAN TO AFFIRM CONSISTENT STREETSCAPES. THE COMMUNITY WILL FEATURE ENTRY SIGNAGE WITH TREES AND LANDSCAPING. THE PEDESTRIAN FRIENDLY NEIGHBORHOOD ALLOWS CONVENIENT ACCESS TO BUS ROUTES ON W 38TH AVE. EACH UNIT WILL HAVE A TWO CAR GARAGE, ON STREET PARKING WILL BE PROVIDED ON JOHNSON ST., AND SHARED VISITOR PARKING WILL ALSO BE PROVIDED ON SITE.

ODP NOTE:

THIS OUTLINE DEVELOPMENT PLAN IS CONCEPTUAL IN NATURE. SPECIFIC DEVELOPMENT ELEMENTS SUCH AS SITE LAYOUT AND BUILDING ARCHITECTURE HAVE NOT BEEN ADDRESSED ON THIS DOCUMENT. AS A RESULT, A SPECIFIC DEVELOPMENT PLAN MUST BE SUBMITTED AND APPROVED BY THE CITY OF WHEAT RIDGE PRIOR TO THE SUBMITTAL OF A RIGHT-OF-WAY OR BUILDING PERMIT APPLICATION AND ANY SUBSEQUENT SITE DEVELOPMENT.

DRAINAGE CONSIDERATIONS:

PER CITY OF WHEAT RIDGE SITE DRAINAGE REQUIREMENTS, WATER QUALITY FEATURES MAY BE LOCATED THROUGHOUT THE SITE, AND A DETENTION FACILITY IS PROPOSED TO BE LOCATED IN THE SOUTHWEST CORNER OF THE PROPERTY. A FINAL DRAINAGE REPORT, DESIGN, AND EASEMENT SHALL BE PROVIDED WITH THE SUBDIVISION PLAT. THE HOA WILL BE RESPONSIBLE FOR MAINTENANCE.

FLOOD PLAIN

PROPERTY LIES OUTSIDE OF THE 100-YEAR FLOOD PLAIN.

PHASING:

THIS PROJECT IS ANTICIPATED TO HAVE ONLY ONE PHASE, HOWEVER FUTURE PHASING, IF REQUIRED, WILL NOT REQUIRE AMENDMENT TO THIS PLAN.

CASE HISTORY:

CASE #: WZ-18-09

OWNERS CERTIFICATE

THE BELOW SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE THAT THE PROPERTY LEGALLY DESCRIBED HEREON WILL BE DEVELOPED AS A PLANNED DEVELOPMENT IN ACCORDANCE WITH THE USES, RESTRICTIONS AND CONDITIONS CONTAINED IN THIS PLAN, AND AS MAY OTHERWISE BE REQUIRED BY LAW. I (WE) FURTHER RECOGNIZE THAT THE APPROVAL OF A REZONING TO PLANNED DEVELOPMENT, AND APPROVAL OF THIS OUTLINE DEVELOPMENT PLAN, DOES NOT CREATE A VESTED PROPERTY RIGHT. VESTED PROPERTY RIGHTS MAY ONLY ARISE AND ACCRUE PURSUANT TO THE PROVISIONS OF SECTION 26-121 OF THE WHEAT RIDGE CODE OF LAWS.

_____
NATHAN LAUDICK
B&B ENGINEERING, LLC

STATE OF COLORADO _____

COUNTY OF JEFFERSON

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____DAY OF _____, A.D. 20___BY_____.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

_____
NOTARY PUBLIC

CITY CERTIFICATION

APPROVED THIS _____DAY OF _____, A.D. 20___BY WHEAT RIDGE CITY COUNCIL.

ATTEST

_____ _____
CITY CLERK MAYOR

_____
DIRECTOR OF COMMUNITY DEVELOPMENT

PLANNING COMMISSION CERTIFICATION

RECOMMENDED FOR APPROVAL THIS _____DAY OF _____, A.D. 20___BY WHEAT RIDGE PLANNING COMMISSION.

_____
CHAIRPERSON

COUNTY CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT _____O'CLOCK,__M. ON THE ____DAY OF_____, 20__ A.D. IN BOOK_____, PAGE_____, RECEPTION NO. _____.

JEFFERSON COUNTY CLERK AND RECORDER

BY:_____
DEPUTY

SHEET INDEX

Sheet Number	Sheet Title
01	COVER SHEET
02	PRELIMINARY SITE PLAN

PROJECT LAND USE TABLE

USE	SQUARE FEET	ACRES	%
DUPLEX STRUCTURE MAXIMUM FOOTPRINT AGGREGATE	20,231	0.4644	36.48
STREETS / ALLEYS	10,547	0.2421	19.02
LOT OPEN SPACE / LANDSCAPING	7,887	0.1808	14.22
TRACT OPEN SPACE / LANDSCAPING	16,786	0.3853	30.28
TOTAL PROJECT AREA	55,451.43	1.2729	100

Contact:
NATHAN LAUDICK, PE
419.203.5000
NATHAN@LAUDICKENG.COM
DENVER, CO

LAUDICK & LAUDICK
Civil Engineering Services

WESTHAVEN DUPLEXES
9800 W. 38TH AVE., WHEAT RIDGE, CO 80033
B&B ENGINEERING, LLC
BB18-001

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REVISION:

DATE: 04/05/2018
DRAWN BY: XXX
CHECKED BY: XXX

8001 - COVER SHEET.dwg

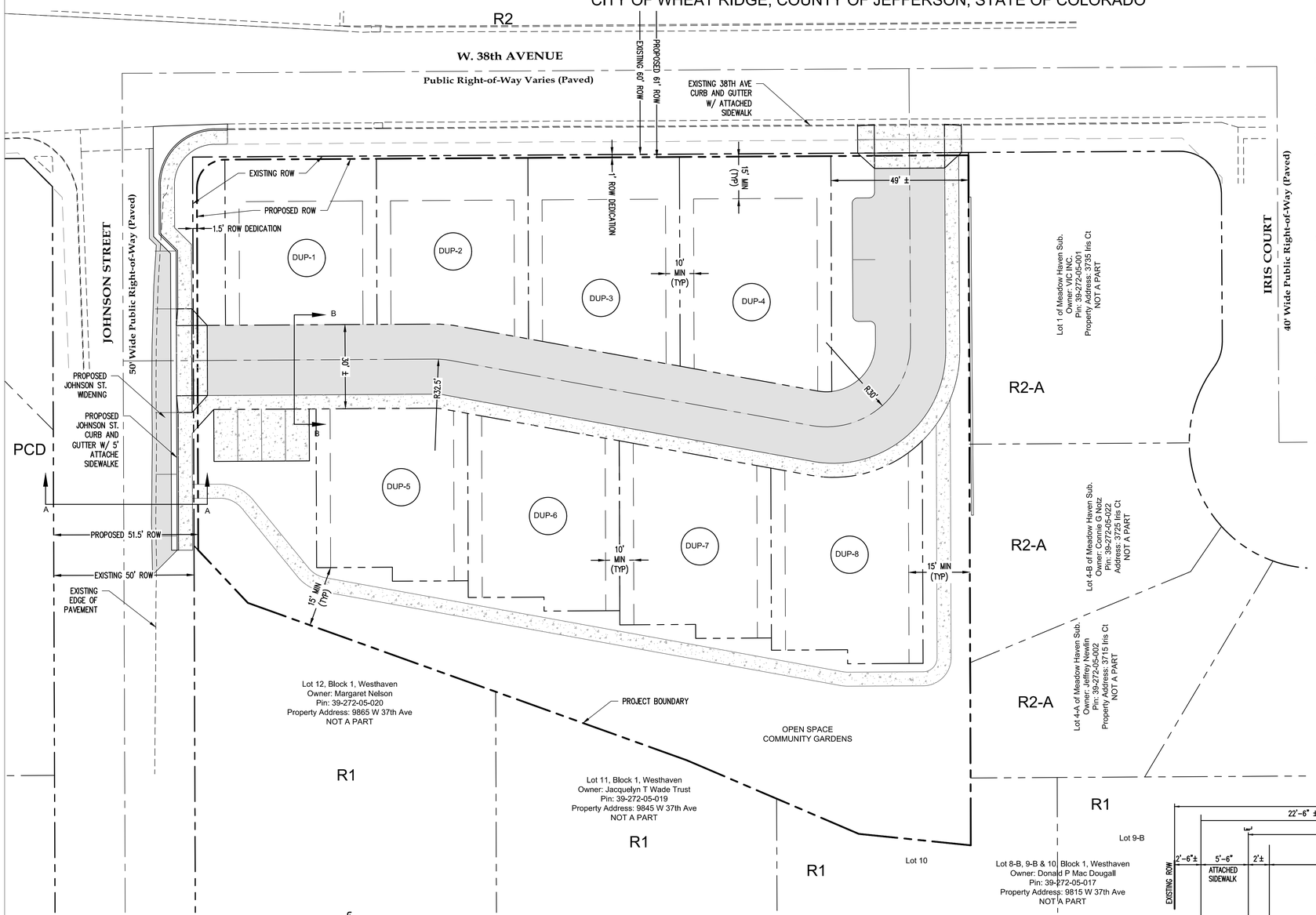
COVER SHEET

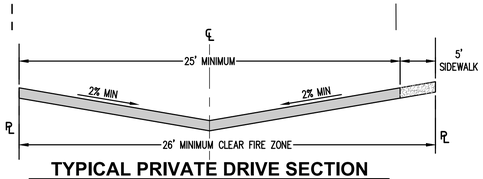
01
OF 02
1" = 50'

G:\Projects\2018\BB18-001 - 38th & Kipling\DWG\BB18 - COVER SHEET.dwg, 5/14/2018 9:11:06 AM, PDF.pc3

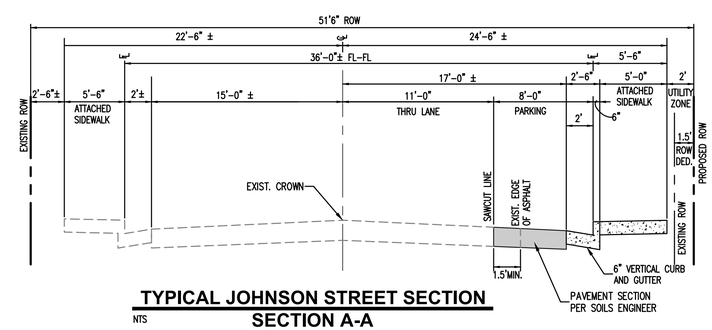
WESTHAVEN DUPLEXES PLANNED RESIDENTIAL DEVELOPMENT
AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE

A PORTION OF THE NW 1/4 OF NW 1/4 OF SECTION 27,
TOWNSHIP 3 SOUTH, RANGE 69 WEST 6TH P.M.
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO





TYPICAL PRIVATE DRIVE SECTION
NTS
SECTION B-B



TYPICAL JOHNSON STREET SECTION
NTS
SECTION A-A

N
W E
S

UTILITY NOTIFICATION CENTER
The 811 Promise.com
FOR MARKING OF UNDERGROUND MEMBER UTILITIES.

L&L ENGINEERING ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

20 0 10 20 40
ORIGINAL SCALE: 1"= 20' HORIZ.

DEVELOPMENT STANDARDS:

1. USE AREAS:
   a. THE ENTIRE PROJECT AREA SHALL BE UTILIZED FOR DUPLEX (DUP) HOMES.
2. MAXIMUM HEIGHT: 35 FEET
   a. LOTS DUP5-DUP8 SHALL BE LIMITED TO TWO STORIES
3. DUP MAXIMUM DENSITY: 16 UNITS
4. MINIMUM SETBACKS (MEASURED TO FOUNDATION)
   a. FRONT SETBACK = 0' OR MINIMUM 15' FROM PROJECT BOUNDARY
   b. SIDE SETBACK = 5' OR 15' FROM PROJECT BOUNDARY
   c. SIDE SETBACK AT SHARED DUPLEX WALL = 0'
   d. REAR/ALLEY SETBACK = 0'
   e. MINIMUM BUILDING SEPARATION = 10'
   f. BUILDING SETBACK ENCROACHMENTS ARE PERMITTED IN CONFORMANCE WITH SECTION 26-611 OF THE WHEAT RIDGE MUNICIPAL CODE.
5. PARKING
   a. OFF-STREET PARKING: ALL HOMES WILL HAVE TWO-CAR GARAGES.

   6.1. VISITOR PARKING:
   a. PROJECT TO PROVIDE A MINIMUM OF FOUR ON SITE PARKING SPACES.
   b. OFF STREET PARKING SPACES CREATED ON JOHNSON STREET.
7. LANDSCAPING:
   a. PROJECT TO HAVE MINIMUM OPEN SPACE OF 30% IN AGGREGATE BETWEEN TRACTS AND LOTS.
   b. ALL LANDSCAPING SHALL BE IN CONFORMANCE WITH SECTION 26-502 LANDSCAPING REQUIREMENTS OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
8. EXTERIOR LIGHTING: ALL LIGHTING SHALL BE IN CONFORMANCE WITH SECTION 26-503 EXTERIOR LIGHTING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
9. SIGNAGE: ALL SIGNAGE SHALL BE IN CONFORMANCE WITH ARTICLE VII SIGN CODE OF THE CITY OF WHEAT RIDGE CODE OF LAWS, EXCEPT AS FOLLOWS FOR FREESTANDING SUBDIVISION SIGN.
   a. MAXIMUM NUMBER: 1
   b. MAXIMUM SIGN AREA: 36 S.F.
   c. MINIMUM SETBACK: 0' (SHALL NOT INTERFERE WITH SIGHT DISTANCE TRIANGLE)
   d. MAXIMUM HEIGHT: 5'
10. FENCING: ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 26-603 FENCING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
11. ARCHITECTURAL AND STREETSCAPE DESIGN
   a. STREETSCAPE DESIGN SHALL BE IN CONFORMANCE WITH THE STREETSCAPE DESIGN MANUAL.
   b. DUPLEX ARCHITECTURE:
   b.a. FACADES FACING PUBLIC R.O.W. AND/OR OPEN SPACE SHALL UTILIZE THE SAME ARCHITECTURAL TREATMENTS AS FRONT FACADES
   b.b. NO TWO ADJACENT STRUCTURES SHALL UTILIZE THE SAME ARCHITECTURALLY DETAILED ELEVATION.
   b.c. A MINIMUM OF 30% MASONRY OF BRICK, BRICK VENEER, STUCCO, STONE, STONE VENEER, SYNTHETIC STONE, OR OTHER APPROVED MASONRY MATERIALS SHALL BE APPLIED ON FRONT ELEVATIONS AND SIDES FACING PUBLIC ROWS OR OPEN SPACE.
   b.d. FRONT DOORS SHOULD BE ORIENTED TOWARDS THE 38TH AVE PUBLIC RIGHT-OF-WAY OR OPEN SPACE.
   b.e. ROOFS - NO STRUCTURE SHALL HAVE SINGLE PLANE FLAT ROOF

LEGEND

	EXISTING	PROPOSED
RIGHT-OF-WAY/ BOUNDARY		
LOT LINE		
SETBACK		

Contact:
NATHAN LAUDICK, PE
419.203.5000
NATHAN@LAUDICKENG.COM
DENVER, CO

LAUDICK & LAUDICK
Civil Engineering Services

WESTHAVEN DUPLEXES
9800 W. 38TH AVE., WHEAT RIDGE, CO 80033
B&B ENGINEERING, LLC
BB18-001

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REVISION:

DATE: 04/05/2018
DRAWN BY: NAL
CHECKED BY: NAL

8001 - ODP SITE PLAN-16.dwg

PRELIMINARY SITE PLAN

02
OF 02
1" = 20'

EXHIBIT 5: APPLICANT LETTER

LAUDICK & LAUDICK

Civil Engineering Services

ODP Application Request

Discovery Park Homes

Project Description:

The Planned Residential Development will enhance an underutilized infill site near the intersection of 38th and Kipling. The development will promote pedestrian connectivity and interaction with the surrounding communities and commercial centers. It will provide a variety of unit types, including townhomes and duplexes, and meets the City of Wheat Ridge Code requirements of Section 26-301C. The proposed development is a transitional community designed to allow buffering and density transition from the commercial center to the west and the duplexes to the north and east. The neighborhood features a unique character with a variety of architectural designs. Homes will feature traditional architectural design while including a variety of materials that meet Wheat Ridge's architectural guidelines. The development features a communal landscaped open space allowing residents to enjoy the natural beauty of the area, which creates community synergy. Materials and color palettes will be predetermined in the Specific Development Plan to affirm consistent streetscapes. The community will feature entry signage with trees and landscaping. The pedestrian friendly neighborhood allows convenient access to bus routes on W 38th Ave. On street parking will be provided on Johnson St., and shared visitor parking will also be provided on site.

Criteria for Review:

We believe that 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 development proposed on the subject property is not feasible under any other zone district and would require an unreasonable number of variances or waivers and conditions. We have contacted Consolidated Mutual and Westridge Sanitation District and they have facilities that border the west and north sides of the site. We will have to bring water and sanitary internally into the site to serve the proposed homes. We believe we meet three of the conditions of 26-303.D.4 being:

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 city-approved policies or plans for the area. This area is shown to be a recreation and commercial center, and a higher density project fits well into both of those use categories.

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

1150 Delaware St.
Denver, CO 80204
419-203-5000 ph
nathan@laudickeng.com

recognize the changing character of the area. As stated above, the development in the area including the commercial center with the Sprouts, the new MorningStar Assisted Living and Memory Care, Starbucks, Wheat Ridge Recreation Center, etc. creates a public interest for a pedestrian friendly development that takes advantage of the nearby amenities.

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. We believe a rezone in necessary to take advantage of the investment made at the busy 38th & Kipling intersection. As a younger developer, I also am passionate about creating a project that a builder can take to develop more attainable housing for young professionals. These units will be perfect starter homes for young families and professionals who seek out low maintenance living, and people who attach high value in being able to walk for most of their daily needs. The millennial generation is also adopting mass transit use at a higher rate than other generations, which is perfect because of the sites proximity to the RTD bus line.

Zone Change Justifications:

A zone change is needed to that this underutilized infill site can be a medium density development for the owners to take advantage of all the nearby amenities without needing to use their cars. The present and future affect will be good on the nearby communities as this new development will bring young educated professionals and families into the area to help support the commercial and residential communities.

The project will be serviced by public facilities and services including fire, police, roadways, parks, schools, etc. There will be added load to the water and sanitation facilities, but there is adequate capacity for the project. Stormwater will be detained and treated to match or improve upon existing discharge rates.

This project will be accessed from either 38th Ave or Johnson St. It is projected the project will add approximately 1% contribution to traffic counts on 38th Ave. Because of the dedicated turn lane on 38th Ave, not turn restrictions from Johnson or 38th Ave are predicted to be needed at this time.

Sincerely,

Nathan Laudick, PE

EXHIBIT 6: NEIGHBORHOOD MEETING NOTES

City of Wheat Ridge
COMMUNITY DEVELOPMENT

City of Wheat Ridge Municipal Building 7500 W. 29th Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2846 F: 303.235.2857

NEIGHBORHOOD MEETING NOTES

Meeting Date:	March 27, 2018
Attending Staff:	Meredith Reckert, Senior Planner
Location of Meeting:	Wheat Ridge Recreation Center
Property Address:	9800 W. 38th Avenue
Property Owner(s):	Athanas Group
Applicant:	Nathan Laudick, Laudick & Laudick Civil Engineering Services
Applicant Present?	Yes
Existing Zoning:	Residential-One (R-1)
Existing Comp. Plan:	Neighborhood

Existing Site Conditions:
The site is located at 9800 W. 38th Avenue, just east of Kipling Street, at the southeast corner with Johnson Street. According to the Jefferson County Assessor, the property is 55,957 square feet (1.28 acres) in size and is unplatted.

Surrounding properties include a variety of land uses. Immediately to the west across Johnson Street is a vacant parcel zoned PCD, owned by the City of Wheat Ridge. Beyond that parcel is a property zoned C-1, containing the Appleridge Café. To the southwest is the City of Wheat Ridge's Discovery Park. On the other side of Kipling Street is the recently developed Kipling Ridge development that currently includes Sprouts and Starbucks. To the east is the Meadow Haven Subdivision, zoned R-2A, consisting of single family and duplex residences. To the south are properties zoned R-1 containing single-family homes. To the north, across W. 38th Avenue, are properties zoned R-2.

The subject property has roughly 275 feet of street frontage along W. 38th Avenue and roughly 140 feet of street frontage along Johnson Street. The southern boundary of the property, which is angled from the southeast to the northwest, currently contains a drainageway that empties into Lena Gulch via an inlet on the City-owned property west of Johnson. The site has roughly 20 feet of fall from the front of the property to the rear, sloping from the northeast to the southwest.

Applicant Preliminary Proposal:

The applicant is proposing to rezone the property from R-1 to a Planned Residential Development to construct approximately 23 townhomes. One row of the townhomes would face W. 38th Avenue, with rear garages accessed from a private drive to the south. On the west side of the site, a second row of townhomes would be located on the south side of the drive. On the east side of the site, two townhome buildings oriented north-south would be accessed from an alley off of the main loop drive. The site would have vehicular access to/from 38th Avenue and Johnson Street. Open space would be located on the south side of the development, acting as a transition to the lower-density residential uses to the south, as well as Discovery Park. This area would contain a detention pond and potentially a community garden or gathering space. The applicant expressed interest in piping the drainageway under the southwest corner of the property to make room for additional townhomes. Some guest parking would be provided on site in the form of head-in parking spaces.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, approximately 15 residents and property owners from the neighborhood attended the meeting; see attached sign-up sheets.
- Staff explained the purpose of the neighborhood meeting, and informed the members of the public of the process for a zone change to Planned Residential Development.
- Staff discussed the site, its zoning and surroundings.
- The applicant presented their proposal and answered further questions, with help from staff.
- The members of the public were informed of their opportunity to make comments during the process and at the required public hearings.
- Questions and concerns largely focused on traffic issues, density and compatibility with the surrounding area

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

- How many units are being proposed? How large will they be and what is the anticipated purchase price?
  Twenty-three rowhomes are being proposed. They will be from 1300 – 1600 square feet in size and the purchase price will begin around $400,000.
- What will happen with the existing irrigation ditch at the south end of the property?
  It will be piped.
- How much parking will be provided?
  Each of the units will have two garage spaces. There will also be four visitor parking spots in the development and 2-3 parking spaces along the east side of Johnson Street.
- It was noted that there are two schools in the area; Everett Middle School to the north and Wheat Ridge High School to the south. Pedestrian access is currently poor. Will the developer be required to install sidewalk?
  A 5' attached sidewalk will be required to be constructed along Johnson Street. West 38th Avenue currently has attached sidewalk but it does not meet current standards. The applicant will be required to build new 6' separated sidewalk along 38th Avenue or pay fees-in-lieu of construction.
- Concerns were expressed regarding the incompatibility of the proposed townhomes with the surrounding low density residential development.

It was noted that it can be desirable to have a land use transition from a high density development adjacent to a busy street to a lower density neighborhood as moving farther away from the street.

Other comments from the attendees:

- *It was noted that the proposed units are three-stories and that the views of the neighborhood to the east and south will be blocked.*
- *Concern was expressed about the access point to 38th Avenue and lack of sight distance,*
- *It was noted that a previous applicant was told that access on Johnson must be as far south as possible.*

There were two letters received regarding the proposal.

EXHIBIT 7: NEIGHBORHOOD MEETING SIGN-UP

Please sign in!

September 13, 2017 – 6 PM
Neighborhood Meeting

7955 W. 42nd Avenue

Zone change from Residential-Two (R-2) to Planned Residential Development (PRD)

PLEASE PRINT

	Name	Address
1.	Marcia Garramone	4195 Ammons
2.	Lisa Garramone	4195 Ammons
3.	SUE HAYER	7955 W 42 AVE
4.	Matt Hanks	809 Quail St., Bldg. 4 (Jeffco Schools)
5.	Cameron Berton	1145 Gaylord St. Denver, CO
	Susan & Mark Mer	7900 W. 42nd Av

1

Please sign in

6. Guy & Suzi Stanfel 9870 W. 37th Ave Wheatridge
7. Steve & Fran Singer 9810 W. 36th Ave. Wheat Ridge
8. Don MacDougall 9815 W. 34th Ave WR
9. David Hunter 3815 Independence CT 80033
10. Lynda Ibach 9785 W. 38th Ave.
11. Rich Chimel 3700 Iris CT.
12. IHOR FIGLUS 9775 W. 36TH AVE
13. Odarka Figlus re: 9775 W 36 Ave (10580 W 34 Ave)
14.
15.
16.

EXHIBIT 8: LETTERS

March 19, 2018

received
3-23-18

To Whom It May Concern:

We received your notice of neighborhood input meeting regarding the property located at 9800 W. 38th Ave. As we are unable to attend the meeting on March 27th, we wanted to quickly express our excitement and concern for the proposed plan to build a rowhome community.

The property is located directly behind our property at 3715 Iris Court. We are definitely excited about the possibility of building a beautiful community and meeting our new neighbors. Our main concern is that it may block our mountain views (which is one of the main reasons we chose to buy this property).

Please ensure that your plans take this into consideration for us and the rest of the neighbors who have properties with mountain views.

Thanks and best of luck with your proposal. We are looking forward to seeing how it will improve the city of Wheat Ridge!

Mr. and Mrs. Jeffrey Newlin

3715 Iris Ct?

Bill Gordon
3840 Independence Ct, Wheat Ridge CO 80033
303-809-3614, billgordon57@gmail.comEmail

received
3-26-18

3/21/2018

City of Wheat Ridge
Community Development Department
7500 West 29th Ave
Wheat Ridge Colorado 80033

Dear City of Wheat Ridge,

I am writing in reference to the Laudick & Laudick Engineering LL proposal regarding the rezoning of the property located at 9800 W. 38th Ave. You may or may not be aware that there is a cement vault on the property that is part of Prospect 55 Lateral Ditch. The current or previous property owner (Anthonsopolous) had water rights associated with the Lateral, which were sold back to Consolidated Mutual Water Company in the previous year or so, and therefore they do not have ditch water rights any longer.

The vault is currently used to flush out the ditch water lateral line running from the east on 38th Ave. Any development of this property should include plans to install a cleanout valve in the concrete sidewalk on the south side of 38th Ave. that would flush the water from the line into a storm drain, similar to the setup that was installed on the north side of 38th Ave across from this property.

We typically flush the line 3-4 times per year. The cleanout is needed for activation of the line to clear silt from the line, to clear the line periodically if we are working on the line and in our closing and clearing the water from the line to reduce the likelihood of freezing during the winter at various locations. Your consideration in ensuring an uninterrupted use of this vault and line are appreciated. The line is typically active April thru September.

Sincerely,

Bill Gordon

City of Wheat Ridge

PLANNING COMMISSION
Minutes of Meeting
June 7, 2018

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair BUCKNAM at 7:03 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present:	Alan Bucknam Emery Dorsey Daniel Larson Janet Leo Scott Ohm Vivian Vos
Commission Members Absent:	Richard Peterson Amanda Weaver
Staff Members Present:	Kenneth Johnstone, Community Development Director Meredith Reckert, Senior Planner Zack Wallace Mendez, Planner II Jordan Jefferies, Civil Engineer II Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner DORSEY and seconded by Commissioner OHM to approve the order of the agenda. Motion carried 6-0.

5. APPROVAL OF MINUTES – May 17, 2018

It was moved by Commissioner LARSON and seconded by Commissioner VOS to approve the minutes of May 17, 2018, as written. Motion carried 6-0.

[...]

ATTACHMENT 3

2. **No building permit shall be issued until a demolition permit is issued for the existing home, carriage house, and garage.**
3. **The developer shall enter into a subdivision improvement agreement whereby all required infrastructure improvements are in place prior to issuance of building permits for individual lots.**
4. **The Homeowners' Association covenants be reviewed and approved by Staff prior to issuance of building permits.**

Motion carried 5-1 with Commissioner LEO voting against.

C. **Case No. WZ-18-09:** An application filed by Nathan Laudick for approval of a zone change from Residential-One (R-1) to Planned Residential Development and for an Outline Development Plan for property located at 9800 W. 38th Avenue.

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

Commissioner OHM mentioned there were a couple of minor spelling errors on the sketch plan, sheet 2, along Johnson Street that he would like to see corrected. He also asked about the width of the existing sidewalk along 38th Avenue.

Ms. Reckert said it is 5 feet and does not meet current standards. The developer will either build the improvements for a 6-foot sidewalk and 6-foot tree lawn or pay fees in lieu of construction of the street improvements.

Commissioner OHM asked if there is any proposed permit parking along Johnson Street.

Ms. Reckert said Johnson is a public street so there will be no permit parking along the property's frontage.

Commissioner LARSON asked about the elevation of the units on the east side of the property and if there will be a drainage structure built.

Mr. Jefferies replied that Public Works has reviewed a preliminary plan but is certain there will be some retaining walls required to deal with the grading issues.

Commissioner LARSON also asked if there might be a traffic light installed around the Johnson Street and 38th Avenue intersection.

Mr. Jefferies explained there will be a dedicated left turn on to 38th Avenue, but there is not enough traffic generated to meet the warrants for a traffic signal.

Commissioner Larson inquired about the year Iris Court was rezoned and for what purpose.

Ms. Reckert said around the mid-1980's.

Commissioner VOS asked about the roof design and is curious who owns the trees near the south end of the property.

Ms. Reckert said the neighbors are not in favor of a flat roof or a shed roof, so the developer has written into the development standards that roof lines will be pitched and not of a single plane. She is also not aware who the trees in question belong to.

Commissioner BUCKNAM asked how the density compares to the R-2 zone district across the street.

Ms. Reckert said R-2 is a little bit denser and this property fits closely in between R-2A and R-3.

Nick Laudick, Developer
6204 Xavier Court, Arvada

Mr. Laudick thanked the Commissioners, Staff and the neighbors for working through this process and explained that the original plan was 23 townhomes for this site. He understood the concerns of the neighborhood and theirs concerns with density. The plan has been modified from 23 townhomes to 16 duplexes to address the neighbors' concerns. Mr. Laudick explained that due to the grade of the site some of the three story structures will look like two stories and the duplexes will have garages to take away from parking on the streets.

Commissioner VOS returned the compliment to Mr. Laudick and commended him for involving the neighbors in his decision making process. She then asked the applicant who the trees belonged to on the south side of the property.

Mr. Laudick said the trees are on the neighboring properties so they will remain.

Commissioners VOS asked if the duplexes will be for rent or for sale and if the grade on the site will remain or be leveled.

Mr. Laudick said the duplexes will be for sale and the grade will remain and a retaining wall will be built to help with the grade elevations.

Commissioner LARSON was curious about the grade of the internal drive's exit onto 38th Avenue.

Mr. Laudick explained the grade goes from 4.5% to 10% and mentioned there will be sight triangle analysis completed with the final design. He also explained that there is unshaded southern exposure during the winter time and the HOA will be required to maintain the internal drive.

Commissioner DORSEY asked why there are two access points to this site.

Mr. Laudick said the main reason is for emergency response access and it is also good for emergency access and to distribute traffic generation between the two access points.

Commissioner OHM asked if the street running through the proposed site is considered private and if there is a maximum grade allowed. His concern is for the parallel parking.

Ms. Reckert said the road will be private and Mr. Laudick added, for reference, a 12% grade is allowed with southern exposure without a variance by Jefferson County.

Margaret Nelson, resident
9865 W. 37th Avenue

Ms. Nelson's main concern with the zone change is due to the density and she explained that a petition had been passed with over 100 signatures in opposition to the zone change. She was happy to see the developer had reduced the density, but would like the City to retain the R-1 zoning to keep the traffic to a minimum.

Don MacDougall, resident
9815 West 37th Avenue

Mr. MacDougall's main concern is for density and traffic from the site and there not being 135 feet of ingress/egress from 38th Avenue.

Delaney Novak, resident
9795 West 38th Avenue

Ms. Novak's main concern is for density and traffic and the potential for possible traffic accidents.

Guy Stanfield, resident
9870 West 37th Avenue

Mr. Stanfield thanked Mr. Laudick for listening to the neighbors, but would like to see the site remain R-1. He has concerns for density, traffic and parking.

Igor Figlas, resident

9775 West 36th Avenue

Mr. Figlas attended the neighborhood meeting and appreciates Mr. Laudick addressing a lot of the concerns, but wondered how binding the ODP is, because it says it is conceptual in nature. He is afraid if the zone change is approved, a different developer can come in and build something different.

Lordis Weingardt, resident
3935 Independence Court

Ms. Weingardt moved to the City of Wheat Ridge because of how her old neighborhood in northwest Denver was being developed. She would like to see this property remain R-1.

Will Francis, resident
9785 West 37th Avenue

Mr. Francis has lived in the neighborhood for 9-10 years, likes the big lots in the R-1 zone district and is concerned with the height of the duplexes and the traffic.

Staff responded to the residents' concerns:

- History of the property and the private drive with 135-foot distance from 38th Avenue along Johnson Street for ingress/egress:

  Ms. Reckert explained that she believed the residents were referring to a previous development proposal that never moved forward past the neighborhood meeting stage. As such, the City cannot identify who prompted the 135-foot requirement. However, there is currently no 135-foot separation requirement, and as such the proposed development access meets the current codes for separation from the intersection.

- Traffic concerns:

  Mr. Jefferies said trips generated are looked at during the peak hours which would be one additional car every four minutes which should not impact the neighborhood.

- ODP and the binding conditions and transferring of property if sold:

  The ODP establishes development standards and restrictions, which if approved are then recorded with the County and become the zoning document for the land. The standards carry through with the property, even if the property is sold to another developer. If a new developer wanted to change the development standards, they would need to go through this same zone change process.

- Where the 35-foot height measurement is taken from:

  Mr. Laudick and Ms. Reckert explained the measurement will be taken from the average of the 4 points of the lot/building foundation to the midpoint of a sloped roof.

Commissioner LARSON asked about the ditch letter from Bill Gordon, and about the concrete vault.

Ms. Reckert mentioned there is a ditch on the south side of the property that runs to Lena Gulch but does not think it is regulated by the City.

Mr. Jefferies added that the vault is associated with the irrigation lateral that is not regulated by the City, but does run to Lena Gulch. The developer will have to work with the ditch company to get the clean out installed.

Mr. Laudick said the rights to the ditch have been sold to Consolidated Mutual Water Co. and there will need to be a valve installed to run the water to Lena Gulch.

Commissioner OHM would like Staff to look into the grade of the private drive and parallel parking and the steep transition to the sidewalk.

Commissioner BUCKNAM added he appreciates what the developer has done to address the density concerns of the neighborhood.

It was moved by Commissioner OHM and seconded by Commissioner LEO to recommend APPROVAL of Case No. WZ-18-09, a request for approval of a zone change from Residential-One to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 9800 W. 38th Avenue, for the following reasons:

1. **The proposed zone change will serve as a land use transition between 38th Avenue and the neighborhood to the south 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.**
3. **All agencies can serve the property with improvement installed at the developer's expense.**
4. **The criteria used to evaluate a zone change support the request.**

With the following condition:

1. **All minor corrections occur prior to the City Council public hearing.**

Motion Carried 6-0.

D. **Case No. ZOA-18-02:** An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws to include an additional criterion for review of applications for special use permits.

Mr. Johnstone gave a brief summary and background regarding the ordinance amendment.

Commissioner OHM wanted to know if within this 9th criteria the developer has any control.

Mr. Johnstone explained that City Council has softened the language and will use a standard of reasonableness.

Commissioner OHM also asked if a special use permit would be granted in perpetuity.

Mr. Johnstone said yes but a special use permit could also be granted specific to an applicant or limited in time.

It was moved by Commissioner DORSEY and seconded by Commissioner LARSON to recommend approval of the proposed ordinance amending Chapter 26 to include an additional criterion for review of applications for special use permits.

Motion carried 6-0.

E. **Case No. ZOA-18-03:** An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning electrically charged fences.

Mr. Johnstone gave a short presentation regarding the ordinance amendment.

Commissioner OHM asked if the Board of Adjustment recommended a 3 foot separation from a 6 foot perimeter fence for safety concerns, why has this been omitted from the ordinance.

Mr. Johnstone said that due to the reality of the parties involved they say it is not acceptable to them. He explained the other issue is real estate that is not used and third the trash that collects between the two fences.

Commissioner OHM also wanted to know if signage, warning people that the fence is electrified could be added to the ordinance.

Mr. Johnstone said it can be a condition of approval.

City of Wheat Ridge

ITEM NO: 2.
DATE: July 23, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 22-2018 – AN ORDINANCE CREATING A NEW SECTION 26-643 OF THE WHEAT RIDGE CODE OF LAWS PROHIBITING THE USE OF FREESTANDING EMERGENCY ROOM FACILITIES

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (7/23/2018)
☐ ORDINANCES FOR 2ND READING (8/13/2018)

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney **City Manager**

ISSUE:
This ordinance revises the code of Laws to prohibit freestanding emergency room facilities throughout the City.

PRIOR ACTION:
The Council adopted a moratorium on new freestanding emergency rooms to enable the staff and council to review the city's regulatory options. The moratorium was extended to August 27, 2018. On June 18, City Council directed that an ordinance be brought forth prohibiting this use throughout the City.

FINANCIAL IMPACT:
The potential loss of license, permit, application and similar fees associated with applications for freestanding emergency room (ER) facilities is nominal.

BACKGROUND:
Freestanding ERs continue to increase in number and popularity. In Colorado, the number of freestanding ERs rose from two in 2012 to at least 35 by mid-2016. These facilities provide emergency medical treatment and care similar to a hospital-based ER. Ambulances deliver to these freestanding facilities and many offer more sophisticated on-site services – such as

radiology and lab services – than urgent care facilities. These types of facilities continue to be unregulated by the state.

Freestanding ERs likely generate land use impacts that are more akin to hospitals than to other medical facilities, such as clinics, doctor's offices and urgent-care facilities. Unlike these other types of medical facilities, freestanding ERs accommodate ambulance and other emergency-vehicle traffic and they are often open 24/7. They produce light, noise, glare and traffic beyond that of a non-emergent medical care facility. It is therefore appropriate to study and evaluate whether the City's existing zoning regulations adequately address freestanding ER facilities.

In the past, there have been media stories on freestanding ERs and patient confusion between freestanding ERs and urgent care facilities. Because freestanding ERs are not currently licensed or regulated by the state, patients may also be uninformed about the relative costs, benefits, advantages and disadvantages of visiting a freestanding ER versus a hospital-based ER. It was therefore appropriate for Council to study and evaluate whether the City should enter the licensing arena specific to these facilities and adopt some local licensing requirements for them.

The Council has the authority to prohibit this use throughout the City. The attached ordinance does so.

RECOMMENDATIONS:

Council options include:

1. Approve the ordinance as presented on first reading
2. Approve the ordinance on first reading with amendment(s)
3. Postpone consideration of the ordinance indefinitely
4. Extend the temporary moratorium

Staff recommends approving the ordinance as presented.

RECOMMENDED MOTIONS:

"I move to approve Council Bill No. 22-2018 - an ordinance creating a new section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of freestanding emergency room facilities, on first reading, order it published, public hearing set for Monday, August 13, 2018, at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon Council adoption."

Or,

"I move to postpone indefinitely Council Bill No. 22-2018 – an ordinance creating a new section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of freestanding emergency room facilities for the following reason(s) _____."

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

ATTACHMENTS:
1. Council Bill No. 22-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 22
Ordinance No. _____

Series 2018

TITLE: AN ORDINANCE CREATING A NEW SECTION 26-643 OF THE WHEAT RIDGE CODE OF LAWS PROHIBITING THE USE OF FREESTANDING EMERGENCY ROOM FACILITIES

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, City staff has previously interpreted the City's current zoning regulations as permitting freestanding emergency room facilities to locate within the Mixed Use-Commercial and Planned Hospital Development zone districts only; and

WHEREAS, the Council found that freestanding emergency room facilities may cause land use impacts that are different than those caused by other detached health care facilities due to the extended hours that emergency facilities may be open; and

WHEREAS, approximately two years ago, in response to the increase in the number and popularity of freestanding emergency room facilities over the past several years, the Council determined that it was necessary and desirable to examine the City's zoning laws and business licensing regulations governing freestanding emergency room facilities; and

WHEREAS, additionally, the Council and City staff held a reasonable belief that the state legislature might adopt statewide legislation governing freestanding emergency room facilities that could potentially affect the desired parameters of local regulations on the topic, during either the last few legislative sessions; and

WHEREAS, as a result, by and through the adoption of Ordinance No. 1595, the Council previously acted to impose a one-year moratorium on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

WHEREAS, the Council and City staff learned that it was unlikely that the state legislature will adopt such legislation during the current session; and

ATTACHMENT 1

WHEREAS, the Council therefore found it prudent and desirable to extend the moratorium, to permit the careful study and evaluation of various local regulatory options with an expectation that such regulations would operate without an additional state regulatory gloss; and

WHEREAS, the Council has now determined that it is in the best interests of the safety, health and welfare of the citizens of Wheat Ridge to prohibit the use of freestanding emergency room facilities within the City.

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

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Chapter 26 of the Wheat Ridge Code of Laws is amended by the adoption of a new section 26-643 as follows:

Sec. 26-643. – Freestanding Emergency Room Facilities.

A. For purposes of this Section, *freestanding emergency room facilities* shall mean and include a medical facility that is not physically attached to a hospital facility that has the capability of providing medical care and services to patients with emergency medical conditions in a manner similar to emergency rooms located within hospitals. Features of a freestanding emergency room facility may include, but are not limited to, expanded hours of operation, drive-lanes or vehicle bays to accommodate ambulance arrivals and departures, board-certified emergency physicians, board-certified emergency nurses, on-site lab and imaging capabilities and similar equipment, services and treatments not commonly available in urgent-care facilities.

B. The use of freestanding emergency room facilities, as defined in this Section, is strictly prohibited in all zone districts within the City.

Section 3. The "Table of Uses – Commercial and Industrial Districts" Chart set forth in Section 26-204 of the Wheat Ridge Code of Laws, regarding "zone district use schedule," is hereby amended by inserting a new row in the appropriate alphabetical order concerning freestanding emergency room facilities as follows:

Table of Uses – Commercial and Industrial Districts						
Uses	Notes	NC	RC	C-1	C-2	I-E
Freestanding emergency room facilities						

Section 4. The "Permitted Uses" Chart set forth in Section 26-1111 of the Wheat Ridge Code of Laws, concerning permitted uses in mixed-use zone districts, is hereby amended by inserting a new row in the appropriate alphabetical order concerning freestanding emergency room facilities as follows:

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
Freestanding emergency room facilities	NP	NP	NP	NP

Section 5. The moratorium on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility imposed by Ordinance 1595 and extended by Ordinance 1616 and Ordinance 1634 is hereby repealed, upon the effective date of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of _____ to _____ on this 23rd day of July, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 13, 2018, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

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

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

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved As To Form

_____
Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

City of Wheat Ridge

ITEM NO: 3.
DATE: July 23, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 21-2018 – AN ORDINANCE ADOPTING A NEW SECTION 2-9 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE RETENTION OF INTEREST EARNED ON ESCROW ACCOUNTS HELD BY THE CITY

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (07/23/2018)
☐ ORDINANCES FOR 2ND READING (08/13/2018)

QUASI-JUDICIAL: ☐ YES ☒ NO

City Treasurer **City Manager**

ISSUE:
City Treasurer DiTullio has determined that there is a significant cost associated with City staff receiving and administering monies deposited into multiple escrow accounts for various purposes mandated by the Code of Laws. Exact accounting and record keeping of each small escrow account and interest earned thereon would be extremely burdensome and impractical for City staff to reasonably achieve. This code amendment will allow the City to retain interest on such escrow accounts. Treasurer DiTullio has reviewed the ordinance and supports the code change. Additionally, the treasurer also recommends that all future escrow documents clearly state that escrow funds are not paid interest.

PRIOR ACTION:
The City Treasurer advised City Council of this issue at a previous City Council meeting and the City Attorney received consensus from City Council at the July 9 regular meeting to bring forward an ordinance for first reading.

FINANCIAL IMPACT:
The current escrow accounts with the City are estimated to generate approximately $3,000 of interest annually.

BACKGROUND:
City Treasurer DiTullio has been transferring funds to the local government investment pool, CSAFE, to earn a more competitive interest rate on taxpayers' funds, including escrow accounts. The Treasurer has raised the question to the City Attorney if the City is legally required to pay interest on escrow accounts. The City Attorney has determined the answer is no.

The City should not be required to track or provide accounting for interest earned on multiple and small escrow accounts. Such retained interest will compensate the City, in part, for its cost of escrow account administration.

This code amendment applies to escrow held and maintained by the City under the Code of Laws, including, but not limited to the following:

(1) Commercial or industrial projects (Sec 5-45)
(2) Permits for work in the public ways, streets and sidewalks (Sec 21-20 and 21-52)
(3) Enhanced sales tax incentive program (Sec 22-82)
(4) Business development zone program (Sec. 22-92)
(5) Landscaping (Sec 26-502)

RECOMMENDED MOTION:
"I move to approve Council Bill No. 21-2018, an ordinance adopting a new section 2-9 of the Wheat Ridge Code of Laws concerning the retention of interest earned on escrow accounts held by the City, on first reading, order it published, public hearing set for Monday, August 13, 2018, at 7:00 pm in City Council Chambers, and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 21-2018, an ordinance adopting a new section 2-9 of the Wheat Ridge Code of Laws concerning the retention of interest earned on escrow accounts held by the City, for the following reason(s):_____."

REPORT PREPARED/REVIEWED BY:
Jerry DiTullio, City Treasurer
Jerry Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:
1. Council Bill No. 21-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 21
Ordinance No. _____

Series 2018

TITLE: AN ORDINANCE ADOPTING A NEW SECTION 2-9 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE RETENTION OF INTEREST EARNED ON ESCROW ACCOUNTS HELD BY THE CITY

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the development of land and the construction and design of public and private improvements within its territory; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted regulations, codified within the Wheat Ridge Code of Laws ("Code"), including the requirement that escrow accounts be established from time to time; and

WHEREAS, the Council determines that there is a significant cost associated with City staff receiving and administering monies deposited into escrow accounts for various purposes mandated by the Code and by the City staff executing its duties enumerated with the Code; and

WHEREAS, exact accounting and record keeping of each small escrow account and interest earned would be extremely burdensome and impractical for City staff; and

WHEREAS, the Council further determines that the City staff should not be required to track or provide accounting for interest earned on escrow accounts; and

WHEREAS, the Council has now determined that it is in the best interests of the safety, health and welfare of the citizens of Wheat Ridge to retain interest earned on escrow accounts held by the City.

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

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Chapter 2 of the Wheat Ridge Code of Laws is amended by the adoption of a new section 2-9 as follows:

Sec. 2-9. – Retention of Interest Earned on Escrow Accounts.

(a) Legislative Findings. The City Council hereby finds and determines:

(1) There is a significant cost associated with City staff receiving and administering monies deposited into escrow accounts for various purposes mandated by the Code of Laws and by the City Manager and his or her delegates executing their duties enumerated with the Code of Laws.
(2) Exact accounting and record keeping of each small escrow account and interest earned thereon would be extremely burdensome and impractical for City staff to reasonably achieve.
(3) The City should not be required to track or provide accounting for interest earned on escrow accounts.
(4) The City should retain any interest that may be earned while monies are held in escrow accounts.
(5) Such retained interest will compensate the City, in part, for its costs of escrow account administration.

(b) Applicability. This Section applies to escrow held and maintained by the City under the Code of Laws, including, but not limited to the following:
(1) Commercial or industrial projects (Sec 5-45)
(2) Permits for work in the public ways, streets and sidewalks (Sec 21-20 and 21-52)
(3) Enhanced sales tax incentive program (Sec 22-82)
(4) Business development zone program (Sec. 22-92)
(5) Landscaping (Sec 26-502)

(c) Interest Retained. Any interest earned by the City on escrow accounts held and maintained by the City shall be retained by the City. There shall be no expectation that the City return or provide accounting for said interest.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of _____ to _____ on this 23rd day of July, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 13, 2018, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

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

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

ATTACHMENT 1

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved As To Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

City of Wheat Ridge

ITEM NO: 4.
DATE: July 23, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: **RESOLUTION NO. 47-2018 – A RESOLUTION IN SUPPORT OF THE RECOMMENDATION TO CREATE RTD YOUTH AND LOW-INCOME PASSES AND LOW INCOME PROGRAM FOR FAMILIES**

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

QUASI-JUDICIAL: ☐ YES ☒ NO

City Manager

ISSUE:
RTD's rider pass programs were evaluated by a 25-member working group. This resolution supports the working group's recommendation to create RTD youth and low-income passes and low income program for families.

PRIOR ACTION:
Consensus was reached at the July 16 study session to bring forward a resolution of support for City Council consideration at the July 23 regular meeting.

FINANCIAL IMPACT:
There would be no direct financial impact to the City.

BACKGROUND:
The 25-member working group convened in March 2017 to evaluate RTD's pass programs completed its yearlong effort in February with the creation of a recommendation that will be reviewed by RTD staff and considered for approval by the agency's board of directors. With board approval, the earliest the public could experience any change resulting from the group's recommendation would be early 2019.

Individuals involved in the pass program study included members of RTD staff and external stakeholders representing schools, businesses, municipalities, neighborhood groups and advocacy organizations. The group was asked to determine whether changes should be made to RTD's pass programs, ultimately addressing the question of whether RTD is offering the public the passes they want and need and pricing them appropriately. It formulated several options, all of which were modeled by a consultant for their impact on total fare revenue and ridership.

Participants in the study had been asked to consider eight guiding principles in their work: brand loyalty, convenience, cost-effectiveness, equitable access, increased ridership, an ability to meet strategic budget plan targets, revenue certainty and simplifying rider-operator interactions.

Elements of the group's recommendation include:

- Adding a low-income pass, which would provide a 40 percent discount to qualifying riders whose incomes are at or below 185 percent of the federal poverty guidelines. This pass effectively serves as an expansion of the existing RTD nonprofit program, which has been in place for decades to assist low-income riders and would be retained.
- Adding a youth pass, which would discount the fare for riders 13 through 19 years old by 70 percent. Individuals 12 years old and younger would ride free with a fare-paying rider.
- Retaining EcoPass, Neighborhood EcoPass and CollegePass and pricing them based on updated service level areas (for EcoPass) and value of the trips taken (for Neighborhood EcoPass and CollegePass). Price increases of more than 20 percent for EcoPass holders, neighborhoods and higher education institutions would be phased in over three years.

The working group has no inherent authority to make changes to pass programs. RTD staff this year will conduct an extensive review of the group's recommendation and provide periodic updates to the board. Public meetings explaining changes that could result from the recommendation will take place later this year, and the details of those meetings will be posted on this webpage once they are scheduled. A board decision could take place later this year.

RECOMMENDED MOTION:
"I move to approve Resolution No. 47-2018, a resolution in support of the recommendation to create RTD Youth and Low-Income Passes and Low Income Program for Families."

Or,

"I move to postpone indefinitely Resolution No. 47-2018, a resolution in support of the recommendation to create RTD Youth and Low-Income Passes and Low Income Program for Families for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 47-2018
2. RTD Working Group Report

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 47
Series of 2018

TITLE: A RESOLUTION IN SUPPORT OF THE RECOMMENDATION TO CREATE RTD YOUTH AND LOW-INCOME PASSES AND LOW INCOME PROGRAM FOR FAMILIES

WHEREAS, most students are transit dependent because they are either too young to drive or do not have reliable transportation. Access to affordable, equitable RTD youth transit passes would significantly improve mobility opportunities for them; and,

WHEREAS, a youth pass would be a tremendous benefit for Jeffco Public School students because it would provide them with another transportation opportunity to get to school; it would give students better access to amenities such as libraries, recreation centers, swimming pools, and cultural facilities like museums and the zoo; and all youth would have more affordable access to after-school and summer jobs; and,

WHEREAS, many communities have created a road map to provide youth or high school students with free transit passes including Baltimore, MD; Fort Collins, CO; New York, NY; Portland, OR; Seattle, WA; Washington, DC, and Alameda County, CA; and,

WHEREAS, Jeffco Public School students would still be asked to spend a significant amount of money for their RTD pass because even with the proposed 70% discount a monthly local pass would cost youth $34, which is roughly $410 a year, and a monthly regional pass would cost roughly $60, which is about $718 for the year; and,

WHEREAS, according to RTD's own consultants, there is no financial cost to RTD in allowing children up to 12-years-old to ride for free compared to the current RTD policy that allows children 5 years of age or younger to ride for free; and,

WHEREAS, Jeffco Public Schools have an average free and reduced lunch percentage of 32% with several school communities over 80%. The proposed low-income pass would have a positive impact for many families in our community because affordable transit can significantly improve social and economic inclusion; and,

WHEREAS, the economic and social impact of the proposed RTD low-income and youth passes would help bridge the growing economic gap between the wealthy and under-resourced individuals, promote a fairer public transit system, and build a more progressive region; and,

WHEREAS, individuals and families living below the poverty line should not be subjected to additional undue hardship when unable to afford the bus fare required to fulfill their basic human needs; and,

ATTACHMENT 1

WHEREAS, affordable transit can have significant and positive implications for social and economic inclusion for those with the lowest levels of mobility and income; and,

WHEREAS, families and individuals can immediately feel the impact of lowering the cost of transit by 50%, allowing them to increase their ability to realize economic mobility and break the cycle of poverty; and,

WHEREAS, RTD is committed to a public process throughout the Pass Program Working Group and should commit to further public input through the implementation process; and,

WHEREAS, the proposed RTD low-income and youth passes and low-income program for families would make the metro area a more equitable place to live and work by ensuring that our public transportation system – and the economic opportunities it provides – is both affordable and accessible to all.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wheat Ridge, Colorado, urges the Regional Transportation District Board of Directors to approve the RTD Pass Program Working Group's recommendations to create a youth pass with a 70% discount for youth ages 13 to 19 years for individual fares, day and monthly passes, and provide free transit for youth 12 years of age and younger who are accompanied by a fare-paying rider; and,

BE IT FURTHER RESOLVED that the City Council of the City of Wheat Ridge, Colorado also urges the Regional Transportation District Board of Directors to approve the creation of a low-income program with a 50% discount for those living at or below 185% of the Federal Poverty Level raising funds from new sources to help cover the cost as recommend by most of the RTD Pass Program Working Group to support families in Jeffco Public Schools.

DONE AND RESOLVED this 23rd day of July, 2018.

By: _____
Bud Starker, Mayor

ATTEST:

_____
Janelle, Shaver, City Clerk

BOARD OF DIRECTORS REPORT

To:	David A. Genova, General Manager and CEO	Date: March 8, 2018
From:	Heather McKillop, CFO/AGM, Finance & Administration	GM
Date:	March 8, 2018	Board Meeting Date:
Subject:	Pass Working Group Update	Information

I. Introduction

The RTD Pass Program Working Group is a region-wide stakeholder group, convened by RTD the Senior Leadership Team to examine pass programs and offer recommendations for changing those programs. The working group members were selected for their connection to region-wide interest groups/constituencies and their ability to bring a big-picture view of the pass program questions. They were selected for their level of interest in these questions and the depth of their experience with RTD. They were selected for their ability to work collaboratively, seek collective impact and build consensus. They were selected because the group reflects the diversity of the region. They are:

Carol Buchanan	Denver Regional Mobility and Access Council	Heather McKillop	RTD
Ken Claussen	RTD – Citizen Advisory Committee	Joel Noble	Inter-Neighborhood Cooperation
David Cook	University of Colorado	Kathleen Osher	Transit Alliance
Mizraim Cordero	Metro Chamber of Commerce	Nicole Portee	Denver Public Schools
Crissy Fanganello	City and County of Denver Public Works	Doug Rex	Denver Regional Council of Governments
Felicia Griffin	United for a New Economy	Karen Stuart	North Area Transportation Alliance
Mark Imhoff	Colorado Department of Transportation	Jeffrey Su	Mile High Connects
Ken Lloyd	Regional Air Quality Council	John Tayer	Boulder Economic Development
Angie Malpiede	Northeast Transportation Connections	Michael Washington	RTD
Aylene McCallum	Downtown Denver Partnership	Dionne Williams	Denver Mayor's Office of Children's Affairs
Scott McCarey	Boulder County	Mary Young	Boulder

II. Guiding Principles and Regional Interests

RTD Senior Leadership Team outlined a set of guiding principles to give focus to the working group's deliberation. They are:

- ✓ Cost-Effectiveness
- ✓ Equitable access
- ✓ Convenience
- ✓ Meeting strategic budget plan targets
- ✓ Brand loyalty
- ✓ Revenue certainty
- ✓ Simplifying rider-operator interaction
- ✓ Increased ridership

ATTACHMENT 2

In the first meeting, the working group discussed their aspirations for this effort. The discussion included these ideas and more:

- Increase choice
- Increase ridership and motivate potential riders to take transit
- Affordability
- Bring in a wider range of employers
- Administrative ease
- Reduce barriers to riding
- Contribute to social sustainability
- Create a system with equitable prices
- Meet the needs of transit-dependent – affordability, availability, accessibility, acceptability and accommodation
- Increase the # of young riders
- Create the right prices
- Create a system for everyone in the region
- Increase mode share as the region grows
- Increase regionalism
- Increase brand loyalty
- Expand availability
- Make transit a first choice
- Enable people to make choices that fit the way we live and meet the changing expectations of our population
- Equity
- Create a sustainable, lasting system
- Make the system flexible and adaptable

III. Public Input in Every Working Group Session

In addition to the working group's deliberation, every meeting included an opportunity for interested members of the public to speak to the working group. In general, those who spoke to the group were advocates for specific pass programs and constituencies – low-income riders, college students, young people, EcoPass holders, and Neighborhood EcoPass holders. Individual meeting summaries include specific statements from the public.

IV. Options and Ideas

The working group examined a wide range of methods for generating the fare box revenue. The major options were:

1. Drive the base fare down as far as possible by eliminating all pass program discounts (Option A)
2. Utilization pricing, a low-as-possible base fare (with no low-income program) and a pay-as-you-go for employer and college programs (Option B)
3. Utilization pricing, a low-income program paid for with a higher base fare than Option B and a pay-as-you-go for employer and college programs (Option C)
4. Individual utilization pricing that reduces cost/trip as a rider rides more (Option D)
5. Retain current pass programs – EcoPass, Neighborhood EcoPass, and College Pass and add Low-income and Youth pass programs (Option E)

V. A Single Approach and A Unified Package

Four Nines Technologies analyzed each option for its impact on total revenue and ridership. The modeling results had one thing in common: eliminating pass programs resulted in the loss of ridership and revenue. Once the group saw the analysis, they agreed that the only viable option would be some version of Option E, a package that demonstrates the ridership and revenue benefit of retaining the EcoPass, Neighborhood EcoPass, and College Pass and adds a Low-Income Pass and a Youth Pass. After detailed analysis of different discount levels and qualifications, the working group offers to the Senior Leadership Team the following recommendation:

VI. Recommendations

The working group – having fulfilled its obligation to make a recommendation that could generate fare box revenue at or above the RTD Strategic Budget Plan – recommends the following:

1. Low-Income Program
   a. Consensus Recommendation – We recommend that RTD begin a low-income program with a 40% discount for those whose incomes are at or below 185% of the federal poverty level and provide individual fares, day and monthly passes. Passes may be purchased by the individuals or by partner organizations such as not-for-profit organizations and municipalities for distribution to eligible individuals.

   b. Item Requiring Further Discussion – Most of the working group support raising the low-income discount to 50% for those living at or below 185% of the Federal Poverty Level, and raising funds from new sources (see additional considerations below)

2. Young People
   We recommend that RTD establish a 70% discount program for anyone 19 and under and provide individual fares, day and monthly passes, and that RTD provide free transit for youth 12 and under who are accompanied by a fare-paying rider. Passes may be purchased by the individuals or by partner organizations such as schools, not-for-profit organizations and municipalities for distribution to youth.

3. EcoPass
   We recommend that RTD retain the EcoPass Program, regularly update SLAs, and price EcoPasses to reflect the updated SLAs at the full, adult, non-discounted fare for the trips in each SLA group. We recommend that EcoPass should be phased and right-priced by year three.

4. Neighborhood EcoPass
   We recommend that RTD retain the Neighborhood EcoPass Program, and update pricing to reflect the full value (including applicable discounts) of the trips. We recommend that RTD develop a new way to set initial pricing for neighborhoods and reduce the barriers to entry. We recommend that the Neighborhood EcoPass pricing be phased and right-priced by year three.

5. College Pass
   We recommend that RTD retain the College Program and update pricing to reflect the full value of the trips. Because the number of colleges in the program is small, RTD should initiate individual discussions, in good faith, aimed at retaining the colleges in the program and transitioning to the full value of the service, and should look to right-price the College Program by year three. We recommend that RTD examine the applicability of the youth fare to the pricing of the College Program.

6. Not-for-Profit Program
   We recommend that RTD provide 3-hour pass and day passes to not-for-profits at discounts that correspond to the low-income, senior/disabled, and youth passes.

7. Flex Pass and MyRide
   We recommend that RTD retain the Flex Pass Program, but with no discount. We recommend that the discount for use of MyRide card for fare payment be eliminated.

8. Transfer
   We recommend that RTD eliminate transfers and institute a 3-hour time limit for each single-fare trip.

9. Day and Monthly Pass
   We recommend that RTD continue the day pass, priced at 2x the applicable base fare, and the monthly pass priced at 38x the applicable base fare. When technologically feasible, we recommend that the day pass transition to an automatic fare cap when paying by smart card.

10. Contract Pricing
    Should an organization approach RTD for a separate contract or agreement, we recommend that RTD must only create contracts that embed the discounts and pricing described above and must reject contract proposals that seek to alter qualifications or create greater discounts.

11. Ease of Accessing Pass Programs and Discounts
    We recommend that RTD take steps necessary to remove barriers to access including researching the possibility of allowing anyone to add funds to another's smart card and ensuring that low-income, young people and other groups receiving discounts have access to the best available technology and fare media.

12. Implementation
    We believe that RTD must link the timing of an increase in fares to the start-up date for the recommendations for pass program changes; we recommend that RTD must start the programs and the increase simultaneously. We recommend that RTD convene a working group, including some members of the Pass Program Working Group, to support implementation of the eleven prior recommendations.

VII. Assumption – Base and Regional Fare

In the modeling that we used to examine different programs and discounts, we used RTD policy and the strategic budget plan to produce an assumption (not a recommendation) that the RTD Board of Directors will review fares on its standard three-year schedule and that in 2019, the base fare could rise to no more than $3.00 and the regional fare to no more than $5.25

VIII. Additional Considerations

The recommendations above satisfy the Pass Program Working Group charge to reach the strategic budget plan target for fare-box revenue. The working group's deliberation focused on the importance of equity and the values that are realized through a low-income program – access to opportunity, mobility, fairness, and creating a system that serves everyone in the region.

Throughout this year-long process, some members of the Pass Program Working Group have raised the need to generate revenue to support or enhance the recommendations, particularly to provide the

revenue to move from a 40% to a 50% discount for the low-income program, and, after achieving the 50% level, to reduce pressures on the base fare and regional fare.

The following examples are not intended as an exhaustive list, and are not in the form of a consensus recommendation; rather, they are examples for RTD consideration:

1. Continuing to seek external investment from institutions whose values align with the goal of increasing equity and supporting the transit needs of the most transit-dependent riders.

   For example, The PPWG recognizes that partners at the table, and their external stakeholders have been working diligently to secure funding commitments from public and private sector partners. For example, Mile High Connects and its partners have sought commitments that would allocate $3.7m annually for the first 3 years to an affordable fares program. RTD could explore the use of intergovernmental agreements to ensure the proper allocation of funding to implement the proposed youth and low-income fare program.

2. Considering legislative action to increase revenue to RTD.

   In the 2018 legislative session, a vendor-fee bill is an example. The bill would fund a low-Income transit fare by reducing the vendor credit on large retailers. The bill could produce approximately $10 million to support the low-income program.

3. Identify long-term, sustainable revenue sources of revenue, including these possibilities:

   - Amend limited authority to charge fees for parking to allow for parking fees to be incurred within specific geographic/SLAs
   - Amend/repeal restriction allowing no more than 15% of a district parking facility to be set aside for reserved parking
   - In conjunction with the amendment to limited parking fees, amend the provision of retail/commercial goods to allow for the temporary use of public spaces (at or below market value) by stakeholders in accordance with temporary local zoning allowances
   - Review internal contracts to identify better solutions to address internal challenges
   - Use long-term land leases and value capture to create a sustainable stream of income – because real estate around transit investment in urban areas leads to appreciation in the value of that land, and because RTD often acquires plots that will be non-critical to transit operations and, thereby have remnant parcels that could be developed as TOD – RTD could engage in long-term land leases with lease payments used to support pass program revenues

ATTACHMENTS:

- Pass Program Study Update - Financial Administration and Audit Committee - 3-13-2018_(PPTX)

Prepared by:
William Van Meter, Assistant General Manager, Planning
Mike Washington, Title VI Manager

Approved by:

Heather McKillop, CFO/AGM, Finance & Administration 3/8/2018

Regional Transportation District

safely connectir
your city

Pass Program Study: Update

Financial Administration & Audit Committee

March 13, 2018

Board Approved Pass Program Working Group Objectives

The Pass Program Working Group (PPWG) will make recommendations to RTD staff on revisions to all pass programs. The working group will seek consensus recommendations to RTD staff.

The PPWG will:

- Revisit and refine goals for each pass program
- Refine pricing and administration of each pass program
- Recommend pass program policy revisions

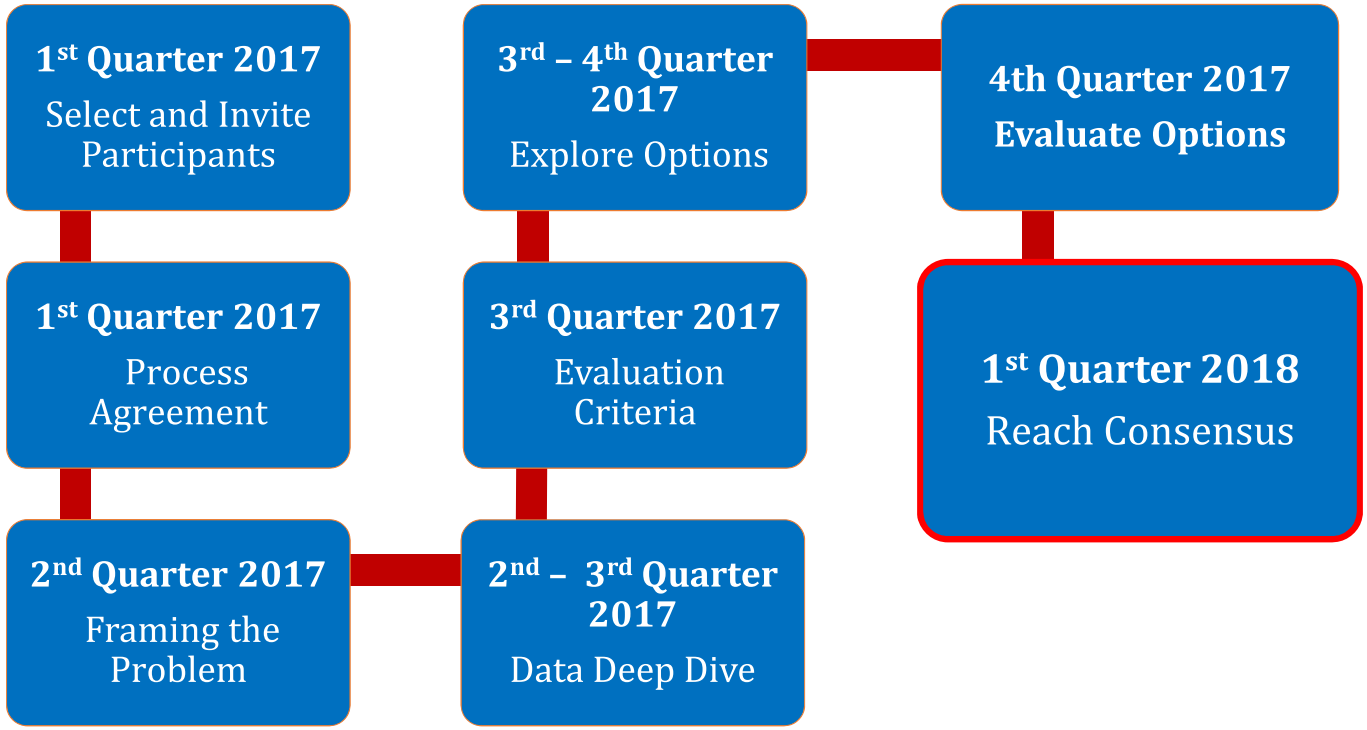
Board Adopted Guiding Principles

- Brand loyalty
- Convenience
- Cost-effectiveness
- Equitable access
- Increased ridership
- Meet strategic budget plan targets
- Revenue certainty
- Simplifying rider-operator interactions

PPWG Participating Organizations

RTD	Regional Air Quality Council
North Area Transportation Alliance	Northeast Transportation Connections
Denver Metro Chamber of Commerce	Denver Regional Council of Governments
City and County of Denver: Public Works	Downtown Denver Partnership
Mile High Connects	Colorado Department of Transportation
Denver Regional Mobility and Access Council	Denver Public Schools
City and County of Denver: Office of Children's Affairs	Denver South Economic Development Partnership
Inter-Neighborhood Cooperation	Boulder City Council
Transit Alliance	Boulder Economic Development
FRESC	Boulder County

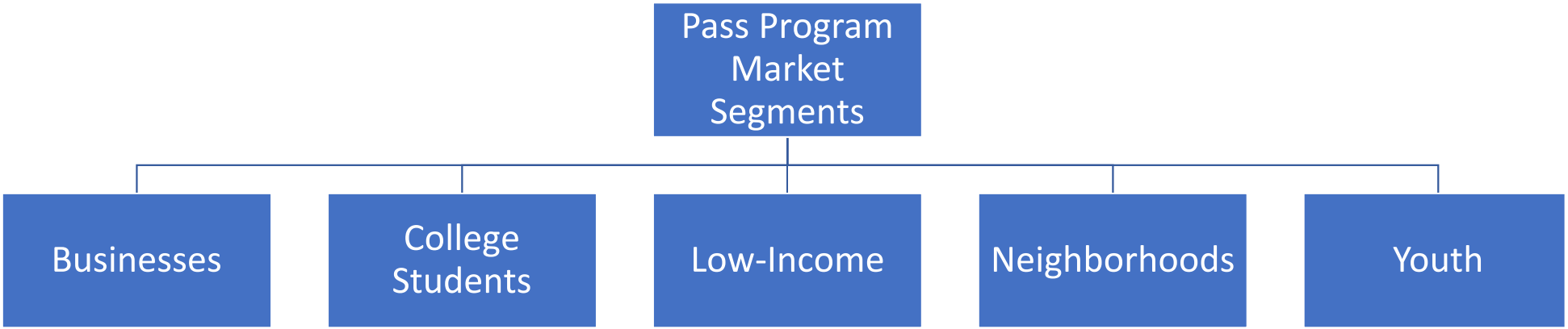
The Process


1st Quarter 2017
Select and Invite Participants
1st Quarter 2017
Process Agreement
2nd Quarter 2017
Framing the Problem
2nd – 3rd Quarter 2017
Data Deep Dive
3rd Quarter 2017
Evaluation Criteria
3rd – 4th Quarter 2017
Explore Options
4th Quarter 2017
Evaluate Options
1st Quarter 2018
Reach Consensus

Balancing of Priorities

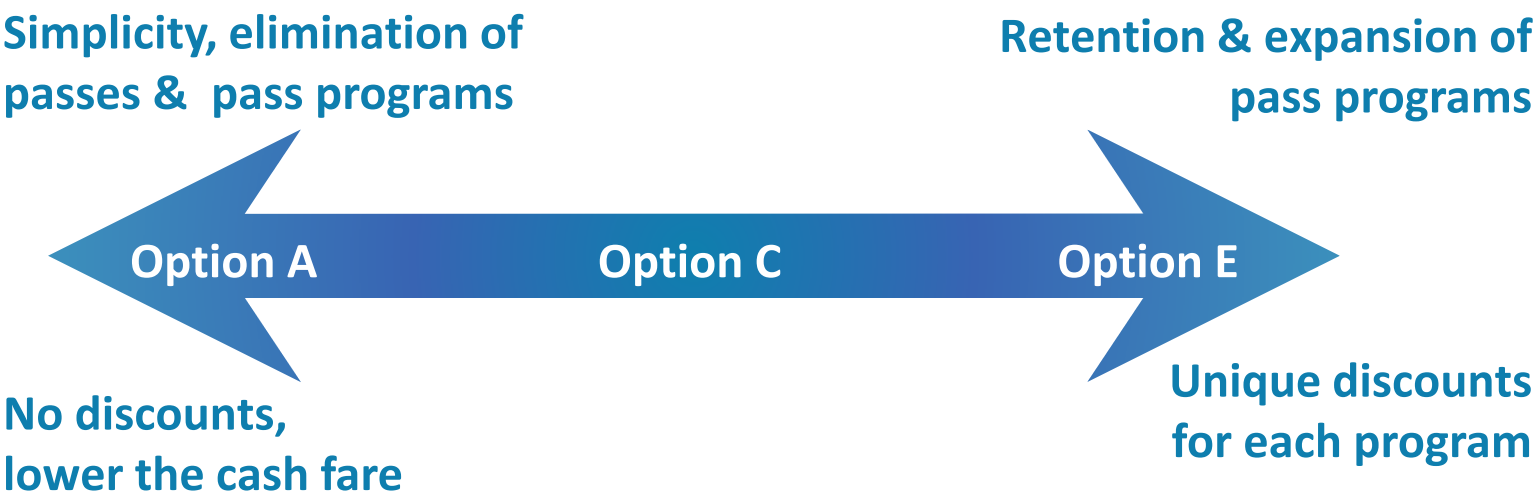
- Equity and fairness while serving those who are most vulnerable
- Unified fare structure as a region
- Increasing inclusivity and minimizing need for affiliation to receive discounts
- Balancing of ridership, revenue and fare subsidy needs of different groups
- Financial sustainability of RTD and ability to continue to provide service
- Retention of existing ridership and revenue
- Capabilities of current fare collection technology
- Increased transit ridership on demand and existing service capacity
- Revenue neutrality and meeting Strategic Budget Plan revenue targets

Pass Program Market Segments



Pass Program Idea Refinement

- Incorporating the pass program ideas, the PPWG developed five options
- Options ranged from simplifying to expanding pass programs



- PPWG small groups refined three of the options for further evaluation

Three Options, Three Themes

Option Themes

Option B	Option C	Option E
• Bulk Purchasing • Low-Income Program	• Utilization Based Pricing • Low Income Program	• Insurance Model (variation of today) • Low-Income Program • Youth Program

Quantitative Analysis & Fare Modeling

- The objective of the fare modeling was to understand ridership impacts and how close the options would be to reaching the Strategic Budget Plan revenue targets
- RTD's Strategic Budget Plan has assumed fare changes every three years, with the next fare revenue increase of 10% planned for 2019
- A baseline fare model was run to estimate the potential fares necessary in 2019 to reach the Strategic Budget Plan fare revenue target
- This base fare was used to help in understanding the tradeoffs between offering pass programs, discounts provided, and the base fare

Baseline Modeling Assumptions

- Baseline model was calibrated based on the FY2019 fare revenue target
- ~12% fare increase required to reach the FY2019 fare revenue target
  - Local Regular One-Way Fare: $2.90 (currently $2.60)
  - Regional Regular One-Way Fare: $5.00 (currently $4.50)
  - Airport Regular One-Way Fare: $10.00 (currently $9.00)
- All fares types remain and are assumed to increase by the same percentage growth
- All current pass multiples and discounts retained

Initial Options Analysis

- The modeling of the three options resulted in a revenue shortfall
- Eliminating discounts did not result in a significant reduction in the cash base fare
- Eliminating pass programs resulted in the loss of ridership and revenue
- The ridership generated by discounts offered do not offset the revenue losses due to discounts
- A variation of Option E that retained the pass programs while offering discounts to those who need the subsidy the most (i.e., low income and youth riders) best met the desired outcomes of the PPWG

Overall Modeling Results – Initial Options

	Linked Trips						Fare Revenue					
Component	**B**	**C32**	**C38**	**E10**	**E20**	**E40**	**B**	**C32**	**C38**	**E10**	**E20**	**E40**
General Public (Adult/Senior/Disabled)	•	•	-	-	-	-	• • • •	• •	-	-	-	-
Low Income	• • •	• • •	• •	• •	• •	• •	• • • • • • • • • •	• • • • • • • • • •	• • • • • • • • •	• • • • • • • • •	• • • • • • • • •	• • • • • • • • •
Youth	-	-	-	• •	• •	• •	•	•	•	-	-	-
College	• • • • •	-	-	-	-	-	• • • • • • • •	-	-	•	• • •	• • • • • •
EcoPass	• •	• •	• •	•	•	-	• • • • • • •	• • • • • •	• • • • • •	• • • • • •	• • • • • • • •	• • • • • • • • • • •
FlexPass	-	-	-	-	-	-	-	-	•	-	-	-
NECO Pass	-	-	-	-	-	-	-	-	-	-	-	-

Legend: arrows based on comparison with the 2019 baseline

Linked Trips
• +0.5 million • -0.5 million

Revenue
• +1.0 million • -1.0 million

PPWG Recommendation

- Increase ease of accessing pass programs and discounts
- Introduce a Low-Income Fare Program
- Increase the discount for young people
- Continue EcoPass, Neighborhood EcoPass, and CollegePass Programs, priced based on cash value of trips taken
- Replace 3-hour one-way transfer with a 3-hour pass
- Retain day and monthly passes
- Link the timing of a fare increase with the start-up date for the recommendations for pass program changes
- Initial modeling indicated that an increase in the base fare would be necessary to reach Strategic Budget Plan fare revenue targets

Low-Income Fare Program

- An income threshold of 185% of the federal poverty level with minimum of a 40% discount
- The Affordable Fares Task Force had previously been evaluating an income threshold of 150% of the federal poverty level with a 50% discount
- The PPWG desired to expand access to the program by increasing the income threshold
- Interest in increasing discount to 50% if funds available

Lower Fares for Youth

- Increase the youth discount from 50% to 70%
- In addition to youth 5 & under, allowing youth 6-12 to ride for free with a fare-paying rider
- The same discount would be provided to partner organizations such as schools, not-for-profit organizations and municipalities to purchase passes for distribution to youth

PPWG Modeling Assumptions

- Cash Fare = $3.00 / $5.25 / $10.50
- 3-Hour Pass
- Stored Value discount = eliminated ($0.00)
- 10-Ride Ticket discount = eliminated (longer term discontinue 10-Rides)
- Day Pass = 2X Cash Fare
- Monthly Pass = 38X Cash Fare
- Senior / Disabled / Medicare = 50% discount

Recommendation Impacts on Revenue & Ridership

- Implementation of the recommendations will influence the revenue and ridership generated
- Preliminary Modeling shows that the PPWG recommendations can be implemented to meet RTD's Strategic Budget Plan revenue targets and retain ridership while increasing the discounts provided to those who need subsidies the most [i.e., low income and youth riders] – pending further analysis
- Determining how programs are implemented may have significant impacts on the revenue generated and may result in difficult tradeoffs between the cash base fare and reaching the Strategic Budget Plan revenue targets

Staff Analysis

Staff will conduct a detailed analysis and attempt to answer the big picture questions regarding the recommendation.

- How could the recommended changes implemented?
- How could the recommended changes be administered?
- What are the costs of implementation and administration?
- How would the recommendations change fare enforcement?
- What would be the technological requirements?
- How long would it take to implement recommended changes?
- What impact will the recommended changes have on ridership and fares?

Timeline and Next Steps

March 7th
Deliver Recommendation to SLT

We Are Here!!!!

March 13th
Board Update
Recommendation Overview

March – April
Staff Analysis of Recommendation

Quarter 2 -3
Public Meetings
Board Update
Public Input Summary

Quarter 2
Board Update
Draft Pass Program & Fare Change Proposal

April 24th
Board Study Session
Pass Program & Fare Analysis Update

Quarter 3
Board Committee Meeting
Pass Program & Fare Change

Quarter 3
Official Board Meeting
Pass Program & Fare Change

Questions

ITEM NO: 5.
DATE: July 23, 2018

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 46-2018 – A RESOLUTION ENDORSING A STATEWIDE TRANSPORTATION SALES TAX SOLUTION

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

QUASI-JUDICIAL: ☐ YES ☒ NO

City Manager

ISSUE:
A coalition of organizations from across the state of Colorado are advocating for a 0.62% increase in the state's sales tax rate to increase revenue for transportation projects. The Let's Go, Colorado campaign is collecting the necessary signatures to include a question on the November 2018 ballot. This resolution endorses the proposed ballot question.

PRIOR ACTION:
Representatives from the Let's Go, Colorado campaign presented detailed information about the sales tax initiative to City Council at the July 16 study session.

FINANCIAL IMPACT:
The City of Wheat Ridge would potentially receive $1.1 million in new transportation funding in the first year or $33 million over a 20-year period. Jefferson County is projected to receive $10.5 million in the first year or $297 million over a 20-year period.

BACKGROUND:
The proposed tax increase is projected to generate $767 million in revenue from sales tax in the first year for transportation projects statewide. The new revenues would be distributed to the State Highway Fund (45%), cities (20%), and counties (20%) and to the Multimodal Options Fund (15%). The tax increase would sunset after 20 years.

RECOMMENDED MOTION:
"I move to approve Resolution No. 46-2018, a resolution endorsing a statewide transportation sales tax."

Or,

"I move to postpone indefinitely Resolution No. 46-2018, a resolution endorsing a statewide transportation sales tax for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 46-2018
2. Let's Go, Colorado Flyer

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 46
Series of 2018

TITLE: A RESOLUTION ENDORSING A STATEWIDE TRANSPORTATION SALES TAX SOLUTION

WHEREAS, a modern, safe and efficient 21st century transportation system is essential to Colorado's quality of life and the health of our economy; and

WHEREAS, Colorado's population has grown nearly 60 percent since 1991, while state transportation spending per driver, adjusted for inflation, has been cut in half over that same time period; and

WHEREAS, increased demands on our roads and bridges have resulted in increased traffic congestion, lost worker productivity and deep frustration among local citizens; and

WHEREAS, the Colorado Department of Transportation has identified $9 billion in much-needed projects that lack funding; and

WHEREAS, compounding the inability of CDOT to fund vital projects is the lack of resources available to local communities to address traffic congestion, maintenance needs and safety concerns; and

WHEREAS, the failure to maintain roads and bridges adequately costs Coloradans on average of $468 per driver due to damage and unnecessary wear-and-tear to vehicles, and

WHEREAS, truly addressing Colorado's transportation challenges requires a dedicated, sufficient and guaranteed stream of revenue; and

WHEREAS, a bipartisan, statewide group of local elected officials and business leaders has proposed to raise the state sales tax by .62 percent, or about six cents on a ten-dollar purchase, for transportation needs; and

WHEREAS, the tax increase will raise $767 million in its first year and allow for bonding of $6 billion for state projects; and

WHEREAS, 40 percent of the new revenue will go to county and municipal governments to address local transportation needs; and

WHEREAS, Colorado voters will be able to vote on this statewide transportation solution on the November 2018 ballot.

ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wheat Ridge, Colorado, endorses this strong and effective transportation solution as the right answer to address years of neglect of our state's transportation needs and to address the concerns we have heard from our local citizens; and

BE IT FURTHER RESOLVED that the City Council of the City of Wheat Ridge, Colorado urges our local voters to support this transportation solution on the November 2018 ballot.

DONE AND RESOLVED this 23rd day of July, 2018.

By: _____
Bud Starker, Mayor

ATTEST:

_____
Janelle, Shaver, City Clerk

LET'S GO, COLORADO

HOW WE GOT HERE

Colorado's transportation needs have gone unmet for decades. In every corner of our state, we lack the resources to maintain our roads, highways and local bus routes.

Because the state's gas tax isn't tied to inflation, there has been less and less revenue from existing gas taxes to address Colorado's transportation needs. Today, Colorado spends just $69 per driver on transportation infrastructure, compared to 25 years ago when we spent almost twice that amount - $125 per driver.

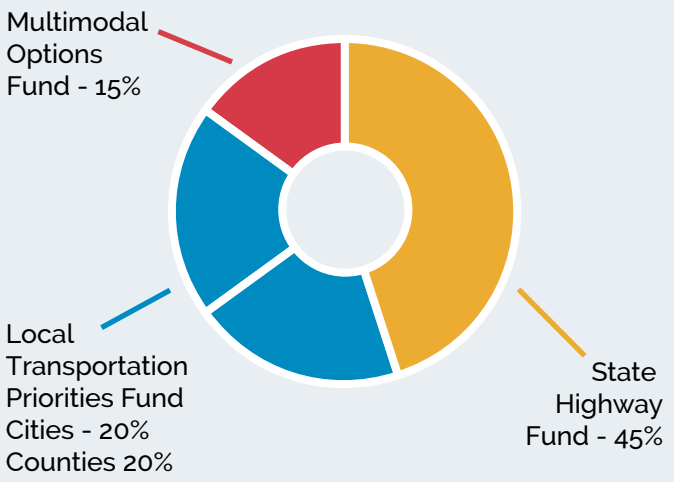
CDOT has more than $9 billion in projects with no funding - and that's only part of the issue, our local communities lack the resources to address congestion, maintain roads and improve safety. **We need a statewide solution that ensures local governments have the resources to meet demands, addresses high-priority projects on state highways, and promotes multimodal transportation options that reduce congestion.**

78% of Colorado's roads will need to be repaired in the next 10 years, but the state lacks the budget to keep up. It's time to stop the band-aid approach.

Potholes and rough roads damage a vehicle's tires and suspensions, costing the average Colorado driver $468 in repairs each year.

Each dollar spent on road improvements results in an average benefit of $5.20 by reducing delays and fuel consumption, and improving safety.

DISTRIBUTION OF NEW TRANSPORTATION REVENUE



First Year Revenue	$767 million

OUR PROPOSAL

We need a new funding source to fix our roads. A sales tax asks everyone to chip in, including the 80 million out-of-state tourists who use our infrastructure every year.

Our proposal will increase the state's sales tax by 0.62%, a little more than half a cent on a dollar purchase, This revenue will address longstanding problems with funding transportation projects in the state.

New revenue will be distributed to fund critical state projects that address safety and make it easier to get around, projects on local streets and highways as determined by local leaders and make a serious investment in multimodal transit to help reduce congestion and protect our air quality.

ATTACHMENT 2

FUNDING STATE PROJECTS

Our initiative will address major projects on I-25, I-70 and the state highways that connect our communities throughout Colorado.

- Improve traffic flow by widening lanes, adding passing lanes and improving interchanges.
- Improve safety by adding and widening shoulders, replacing bridges and building wildlife crossings.

We see on our commutes and daily travels that the needs at the state level are serious and immediate. By using bonds, we'll be able to start these projects right away.

ADDRESSING LOCAL PRIORITIES

Local governments will have full flexibility of their share of the funding, allowing our communities to meet their diverse needs throughout the state.

Projects could include:

- Street repaving and pothole repair
- Matching for state projects
- New intersections, shoulders and signals
- Bike lanes, sidewalks and other transit options

This revenue will be split 50/50 between cities and counties based on lane miles and vehicle registrations.

SUPPORTING MULTIMODAL OPTIONS

Multimodal funding will support transportation options that decrease traffic congestion and protect our air quality. This funding could be used to support urban and rural bus service, large scale bike lanes and paths, and improvements for pedestrians.

This revenue will be divided to leverage state local dollars to complete large and small projects, support interregional transit projects like Bustang, and distribute funds to local governments specifically for multimodal projects.

For more information, please email us at info@letsgocolorado.com

Paid for by Coloradans for Coloradans