

AGENDA

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

November 26, 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 September 24, 2018 and October 22, 2018 and Study Session Notes of November 5, 2018

PROCLAMATIONS AND CEREMONIES

Bill of Rights Day
Small Business Saturday

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the PUBLIC COMMENT ROSTER.
- b. Citizens who wish to speak on an Agenda Item, please sign the GENERAL AGENDA ROSTER.
- c. Citizens who wish to speak on a Public Hearing item, please sign the PUBLIC HEARING ROSTER before the item is called to be heard.
- d. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to adopt the 2019 City Council Meeting Calendar
- b. Motion to approve payment to Kaiser Permanente for December 2018 Membership billing in the amount of \$184,418.66
- c. Motion to award a contract and approve subsequent payments to Independent Roofing Specialists, Commerce City, CO in the amount of \$115,154 for Active Adult Center Roof-HVAC Repairs and Replacement, and to approve a Contingency amount of \$11,515 for total amount not to exceed \$126,669
- d. Motion to approve payment to Colorado State Bank and Trust for a Bond Principal and Interest Payment in the amount of \$2,952,650 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 27-2018 –approving an amendment to the Outline Development Plan for the Camelot Club Apartments planned Residential Development (PRD) for property located at 4635 and 4665 Kipling Street (Case No. WZ-18-03/Kipling Village)
3. Resolution No. 68-2018 – approving a Specific Development Plan for property Zoned Planned Residential Development at 4635 and 4665 Kipling Street (Case No. WZ-18-04/Kipling Village)
4. Council Bill 28-2018 – amending the Wheat Ridge Code of Laws concerning Wildlife and Waterfowl
5. Council Bill 29-2018 – amending Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverage in City Parks
6. Council Bill 30-2018 – amending Chapter 17 of the Wheat Ridge Code of Laws concerning Parks and Recreation to address the use of Electrical Assisted Bicycles

ORDINANCES ON FIRST READING

7. Council Bill 34-2018 – approving the sale of designated parkland at the intersection of West 38th Avenue and Johnson Street and in connection therewith, authorizing execution of an agreement for said sale
8. Council Bill 33-2018 – approving a Zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with and Outline Development Plan (ODP) for property located at 4440 Tabor Street (Case No. WZ-18-15/Clear Creek Terrace)
9. Council Bill No. 32-2018 – approving the Rezoning of property located at 6985 W. 38th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-18-21/Barta)

DECISIONS, RESOLUTIONS AND MOTIONS

10. Reconsideration of Ordinance 1656, Series 2018, imposing a Temporary Moratorium of the acceptance, processing and approval of certain building permits, and declaring an emergency
11. Motion to Elect the Mayor Pro tem

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT

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

September 24, 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	Kristi Davis
Janeece Hoppe	Leah Dozeman	Larry Mathews	

Absent: George Pond (excused)

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

APPROVAL OF Council Minutes of August 27, 2018

There being no objections, the Council Minutes of August 27, 2018 were approved as published.

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio explained the two revenue reports he had distributed to Council -- one for 38th & Kipling and one for Applewood Shopping Center.

CITIZENS' RIGHT TO SPEAK

Dick Orcutt (WR) offered clarification, appreciation and an apology. He clarified for the record that he truly believes the baseball field is an asset to the City and should stay; he did not advocate for saving the field for any personal gain. He thanked the members of Council who supported keeping the field and those who kept an open mind. He apologized for not doing a better job in making a last ditch effort to advocate for a higher grade of lighting to achieve wider use of the field. They could have handled it better.

Loretta Tafoya (WR) said she and her neighbors on Yukon Ct. just found out tonight they should go to the Building Department. Yukon Court used to be a dead end street. Now it is open to delivery traffic, retail traffic, speeding, no stop sign for cars exiting the shopping center, a safety issue for young children, and difficulty in backing out of their parking spaces. Also, the turn signal on Yukon Ct is a flashing yellow arrow, never a green arrow, which makes it very difficult to make a left turn from 38th Ave onto Yukon

Ct. She has waited through as many as three light cycles before someone let her turn in. Mayor Starker directed her to talk to Ken Johnstone in Community Development.

Dorothy Archer (WR) asked if a date has been set for a study session to discuss bulk plane and residential building height. Councilmember Fitzgerald didn't know the date. She noted an article from the weekend Denver Post about how trends are altering the Tennyson neighborhood. The scraping of old charming buildings that have character is resulting in a loss of charm. She is afraid this will happen to Wheat Ridge. Not much has been said about Upham, Corners, 42nd Ave or 300 townhouses on Clear Creek. She is gravely concerned Council is not going to take into consideration the importance of leaving our residential areas intact. Wheat Ridge is highly sought after right now for its ranch style homes. These townhouses will not be "affordable housing". We need to think about where we're going with 35ft, flat roofs, and bulk planes. Councilmember Fitzgerald reported these topics will be discussed on October 15.

Ralph Camarillo (WR) repeated concerns about cars speeding on Yukon Ct. He suggested speed bumps.

1. CONSENT AGENDA

- a. Motion to approve payment to Kaiser Permanente for October 2018 Membership Billing in the amount of \$193,398.76 [*budgeted*]
- b. Resolution 60-2018 – authorizing the appropriate City Officials to execute an Intergovernmental Agreement by and between the County of Jefferson, State of Colorado, and the City of Wheat Ridge, CO, regarding the production of a mailed notice concerning Tabor Ballot Issues [*necessary to have the election*]

Councilmember Urban introduced the Consent Agenda.

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

ORDINANCES ON FIRST READING

2. Council Bill 26-2018 – An Ordinance amending the Wheat Ridge Code of Laws concerning hours of operation for Medical Marijuana Centers and Retail Marijuana Stores

The local marijuana industry has requested that City Council extend the hours of operation for all marijuana stores from 7:00 p.m. to 10:00 p.m.

Councilmember Fitzgerald introduced Council Bill 26-2018

Motion by Councilmember Fitzgerald to approve Council Bill No. 26-2018, an ordinance amending the Wheat Ridge Code of Laws concerning hours of operation for medical marijuana centers and retail marijuana stores on first reading, order it published, public hearing set for Monday, October 08, 2018 at 7:00 p.m. 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

3. Motion to accept the 2017 Comprehensive Annual Financial Report (CAFR) from Hinkle & Company

Section 10.15 of the City Charter requires that an independent audit of all City accounts be performed annually. The CPA firm Hinkle & Company performed the audit of the City's financial statements for the year ending December 31, 2017.

Councilmember Davis introduced Item 3.

Staff presentation

Treasurer DiTullio introduced **Wendy Swanhorst** of Hinkle & Company that performed the audit, and **Mark Colvin**, the Accounting Manager for the City. Council had been provided with a summary report of the audit (Annual Financial Report 2017).

Ms. Swanhorst explained that the numbers in the accounting report and financial statement come from the accounting records of the City.

- The letter reports on what the audit found. Their audit opinion is that all of the numbers are fairly stated in all respects.
- Regarding identifying any significant deficiencies in the controls, nothing was identified that is of concern.
- Turnover in the City's finance department notwithstanding, the audit went smoothly and she thanked the staff for their cooperation.

There were no questions from Council

Motion by Councilmember Davis to accept the 2017 Comprehensive Annual Financial Report from Hinkle & Company; seconded by Councilmember Dozeman; carried 7-0.

4. Resolution 57-2018 – A Resolution amending the Fiscal Year 2018 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$500,000 for Contractual Building Division Services

Charles Abbott Associates, Inc. has been providing contractual building division services for the City since February, 2018. As a result of the high volume of new commercial and residential construction and continued construction repairs related to

the May, 2017 hail storm, the budgeted amount of \$825,000 for 2018 will be exceeded by the end of 2018. A budget supplement of \$500,000 is requested to cover estimated 2018 expenses.

Councilmember Dozeman introduced Item 4.

Staff presentation – Ken Johnstone

- Mr. Johnstone reviewed briefly the payment arrangement that is in place with Charles Abbott Associates.
- Due to the high volume estimated costs for services by year's end are \$1.217M.
- He pointed out that the 2019 draft budget includes \$580K in additional permit revenue for 2018 over what was predicted for 2018.
- These revenue estimates are conservative and do not include a \$1.25M permit fee for a large commercial development that will start soon.
- He believes they will actually need closer to \$430-440K to finish the year, but these are estimates so they are asking for \$500K to be safe.
- Staff levels have been stable and the turnaround time for permit review of large projects is much faster.

Council Questions

Councilmember Mathews asked how our inspection fees are determined and how they compare to the market. Mr. Johnstone advised fees are based on valuation. Regarding benchmarking, we are not the absolute lowest but we are close to it compared to other Front Range cities. We have the exact same fee structure as Englewood, Littleton, Lafayette and Louisville.

Councilmember Dozeman asked if any standards have been created for continuity in interpretation of our policies/code or any efforts to keep the same inspector for the duration of a project. Mr. Johnstone said the same inspector is kept on a project so there is consistency.

Motion by Councilmember Dozeman to approve Resolution No. 57-2018, a resolution amending the fiscal year 2018 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$500,000 for contractual building division services; seconded by Councilmember Urban; carried 7-0.

5. Resolution 58-2018 – A Resolution approving an amendment to the Intergovernmental Agreement with the City and County of Denver regarding Denver Water's Ashland Reservoir

When City Council granted a Special Use Permit (SUP) to Denver Water in 2012 for the reconstruction of the Ashland Reservoir at 29th & Fenton, the Intergovernmental Agreement (IGA) included street and streetscape improvements to the adjacent streets

and who was responsible for what. Denver Water has requested that the Agreement be amended.

Councilmember Duran introduced Item 5.

Staff presentation - Mark Westberg

- Mr. Westberg showed an aerial view of the Ashland Reservoir and the streets in question. He explained reasons why repair of the streets had been delayed.
- In May 2017 Council approved a previous version of this amendment to the Denver Water IGA. Denver Water never approved that version of the IGA.
- This past July staff met with Denver Water (DW) to discuss adding the resurfacing of 30th & Fenton.
- The SUP requires DW to repair damage to streets, but since the streets had not been in good condition originally City staff agreed to cost-share with DW.
- In August DW sent word they want Wheat Ridge to pay for all the resurfacing of 30th & Fenton – because they had paid almost \$300K in Use Tax and spent \$80K preserving the pump house.
- The total cost to overlay 30th & Fenton is about \$60K. It would be a \$30K split, which staff thought was not unreasonable.
- Originally, DW was to take care of everything immediately around their site. We were to take care of the east side of Fenton St and our section of 29th Ave. Edgewater will do their part of 29th.
- The 2018 budget estimated the total cost to be \$1,570,000
 - Denver Water's share - \$411,100
 - Edgewater's share - \$322,275
 - City's share \$836,625
- The project was bid in July. It came in high. The low bid + 10% was \$2,691,333
 - Denver Water's share - \$666,022 (up 60%)
 - Edgewater's share - \$690,803 (includes the addition of a water line at their cost)
 - Wheat Ridge Sanitation District's share - \$173,241 (includes a new sewer line)
 - City's share \$1,161,266 (up 40% or \$300K more than we budgeted))
 - Reasons for the higher cost seem to be the market and the delay
- Staff and City Manager have chosen to rebid the project. Besides the hope for a lower bid, good reasons to rebid the project include:
 - Avoid winter shutdown and remobilization in the spring
 - Reduce construction impacts to neighbors
 - Allow dry utilities to relocate facilities this fall
 - A revised bid package would:
 - Provide better direction for scope of work, phasing, traffic control, etc.
 - Incorporate Edgewater's revisions and accommodate their cash flow
- The revised plan is to rebid the project in late 2018, award a construction contract in early 2019, begin construction in Spring 2019 and finish in Summer 2019

Council Questions

Councilmember Duran: Yes, this includes the work on Fenton. Fenton will be 2 feet wider. The light at 29th & Fenton will be removed and become a 2-way stop

Councilmember Mathews: All other parties are OK with the plan to rebid.

Councilmember Urban inquired about the terms of the IGA which obliged DW to repair the streets and preserve the pump house. Mr. Westberg said saving the pump house was not in the IGA. Councilmember Urban suggested DW agreed to do it and has now listed preservation of the well house as one of the improvements on the property. He believes DW should pay for what they agreed to.

Councilmember Mathews raised concerns about DW's resistance to pay for the street because they paid Use Tax. Mr. Johnstone agreed that the Use Tax was understood, was part of the IGA, and was paid. He clarified that preservation of the pump house was something DW originally didn't want to do, but later saw it as an historic asset, and chose to preserve it.

Mr. Dahl elaborated on DW's payment of the Use Tax for Ashland. Much later, when faced with Use Tax for the water project at Clear Creek Crossing and being reminded they paid Use Tax for Ashland, Mr. Dahl speculated that DW changed their mind – regretting paying the Use Tax and paying to preserve the pump house. Those factors have led them to not want to pay for the mill overlay for 30th & Fenton.

Mr. Dahl advised that approving this IGA would only cause the City to absorb the cost of 30th & Fenton, which is \$30,000.

Discussion continued.

Councilmember Urban pointed out that the Ashland project ended up being more costly than proposed and we could actually levy more Use tax on them for Ashland.

Councilmember Dozeman asked what would happen if this IGA failed. Mr. Dahl advised that the City would communicate to DW that they should pay their share of 30th & Fenton or offer another figure. He outlined further steps if DW reneged on this obligation – up to and including a law suit.

Mr. Westberg noted that we saved DW quite a bit in permit fees and ROW fees by doing the work outside the fence ourselves. Their lack of desire to pay Use Tax on water line at Clear Creek Crossing is another conversation.

Discussion followed.

- There was sentiment expressed that DW should follow the terms of the IGA.
- The down side of letting them do their own paving is that it wouldn't be a joint project for Fenton. They would pave the west half; we would pave the east half.
- One thought was they are our neighbors, so we shouldn't argue about \$30K.

- The crux of the matter seems to be that they paid \$80K to preserve the pump house, so they don't want to have to pay \$30K for the resurfacing of 30th & Fenton. And, they aren't happy about Use Tax.
- If Council doesn't approve the IGA we don't know what their Plan B is.
- They spent \$80K to save the pumphouse; we should give on the \$30-60K for the roadwork.

Mr. Dahl advised that what we do on this IGA will not set a precedent for future IGA's.

Motion by Councilmember Duran to approve Resolution No. 58-2018, a resolution approving an amendment to the intergovernmental agreement with the City and County of Denver regarding Denver Water's Ashland Reservoir; seconded by Councilmember Hoppe;

Councilmember Mathews stated he prefers to pay them for the pumphouse and have DW pay for the roadwork per the IGA. He prefers proper procedure to horse-trading.

Councilmember Urban noted some technical errors involving dates in the amendment to the IGA. Mr. Dahl said those would be corrected.

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

6. Resolution 61-2018 – A Resolution concerning the proposed Development at the Southwest Corner of the Intersection of Interstate 70 and Colorado Highway 58 known as Clear Creek Crossing, and the proposed incurrence of a loan by the Wheat Ridge Urban Renewal Authority to be secured by certain property tax increment revenues; declaring the City Council's present intent to appropriate funds to replenish the reserve fund moral obligation for Urban Renewal Authority Clear Creek Crossing Loan, if necessary; and authorizing a Cooperation Agreement and other related actions in connection therewith

Evergreen Dev Co has identified a financial gap of about \$20M for the Clear Creek Crossing project due to extraordinary development expenses that would make the project financially unfeasible. This includes such things as public right-of-way improvements, underground infrastructure, hook ramps servicing the development, storm water drainage infrastructure, sidewalks and landscape buffers, pad development, and others. Approval of this Cooperation Agreement will obligate the City to reimburse and replenish a reserve account with Colorado Bank and Trust if property tax increment revenues are not adequate to cover the loan debt service.

Councilmember Hoppe introduced Item 6.

Staff presentation – Ken Johnstone

Mr. Johnstone reviewed the steps that already have been taken for the project. This is about the last one.

- The developer and the metropolitan district have an agreement which covers a majority of the public finance aspects. This amounts to about \$20M for public improvements that Urban Renewal and the City are participating in.
- The developer will issue bonds that will be paid back over time from sales tax, lodgers tax, and public improvement fees.
- The last \$5M of public financing is to be paid back using incremental property tax revenues.
- Due to the way the Assessor's Office is calculating property tax, it's not possible to use those property taxes as revenue sources in a traditional way in the bond market.
- However some banks will finance based on anticipated property tax revenues. This was done with Kipling Ridge. Urban Renewal would like to do the same here.
- Urban Renewal needs Council to approve the Cooperation Agreement to finance that final gap.

Sally Tasker of Butler Snow, our bond counsel, explained further.

- Urban Renewal will be getting a loan from Colorado State Bank. This loan will cover most of the \$5M.
- A reserve fund of 10% is required by the bank which will be repaid with property taxes from the project. This \$637K will be funded from the proceeds of the loan.
- If the TIF increment is insufficient the reserve fund can be used to repay the loan.
- This moral obligation resolution provides that if the fund is drawn on and there are not other funds sufficient to replenish it, the City Manager would come to Council asking to replenish the reserve fund back up to \$637K.
- Should Council agree to replenish the fund, that money would be a loan and would be paid back to the City by Urban Renewal subordinate to the bank loan.
- This is not a debt. This is not a TABOR obligation.
- The bank will not go forward with the loan if they don't get this.
- Ms. Tasker explained some finer details of how it will work.

Council Questions

Councilmember Urban asked what happens if the URA doesn't have enough property tax increment. Ms. Tasker said the URA would pay it back from other sources. This is not the City's loan; there are no consequences for the City.

Motion by Councilmember Hoppe to approve Resolution 61-2018, a resolution concerning the proposed development at the southwest corner of the intersection of Interstate 70 and Colorado Highway 58 known as Clear Creek Crossing, and the proposed incurrence of a loan by the Wheat Ridge Urban Renewal Authority to be secured by certain property tax increment revenues; declaring the City Council's present intent to appropriate funds to replenish the reserve fund securing such loan, if necessary; and authorizing a Cooperation Agreement and other related actions in connection therewith; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver shared that the state legislature had passed a law creating a new fingerprinting system. As of today, businesses and people who need to get fingerprinted for employment purposes should be advised that the City of Wheat Ridge will no longer be doing fingerprinting. Locations where fingerprinting will be available can be found at coloradofingerprinting.com.

Monica Duran wanted to make sure the people who spoke about traffic on Yukon Court are contacted. Mr. Johnstone advised that Mr. Brink would be contacting them.


Janeece Hoppe announced that Family Tree is having a fundraiser on October 10 at the Lamar Street Center. It starts at 5:30pm. Information is available at thefamilytree.org. Tickets are \$60 or four for \$200.

Zachary Urban invited everyone to the Sts. Peter & Paul 5K and Oktoberfest on October 6. There is also a spaghetti dinner and bingo on Friday night.

Mayor Starker remarked on last Thursday morning's business awards. He thanked City staff, the nominees and the award winners. We have great businesses in the city for products and services. ~ He recognized and congratulated longtime resident Bill Peterson who was stationed with the Flying Tigers in the China Campaign during WW2. His China Campaign medal was presented to him this last week. ~ He noted the passing of Nancy Snow, former City Council member, Planning Commission member, Election Commission member, and longtime supporter of Wheat Ridge. She will be greatly missed. Clerk Shaver added that her memorial service will be Sunday, October 14 at 10am at Crown Hill.

ADJOURNMENT

The meeting adjourned at 8:38 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON November 26, 2018

Tim Fitzgerald, Mayor Pro tem

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

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

October 22, 2018

Mayor Pro-Tem Tim Fitzgerald 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	Leah Dozeman
Kristi Davis	George Pond	Larry Mathews	Janeece Hoppe

Absent: Janeece Hoppe, George Pond

Also present: Deputy City Clerk, Robin Eaton; City Attorney, Gerald Dahl; City Manager, Patrick Goff; guests and interested citizens.

APPROVAL OF Study Session Notes of September 17, 2018

There being no objections, the Study Session Notes of September 17, 2018 were approved as published.

CITIZENS' RIGHT TO SPEAK

Citizens wishing to speak out against a recently subdivided house lot, and the failure to protect the nature of the long established Bel-Air neighborhood. Those people included:

Jim Niquette, John Nance, Sandra Nance, Courtney Pullen, Nancy Van DeMark, Diane Romano, Betty Niquette, Gail Thompson, Paul Hovland, Chris Chidley, Molly Mayfield, Deb Johnson, Suzanne Teale, Julie Hahn, Amy Burkett, Michael Brendel, and Connie Herrick.

Reasons for speaking include improper meetings, poor home design, setbacks, and that the proposed new house is not in character with the neighborhood. They want to have a voice in any additional permitting for this property and will be severely impacted no matter what ends up being built at the location.

This planned build-out will remove the family feel of the neighborhood and will greatly impact the neighborhood. Partly because their voices were not heard and they need to be heard, now and in the future. They do not accept the decision to subdivide this location, with 20 people in attendance and more that can be gathered.

Mayor Pro-Tem Fitzgerald asked City Attorney Dahl for advice on how to reconsider the approval for subdividing this property and also to help explain why there was no notice given to the citizens along with the use by right.

City Attorney Dahl responded that it was properly approved administratively by the Community Development Director and staff. Prior to 2014, code only allowed for two lot subdivision reviews but in 2014 the code was expanded to allow administrative approval of three lot parcels. A summary of the staff's review of the subdivision application appeared that this approval met those requirements and that by code, it did not require public notice. The decision is made final by the Community Development Director and Council could only approve a temporary moratorium to intercede in the matter. Moratoriums for these kind of building permits may or may not have the chance to pass.

Council doesn't have the ability to revoke an administrative subdivision permit, even if a moratorium and possible ordinance were passed. If passed, the City Council could then change the code for processing applications and their requirements, to include property notices being posted. Citizens have vested rights and depending on the situation, the city could be held liable for the money that has been spent by the homeowners if changes occur midstream of their applications being processed.

Use by right is considered in code on what property owners can do on their property as it pertains to what district they are in. If they want to do something different than code allows, it would be cause for re-zoning or possibly being granted a variance. Use by right doesn't really apply here as it was done administratively for a subdivision approval.

Councilmember Mathews gave a response to the citizen's right to speak. He appreciates the situation that the constituents are in and read portions of Sec, 26-102 Intent and purpose, from the City Code.

Councilmember Mathews moves to make a motion.

Point of order by Councilmember Davis to have Councilmember Mathews motion be added during the agenda. So approved by Mayor Pro Tem Fitzgerald and agreed to by Councilmember Mathews.

APPROVAL OF AGENDA

Motion by Councilmember Mathew to add agenda Item 2, to discuss the moratorium of the subdivision issue for 4055 Everett Street both immediately and for actions in the future; seconded by Councilmember Duran, motion carries 6-0

1. CONSENT AGENDA

- a. Motion to approve payment to Kaiser Permanente for November 2018 Membership Billing in the amount of \$205,058.38

Councilmember Urban introduced the Consent Agenda.

Motion by Councilmember Urban to approve Consent Agenda Item a.); seconded by Councilmember Duran; motion carried 6-0.

Emergency Ordinance on First Reading

2. Motion by Councilmember Mathews that the administrative subdivision application and subsequent building permit processing, both completed and in progress, for the original and new lots at 4055 Everett Street be immediately suspended by moratorium, and also move that a public hearing before council be scheduled to allow public comment and subsequent vote on the subdivision and potential permitting to be taken by council, with the decision to override the administrative process, seconded by Councilmember Duran,

City Attorney Dahl states that the code book does not provide a practice to set aside an administrative approval with an appeal process on the spot. To re-write the book there is a process that needs to be followed. You need to call upon a moratorium or create an ordinance, emergency or otherwise to do so.

Motion by Councilmember Mathews that all administrative subdivision applications and processes go into immediate moratorium to be considered by Council at the earliest possible date, seconded by Councilmember Duran.

Discussion and comments by Councilmembers followed.

Councilmember Davis asked for clarification to see if this motion would require two separate readings.

City Attorney responded that he is actually waiting to be directed instruction to create an emergency ordinance wording for a moratorium to be heard in two weeks.

Councilmember Dozeman asked if the building permit has been approved as of yet, what was the criterion for the administrative review of the application versus Envision Wheat Ridge and how the Bel-Air neighborhood was to be preserved.

Mr. Goff answered that only the subdivision has been approved but the permit application has not been submitted yet. He re-stated that the application review process was done accordingly by the code book. Lastly, he read the comprehensive report for the Bel-Air neighborhood when it was first developed and reported that all of the setbacks and lot sizes have been met for this new subdivision.

Motion was introduced by Councilmember Mathews to direct the City Attorney to create an immediate emergency ordinance moratorium against permits for administrative subdivisions; seconded by Councilmember Duran.

Additional discussion followed.

Motion carries 6-0.

City Attorney Dahl asks for an Ordinance number.

Deputy City Clerk assigned Ordinance 1656.

City Attorney Dahl read the hand drafted, proposed emergency moratorium ordinance to Council.

Motion by Councilmember Mathews to adopt imposing a temporary moratorium on the acceptance, processing and approval of certain building permit and declaring an emergency, effective immediately, seconded by Councilmember Duran; motion carried 6-0.

ORDINANCES ON FIRST READING

3. Council Bill 28-2018 – An Ordinance amending the Wheat Ridge Code of Laws concerning Wildlife and Waterfowl

Staff is recommending new rules and regulations concerning the feeding of wildlife and waterfowl be consolidated with existing regulations on the treatment of wild animals. This ordinance amends Chapter 4 (Animals), Chapter 16 (Miscellaneous Offenses), and Chapter 17 (Park Rules and Regulations).

Councilmember Davis introduced Council Bill 28-2018.

Motion by Councilmember Davis to approve Council Bill 28-2018 - an ordinance amending the Wheat Ridge Code of Laws concerning Wildlife and Waterfowl, on first reading, order it published, public hearing set for Monday, November 26, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban ; motion carried 6-0.

4. Council Bill 29-2018 – An Ordinance amending Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of Fermented Malt Beverages in City Parks

Staff is recommending new rules and regulations concerning the consumption of alcohol in City Parks. These new rules align with the State of Colorado changes in the definition of fermented malt beverages that are effective January 1, 2019. This change eliminates the current restriction of 3.2% fermented malt beverages (beer) only allowed in parks and allows malt beverages of up to 6% alcohol by weight.

Councilmember Mathews introduced Council Bill 29-2018.

Motion by Councilmember Mathews to approve Council Bill 29-2018 - an ordinance amending Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of

Fermented Malt Beverages in City Parks, on first reading, order it published, public hearing set for Monday, November 26, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; motion carried 6-0.

5. Council Bill 30-2019 – An Ordinance amending Chapter 17 of the Wheat Ridge Code of Laws concerning Parks and Recreation to address the use of Electrical Assisted Bicycles

Staff is recommending new rules and regulations concerning the use of electrical assisted bicycles on city trails. Electrical assisted bicycles are becoming more and more popular with bicycle riders throughout the metropolitan area. Currently, Chapter 17 of Wheat Ridge Code of Laws does not allow any type of motorized vehicle on park trails. This ordinance redefines bicycle to include electrical assisted bicycles and allows the usage of these bicycles on park and open space trails.

Councilmember Dozeman introduced Council Bill 30-2018.

Motion by Councilmember Dozeman to approve Council Bill 30-2018 - an ordinance amending Chapter 17 of the Wheat Ridge Code of Laws concerning Parks and Recreation to address the use of Electrical Assisted Bicycles, on first reading, order it published, public hearing set for Monday, November 26, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; motion carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution No. 67-2018 – A Resolution in support of Wheat Metro Fire Protection District Ballot Issue 7C

West Metro Fire Protection District Ballot Issue 7C is a tax stabilization initiative for the West Metro Fire Protection District (the District). The District is asking to adjust its mill levy to offset revenue lost due to changes in the residential assessment rate pursuant to the provisions of the Gallagher Amendment with the Colorado Constitution.

Councilmember Duran introduced Item 5.

There was no staff presentation or public comment.

Motion by Councilmember Duran to approve Resolution No. 67-2018, a resolution in support of Wheat Metro Fire Protection District Ballot Issue 7C; seconded by Councilmember Urban; motion carried 6-0

CITY MANAGER'S MATTERS

Patrick Goff wanted to remind everyone that the Optimists pancake supper is coming up as it is a fundraiser for youth programs in the City. He received an update from the Transit Partners on the G-line which sounded like good news. It seemed like they are in the approval stage and it has been moved up to the Federal Railroad Association.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Deputy Clerk Eaton reported on the annual Colorado Municipal Clerks Association conference in Colorado Springs. He will also be helping to revise the Liquor License Best Practices handbook for the Colorado Municipal League, as well as co-chairing the up-coming CML webinar for liquor license legislation updates.

Tim Fitzgerald reminded people to get their votes in and wanted to thank the city council team for helping him with the meeting.

Kristi Davis wanted to thank the Deputy City Clerk for all that he does.

Leah Dozeman pointed out that everyone should have received their mail ballots by now and that there is a drop off location here at city hall. These ballots need to be dropped off by 7:00 pm on Election Day, November 6.

Larry Mathews wished to thank both Mr. Dahl and Mr. Goff for helping with tonight's motion.

ADJOURNMENT

The meeting adjourned at 8:32 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON November 26, 2018

Tim Fitzgerald, Mayor Pro tem

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

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
November 5, 2018

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

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

Absent: Monica Duran (excused); Kristi Davis, (excused)

Also present: Deputy City Clerk, Robin Eaton; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Community Development Director, Ken Johnstone; guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Citizens wishing to speak on agenda item #2 for the applicant of a recently subdivided house lot, and request that the adopted emergency moratorium from October 22nd be lifted. Those people included:

The applicant Stephanie Garcia, Valarie Garcia, Jennifer Abo, Angelica Apel. Additional time was donated by both Anne Garcia and Taylor Garcia.

Reasons for speaking in favor of the applicant ran from personal and professional acclamations, character witness including the family orientated reason for the subdivision application, enhancing property values with the ability to preserve older properties and the envision wheat ridge plan.

Steve Kenny is the other person impacted by the emergency moratorium against building permits in R-1. He spent lots of time and money searching for his location and feels that his property rights have been infringed. He also spoke of possible legal actions against the City if the ban were not lifted.

Citizens wishing to speak against the property subdivision included, Jim Kaczmarek, Gail Thompson, Chris Chidley and Sandy Nance

Items for speaking against the subdivision included; allowing it would remove the rural type of atmosphere, views of the mountains, the new house would not be in character of the neighborhood, protection against subdivisions and diminished property values.

Citizen wishing to speak on agenda item #1 included Val Nosler Beck, Rachel Hultin, Kathleen Martel and Greig Veeder.

Items they spoke about included neighborhood meetings, shared visions, not hearing from the neighborhoods, working infrastructure, encouraging community engagement,

passion points, and the high jacking of time by preventing asking direct questions about the NRS.

Public Comment was closed after there was no one else who wished to speak.

1. Neighborhood Revitalization Strategy Joint Meeting with Planning Commission

After introductions from council, the planning commission members and the consultants from czb, Mr. Goff asked for midterm updates on the process with feedback and comments from both city council and the NRS. The meeting was turned over to Eric Ami, where he started by describing the firm of czb. He spoke about the project basics including background from the 2005: Repositioning Wheat Ridge, processes and timelines, along with market characteristics. The czb report spells out what the numbers say and seeks feedback on the analyses, key issues and their process.

Items spoken about for the importance of retail were generating sales-tax revenue, the competitive necessity of place making with independent and small chain-lets, unique concepts along with pedestrian orientation.

Addressing the market weakness requires strategic public investments in the form of direct spending and infrastructure at a significant expense. Housing investments that could possibly change the character of neighborhoods might come with higher standards and possibly more regulation to receive real benefits for the real costs.

In the course of the last 13 years, the City and metro area have changed significantly, so in early 2018 Council gave direction to update the NRS document. Much of the work is being driven by a City Council appointed citizen Steering Committee with guidance from the original consultant group, czb. The Steering Committee is comprised of over 20 members including residents, business owners, and other stakeholders who represent a broad cross-section of the community. The Committee has met four times with czb and staff since July. They have self-organized into six teams and have convened dozens of small group “kitchen table” meetings to engage the public in peer-to-peer community conversations.

Discussion and questions from Council followed:

- Where is the data on what programs are working and public investments for infrastructure?
- Hard to reconcile from one context to another concerning the home markets and rentals.
- Business growth and possible subsidies along with property management programs.
- Rental affordability is housing, investment in properties, falling behind of neighboring communities.

- Revenue follows rooftops, affordability in Wheat Ridge, interest more young families and think creatively about our housing stock.

Mayor Starker wants to encourage future meeting structures and that they allow the residents to give robust opportunities for free-ranging input on the processes. Legislation and housing proposals from years past, basically put the end to condos and townhome construction whereas Wheat Ridge has many smaller, multi-family home developments where first time homebuyers could be more available to foster walk-able place makers.

Members of the Planning Commission discussed:

- How to make homes look better to be more desirous.
- Negative absentee owners versus rentals homes
- Affordable housing and its prospectus.
- Age of homes, and a request for a summary statement on the health of the City of Wheat Ridge.
- Statistics and areas not mentioned in the report being Denver, Berkeley Park and Boulder.
- Focus on dead areas that need real attention be given to it such as rehabilitation.
- More young people need to get involved in the process to keep Wheat Ridge a very vibrant place.
- Consider a quantification of what has to happen, such as the percentage of where funds go, or political venues, for this process to move forward

Mayor Starker called the item closed at 9:00 pm and wanted to thank everyone in attendance. He looks forward to the feedback and what is brought to council in the future.

2. Moratorium on Single Family Building Permits Associated with Subdivision Approval – Ken Johnstone

Staff report

At the October 22, 2018 City Council meeting, Council adopted a temporary moratorium on the “acceptance, processing and approval of building permits for the construction of single family residences in the R-1 zone district within subdivisions approved administratively.” The ordinance was adopted as an emergency, going into effect immediately and expiring on January 20, 2019, unless further extended by additional City Council action through approval of a non-emergency ordinance.

The ordinance was adopted, in part, in response to concerns about a 2-lot subdivision that was recently approved administratively in the Bel Aire subdivision, at 4055 Everett Street. As drafted, the effect of the ordinance is such that it impacts two subdivisions,

the one previously noted and a second subdivision, known as the Gladys Subdivision, located at 2876-2880 Newland Street, where one of the two lots remains vacant.

While Council did not provide specific direction on what substantive changes to the zoning code might be pursued, if any, during the moratorium, staff has taken the liberty of proposing a few options for consideration, given the short duration of the moratorium and the need to also hold a Planning Commission hearing on any potential changes to Chapter 26 of the Code. If Code changes are desired, City Council could potentially hold a first reading on an ordinance on November 26, a Planning Commission hearing on December 6 and a City Council public hearing on January 14, 2019, prior to the moratorium's expiration on January 20, 2019.

Mr. Johnstone asks for other interests or ideas from council on the presumptive options that are being presented.

Option 1: As noted previously, administrative subdivision approval can currently be granted for subdivision of up to 3 lots. No public hearings are required and no public notice is provided. It is certainly an option to require a Planning Commission hearing and commensurate public notice for all subdivisions, or hearings before both the Planning Commission and City Council for all subdivisions. The rationale behind not having hearings for smaller subdivisions is that subdivision approvals are considered ministerial actions by the City – if they meet minimum lot size/width, have street frontage/access and access to adequate utilities, the City has limited discretion to deny the applications.

Option 2: When subdivisions meet the size thresholds to require public hearings, as summarized previously, they trigger standard public notice requirements for land use applications (publication in paper, physical posting of the property and mailed notice to property owners within 300 feet of the subdivision). Unlike some other City land use applications, such as private property initiated rezoning's and special use permits, both of which modify the types of permitted uses on a property, subdivisions are not required to have a neighborhood meeting as a precursor to making application. Similar to the discussion in Option 1, the rationale behind that is generally that having a neighborhood input meeting for a ministerial type of application may send somewhat of a mixed message as to what level of substantive impact the neighborhood will actually have on the application under review.

Option 3: The City's subdivision regulations discourage, but do not prohibit "flag lots." Flag lots must meet the following criteria:

1. The minimum width at the pole portion abutting a public street is twenty-five feet.
2. The use of a flag lot is necessary for the effective development of the land.

3. The proposed design does not negatively affect public safety and includes clearly defined access for private use and for emergency service.

Option 4: The City has the ability to create overlay zone districts for certain geographic parts of the City. In so doing, the zoning “rules” can be fine-tuned to address specific issues or concerns related to said geographic area. The overlay zone “rules” would typically be in addition to the development standards contained in the underlying zoning district. To use the example of 4055 Everett, the property is zoned R-1 and the subdivision is the Bel Aire subdivision. It would be possible to define the Bel Aire subdivision as a distinct overlay zone and develop specific development regulations that apply to that subdivision, beyond the underlying R-1 zoning development standards. The range of what those additional “rules” might be is very broad: more stringent or different building height restrictions, architectural design standards, material standards, different setback standards, etc. If this option were to be pursued, staff would suggest that additional time would be needed, beyond the schedule outlined previously in this memo and as such, it would be necessary to extend the moratorium.

In terms of the procedures under which such an overlay zone would be adopted, staff would suggest two options: 1) processed as a City Council initiated legislative rezoning, which, at a minimum, requires a neighborhood meeting; or 2) processed similar to a planned development outline development plan amendment, which requires written approval of at least 25% of the owners within the specified geographic area.

Option 5: There has been much discussion about residential bulk plane regulations in the City over the past several years, including adoption of an ordinance in 2016 that applied a bulk plane regulation in the R-1C zone district and for single-family homes in the R-3 zone district. There has been some discussion of applying the bulk plane regulations more broadly in additional residential zone districts, or additional geographic areas of the City. Though Council has not yet had consensus to move forward on such an approach, this also would be an option available, whether to apply the bulk plane regulations in all R-1 zone districts, or in a geographic area, such as the Bel Aire subdivision.

Summary Discussion and questions from Council followed:

- Councilmember Hoppe - even though not at the council meeting, watched and listened to the meeting in its entirety and is up to speed.
- Councilmember Dozeman - previous meeting was a great starter conversation on how procedural changes can be made to happen within our code, so future issues will not arise. Not in favor of any of the options given and retroaction should not be pursued.
- Councilmember Fitzgerald - the options are very narrow and feels that they are for a specific property but should be general in nature. Not in favor of taking any actions.

- Councilmember Pond – feels that none of the options given tonight are ones that should be pursued.
- Councilmember Hoppe - requests that at the next business meeting the moratorium be reconsidered and lifted. Would like this issue to be immediately addressed through study session.
- Councilmember Urban – try to preserve the property rights of the individual owners and down the road, encourage residents to participate in overlay projects.
- Councilmember Mathews - the intent of our code is to let citizens participate in what happens in the decision that affect their property. Wished to consider the idea of getting rid of the administrative subdivision approvals, possibly making them minor subdivision and to have them go through either planning commission or city council.
- Councilmember Dozeman – agrees on the need to stop kicking the can as many of these issues have come up repeatedly, with many being spoken about at several meetings and they need to be addressed proactively.

A consensus motion was asked by Mayor Starker from Councilmember Hoppe and then parliamentary procedure was asked of Mr. Dahl.

City Attorney Gerald Dahl responded that there are a few items going on, one that addresses policy to request continuing notice to bring these things forward, to flush out the options to be approved or not. The second is the procedure to reconsider the moratorium which can be placed on as an agenda item.

Consensus to immediately place an item on the agenda for the November 26 meeting, for possible reconsideration of the emergency moratorium passes unanimously.

Consensus to move forward with new options on how the city might balance property and neighborhood rights, to help provide more input from community and neighbors on proposed designs passes unanimously.

3. I-70 Kipling Corridor Strategy – Ken Johnstone

The Colorado Department of Transportation (CDOT) plans to reconstruct the I-70/Kipling Street interchange and make related improvements to the interchange area. A Diverging Diamond interchange configuration is the Preferred Alternative. An Environmental Assessment (EA) is being conducted to evaluate the benefits and impacts of these improvements and document any necessary impact mitigation. The EA is being reviewed by CDOT, and will be available for a 30-day public review later this year with a public meeting tentatively scheduled for December 11, 2018. Comments received will be considered by CDOT and the Federal Highway Administration prior to issuing their final decision to confirm if improvements can move forward.

The City of Wheat Ridge has engaged David Evans and Associates (DEA) to assist the City in creating a vision for Wheat Ridge's I-70 & Kipling Interchange. The north-south scope of the visioning effort extends from Clear Creek on the south to 51st Avenue on the north. This scope of work includes:

- Identifying potential aesthetic betterments to be included as part of CDOT's reconstruction of the interchange. The intent of this design effort would be to create a unified urban design aesthetic that transitions from the new interchange and into the City of Wheat Ridge, creating and highlighting the interchange and the corridor as a key City gateway.
- Creating a vision plan that will communicate to multiple audiences the City of Wheat Ridge's desired urban design expectations as redevelopment occurs.
- Identifying desired future land uses along the corridor and at the interchange that improve community safety and positively contribute to adjacent neighborhoods.
- Developing a strategy to engage with CDOT, landowners, residents, and partner jurisdictions in order to realize the City's desired aesthetic betterments at the interchange.

One possible regulatory change that would affect this area would be a zoning code amendment defining extended stay lodging facilities. Such an ordinance could define minimum physical and operational characteristics of an extended stay lodging facility vs. a standard hotel/motel. In so doing, it would be possible to disallow operation of a standard hotel/motel property, in an extended stay manner, if it does not meet those physical and operational requirements. This could be an effective enforcement tool that might improve the quality of the existing hotels/motels in the area.

Discussion and questions from Council followed:

Discussion by Council included:

- New reports show that 40% of people reporting homelessness have jobs but do not have affordable housing and to please keep that in mind.
- Do not take away the affordable options from struggling families and make policies that are too restrictive
- Land uses in that area need to be diversified with industrial, retail and housing and encourage investments to help revitalize this corridor.
- This is the first time in years where extended stay issues might get some responses and hope that this council can be more supportive and pro-active moving forward to get something done.

4. Staff Report(s)

Mr. Goff spoke about an email concerning a dog boarding business on 45th and Wadsworth where they essentially received a zoning comment letter from the building department but that no business license has been issued. It was their intent to open a dog training center with accessory care and boarding and those businesses with dog runs are not allowed in C-1. Kennels with outdoor runs are allowed in industrial areas.

Discussion followed on the proper zoning for these facilities and special use permits.

Mr. Johnstone described what types of dog uses would be allowed to hold a special use permit and possibly to add a definition of what a doggie day care is.

5. Elected Officials' Report(s)

Councilmember Dozeman reminds everyone to get your ballots in and that there is a drop off ballot box right outside.

Councilmember Fitzgerald added that everyone's vote will count.

Mayor Starker wanted to thank everybody for keeping the place together during his absence.

ADJOURNMENT: The Study Session adjourned at 10:14 p.m.



Robin Eaton, Deputy City Clerk


APPROVED BY CITY COUNCIL ON November 26, 2018

Tim Fitzgerald, Mayor pro tem

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO ADOPT THE 2019 CITY COUNCIL MEETING CALENDAR**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input checked="" type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO

City Clerk

City Manager**ISSUE:**

The calendar of City Council meetings is adopted by a motion of the City Council yearly. Adopting the meeting calendar for the year is more efficient and enables the Mayor, Council and staff to schedule other events and travel in advance. The Council will be able to amend the schedule by motion throughout the year, if necessary.

The following City Council meetings that conflict with observed City holidays or other known events during the year are recommended for cancellation:

- Study Session, January 21, 2019, Martin Luther King Day
- Study Session, February 18, 2019, Presidents' Day
- Regular City Council Meeting, May 27, 2019, Memorial Day
- Study Session, September 2, 2019, Labor Day
- Regular City Council Meeting, November 11, 2019, Veterans' Day

PRIOR ACTION:

None

FINANCIAL IMPACT:

None

BACKGROUND:

Section 5.1 of the City Charter states that, “The council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of council.” Section IV of the City Council Rules of Order and Procedure states that, “Regular Meetings are held the second (2nd) and fourth (4th) Monday of each month at 7:00 p.m. unless otherwise provided by amendment of these Rules and Study Sessions are held the first (1st) and third (3rd) Monday of each month at 6:30 p.m., unless otherwise provided by the Mayor Pro Tem.

RECOMMENDATIONS:

None

RECOMMENDED MOTION:

“I move to adopt the 2019 City Council Meeting Calendar as presented.”

Or,

“I move to adopt the 2019 City Council Meeting Calendar with the following amendment(s)
_____.”

Or,

“I move to not adopt the 2019 City Council Meeting Calendar for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Janice Smothers, Administrative Assistant to the Mayor and City Council

Patrick Goff, City Manager

ATTACHMENTS:

1. Proposed 2019 City Council Meeting Calendar

2019 Calendar

JANUARY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY

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24	25	26	27	28		

MARCH

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31						

APRIL

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MAY

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26	27	28	29	30	31	

JUNE

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30						

JULY

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AUGUST

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SEPTEMBER

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29	30					

OCTOBER

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27	28	29	30	31		

NOVEMBER

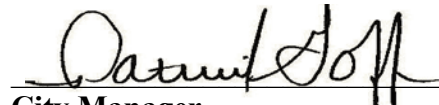
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DECEMBER

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29	30	31				

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE PAYMENT TO KAISER PERMANENTE FOR DECEMBER 2018 MEMBERSHIP BILLING IN THE AMOUNT OF \$184,418.66.**

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input checked="" type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO

City Manager**ISSUE:**

For 2018, the City offers employees two medical plans through Kaiser Permanente; a High Deductible plan and Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees who choose to enroll. December billing is in the amount of \$184,418.66 which requires City Council approval.

PRIOR ACTION:

Approval of December 2018 Kaiser bill.

FINANCIAL IMPACT:

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

BACKGROUND:

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

RECOMMENDATIONS:

It is our recommendation to pay the December 2018 Kaiser bill.

RECOMMENDED MOTION:

“I move to pay the December 2018 Kaiser bill in the total amount of \$184,418.66.”

Or,

“I move to deny the payment of the December 2018 Kaiser bill in the amount of \$184,418.66 for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

ATTACHMENTS:

1. 2018 December Kaiser Bill – Actives
2. 2018 December Kaiser Bill - Cobra



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

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

GROUP-BILLGROUP-REGION: 00181-01-16

Invoice Creation Date: November 02, 2018

Bill Period Dates: 12/01/2018-12/31/2018
Invoice Number: 0021946037
Bill Date: 11/02/2018
Amount Due: \$184,418.66
PLEASE PAY BY: 11/30/2018

Please send payments only to the following address:

Kaiser Permanente
Membership Administration
Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

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

Please mail all membership changes to:

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

Or, send membership changes to either:

Fax: 866-311-5974
Email: csc-den-roc-group@kp.org

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

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

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

Invoice Number: 0021946037

Bill Period Date: 12/01/2018

Please pay this amount: **\$184,418.66**

Payment must be received by: 11/30/2018

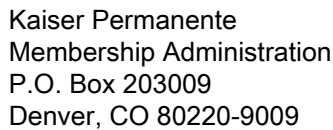
Provide Billing Unit number(s) on check and make it payable to:

Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

Amount Paid: \$184,418.66

1600181000001000000000000219460371201201811181000000018441866000000000000009

ATTACHMENT 1



REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO AWARD A CONTRACT AND APPROVE SUBSEQUENT PAYMENTS TO INDEPENDENT ROOFING SPECIALISTS, COMMERCE CITY, CO IN THE AMOUNT OF \$115,154 FOR ACTIVE ADULT CENTER ROOF-HVAC REPAIRS AND REPLACEMENT, AND TO APPROVE A CONTINGENCY AMOUNT OF \$11,515 FOR TOTAL AMOUNT NOT TO EXCEED \$126,669

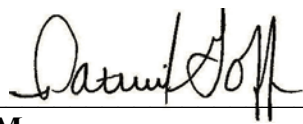
☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES

☒ NO


Parks and Recreation Director


City Manager

ISSUE:

During the hailstorm of May 2017, various sections of the Active Adult Center roof and HVAC systems sustained damage. CIRSA, the City's insurance pool, and a contract vendor, inspected the property and submitted a damage assessment to the City for the insurance claim.

PRIOR ACTION:

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

FINANCIAL IMPACT:

The City has received approval of payment of \$115,154 from CIRSA for the repairs from hail damage at the Active Adult Center. These, and contingency, funds are available in account 01-610-700-783.

BACKGROUND:

The contract will include materials, labor, equipment and supplies to replace existing asphalt shingle roofing, EPDM roofing work, TPO roofing as well as all mechanical repairs needed including those to the HVAC units located on the Active Adult Center roof.

Staff conducted a formal procurement process for this work and met with nine companies at a mandatory pre-bid meeting on Thursday, October 11, 2018. One bid was received on Tuesday, October 30, 2018.

RECOMMENDATIONS:

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

RECOMMENDED MOTION:

“I move to award a contract and approve subsequent payments to Independent Roofing Specialists, LLC in the amount of \$115,154 for Active Adult Center Roof-HVAC Repairs and Replacement, and to approve a contingency amount of \$11,515 for a total amount not to exceed \$126,669.”

Or,

“I move to deny award of a contract and payment to Independent Roofing Specialists, LLC in the amount of \$115,154 for Active Adult Center Roof-HVAC Repairs and Replacement, and to deny a contingency amount of \$11,515 for a total amount not to exceed \$126,669 for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Julie Brisson, Recreation and Facilities Manager
Joyce Manwaring, Parks and Recreation Director
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Bid Tabulation Sheet

Subject to review for completeness and accuracy.



PROJECT: ITB-18-23
ACTIVE ADULT CENTER - HAIL DAMAGE REPAIRS
DUE DATE/TIME: TUESDAY, OCTOBER 30, 2018 BY 1 P.M. LOCAL TIME

REQUESTED BY: MIKE FARRELL, FACILITIES
OPENED BY: JENNIFER NELLIS, PURCHASING AGENT
JHN **WITNESSED BY: KIRBY HOLLUMS, BUYER II**
KH

ALLOWED VENDOR (PRIME)	Independent Roofing Specialist			
LOCATION	Commerce City, CO			
ATTENDED MANDATORY SITE VISIT	yes			
BIDDER ACKNOWLEDGEMENT FORM -p3	yes			
ACKNOWLEDGE ADDENDA(1)	yes			
CONTRACTOR'S QUALIFICATION FORM	yes			
LIST OF SUB-CONTRACTORS	yes			
NON-DISCRIMINATION ASSURANCE FORM	yes			
ILLEGAL ALIEN COMPLIANCE	yes			
NON-COLLUSION AFFADAVIT	yes			
KEEP JOBS IN COLORADO FORM	yes			
BID BOND	yes			
PROPOSAL / PRICING SCHEDULE pg 20	yes			
TOTAL Base Bid - Page 21	\$115,153.75			
Bid Detail pages provided	yes			

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE PAYMENT TO COLORADO STATE BANK AND TRUST FOR A BOND PRINCIPAL AND INTEREST PAYMENT IN THE AMOUNT OF \$2,952,650 FOR THE CITY OF WHEAT RIDGE, COLORADO SALES AND USE TAX REVENUE BONDS, SERIES 2017A**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO
City Manager**ISSUE:**

On May 2, 2017, the City closed on Series 2017A Sales and Use Tax Revenue Bonds in the par amount of \$30,595,000 with a net premium of \$2,687,079 for a total of \$33,282,079. The City's principal and interest payment for 2018 is due on December 1, 2018, payable on November 30, 2018, in the amount of \$2,952,650. Funds to cover this payment are budgeted in the 2018 2E Bond Fund budget.

PRIOR ACTION:

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

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

FINANCIAL IMPACT:

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

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

BACKGROUND:

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

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

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

RECOMMENDATIONS:

The City entered into a Registrar and Paying Agent Agreement with Colorado State Bank and Trust on May 2, 2017, which requires the City to transfer principal and interest debt payments to the bank by a certain date. The bond principal and interest payment is due on Saturday, December 1, 2018, and payable on Friday, November 30 but no later than 9 a.m. on Monday, December 3, 2018, otherwise the City will be in default of this Agreement.

RECOMMENDED MOTION:

“I move to approve payment to Colorado State Bank and Trust for the 2E Bond principal and interest payment in the amount of \$2,952,650 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A.”

Or,

“I move to not approve the payment to Colorado State Bank and Trust for the 2E Bond principal and interest payment in the amount of \$2,952,650 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A for the following reason(s) _____.”

REPORT PREPARED AND REVIEWED BY:

Patrick Goff, City Manager

Mark Colvin, Accounting Manager

ATTACHMENTS:

1. Bond Principal and Interest Payment Invoice



Corporate Trust Account Invoice Summary

Name of Issue:

City of Wheat Ridge Series 2017A

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

Ref. Number : WHEATRIDGE17

For questions contact: Keith Papantonio 303-864-7236

DUE DATE 12/1/2018

Principal Outstanding	\$27,795,000.00
Debt Service	
Principal Due	\$2,400,000.00
Interest Due	\$552,650.00
Total Debt Service Due :	\$2,952,650.00
TOTAL AMOUNT DUE:	\$2,952,650.00

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

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

Name of Issue:

City of Wheat Ridge Series 2017A

Remit Check To:

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

DUE DATE 12/1/2018	
Reference Number:	WHEATRIDGE17
Net Amount Due:	\$2,952,650.00
Debt Service Payment Enclosed:	
Paying Agent Fee Enclosed:	
Amount Enclosed:	

Wire/ACH Instructions:

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

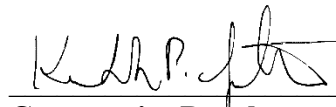
REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 27-2018 – AN ORDINANCE APPROVING AN AMENDMENT TO THE OUTLINE DEVELOPMENT PLAN FOR THE CAMELOT CLUB APARTMENTS PLANNED RESIDENTIAL DEVELOPMENT (PRD) FOR PROPERTY LOCATED AT 4635 AND 4665 KIPLING STREET (CASE NO. WZ-18-03/KIPLING VILLAGE)

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (10/08/2018)
☒ ORDINANCES FOR 2ND READING (11/26/2018)

QUASI-JUDICIAL:

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

The applicant is requesting approval of an amendment to the Outline Development Plan for the Camelot Club Apartments Planned Residential Development (PRD) located at 4635 and 4665 Kipling Street. The purpose of the amendment is to expand the uses allowed within two buildings on the property, to adjust the sign allowance, and to modernize the original planned development documents that date from 1969.

The subject area includes two parcels of land, the total size of which is approximately 7 ½ acres.

PRIOR ACTION:

Planning Commission heard the request at a public hearing on September 20, 2018 and recommended approval. The staff report and meeting minutes from the Planning Commission meeting are attached.

FINANCIAL IMPACT:

The request is not expected to have a direct financial impact on the City. Fees in the amount of \$2,700.00 were collected for the review and processing of Case No. WZ-18-03.

BACKGROUND:

The subject property, also known as the Kipling Village Apartments, is located on the west side of Kipling Street south of Interstate 70 and the Frontage Road, and was constructed in 1970. The purpose of this request is to modify the original Official Development Plan for the property, which was approved by Jefferson County in 1969. The modifications will modernize the Planned Development document so that it meets current content and formatting standards. It will also allow for additional residential uses in two smaller structures originally intended to be solely commercial/retail spaces.

Modification to permitted uses for a Planned Development requires modifying the Outline Development Plan (ODP). Because the ODP is the document that establishes the zoning, any proposed modifications or updates to this document is processed as a zone change. Despite the fact that this is processed as a zone change, most of the existing improvements on the property will remain the same. There is no change to the exterior or footprints of the existing structures.

Surrounding Land Uses

The property is surrounded by various commercial, residential, and public uses. To the south is a multi-family property, part of the Kipling Village apartment community, but zoned Residential-Three (R-3) and thus not part of this zone change. Along Lee Street to the west are some single-family homes, condominiums, and the City's Fruitdale Park. To the north, abutting the I-70 / Kipling Street interchange are several properties with a variety of commercial, retail and service establishments. To the east of the subject property is a large vacant piece of land that was recently rezoned to Mixed Use-Commercial (MU-C).

Current and Proposed ODP

The existing conditions on the property largely reflect the original zoning approval, with ten total buildings: eight for high density residential and two for "general retail/office." Each of these retail/office buildings are oriented towards Kipling Street and have a footprint of approximately 2,800 square feet. One structure is two stories tall, while the other is two stories with a garden level basement. Per the approved 1969 ODP, the only permitted uses for these two structures is "service and recreation buildings, including game rooms, barber shop, beauty shop, dry cleaners, and neighborhood grocery store."

The applicant proposes to modernize this list of permitted uses with more relevant commercial and retail establishments, and with the addition of residential uses. The context of Kipling Street has changed significantly since 1969 and the viability of commercial uses in these structures has diminished, making residential units a more appropriate and practical use. The property currently has 220 units; the amended ODP would allow no more than 228 units on the property.

Another change from the original zoning document is the sign allowance, which is being reduced in size, height, and setback. The remaining changes are minor in nature, for example, removing “sauna baths” from the list of permitted uses in the residential buildings.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 27-2018, an ordinance approving an amendment to the Outline Development Plan for the Camelot Club Apartments Planned Residential Development on second reading and that it take effect 15 days after final publication for the following reasons:

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

Or,

“I move to deny Council Bill No. 27-2018 an ordinance approving an amendment to the Outline Development Plan for the Camelot Club Apartments Planned Residential Development on second reading for the following reasons:

- 1.
- 2.
- 3.

and direct the City Attorney to prepare a Resolution of Denial, to be scheduled for Council consideration at the next available regular business meeting.”

REPORT PREPARED/REVIEWED BY:

Zack Wallace Mendez, Planner II

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 27-2018
2. Planning Commission Staff Report
3. Planning Commission Minutes

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 27
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING AN AMENDMENT TO THE OUTLINE DEVELOPMENT PLAN FOR THE CAMELOT CLUB APARTMENTS PLANNED RESIDENTIAL DEVELOPMENT (PRD) FOR PROPERTY LOCATED AT 4635 AND 4665 KIPLING STREET (CASE NO. WZ-18-03/KIPLING VILLAGE)

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, Kipling Village, LLC has submitted a land use application for approval of an amendment to the Outline Development Plan for the Camelot Club Apartments Planned Residential Development (PRD) for property located at 4635 and 4665 Kipling Street; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a neighborhood buffer along the west side of Kipling Street between 44th Avenue and Interstate 70; and,

WHEREAS, the amendment will modernize the zoning documents for the property and allow for additional investment and reinvestment in the community; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on September 20, 2018 and voted to recommend approval of rezoning the property to Planned Residential Development (PRD),

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

Section 1. Upon application by Kipling Village, LLC for approval of a zone change ordinance approving an amendment to the Outline Development Plan for the Camelot Club Apartments Planned Residential Development (PRD) for property located at 4635 and 4665 Kipling Street, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change is approved for the following described land:

PARCEL A:

THE SOUTH 1/2 MORE OR LESS, CAMELOT CLUB APARTMENTS, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS, THENCE SOUTH ALONG THE EAST BOUNDARY LINE

THEREOF A DISTANCE OF 263.11 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH ALONG SAID EAST BOUNDARY LINE 263.11 FEET TO THE SOUTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS, A DISTANCE OF 619.17 FEET TO THE SOUTHWEST CORNER OF SAID PLAT OF CAMELOT CLUB APARTMENTS; THENCE NORTH ALONG THE WEST BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS A DISTANCE OF 261.185 FEET TO A POINT ON SAID WEST BOUNDARY LINE THEREOF, WHICH IS 261.185 FEET SOUTH OF THE NORTHWEST CORNER OF SAID PLAT OF CAMELOT CLUB APARTMENTS; THENCE EAST 619.36 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE EAST 3 FEET OF THE NORTH 200 FEET OF THE SOUTH 263.11 FEET OF CAMELOT CLUB APARTMENTS.

PARCEL C:

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NE1/4 OF SAID SECTION 21; THENCE SOUTH 0 DEGREES 22 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 21, A DISTANCE OF 1193.40 FEET, TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 1013 AT PAGE 343 OF THE JEFFERSON COUNTY RECORDS; THENCE SOUTH 89 DEGREES 14 MINUTES 49 SECONDS WEST PARALLEL WITH THE NORTH LINE OF THE NE1/4 OF SAID SECTION 21 AND ALONG THE NORTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1013 AT PAGE 343, A DISTANCE OF 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 49 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NE1/4 AND ALONG THE NORTH LINE OF THAT TRACT AS DESCRIBED IN BOOK 1013 AT PAGE 343 AND IT'S WESTERLY EXTENSION A DISTANCE OF 619.11 FEET TO A POINT ON THE WEST LINE OF THE E1/2 OF THE NE1/4 OF SECTION 21; THENCE NORTH 0 DEGREES 24 MINUTES 24 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 4.29 FEET TO THE SOUTHWEST CORNER OF THE CAMELOT CLUB APARTMENTS, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY; THENCE NORTH 89 DEGREES 36 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF SAID CAMELOT CLUB APARTMENTS, A DISTANCE OF 619.10 FEET TO THE SOUTHEAST CORNER OF SAID CAMELOT CLUB APARTMENTS; THENCE SOUTH 0 DEGREES 22 MINUTES 00 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE NE1/4 AND 45.00 FEET WESTERLY, A DISTANCE OF 0.48 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL D:

THE NORTH 1/2 OF CAMELOT CLUB APARTMENTS, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE SOUTH ALONG THE EAST BOUNDARY LINE THEREOF A DISTANCE OF 263.11 FEET TO A POINT; THENCE WEST 619.54 FEET, MORE OR LESS, TO A POINT ON THE WEST BOUNDARY LINE OF SAID PLAT WHICH IS 261.185 FEET SOUTH OF THE NORTHWEST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE NORTH 261.185 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID PLAT; THENCE EAST ALONG THE NORTH BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS A DISTANCE OF 619.54 FEET MORE OR LESS TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE SOUTH 200.00 FEET OF THE NORTH 263.11 FEET OF THE EAST 3.00 FEET THEREOF.

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

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

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of October, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, November 26, 2018 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

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

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

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: October 11, 2018
2nd publication:
Wheat Ridge Transcript:
Effective Date:

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

TO: Planning Commission **MEETING DATE:** September 20, 2018

CASE MANAGER: Zack Wallace Mendez

CASE NO. & NAME: WZ-18-03 and WZ-18-04 / Kipling Village

ACTION REQUESTED: Approval of an Outline Development Plan and Specific Development Plan to modify permitted uses within Blocks 9 and 10 of the existing PRD.

LOCATION OF REQUEST: 4635 and 4665 Kipling Street

APPLICANT (S): Kipling Village LLC

OWNER (S): Kipling Village LLC

APPROXIMATE AREA: 326,100 square feet (7.5 acres)

PRESENT ZONING: Planned Residential Development (PRD)

COMPREHENSIVE PLAN: Neighborhood Buffer

ENTER INTO RECORD:

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

Location Map



Site

JURISDICTION:

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

I. REQUEST

Cases WZ-18-03 and WZ-18-04 are applications for an Outline Development Plan (ODP) and Specific Development Plan (SDP), respectively, for property located at 4635 and 4665 Kipling Street. The purpose of this request is to modify the original Official Development Plan for the property, which was approved by Jefferson County in 1969. The modifications proposed will modernize the Planned Development document, as well as allow for additional residential uses in two structures originally intended to be solely commercial/retail spaces.

Modification to permitted uses for a Planned Development requires modifications to the ODP. Because the ODP is the document that establishes the zoning, any proposed modifications or updates to this document constitute a zone change. In this case, the zone change is an updated Planned Residential Development (PRD) with a slightly different set of permitted uses. Despite the fact that this is processed as a zone change, most of the existing improvements on the property will remain the same.

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

The applicant is requesting a combined approval, which is permitted pursuant to Section 26-302 of the Municipal Code. The ODP and SDP are processed and reviewed concurrently, requiring public hearings before the Planning Commission and the City Council, with the City Council being the final deciding body.

II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located on the west side of Kipling Street south of Interstate 70 and the Frontage Road (*Exhibit 1, 2016 Aerial*). The property is zoned Planned Residential Development (PRD) and is surrounded by commercial, residential, and public uses. To the south is a multi-family property, part of the Kipling Village apartment community, but zoned Residential-Three (R-3). Additionally along Lee Street to the southwest of the subject property are some single-family homes (zoned Agricultural-One and Residential-Two A) and condominiums (zoned Planned Residential Development). To the north, abutting the I-70 / Kipling Street interchange are several properties zoned Commercial-One (C-1) with a variety of commercial, retail and service establishments. To the east of the subject property is a large vacant piece of land which was recently rezoned to Mixed Use-Commercial (MU-C). (*Exhibit 2, Zoning Map*)

The Kipling Village Apartments have ten total buildings within their Planned Development: eight for high density residential and two for general retail/office. The parcels at 4665 and 4635 Kipling Street have identical building footprints; each parcel includes four three-story apartment buildings, one office/retail building, and a central courtyard. Based on Jefferson County Assessor records, in total there are 220 apartment units. Two full movement access points exist onto Kipling Street from the subject property, with a third access point located on the property to the south, but offering access to the subject property.

The existing conditions largely reflect the original zoning approval. On November 10, 1969 the Jefferson County Board of County Commissioners approved an Official Development Plan and Plat for this property, known then as the Camelot Club Apartments. These development documents have not been updated since and continue to govern how the property functions and operates. The Development Plan (*Exhibit 3, 1969 Official Development Plan*) divides the property into 13 blocks. Blocks 1-8 are the east-west oriented apartment buildings, and are limited to residential uses. Blocks 9 and 10 are smaller buildings oriented towards Kipling Street, and are limited to the following: “service and recreation buildings, including game rooms, barber shop, beauty shop, dry cleaners, neighborhood grocery store.” Blocks 11 and 12 are open space courtyards which are surrounded by Blocks 1-10, and are limited to recreation facilities and landscaping. Finally, Block 13 is the parking and drive aisles that surround Blocks 1-12.

The current owner purchased the property in 2012 and has been making an effort to clean up and reinvest in the property. One of the most recent and most visible efforts undertaken by the owner was the voluntary streetscape improvements performed along Kipling Street for the entire frontage of their property. These improvements also included the introduction of an open space amenity on a vacant piece of land just south of the subject property (which is also owned by the Kipling Village LLC, but is not part of the PRD). The goal of the current owners is to continue investing in and improving the property. The request to modify and update the zoning documents will help to modernize the documents and allow for future investment in the property.

The focus of the modifications are on Blocks 9 and 10, the two small buildings that are adjacent to Kipling. These buildings have been restricted by the 1969 zoning document to small scale service establishments and recreation uses. Historic aerials from 1971, one year after the property was built, indicate a very different environment than currently exists around the subject property. In 1971, Interstate 70 was brand new, and there were very few structures along the Kipling corridor near the new highway interchange. As such, small service establishments within the apartment community were likely desirable and necessary to provide some nearby commercial services. This corridor has grown significantly over the decades, and the development/redevelopment of land, especially north of the interstate, has introduced a wide array of commercial, retail, service, and dining establishments within several blocks of Kipling Village. The owner of the Kipling Village apartments also states in their narrative (*Exhibit 4, Applicant Narrative*) that more recent commercial tenants have attracted undesirable activity to the community, and that these commercial spaces are not desirable locations for attractive commercial tenants that would help improve the area.

Given this context, the purpose of this application is to modernize the Planned Development document by allowing for residential uses in the two smaller structures, which were originally intended to solely accommodate commercial/retail spaces. The applicant would like to retain the possibility of having retail and commercial establishments within these structures, to maximize flexibility and with the understanding that a mix of uses is appropriate for a corridor such as Kipling. The updated ODP would allow up to 234 dwelling units in total on the entire site.

III. OUTLINE DEVELOPMENT PLAN

Attached is a copy of the proposed Outline Development Plan (ODP) which contains two sheets (*Exhibit 5, Outline Development Plan*). The first page is a typical cover page with certification and signature blocks for the property owner(s), and Planning Commission, City Council, and Mayor. Also on the first page is a character of development statement, purpose of amendment, and other notes. The second page includes the layout of the property, which matches what is on the ground today. It also reflects the original 1969 ODP site plan, but in a more modernized layout.

Again, the largest difference is the list of allowable uses for Blocks 9 and 10. Other amendments include modernizing the allowable uses in the apartment units by adding household pets and home occupations as accessory uses, consistent with all residential zone districts in the City. Additionally, notes have been added that refer back to the Code of Laws for lighting and fencing, something that was not included on the original ODP. Finally, the allowable signage for the property is said to refer back to the City's sign code, with the exception of a proposed freestanding sign at the primary entrance with a minimum setback of 5 feet from the property line, a maximum height of 5 feet, and a maximum size of 20 square feet. The sign must have a stone or masonry base, and will be subject to the City's standard sight distance triangle. For comparison, the original 1969 ODP allowed a freestanding sign with a minimum setback of 15 feet, a maximum height of 15 feet, and a maximum size of 50 square feet.

IV. SPECIFIC DEVELOPMENT PLAN

Attached is a copy of the proposed Specific Development Plan (SDP) which contains four sheets (*Exhibit 6, Specific Development Plan*). The first page is a typical cover page with certification and signature blocks for the property owner(s), and Planning Commission, City Council, and Mayor. Because the planned development is being established to allow the existing structures, the site plan on page 2 simply shows the existing conditions including the building footprints, landscape and open space areas, parking spaces, and existing easements. Page 3 and 4 are landscape plans for the streetscape improvements along Kipling Street. As such, the landscaping plan for the remainder of the property is shown in much less detail than is typical for an SDP, as this landscaping and open space is existing. The planting schedule on page 3 refers to the detailed streetscape plan on page 4. These improvements were completed in conjunction with the Public Works Department and are being memorialized by this document.

V. PLANNED DEVELOPMENT CRITERIA

Criteria for the review of ODP and SDP documents are provided in section 26-303.D and 26-305.D, respectively. Staff has provided an analysis of these criteria below. Planning Commission shall base its recommendation in consideration of the extent to which the criteria have been met.

OUTLINE DEVELOPMENT PLAN

- 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 zone change will not result in an adverse effect on the surrounding area. The development has existed in the neighborhood for nearly 50 years, and the changes proposed by this ODP will be insular to the apartment community. Additionally, the modifications being proposed are part of overall improvements to the property that should help increase property values in the surrounding area. Sufficient parking exists on the property, so accommodation of several residential units as an alternative to commercial uses should not result in any adverse impact.

Staff concludes that this criterion has been met.

2. 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.

The property has been zoned Planned Residential Development since 1969. While the development standards (setbacks, height, building coverage, etc.) are similar to those within the City's standard multi-family residential zone district, the density exceeds that allowed within those zone districts. The property was approved in 1969 at a density of 28.8 dwelling units per acre. The proposed increase in units would bring the property to 31.5 dwelling units per acre. This property is located within the I-70/Kipling Corridor Urban Renewal Boundary, which was exempted from the City's density limitations by the voters in 2009, and as such the proposed density is allowable.

Staff concludes that this criterion has been met.

3. 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.

Staff concludes that this criterion has been met.

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

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

Envision Wheat Ridge, the City's 2009 comprehensive plan (*Exhibit 8, Comprehensive Plan*), identifies this area as a Neighborhood Buffer. These areas are intended to function as a buffer between low-intensity residential uses and higher intensity commercial corridors and uses. The plan states that these neighborhood buffers will transition from a mix of residential and small-scale commercial uses to areas with higher intensity uses.

This request supports the comprehensive plan by allowing a transitional use to remain between lower intensity residential uses to the west and southwest of the subject property and the more heavy commercial uses to the north and northeast of the subject property near the I-70 / Kipling Street interchange.

This request will allow the property owner to continue enhancing an established apartment community, increase housing options by adding additional residential units to the property, and support increased investment in the surrounding area. This helps to achieve goals established by *Envision Wheat Ridge* and the Neighborhood Revitalization Strategy.

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 Planned Residential Development (PRD) zoning designation as it appears on the City zoning maps.

Staff concludes that this criterion is not applicable.

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

The original zoning document for this property was approved in 1969, with construction being completed in 1970. Historic aerials from 1971 indicate a much more rural landscape along Kipling Street, even with the recent introduction of Interstate 70. There were very few structures along Kipling Street, which suggest commercial/retail activity was located a distance from the property. At that time smaller commercial/service establishments were likely desirable, and necessary to provide some nearby commercial services for those living in the apartment community. This corridor has grown significantly over the decades, and the development/redevelopment of land, especially north of the interstate, have introduced a wide array of commercial, retail, service, and dining establishments within several blocks of the subject property. This can make these older, smaller commercial spaces embedded within residential properties difficult to market today.

The applicant would like to adapt to this current reality by allowing residential units within these front buildings, while maintaining some flexibility by continuing to allow for some low-intensity retail and service establishments, should the need or desire arise.

Staff concludes that this criterion has been met.

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

The proposed rezoning does not relate to an unanticipated need. The Comprehensive Plan was written with the higher density residential in mind to transition from heavy commercial uses near the interchange to the low-density residential neighborhoods to west of Kipling Street.

Staff concludes that this criterion is not applicable.

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

SPECIFIC DEVELOPMENT PLAN

1. The proposed specific development plan is consistent with the purpose of a planned development as stated in section 26-301 of this article.

The property does not have a specific development plan because it was not a requirement of the original Jefferson County approval. Creation of the SDP document the improvements on site and serve as a baseline for future modifications meeting the purpose of today's planned development regulations.

Staff concludes this criterion has been met.

2. The proposed specific development plan is consistent with the design intent or purpose of the approved outline development plan.

The SDP is consistent with the existing improvements on the property and with the proposed purpose of the outline development plan.

Staff concludes this criterion has been met.

3. The proposed uses indicated in the specific development plan are consistent with the uses approved by the outline development plan.

The SDP is consistent with the existing uses on the property and with the proposed use standards in the outline development plan.

Staff concludes this criterion has been met.

4. The site is appropriately designed and is consistent with the development guidelines established in the outline development plan.

No new development is being proposed; the SDP shows existing conditions and recent improvements and does not propose any further modifications to the design of the site.

Staff concludes that this criterion is not applicable.

5. Adequate infrastructure/facilities are available to serve the subject property, 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.

Staff concludes this criterion has been met.

6. The proposed specific development plan is in substantial compliance with the applicable standards set forth in the *Architectural and Site Design Manual*, *Streetscape Design Manual*, and other applicable design standards.

The requirements of the *Architectural and Site Design Manual* and *Streetscape Design Manual* are triggered by new development and not by a zone change.

Staff concludes that this criterion is not applicable.

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

VI. NEIGHBORHOOD MEETING

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

The neighborhood input meeting was held on May 24, 2017. Eight (8) members of the public attended the meeting in addition to the applicant and staff. During the meeting questions were raised about access and the future use of Blocks 9 and 10. Attendees also noted that the improvements occurring on the property were welcome. (*Exhibit 7, Neighborhood Meeting Notes*)

Public noticing is also required prior to public hearings. This noticing began on September 6. As of the finalization of this Staff Report on September 14, Staff has received one call. The caller was concerned additional apartments were being built on the Fruitdale Park property. The caller was satisfied to hear the new units proposed would be accommodated in existing buildings, and the Fruitdale Park (owned by the City of Wheat Ridge) was not a part of this request.

VII. AGENCY REFERRAL

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

Wheat Ridge Public Works Department: Proposal does not entail any site changes, and as such no traffic or drainage information is required.

Consolidated Mutual Water District: Noted that a change in use of any building will require a new application for service.

Xcel Energy: No objection.

Century Link: No objection.

VIII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff has concluded that the proposed Planned Residential Development and accompanying Outline and Specific Development Plans are consistent with the goals and policies of the City's comprehensive plan. A conversion to townhomes may promote neighborhood stability and home ownership. With no proposed redevelopment, staff concludes that the rezoning will not adversely affect the health, safety, and welfare of the community.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-18-03 and WZ-18-04.

IX. SUGGESTED MOTIONS

OUTLINE DEVELOPMENT PLAN

Option A:

"I move to recommend APPROVAL of Case No. WZ-18-03, a request for approval of an Outline Development Plan on property zoned Planned Residential Development located at 4635 and 4665 Kipling Street, for the following reasons:

1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
2. The development is not feasibly under any other zone district, and has been zoned as a Planned Residential Development for nearly 50 years.
3. All responding agencies have indicated they can serve the property with improvements installed at the developers' expense.
4. The change of zone is in conformance with *Envision Wheat Ridge*.
5. A change of character along the Kipling Corridor has occurred since the property was entitled in 1969, and it is in the public interest to encourage investment in the property by allowing for flexibility in the uses along Kipling Street.

And with the following conditions:

1. The total number of units on page 2 of the ODP be revised to 234, as is reflected in the site plan on the same page.

Option B:

"I move to recommend DENIAL of Case No. WZ-18-03, a request for approval of an Outline Development Plan on property zoned Planned Residential Development located at 4635 and 4665 Kipling Street, for the following reasons:

- 1.
2. ..."

SPECIFIC DEVELOPMENT PLAN

Option A:

“I move to recommend APPROVAL of Case No. Case No. WZ-18-04, a request for approval of a Specific Development Plan on property zoned Planned Residential Development located at 4635 and 4665 Kipling Street, for the following reasons:

1. The specific development plan is consistent with the purpose of a planned development, as stated in Section 26-301 of the Code of Laws.
2. The specific development plan is consistent with the intent and purpose of the outline development plan.
3. The proposed uses are consistent with those approved by the outline development plan, and will allow for continued investment in the property.
4. All responding agencies have indicated they can serve the property with improvements installed at the developers’ expense.
5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan.

Option B:

“I move to recommend DENIAL of Case No. Case No. WZ-18-04, a request for approval of a Specific Development Plan on property zoned Planned Residential Development located at 4635 and 4665 Kipling Street, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: 2016 AERIAL



EXHIBIT 2: ZONING MAP

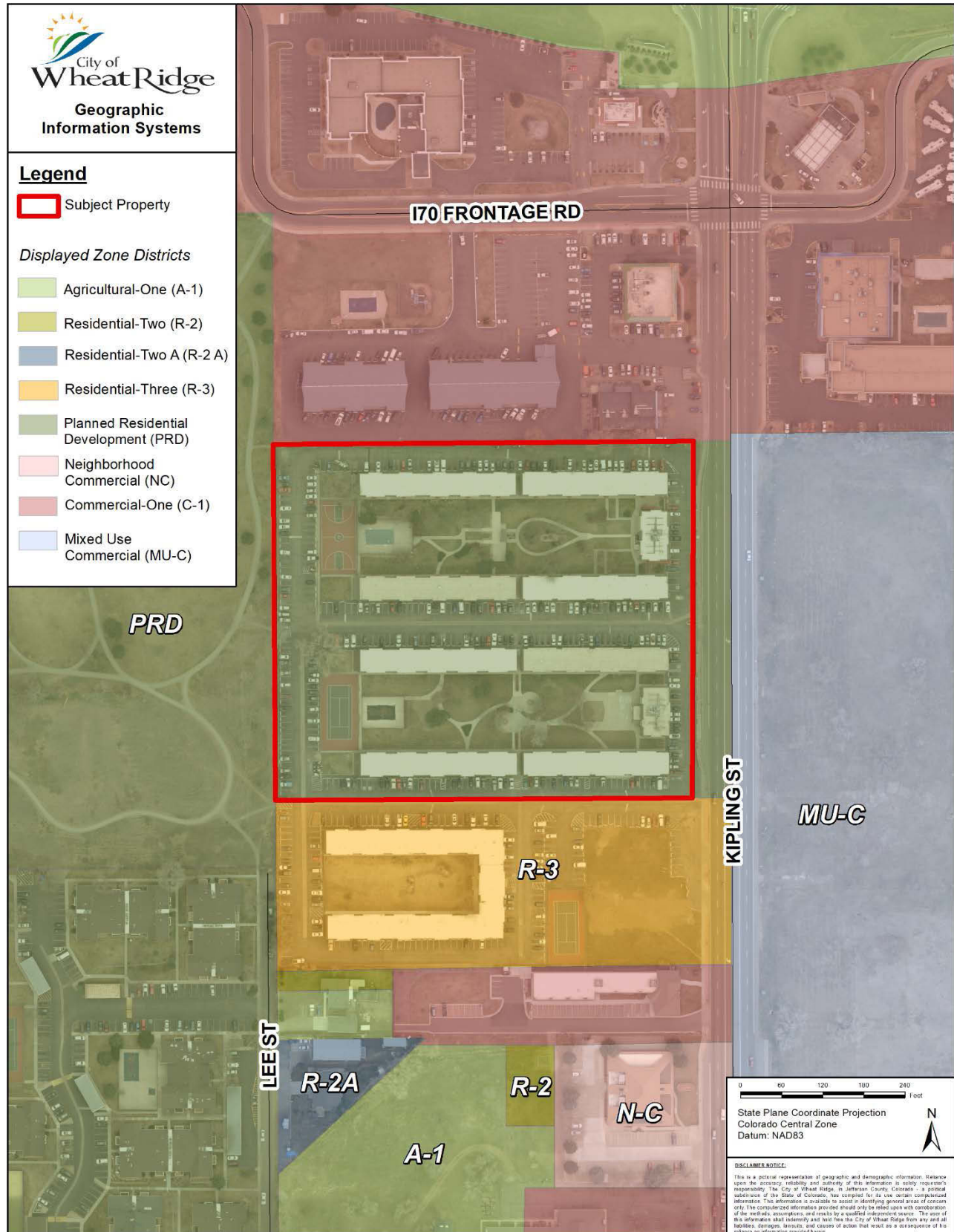


EXHIBIT 3: 1969 OFFICIAL DEVELOPMENT PLAN

Attached as an 11x17 document on the following page.

OFFICIAL DEVELOPMENT PLAN
CAMELOT CLUB APARTMENTS

THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R69W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO

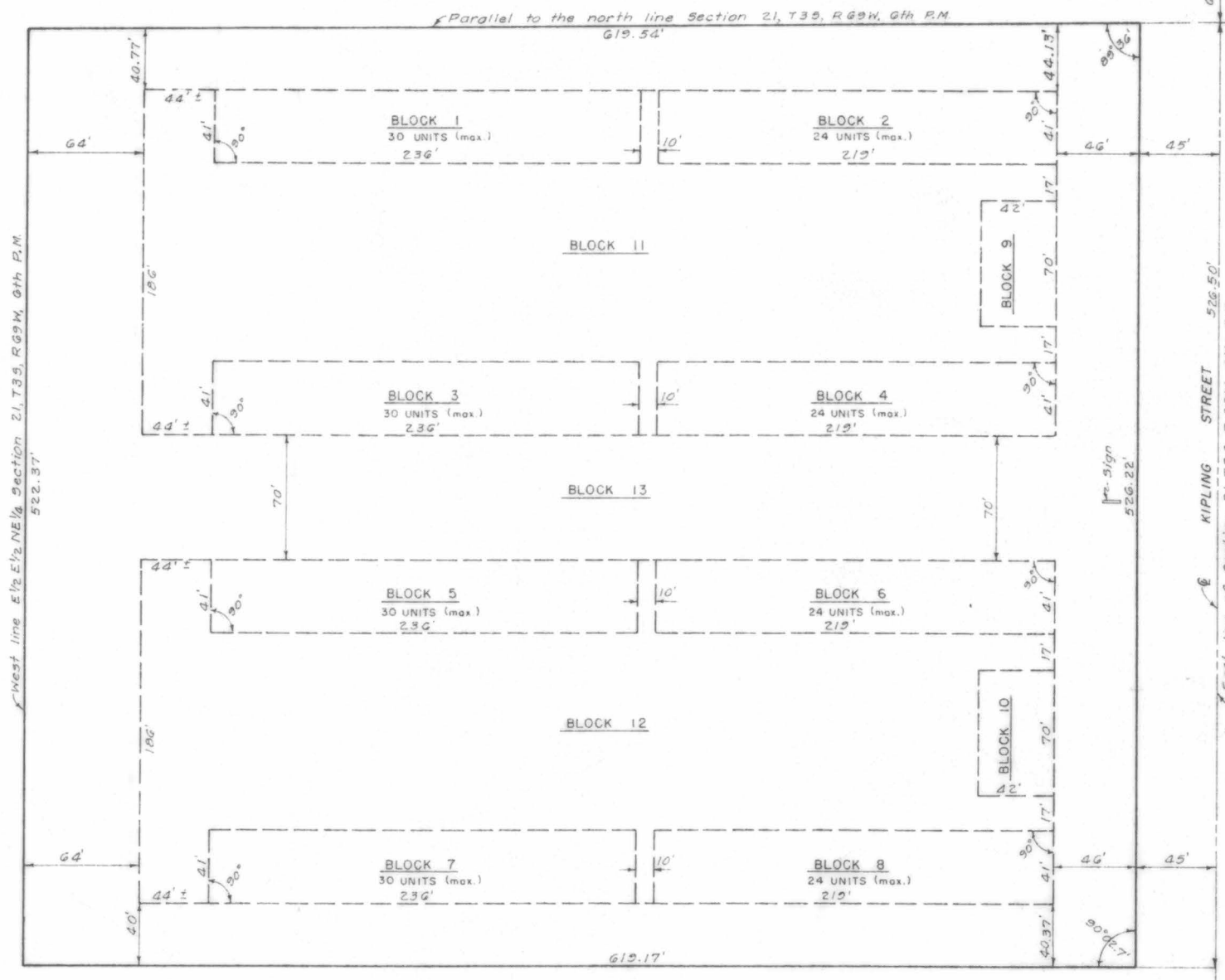
PLANNED DEVELOPMENT DISTRICT REGULATIONS

- A. Gross Area - 7.5 Acres M/L.
- B. Use Regulation -
1. Blocks 1 thru 8 - Multiple family dwellings, accessory uses, sauna baths, and similar uses.
 2. Blocks 9 and 10 - Service and Recreation buildings, including game rooms, barber shop, beauty shop, dry cleaners, neighborhood grocery store.
 3. Blocks 11 and 12 - Green areas and landscaping, recreation facilities including swimming pools, community center building, sauna baths, tennis courts and accessory uses, bar-b-ques, shuffleboard courts, fences, walls and buffer plantings.
 4. Block 13 - Drives and parking. Asphalt paved.
- C. Height Regulation - No building shall exceed 35 feet in height.
- D. Density Regulation -
1. A maximum of 216 family dwelling units will be permitted in the planned development district.
 2. The number of units per building area shall not exceed that shown on the plot plan.
 3. A minimum of 2.6 acres of green area shall be provided including recreation facilities.
 4. A minimum of 5 feet shall be provided between buildings and designated green areas and/or parking areas in Blocks 1 thru 8.
 5. A minimum of 10 feet shall separate buildings in adjoining block areas.
- E. Street Right-of-way - Dedicate 15 feet for the widening of Kipling St. to Jefferson County, as shown on the plot plan.
- F. Parking - A minimum of 1 1/2 car parking spaces for each family dwelling unit shall be provided within the area of Block 13.
- G. Fences, walls and obstruction-to-view shall be provided in accordance with the requirements for R-3 zoning classification.
- H. Signs - A sign in designated location adjoining Kipling Street with a maximum size of 50 square feet excluding structure and no higher than 15 feet may be installed and lighted. One window or wall sign designating each service may be installed on buildings designated in Blocks 9 and 10 with a maximum size of 12 square feet each.
- I. Platting - A subdivision plat shall be prepared and, upon approval, shall be recorded.
- K. Development Schedule - Construction will proceed in stages and Blocks 1, 2, 3, 4, 9, 11 are to be completed in five years, with the balance to be completed within ten years from date of final approval by the Board of County Commissioners, Jefferson County, Colorado.

DESCRIPTIONS

A part of the E 1/2 of the E 1/2 of the NE 1/4 of Section 21, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows: Commencing at the northeast corner of said Section 21; thence south along the east line of said Section 21, a distance of 666.9 feet to the true point of beginning; thence continuing south along the east line of said Section 21, a distance of 327.00 feet; thence west a distance of 664.30 feet to the west line of the E 1/2 E 1/2 NE 1/4 of said Section 21; thence north along the west line of the E 1/2 E 1/2 NE 1/4 of said Section 21, a distance of 322.87 feet to a point that is 666.9 feet south of the north line of said Section 21; thence east, parallel with the north line of said Section 21, a distance of 664.54 feet to the point of beginning; Except the east 45 feet for Kipling Street.

A part of the E 1/2 of the E 1/2 of the NE 1/4 of Section 21, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows: Commencing at the northeast corner of said Section 21; thence south along the east line of said Section 21, a distance of 993.9 feet to the true point of beginning; thence continuing south along the east line of said Section 21, a distance of 199.5 feet to the northeast corner of that property as described in Book 1013 at Page 343 in Records of County of Jefferson, State of Colorado; thence west along the north line of that description as described in said Book 1013 at Page 343 a distance of 664.16 feet to the west line of the E 1/2 E 1/2 NE 1/4 of said Section 21; thence north along the west line of the E 1/2 E 1/2 NE 1/4 of said Section 21, a distance of 199.5 feet; thence east a distance of 664.30 feet to the point of beginning; Except the east 45 feet for Kipling Street.



Scale: 1" = 40'

APPROVALS

Camelot Club Apartments Development is recommended for approval this 6th day of NOVEMBER, 1969 by the JEFFERSON COUNTY PLANNING COMMISSION.

Joseph J. Carter
CHAIRMAN

Camelot Club Apartments Development is approved this 10 day of November, 1969 Jefferson County, Colorado.

BOARD OF COUNTY COMMISSIONERS

James D. Martin
SECRETARY

Richard J. Schum
CHAIRMAN

CLERK AND RECORDER'S CERTIFICATE

Accepted for filing in the office of the Clerk and Recorder of Jefferson County of Golden, Colorado, this 10th day of Nov, 1969.

James D. Martin
CLERK AND RECORDER

PREPARED BY
LANE - BAILEY ENGINEERING SERVICE
LAKEWOOD, COLORADO

EXHIBIT 4: APPLICANT NARRATIVE

Request and Description of Proposal

TO: City of Wheat Ridge

Plenty of Places Apartment Homes, LLC is proposing to modify the zoning for two buildings located at 4635 and 4665 Kipling Street to allow more flexibility for the permitted uses and to increase the maximum units for these parcels. These two buildings are currently zoned Planned Residential Development but are currently only permitted to be used for commercial use. Due to these limitations the majority of the southern building (4635) has been unoccupied for many years.

In October of 2016 there was a fire started in a stairwell in the 4635 building by a transient. Since the majority of this building is vacant it has drawn unwanted traffic and illegal behavior. Over the years this building has been occupied by a variety of commercial tenants (hair salon, tanning salon, nail salon) and in part by residential tenants. The northern building (4665) has been used as the property Leasing Office, Business Center, and is occupied by residential tenants on the upper level. In order to keep these two buildings occupied it is necessary to add apartment homes, retail, eating establishments, and professional offices to the permitted uses. The current ODP allows for up to 216 units for these two parcels (4635 and 4665). To accommodate the additional units allowed in these buildings we are proposing to increase the unit count for parcels 4635 and 4665 to 228 units.

The construction of 4635 and 4665 is similar to the rest of the apartment complex in terms of materials used, ventilation, plumbing, electrical, access and egress. All levels of the 4635 and 4665 buildings have the necessary utilities for all additional uses we are proposing and the apartment community has adequate parking to support the zoning change.

We are looking forward to working with the City so we can continue to improve our property and offer an exceptional value in housing.

Respectfully Submitted,

Kristina Sorency, Regional Property Manager
Plenty of Places, LLC

Proposal Narrative
Application for zoning change
4635 Kipling Street

January 30, 2017

TO: City of Wheat Ridge

FROM: Daniel Wayne, Kipling Village, LLC

Kipling Village, LLC (hereafter “KV”) owns Kipling Village Apartments at 4551 through 4681 Kipling Street. One of the buildings at this large multi-family apartment complex is 4635 Kipling Street (hereafter “4635 Kipling”).

Recently a fire was started in a stairwell at 4635 Kipling St. by a transient. Repair permits were issued by the City for the needed work and as a result of this process, there has been discussion between the City and our staff about the original zoning of this building.

The City recently provided KV a copy of the “Planned Development District Regulations” and indicated it was part of the original recorded planning documents in 1969. Referring to 4635 Kipling, the document indicates: “use regulation - service and recreation buildings, including game room, barber shop, beauty shop, dry cleaners, neighborhood grocery store.”

Before KV acquired the property, the buildings were operated as two separate properties (Camelot Club Apartments and Kipling Village Apartments) with two different owners. The properties were distressed and blighted, suffering from high crime and substandard housing conditions.

Recognizing that operating separately had a negative impact on both operations, KV undertook to acquire all buildings in order to operate it as one property. As owners and operators, we worked for years to improve the property by reducing crime, making repairs and providing more desirable housing for the community.

4635 Kipling (a 3 story structure) had been occupied in part by commercial tenants (hair salon, tanning salon, nail salon) and in part by residential tenants. Removing the commercial businesses from the property was instrumental in the property turn around.

The construction of 4635 Kipling is similar to the rest of the apartment complex in terms of materials used, ventilation, plumbing, electrical, access and egress. KV is seeking to change the zoning to allow for the continued use of 4635 Kipling as 4 residential units and approximately 2,000 square feet for the uses identified in the regulations.

KV has submitted plans to the City, which have been approved, for the beautification of the façade and parking along Kipling Street and believes the zoning change should be granted because:

1. According to commercial real estate brokers consulted, the parking and building features of 4635 Kipling and local competition do not make it a desirable location for a commercial tenant. As a result, the space would have to be leased to a lower grade

commercial tenant that could be a negative for the neighborhood, like the previous tenants were. Kipling Village residents complained about traffic, congestion and noise caused by the previous commercial businesses.

2. In 1969, the neighborhood was more rural and a retail or commercial business at 4635 Kipling Street had more value to area residents. Since then, large retail centers have opened in the area, including the nearby Target shopping center and more commercial development is underway in Wheat Ridge. It is not likely a viable, competitive commercial tenant could now be located for 4635 Kipling.
3. There has been limited construction of multi-family housing in Wheat Ridge. The requested zoning change will offer more housing units to the community.
4. KV believes that there is adequate parking to support the zoning change.
5. KV believes the building has provided a safe occupancy for the tenants and would continue to do so.

As owners of this property, we are looking forward to working with the City, providing a beautification of the entrance corridor to the City of Wheat Ridge and continuing to offer the community an exceptional value in housing.

Respectfully submitted,



Daniel L. Wayne
For Kipling Village, LLC

Enclosures:

Pre-application meeting request form
Aerial photograph
Façade design plans
Copy of City's planned development district regulations

EXHIBIT 5: OFFICIAL DEVELOPMENT PLAN

Attached as an 11x17 document on the following page.

CAMELOT CLUB APARTMENTS, AMENDMENT 1 PLANNED RESIDENTIAL DEVELOPMENT

AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE
THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R 69 W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO

OWNER'S CERTIFICATE:

THE BELOW SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE THAT THE PROPERTY LEGALLY DESCRIBED HEREON WILL BE DEVELOPED 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.

JAMES WOLF, OWNER

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS ____ DAY OF _____, A.D. 2018 BY _____

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC

CLERK AND RECORDER'S 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 _____ 2018 A.D., IN BOOK _____, PAGE _____, RECEPTION NO. _____

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
(DEPUTY)

PLANNING COMMISSON CERTIFICATION

RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____, 2018
BY THE WHEAT RIDGE PLANNING COMMISSION.

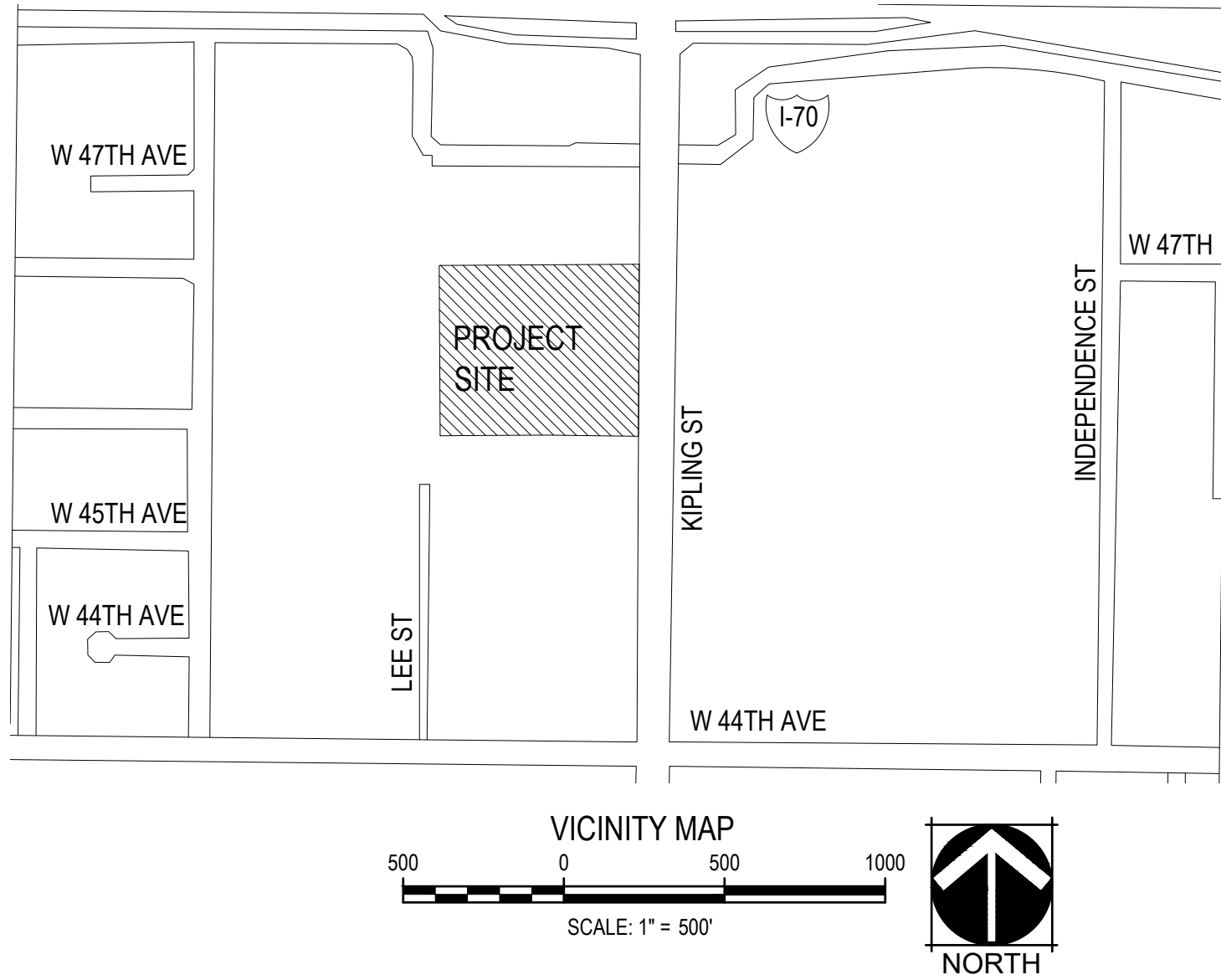
CHAIRPERSON

CITY CERTIFICATION

APPROVED THIS ____ DAY OF _____, 2018 BY THE WHEAT RIDGE CITY COUNCIL.

CITY CLERK MAYOR

COMMUNITY DEVELOPMENT DIRECTOR



LEGAL DESCRIPTION:

PARCEL A:
THE SOUTH 1/2 MORE OR LESS, CAMELOT CLUB APARTMENTS, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE SOUTH ALONG THE EAST BOUNDARY LINE THEREOF A DISTANCE OF 263.11 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH ALONG SAID EAST BOUNDARY LINE 263.11 FEET TO THE SOUTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS, A DISTANCE OF 619.17 FEET TO THE SOUTHWEST CORNER OF SAID PLAT OF CAMELOT CLUB APARTMENTS; THENCE NORTH ALONG THE WEST BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS A DISTANCE OF 261.185 FEET TO A POINT ON SAID WEST BOUNDARY LINE THEREOF, WHICH IS 261.185 FEET SOUTH OF THE NORTHWEST CORNER OF SAID PLAT OF CAMELOT CLUB APARTMENTS; THENCE EAST 619.36 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE EAST 3 FEET OF THE NORTH 200 FEET OF THE SOUTH 263.11 FEET OF CAMELOT CLUB APARTMENTS.

PARCEL B:
THIS PARCEL IS LOCATED TO THE SOUTH AND ADJACENT TO THIS PROPERTY. NOT A PART OF THIS ODP / SDP.

PARCEL C:
A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NE1/4 OF SAID SECTION 21; THENCE SOUTH 0 DEGREES 22 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 21, A DISTANCE OF 1193.40 FEET, TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 1013 AT PAGE 343 OF THE JEFFERSON COUNTY RECORDS; THENCE SOUTH 89 DEGREES 14 MINUTES 49 SECONDS WEST PARALLEL WITH THE NORTH LINE OF THE NE1/4 OF SAID SECTION 21 AND ALONG THE NORTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1013 AT PAGE 343, A DISTANCE OF 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 49 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NE1/4 AND ALONG THE NORTH LINE OF THAT TRACT AS DESCRIBED IN BOOK 1013 AT PAGE 343 AND IT'S WESTERLY EXTENSION A DISTANCE OF 619.11 FEET TO A POINT ON THE WEST LINE OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 21; THENCE NORTH 0 DEGREES 24 MINUTES 24 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 4.29 FEET TO THE SOUTHWEST CORNER OF THE CAMELOT CLUB APARTMENTS, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY; THENCE NORTH 89 DEGREES 36 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF SAID CAMELOT CLUB APARTMENTS, A DISTANCE OF 619.10 FEET TO THE SOUTHEAST CORNER OF SAID CAMELOT CLUB APARTMENTS; THENCE SOUTH 0 DEGREES 22 MINUTES 00 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE NE1/4 AND 45.00 FEET WESTERLY, A DISTANCE OF 0.48 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL D:
THE NORTH 1/2 OF CAMELOT CLUB APARTMENTS, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE SOUTH ALONG THE EAST BOUNDARY LINE THEREOF A DISTANCE OF 263.11 FEET TO A POINT; THENCE WEST 619.54 FEET, MORE OR LESS, TO A POINT ON THE WEST BOUNDARY LINE OF SAID PLAT WHICH IS 261.185 FEET SOUTH OF THE NORTHWEST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE NORTH 261.185 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID PLAT; THENCE EAST ALONG THE NORTH BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS A DISTANCE OF 619.54 FEET MORE OR LESS TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE SOUTH 200.00 FEET OF THE NORTH 263.11 FEET OF THE EAST 3.00 FEET THEREOF.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON A LINE BETWEEN CITY OF WHEAT RIDGE GPS SURVEY MONUMENTS PHAC-4 AND PHAC-3 AS BEARING SOUTH 81°05'13" EAST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983/92.

BENCHMARK:

BENCHMARK IS CITY OF WHEAT RIDGE GPS SURVEY MONUMENT PHAC-4, ELEVATION=5375.38 NAVD 88.

CHARACTER OF DEVELOPMENT

KIPLING VILLAGE IS LOCATED ON THE WEST SIDE OF KIPLING STREET AND NORTH OF W. 44TH AVENUE. THE PROPERTY IS COMPOSED OF THREE PARCELS LISTED UNDER 4665 AND 4635 KIPLING STREET AND THESE PARCELS ARE ZONED PLANNED RESIDENTIAL DEVELOPMENT (PRD). THE KIPLING VILLAGE APARTMENTS HAVE TEN BUILDINGS AND THE PARCELS AT 4665 AND 4635 KIPLING STREET HAVE IDENTICAL BUILDING FOOTPRINTS. SURROUNDING LAND USES INCLUDE A NUMBER OF COMMERCIAL USES INCLUDING OFFICE, SERVICE AND RETAIL USES.

PURPOSE OF THE AMENDMENT

THE PURPOSE OF THIS AMENDMENT IS TO MODIFY THE ZONING FOR BLOCKS 9 AND 10 TO ALLOW MORE FLEXIBILITY FOR THE PERMITTED USES OF THESE TWO BUILDINGS AND TO INCREASE THE MAXIMUM UNITS FOR PARCELS 4665 AND 4635. IN ORDER TO KEEP BLOCKS 9 AND 10 OCCUPIED IT IS NECESSARY TO ADD APARTMENT HOMES, RETAIL, EATING ESTABLISHMENTS AND PROFESSIONAL OFFICES TO THE PERMITTED USES. TO ACCOMMODATE THE ADDITIONAL UNITS ALLOWED IN BLOCKS 9 AND 10 AND THE UNIT COUNT FOR PARCELS 4665 AND 4635 ARE TO BE INCREASED NOT TO EXCEED 228 UNITS.

NOTES

- WIDTH OF EAST SIDE OF KIPLING STREET HAS BEEN TAKEN FROM COLORADO DEPARTMENT RIGHT - OF - WAY MAPS.
- THE BEARINGS ON THIS PLAT ARE RELATED TO THE BEARING OF THE EAST LINE OF SECTION 21 AS DETERMINED BY THE COLORADO DEPARTMENT OF HIGHWAYS AND SHOWN ON THEIR RIGHT - OF - WAY AND CONSTRUCTION DRAWINGS.
- 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 PLANT MUST BE SUBMITTED AND APPROVED BY THE CITY OF WHEAT RIDGE PRIOR TO THE SUBMITTAL OF A RIGHT - OF - WAY OF BUILDING PERMIT APPLICATION AND ANY SUBSEQUENT SITE DEVELOPMENT.
- THE CAMELOT CLUB APARTMENTS PLAT FROM NOVEMBER 1969 WAS UTILIZED FOR THE CREATION OF THE DOCUMENTS.

PROJECT INFORMATION

OWNER
KIPLING VILLAGE APARTMENTS
4665 AND 4635 KIPLING STREET
WHEAT RIDGE, CO 80033
720-508-4979

ENGINEER
HARRIS KOCHER SMITH
1120 LINCOLN STREET
DENVER, CO 80203
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LANDSCAPE ARCHITECT
NORRIS DESIGN
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DENVER, CO 80204
303-892-1166

SHEET INDEX

ODP-1	TITLE PAGE
ODP-2	SCHEMATIC SITE PLAN

CASE HISTORY:

SUP-73-07
WZ-18-03
WZ-18-04



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303-892-1166

DESIGNED BY: PH
CHECKED BY: PH
DRAWN BY: DH

HKS HARRIS KOCHER SMITH
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CAMELOT CLUB APARTMENTS

ISSUE DATE: 9/26/17		PROJECT #:
DATE	REVISION COMMENTS	
08/29/18	ODP/SDP REVISIONS	

SHEET NO.

ODP-1

CAMELOT CLUB APARTMENTS, AMENDMENT 1 PLANNED RESIDENTIAL DEVELOPMENT

AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE
THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R 69 W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO

ADJACENT ZONING: COMMERCIAL -1
PARALLEL TO THE NORTH LINE SECTION 21, T3S, R69W, 6TH P.M.

TO NE CORNER
SECTION 21, T3S,
R69W, 6TH P.M.

SITE DATA	
ADDRESS:	4635-4665 KIPLING STREET
TOTAL LOT SIZE:	7.5 ACRES / 326,100 SQUARE FEET
ZONING:	PLANNED RESIDENTIAL DEVELOPMENT

DEVELOPMENT STANDARDS

1.

MAXIMUM DENSITY:

238 UNITS
2.

MAXIMUM BUILDING COVERAGE:

30%
3.

MINIMUM OPEN SPACE:

25%
4.

MAXIMUM BUILDING HEIGHT:

35 FEET FOR PRIMARY STRUCTURES
35 FEET FOR ACCESSORY STRUCTURES
1 PER UNIT, TOTAL PARKING FOR PARCELS: 228; COMMERCIAL USES TO COMPLY WITH SECTION 26-1109
BICYCLE PARKING: 24 EXISTING
5.

MINIMUM PARKING:

SHALL BE IN CONFORMANCE WITH SECTION 26-503 OF THE WHEAT RIDGE CODE OF LAWS.
6.

EXTERIOR LIGHTING:

SHALL BE IN CONFORMANCE WITH SECTION 26-603 OF THE WHEAT RIDGE CODE OF LAWS.
7.

FENCING:

SHALL BE IN CONFORMANCE WITH SECTION 26-603 OF THE WHEAT RIDGE CODE OF LAWS.
8.

ARCHITECTURE:

EACH BUILDING SHALL CONSIST OF THE FOLLOWING:
- BRICK MASONRY HALFWAY UP EACH BUILDING ON ALL FOUR SIDES
- SIDING UP TO ROOF LINES BORDERING THE WINDOWS
- PLYWOOD DECKING ON THE MANSARDS
- WINDOWS ARE ALUMINUM SINGLE PANE AND VINYL DOUBLE PANE SLIDER
9.

MINIMUM SETBACKS:

APARTMENTS FROM ALL PERIMETER LOT LINES: 20'
ACCESSORY STRUCTURES FROM PERIMETER SIDE/REAR LOT LINES: 5'
ACCESSORY STRUCTURES FROM FRONT LOT LINE: 20'
ALL STRUCTURES FROM INTERIOR LOT LINE: 0'
10.

SIGNS:

ONE FREESTANDING SIGN PERMITTED AT THE MAIN ENTRY DRIVE
- MAXIMUM SIZE: 20 SQUARE FEET
- MAXIMUM HEIGHT: 5 FEET
- MINIMUM SETBACK: 5 FEET
- MUST BE A MONUMENT SIGN WITH STONE/MASONRY BASE
ALL OTHER SIGNS MUST CONFORM TO CHAPTER 26, ARTICLE VII OF THE WHEAT RIDGE CODE OF LAWS

PERMITTED USES

- BLOCK 1 - 8

APARTMENT UNITS
COMMON AREA USES
HOME OCCUPATIONS PER SECTION 26-613 OF THE MUNICIPAL CODE
HOUSEHOLD PETS, PER SECTION 26-204 OF THE MUNICIPAL CODE
- BLOCK 11-12:

OPEN SPACE
URBAN GARDENS
RECREATION USES
COMMON AREA USES
ACCESSORY STRUCTURES (EG GAZEBOs)
- BLOCK 9-10:

APARTMENT UNITS
EATING ESTABLISHMENTS, NO DRIVE-THROUGH
HOME OCCUPATIONS PER SECTION 26-613 OF THE MUNICIPAL CODE
HOUSEHOLD PETS, PER SECTION 26-204 OF THE MUNICIPAL CODE
LEASING OFFICES
PERSONAL SERVICES
PROFESSIONAL OFFICES
RECREATION USES
RETAIL USES, LESS THAN 5,196 SF
USES THAT ARE SIMILAR TO THOSE LISTED, PER SECTION 26-204 OF THE MUNICIPAL CODE

BLOCK 13:

PARKING
DRIVE AISLES
LANDSCAPING
ACCESSORY STRUCTURES (EG GARAGES, CARPORTS)

NOT PERMITTED:

AUTO-RELATED SALES OR SERVICE
DRIVE-THROUGH USES
MARIJUANA-RELATED USES
- LEGEND

BUILDING

OPEN SPACE

PARKING/DRIVE AISLE

PROPERTY LINE

TRAFFIC DIRECTION
- 40

0

40

80

SCALE: 1" = 40'

NORTH
- Know what's below.
Call before you dig.

CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.
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303-892-1166

DESIGNED BY: PH
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- SHEET NO.
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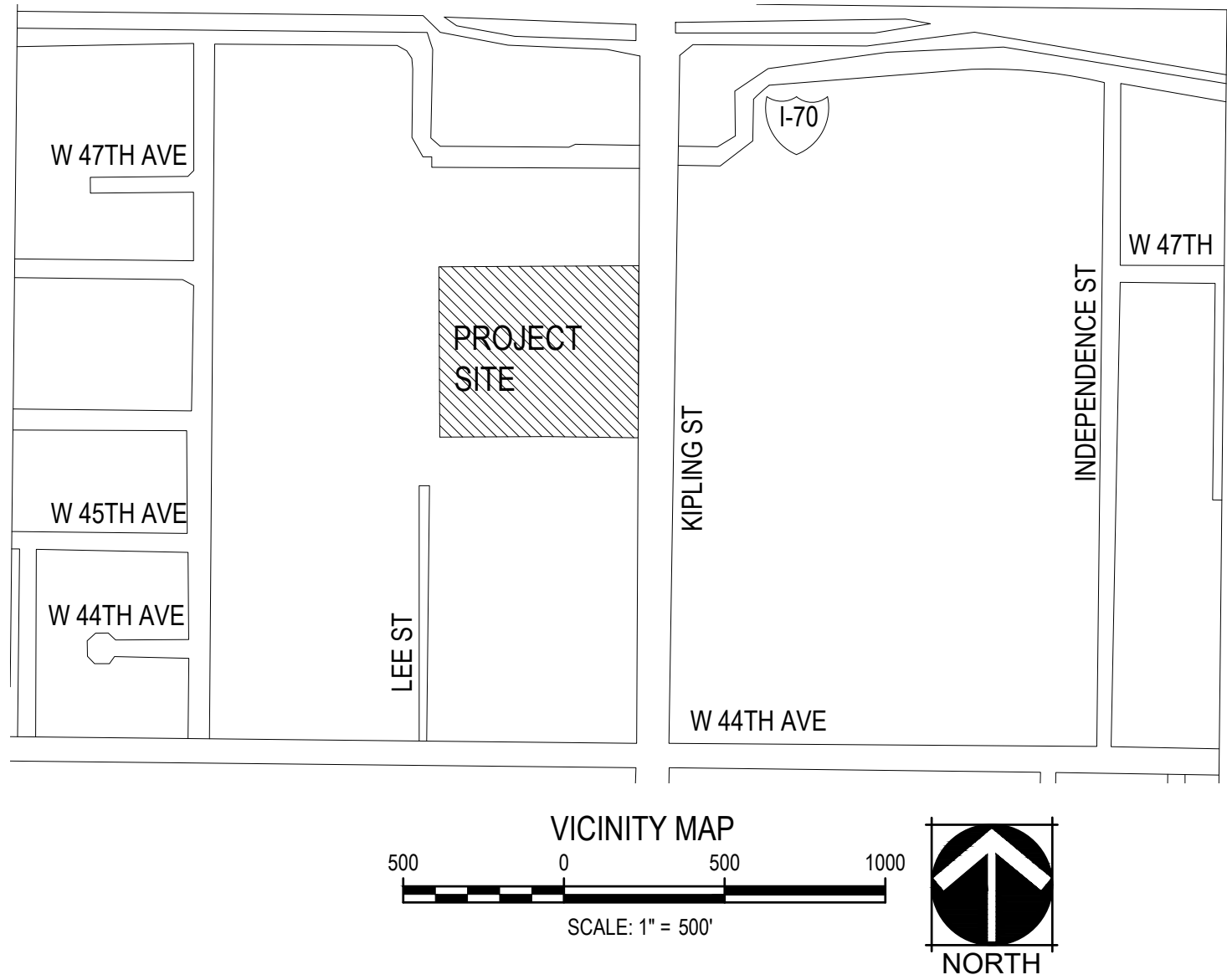
EXHIBIT 6: SPECIFIC DEVELOPMENT PLAN

Attached as an 11x17 document on the following page.

CAMELOT CLUB APARTMENTS, AMENDMENT 1 PLANNED RESIDENTIAL DEVELOPMENT

AN SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE

THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R 69 W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO



OWNER'S CERTIFICATE:

THE BELOW SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE THAT THE PROPERTY LEGALLY DESCRIBED HEREON WILL BE DEVELOPED 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 SPECIFIC 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.

JAMES WOLF, OWNER

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS ____ DAY OF _____, A.D. 2018 BY _____

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC

CLERK AND RECORDER'S 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 _____ 2018 A.D., IN BOOK _____, PAGE _____, RECEPTION NO. _____

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
(DEPUTY)

PLANNING COMMISSON CERTIFICATION

RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____, 2018
BY THE WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON

CITY CERTIFICATION

APPROVED THIS ____ DAY OF _____, 2018 BY THE WHEAT RIDGE CITY COUNCIL.

CITY CLERK MAYOR

COMMUNITY DEVELOPMENT DIRECTOR

CHARACTER OF DEVELOPMENT

KIPLING VILLAGE IS LOCATED ON THE WEST SIDE OF KIPLING STREET AND NORTH OF W. 44TH AVENUE. THE PROPERTY IS COMPOSED OF TWO PARCELS LISTED UNDER 4665 AND 4635 KIPLING STREET AND THESE PARCELS ARE ZONED PLANNED RESIDENTIAL DEVELOPMENT (PRD). THE KIPLING VILLAGE APARTMENTS HAVE TEN BUILDINGS AND THE PARCELS AT 4665 AND 4635 KIPLING STREET HAVE IDENTICAL BUILDING FOOTPRINTS. SURROUNDING LAND USES INCLUDE A NUMBER OF COMMERCIAL USES INCLUDING OFFICE, SERVICE AND RETAIL USES.

SITE DATA TABLE	
ADDRESS	4635-4665 KIPLING STREET
TOTAL LOT SIZE	7.5 ACRES / 326,100 SQUARE FEET
ZONING	PLANNED RESIDENTIAL DEVELOPMENT
ROW FOR LAND USE	APARTMENTS
BUILDING COVERAGE	19% / 62,830 SF
OPEN SPACE	32% / 107,200 SF
NO. OF TREES	42 TREES (24 EXISTING, 18 PROPOSED)
NO. OF SHRUBS	276 SHRUBS
BUILDING HEIGHT	35 FEET FOR PRIMARY STRUCTURES 35 FEET FOR ACCESSORY STRUCTURES
VEHICLE PARKING (STANDARD, ACCESSIBLE, TOTAL)	322 PARKING SPACES ON PARCELS 4635 AND 4665
BICYCLE PARKING	24 SPACES
SETBACKS	APARTMENTS FROM ALL PERIMETER LOT LINES: 20' ACCESSORY STRUCTURES FROM PERIMETER SIDE/REAR LOT LINES: 5' ACCESSORY STRUCTURES FROM FRONT LOT LINE: 20' ALL STRUCTURES FROM INTERIOR LOT LINE: 0'
ARCHITECTURE	EACH BUILDING SHALL CONSIST OF THE FOLLOWING: - BRICK MASONRY HALFWAY UP EACH BUILDING ON ALL FOUR SIDES - SIDING UP TO ROOF LINES BORDERING THE WINDOWS - PLYWOOD DECKING ON THE MANSARDS - WINDOWS ARE ALUMINUM SINGLE PANE AND VINYL DOUBLE PANE SLIDER NOTE: ANY FUTURE FACADE MODIFICATIONS, ASIDE FROM GENERAL PROPERTY MAINTENANCE, WILL BE SUBJECT TO A SPECIFIC DEVELOPMENT PLAN AMENDMENT.

PROJECT INFORMATION

OWNER
KIPLING VILLAGE APARTMENTS
4665 KIPLING STREET
WHEAT RIDGE, CO 80033
720-508-4979

ENGINEER
HARRIS KOCHER SMITH
1120 LINCOLN STREET
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303-623-6300

LANDSCAPE ARCHITECT
NORRIS DESIGN
1101 BANNOCK STREET
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SDP-2	SCHEMATIC SITE PLAN
SDP-3	OVERALL LANDSCAPE PLAN
SDP-4	LANDSCAPE ENLARGEMENT

CASE HISTORY:

SUP-73-07
WZ-18-03
WZ-18-04

PURPOSE OF THE AMENDMENT

THE PURPOSE OF THIS AMENDMENT IS TO MODIFY THE ZONING FOR BLOCKS 9 AND 10 TO ALLOW MORE FLEXIBILITY FOR THE PERMITTED USES OF THESE TWO BUILDINGS AND TO INCREASE THE MAXIMUM UNITS FOR PARCELS 4665 AND 4635. IN ORDER TO KEEP BLOCKS 9 AND 10 OCCUPIED IT IS NECESSARY TO ADD APARTMENT HOMES, RETAIL, EATING ESTABLISHMENTS AND PROFESSIONAL OFFICES TO THE PERMITTED USES. TO ACCOMMODATE THE ADDITIONAL UNITS ALLOWED IN BLOCKS 9 AND 10 AND THE UNIT COUNT FOR PARCELS 4665 AND 4635 ARE TO BE INCREASED NOT TO EXCEED 228 UNITS.

LEGAL DESCRIPTION:

PARCEL A:
THE SOUTH 1/2 MORE OR LESS, CAMELOT CLUB APARTMENTS, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS;THENCE SOUTH ALONG THE EAST BOUNDARY LINE THEREOF A DISTANCE OF 263.11 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;THENCE SOUTH ALONG SAID EAST BOUNDARY LINE 263.11 FEET TO THE SOUTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS;THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS, A DISTANCE OF 619.17 FEET TO THE SOUTHWEST CORNER OF SAID PLAT OF CAMELOT CLUB APARTMENTS;THENCE NORTH ALONG THE WEST BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS A DISTANCE OF 261.185 FEET TO A POINT ON SAID WEST BOUNDARY LINE THEREOF, WHICH IS 261.185 FEET SOUTH OF THE NORTHWEST CORNER OF SAID PLAT OF CAMELOT CLUB APARTMENTS;THENCE EAST 619.36 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE EAST 3 FEET OF THE NORTH 200 FEET OF THE SOUTH 263.11 FEET OF CAMELOT CLUB APARTMENTS.

PARCEL B:
THIS PARCEL IS LOCATED TO THE SOUTH AND ADJACENT TO THIS PROPERTY. NOT A PART OF THIS ODP / SDP.


PARCEL C:
A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE NE1/4 OF SAID SECTION 21; THENCE SOUTH 0 DEGREES 22 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 21, A DISTANCE OF 1193.40 FEET, TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN BOOK 1013 AT PAGE 343 OF THE JEFFERSON COUNTY RECORDS; THENCE SOUTH 89 DEGREES 14 MINUTES 49 SECONDS WEST PARALLEL WITH THE NORTH LINE OF THE NE1/4 OF SAID SECTION 21 AND ALONG THE NORTH LINE OF THAT TRACT DESCRIBED IN SAID BOOK 1013 AT PAGE 343, A DISTANCE OF 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 49 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NE1/4 AND ALONG THE NORTH LINE OF THAT TRACT AS DESCRIBED IN BOOK 1013 AT PAGE 343 AND ITS WESTERLY EXTENSION A DISTANCE OF 619.11 FEET TO A POINT ON THE WEST LINE OF THE E1/2 OF THE E1/2 OF THE NE1/4 OF SECTION 21; THENCE NORTH 0 DEGREES 24 MINUTES 24 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 4.29 FEET TO THE SOUTHWEST CORNER OF THE CAMELOT CLUB APARTMENTS, A SUBDIVISION RECORDED IN THE OFFICIAL RECORDS OF JEFFERSON COUNTY; THENCE NORTH 89 DEGREES 36 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF SAID CAMELOT CLUB APARTMENTS, A DISTANCE OF 619.10 FEET TO THE SOUTHEAST CORNER OF SAID CAMELOT CLUB APARTMENTS; THENCE SOUTH 0 DEGREES 22 MINUTES 00 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE NE1/4 AND 45.00 FEET WESTERLY, A DISTANCE OF 0.48 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL D:
THE NORTH 1/2 OF CAMELOT CLUB APARTMENTS, ACCORDING TO THE RECORDED PLAT THEREOF, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE SOUTH ALONG THE EAST BOUNDARY LINE THEREOF A DISTANCE OF 263.11 FEET TO A POINT; THENCE WEST 619.54 FEET, MORE OR LESS, TO A POINT ON THE WEST BOUNDARY LINE OF SAID PLAT WHICH IS 261.185 FEET SOUTH OF THE NORTHWEST CORNER OF THE PLAT OF CAMELOT CLUB APARTMENTS; THENCE NORTH 261.185 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID PLAT; THENCE EAST ALONG THE NORTH BOUNDARY LINE OF THE PLAT OF CAMELOT CLUB APARTMENTS A DISTANCE OF 619.54 FEET MORE OR LESS TO THE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO, EXCEPT THE SOUTH 200.00 FEET OF THE NORTH 263.11 FEET OF THE EAST 3.00 FEET THEREOF.

BASIS OF BEARINGS:
BEARINGS ARE BASED ON A LINE BETWEEN CITY OF WHEAT RIDGE GPS SURVEY MONUMENTS PHAC-4 AND PHAC-3 AS BEARING SOUTH 81°05'13" EAST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983/92.

BENCHMARK:
BENCHMARK IS CITY OF WHEAT RIDGE GPS SURVEY MONUMENT PHAC-4, ELEVATION=5375.38 NAVD 88.

NOTE:
THE CAMELOT CLUB APARTMENTS PLAT FROM NOVEMBER 1969 WAS UTILIZED FOR THE CREATION OF THE DOCUMENTS.



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CAMELOT CLUB APARTMENTS

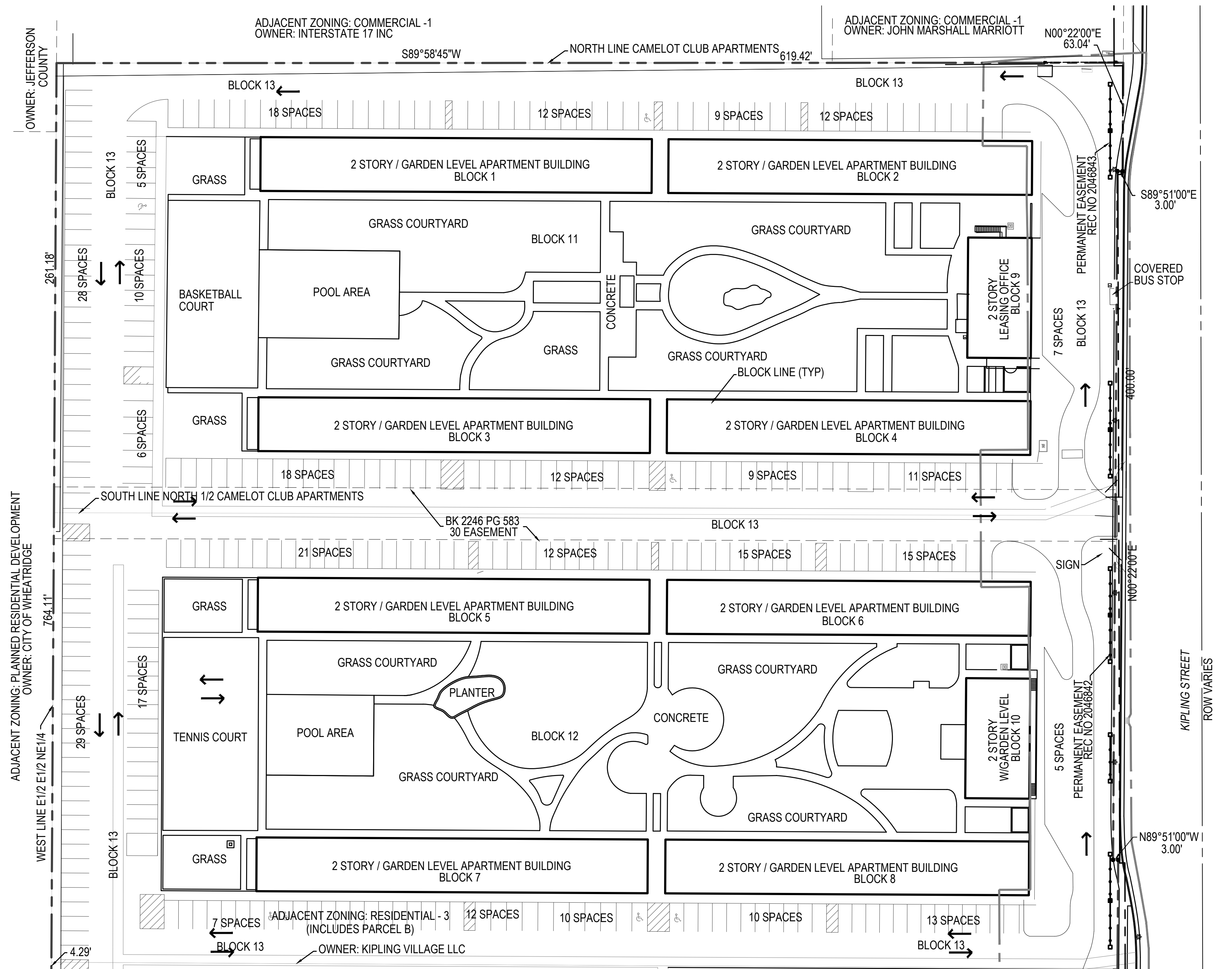
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08/29/18	ODP/SDP REVISIONS	

SHEET NO.

SDP-1

CAMELOT CLUB APARTMENTS, AMENDMENT 1 PLANNED RESIDENTIAL DEVELOPMENT

AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE
THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R 69 W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO



SITE PLAN



CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

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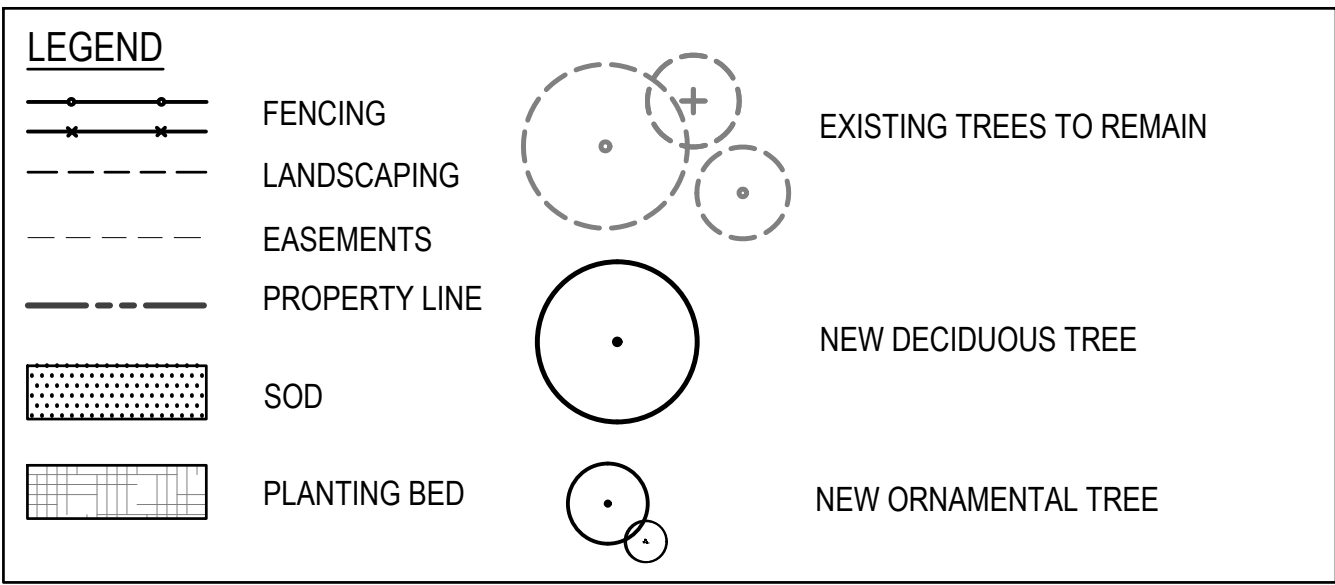
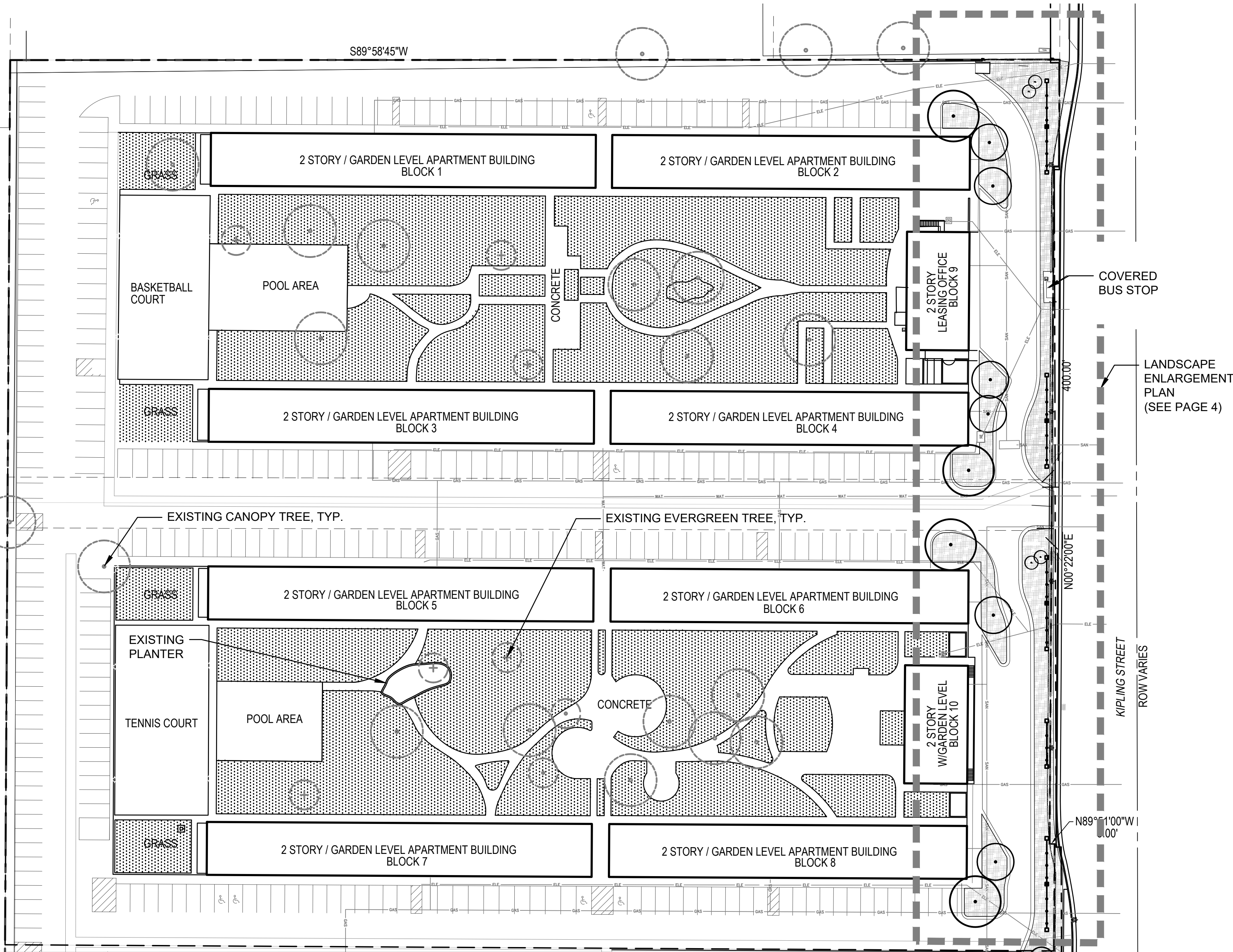
CAMELOT CLUB APARTMENTS

ISSUE DATE: 9/26/17		PROJECT #
DATE	REVISION	COMMENTS
08/28/18	ODP/SDP REVISIONS	

SHEET NO.
SDP-2
SITE PLAN

CAMELOT CLUB APARTMENTS, AMENDMENT 1 PLANNED RESIDENTIAL DEVELOPMENT

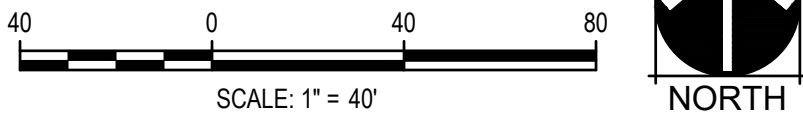
AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE
THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R 69 W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO



PLANTING SCHEDULE

SYM	#	PLANT NAME (SCIENTIFIC)	PLANT NAME (COMMON)	SIZE & CONDITION	WATER USE
DECIDUOUS CANOPY TREES					
SHA	3	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	2 1/2" CAL. B&B	VERY LOW
DECIDUOUS ORNAMENTAL TREES					
CSO	11	QUERCUS 'CRIMSCHMIDT'	CRIMSON SPIRE OAK	2" CAL. B&B	
HWM	4	ACER TATARICUM 'GARANN'	HOT WINGS MAPLE	2" CAL. B&B	
DECIDUOUS SHRUBS					
BBL	1	BUDDLEA DAVIDII	BUTTERFLY BUSH	NO. 5 CONT.	MODERATE
DKO	22	SYRINGA MEYERI 'PALIBIN'	DWARF KOREAN LILAC	NO. 5 CONT.	MODERATE
BMS	6	CARYOPTERIS X CLANDONENSIS	BLUE MIST SPIREA	NO. 5 CONT.	VERY LOW
CHP	2	LIGUSTRUM VULGARE 'CHEYENNE'	CHEYENNE PRIVET	NO. 5 CONT.	VERY LOW
GLS	21	RHUS AROMATICA 'GRO-LOW'	GRO-LOW SUMAC	NO. 5 CONT.	LOW
GOC	12	RIBES AUREUM	GOLDEN CURRANT	NO. 5 CONT.	VERY LOW
AWS	24	SPIREA JAPONICA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	NO. 5 CONT.	LOW
DBB	5	EUONYMUS ALATUS 'COMPACTA'	DWARF BURNING BUSH	NO. 5 CONT.	LOW
LOD	10	LIGUSTRUM VULGARE 'LODENSE'	LODENSE PRIVET	NO. 5 CONT.	VERY LOW
MLL	22	PHILADELPHUS MICROPHYLLUS	LITTLELEAF MOCKORANGE	NO. 5 CONT.	VERY LOW
NSW	12	PHYSOCARPUS OPULIFOLIUS 'SEWARD'	SUMMER WINE NINEBARK	NO. 5 CONT.	LOW
SJW	3	SPIREA ALBIFLORA	JAPANESE WHITE SPIREA	NO. 5 CONT.	LOW
VIB	3	VIBURNUM LANTANA	WAYFARING VIBURNUM	NO. 5 CONT.	VERY LOW
WSC	9	PRUNUS BESSEYI	WESTERN SAND CHERRY	NO. 5 CONT.	VERY LOW
EVERGREEN SHRUBS					
BUF	5	JUNIPERUS HORIZONTALIS 'BUFFALO'	BUFFALO JUNIPER	NO. 5 CONT.	VERY LOW
SPA	20	JUNIPERUS CHINENSIS 'SPARTAN'	SPARTAN JUNIPER	NO. 5 CONT.	VERY LOW
MUG	8	PINUS MUGO 'MOPS'	MUGO MOPS PINE	NO. 5 CONT.	VERY LOW
MAN	42	ARCTOSTAPHYLOS 'PANCHITO'	PANCHITO MANZANITA	NO. 5 CONT.	VERY LOW
CHI	5	ARCTOSTAPHYLOS X COLORADENSIS 'CHIEFTAN'	CHIEFTAN MANZANITA	NO. 5 CONT.	VERY LOW
ARC	41	JUNIPERUS SABINA 'ARCADIA'	ARCADIA JUNIPER	NO. 5 CONT.	VERY LOW
MTA	2	PINUS MUGO 'TANNENBAUM'	TANNENBAUM MUGO PINE	NO. 5 CONT.	VERY LOW
BSG	1	CYTISUS PURGAN 'SPANISH GOLD'	SPANISH GOLD BROOM	NO. 5 CONT.	VERY LOW
ORNAMENTAL GRASSES					
MMG	20	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	NO. 1 CONT.	LOW
HFG	60	PENNISETUM ALOPECUROIDES 'HAEMEL'	HARDY FOUNTAIN GRASS	NO. 1 CONT.	VERY LOW
LBS	12	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	NO. 1 CONT.	VERY LOW
AVG	63	HELICTOTRICHON SEMPERVIRENS	BLUE AVENA GRASS	NO. 1 CONT.	VERY LOW
FRG	136	CALAMAGROSTIS ACUTIFLORA	FEATHER REED GRASS	NO. 1 CONT.	VERY LOW
MAG	4	MISCANTHUS SINENSIS 'GRACILLIMUS'	MAIDEN GRASS	NO. 1 CONT.	LOW
SSG	17	PANICUM VIGATUM	SHENANDOAH SWITCH GRASS	NO. 1 CONT.	LOW
PERENNIALS					
MNY	25	ACHILLEA 'MOONSHINE'	MOONSHINE YARROW	NO. 1 CONT.	LOW
SGS	10	ARTEMISIA 'POWIS CASTLE'	SILVER MOUND SAGE	NO. 1 CONT.	LOW
GAY	16	LIATRIS SPICATA	KOBOLD GAYFEATHER	NO. 1 CONT.	LOW
CFL	4	ECHINACEA PURPUREA	PURPLE CONEFLOWER	NO. 1 CONT.	LOW
BBF	19	GALLIARDIA GRANDIFLORA 'BURGUNDY'	BURGUNDY BLANKETFLOWER	NO. 1 CONT.	LOW
CMT	16	NEPETA X FAASSENII 'WALKER'S LOW'	CATMINT	NO. 1 CONT.	LOW
BES	19	RUDBECKIA HIRTA 'INDIAN SUMMER'	BLACK EYED SUSAN	NO. 1 CONT.	LOW
SMN	7	SALVIA SYLVESTRIS X 'MAINACHT'	MAY NIGHT SALVIA	NO. 1 CONT.	LOW
AJS	7	SEDUM 'AUTUMN JOY'	AUTUMN JOY SEDUM	NO. 1 CONT.	LOW

SITE PLAN



IRRIGATED TURF	
SEED MIX	TEXAS BLUEGRASS HYBRID



CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

PREPARED BY: NORRIS DESIGN
1101 BANNOCK STREET
DENVER, CO 80204
303-892-1166

DESIGNED BY: PH
CHECKED BY: PH
DRAWN BY: DH

HKS HARRIS KOCHER SMITH
1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

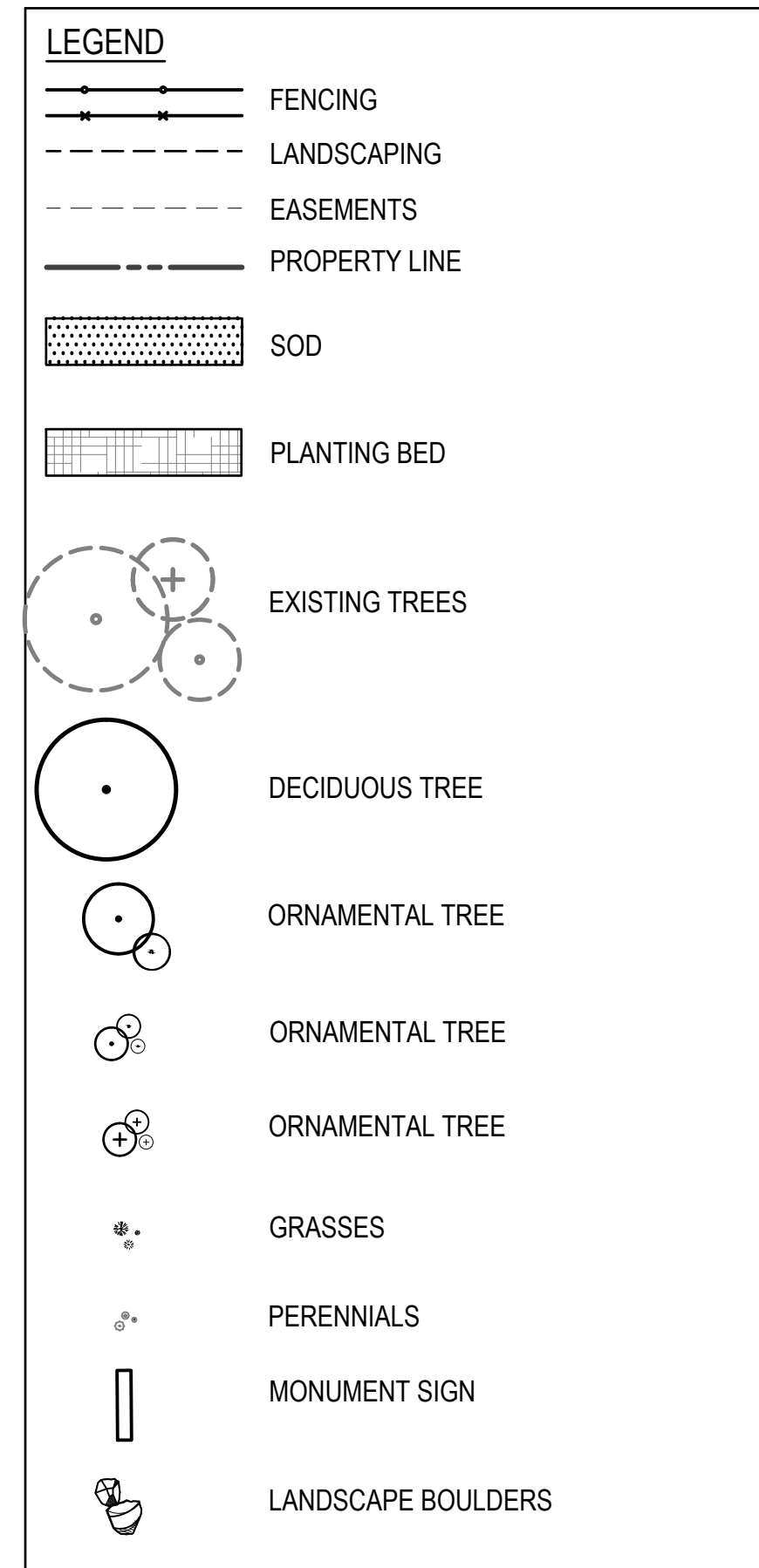
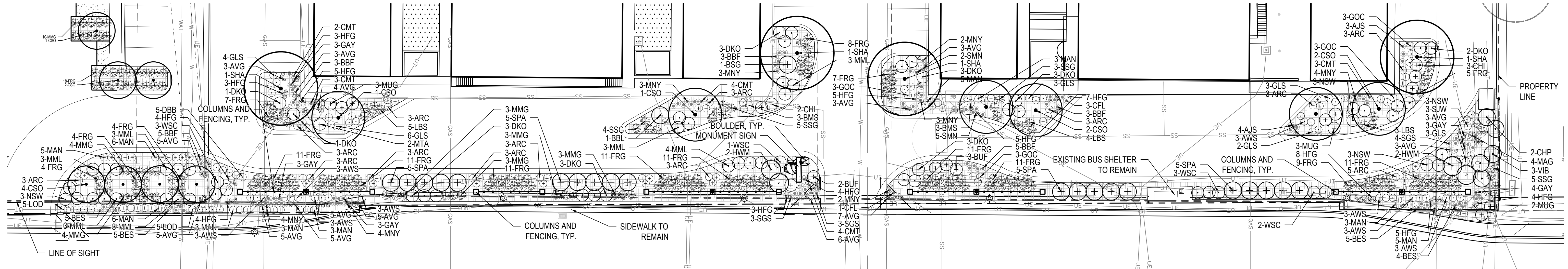
NORRIS DESIGN
Planning | Landscape Architecture | Project Presentation
1101 Bannock Street
Denver, Colorado 80204
P 303.892.1166
F 303.892.1186
www.norris-design.com

CAMELOT CLUB APARTMENTS

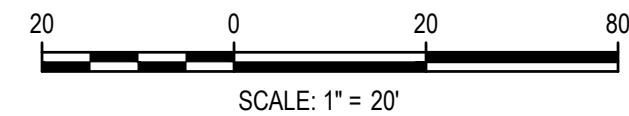
ISSUE DATE: 9/26/17	PROJECT #:
DATE	REVISION COMMENTS
08/28/18	ODP/SDP REVISIONS

SHEET NO.
SDP- OVERALL
LANDSCAPE PLAN

CAMELOT CLUB APARTMENTS, AMENDMENT 1 PLANNED RESIDENTIAL DEVELOPMENT
AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE
THAT PART OF THE NORTHEAST ONE QUARTER OF SECTION 21, T3S, R 69 W OF THE 6TH P.M.
JEFFERSON COUNTY, COLORADO



NOTE:
CONSTRUCTED PURSUANT TO BUILDING PERMIT #201701275



CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU
DIG, GRADE, OR EXCAVATE FOR THE MARKING OF
UNDERGROUND MEMBER UTILITIES.

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1101 BANNOCK STREET
DENVER, CO 80204
303-892-1166

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CAMELOT CLUB APARTMENTS

ISSUE DATE: 9/26/17		PROJECT #
DATE	REVISION	COMMENTS
08/28/18	ODP/SDP REVISIONS	

SHEET NO.
LANDSCAPE
ENLARGEMENT

EXHIBIT 7: NEIGHBORHOOD MEETING

Meeting Date:	May 24, 2017
Attending Staff:	Lauren Mikulak, Senior Planner
Location of Meeting:	Wheat Ridge Municipal Building (7500 W. 29 th Avenue)
Property Address:	4635 - 4665 Kipling Street (Kipling Village Apartments)
Property Owner(s):	Kipling Village LLC
Property Owner(s) Present?	Yes
Applicant:	Same as owner
Applicant Present?	Yes
Existing Zoning:	Planned Residential Development
Existing Comp. Plan:	Neighborhood Buffer Area, Primary Commercial Corridor

Existing Site Conditions: The site is located on the west side of Kipling Street and north of W. 44th Avenue. The subject property is composed of two parcels listed under the addresses of 4665 and 4635 Kipling Street. These parcels are zoned Planned Residential Development (PRD), and specifically comprise the Camelot Club Apartments Planned Residential Development which was originally approved by Jefferson County in 1969. The parcel to the south at 4551 is under the same ownership and is zoned Residential-Three (R-3). The collective property is commonly referred to as the Kipling Village Apartments.

According to the Jefferson County Assessor, the Kipling Village Apartments have ten total buildings: eight for high density residential and two for general retail/office. The parcels at 4665 and 4635 Kipling Street have identical building footprints; each parcel includes four three-story apartment buildings, one office/retail building, and a central courtyard. Based on Assessor records, in total there are 220 of apartment units on the three parcels. Several full movement access points exist onto Kipling Street.

Surrounding land uses include a number of commercial uses including office, service and retail uses. Surrounding properties to the north are zoned Commercial-One (C-1), which have adjacency to Interstate-70. To the west is the City-owned Fruitdale Park zoned Planned Residential Development (PRD). To the south are is a single-family home zoned Residential-Two (R-2) and Agricultural-One (A-1) as well as a holistic health center (New Genesis Health) zoned Commercial-One (C-1). To the west is an undeveloped tract of land with split zoning, including Planned Commercial Development (PCD), A-1, and Neighborhood-Commercial (N-C).

Applicant/Owner Preliminary Proposal: The applicant is proposing to amend and update the original PRD zoning document to allow for several new apartment units in the smaller front two buildings. The owners purchased the property in 2012 and have made efforts to clean up the properties, and their goal is to continue investing and improving the property. An update of the zoning documents will also modernize the documents and allow for future investment in the property.

The need to update the documents came to the City's attention after a small fire in October 2016. Subsequent inspections revealed the presence of apartment units in Blocks 9 and 10 of the PRD. The updated zoning document would allow commercial or residential uses in Blocks 9 and 10.

The following is a summary of the neighborhood meeting:

- In addition to the applicant representatives and staff, eight members of the public attended the neighborhood meeting.
- Staff discussed the site, its zoning, and future land use.
- Staff addressed concerns regarding Lee Street and access at 4551 Kipling (the property south of the subject site). Emergency access has been established while Kipling access is impacted by the streetscape project. A chain will be installed to limit access to emergency vehicles only.
- The applicant and members of the public were informed of the process for updating the zoning documents.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing, if required.

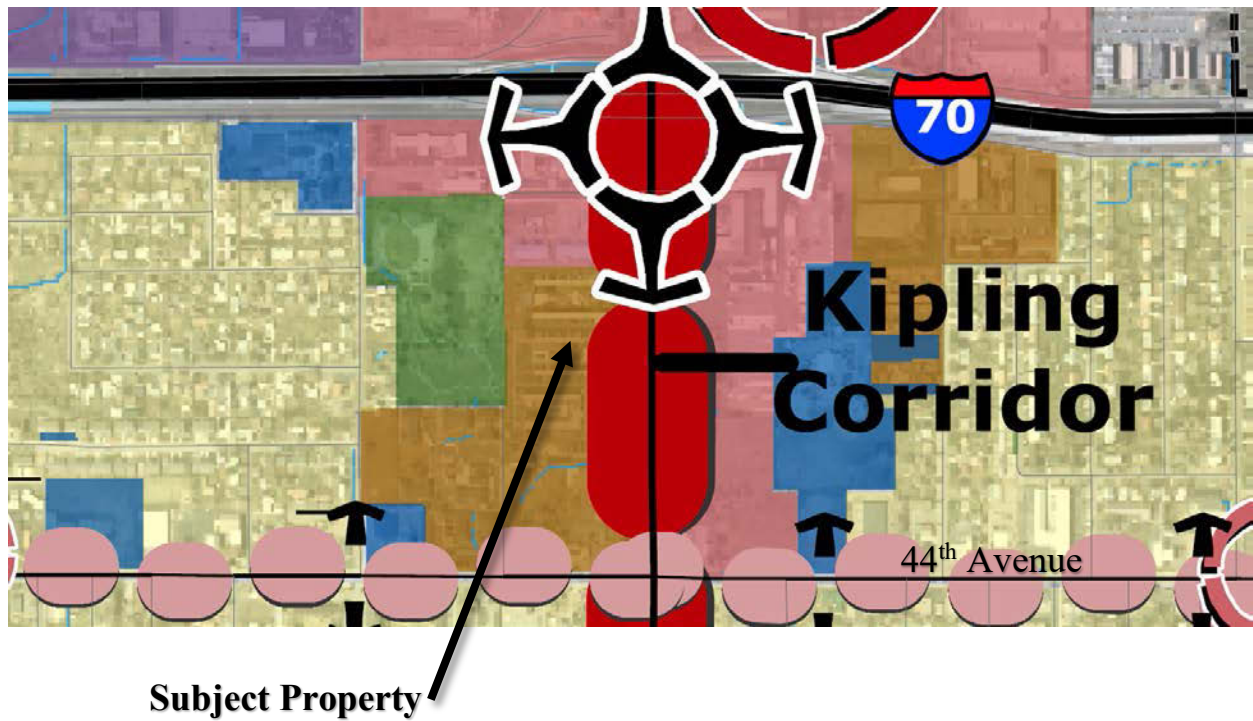
The following issues were discussed regarding the planned development request:

- Do you know specifically what uses would be in Blocks 9 and 10?
No, specific commercial tenants have not been identified. They have reached out to a few potential users, but any commercial use would be smaller, such as an office or personal service.
- Is the request to rezone to a mixed use district?
The property will be zoned Planned Residential Development because residential uses are the primary use on the property. The PRD will specify that only Blocks 9 and 10 may be used for residential uses and/or some, limited commercial uses.
- Where will parking be?
Parking will be assessed for the site as a whole. Parking along Kipling will be reconfigured slightly as part of the streetscape project. The buildings called Blocks 9 and 10 are only about 2000sf and users would be limited by the available parking.
- Will Lee Street become a permanent access?
The property to the south is under the same ownership but is not part of the planned development. Access to Lee Street was recently required by the Fire District because of the impacts to access along Kipling associated with the streetscape project. Lee Street is a public street and permanent access could be granted by the City if requested by the applicant, but permanent access on Lee is not currently contemplated and it will be chained for emergency access.

- Why have to do a zone change?
The current zoning does not allow residential uses in Blocks 9 and 10 which means the existing units which appear to have been installed by a previous property owner are not permitted. The updated zoning will allow the flexibility of commercial or residential uses in this area and will update the zoning for the property and current market conditions. For example, the current zoning document was created in the 70s when Kipling and Wheat Ridge looked very different. The updated zoning would remove grocery stores from the potential uses.
- It appears the zoning would not have an affect on anyone beyond the apartment community.
Correct. If a commercial use were to be included in Blocks 9 and 10, it would have a negligible impact.
- Is the property owner looking to redevelop in the future or make any structures taller?
No, there are no plans for redevelopment. The owners will continue to invest in upgrades to the property, including mostly interior work. If any redevelopment were to occur the Outline and/or Specific Development Plans would need to be updated.
- Is it unusual to not know what specific use will be in Blocks 9 and 10?
No, it is not uncommon for a specific commercial tenant to be unknown at the time of a zone change. Most of the uses in Blocks 9 and 10 will be residential units, or uses that are accessory to the apartment community (eg leasing office).
- What property would be affected by the zone change?
The reason for updating the ODP is to update the uses only for Blocks 9 and 10, but the entire ODP will be updated to meet current standards. There will not be other substantive changes to the development standards.
- Would it be possible to specify which uses are not permitted (for example, a marijuana-related use)?
Yes, the ODP can specify which uses are and are not permitted.
- What is the current rent?
Currently, a 1-bedroom unit is \$905 and a 2-bedroom unit is \$1050.
- Does the property include Section 8 or subsidized units?
No.
- If Blocks 9 and 10 are all residential, how many units would it add?
It would add about 5 units.
- When will access on Kipling be restored?
Both entrances will be open by end of July
- Who is financing the streetscape project?
The property owner is paying for the project in its entirety. The project cost is about a half million dollars.

- The proposal and other investments seem like a good idea and a good idea along Kipling.
- The proposal sounds good. Any improvement to the site would be welcome.

EXHIBIT 8: COMPREHENSIVE PLAN



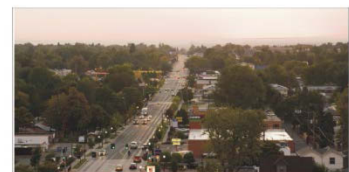
Neighborhood Buffer Area



Parks and Open Space

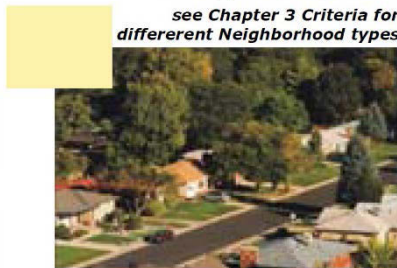


Primary Commercial Corridor



Neighborhoods

see Chapter 3 Criteria for different Neighborhood types



Employment



Public

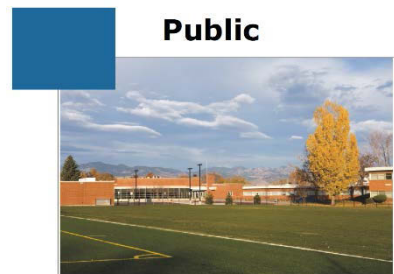


EXHIBIT 9: SITE PHOTOS



View looking north along Kipling Street at the recently completed streetscape improvements that span the entire frontage of the property.



View of the interior drive and recently reconfigured parking area. The apartment community is located to the left, with Kipling Street and the streetscape improvements visible to the right.



This structure is Block 10, which faces Kipling Street and is proposed to have its allowable uses expanded to include residential units (12 units maximum) and commercial/retail uses.



This structure is Block 9, which faces Kipling Street. The Leasing Office for Kipling Village Apartments is located within this building. This building is proposed to have its allowable uses expanded to include residential units (6 units maximum) and commercial/retail uses.



View of the interior courtyard space. This is Block 12, though Block 11 is very similar. It is surrounded by 4 apartment buildings. The Kipling facing building which is proposed to have its allowable uses expanded to include commercial and/or residential is behind the photo to the right.



View of the interior courtyard space. This is Block 12, though Block 11 is very similar. It is surrounded by 4 apartment buildings. The Kipling facing building which is proposed to have its allowable uses expanded to include commercial and/or residential is to the left of the photo.



PLANNING COMMISSION

Minutes of Meeting

September 20, 2018

1. CALL THE MEETING TO ORDER

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

2. ROLL CALL OF MEMBERS

Commission Members Present: Alan Bucknam
Emery Dorsey
Daniel Larson
Janet Leo
Scott Ohm
Richard Peterson
Vivian Vos

Commission Members Absent: Amanda Weaver

Staff Members Present: 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 LEO to approve the order of the agenda. Motion carried 7-0.


5. APPROVAL OF MINUTES – July 19, 2018

It was moved by Commissioner OHM and seconded by Commissioner LEO to approve the minutes of July 19, 2018, as written. Motion carried 5-0-2 with Commissioners PETERSON and VOS abstaining.

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

No one wished to speak at this time.

7. PUBLIC HEARING

- 
- A. **Case Nos. WZ-18-03 and WZ-18-04:** an application filed by Kipling Village, LLC for approval of an Outline Development Plan and a Specific Development Plan to allow more flexibility for the permitted uses and to increase the maximum units allowed for property located at 4635 & 4665 Kipling Street.

Mr. Wallace Mendez gave a short presentation regarding the Outline Development Plan (ODP) and a Specific Development Plan (SDP), the permitted uses, maximum units allowed and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case. Mr. Wallace Mendez also handed out a revised suggested motion page to the Commissioners.

Commissioner PETERSON asked about page 2 of the ODP; he wanted clarification about the current number of units in Blocks 1, 3, 5 & 7.

Mr. Wallace Mendez thought there are currently 30 units, but would like to defer that question to the applicant.

Commissioner PETERSON also asked about the legalizing of 4 illegal apartments and number of units that were talked about at the neighborhood meeting.

Mr. Wallace Mendez explained that there were in fact some units within Blocks 9 and 10, where residential units are not currently permitted. The units have existed for some time, and were not installed by the current owner. The property owner has worked with Staff to find a solution to remedy the situation, which is proposing to modify the ODP. Regarding the neighborhood meeting, he added that the neighborhood meeting occurred some time ago before these updated development plans were drafted. So yes, there is a difference between the estimated number of units during the neighborhood meeting and the actual number that can reasonably fit within those buildings, which is shown on the proposed ODP being considered tonight.

Commissioner OHM asked what the current City Code is for a freestanding signs and if the Kipling Village sign meets the current setback.

Mr. Wallace Mendez said the City's standard Sign Code regulates setbacks based on the height of the sign; a sign under 7 feet has a minimum setback of 5 feet. After an explanation of the 1969 ODP sign requirements, Mr. Wallace Mendez added that while the sign does not meet the requirements of the 1969 development plan, it does meet the current City Code sign setbacks.

Commissioner OHM also asked about the nomenclature of Kipling Village as opposed to Camelot Club Apartments and wondered why the name on the ODP and SDP was not changed to Kipling Village.

Mr. Wallace Mendez said he didn't have an answer, as the name was sufficient for Staff's purposes it was not focused on for any length of time during Staff review. He added that the question should be deferred to the applicant.

Commissioner OHM inquired about the use "household pets."

Mr. Wallace Mendez explained it means that household pets are allowed; in the City Code it is listed as an accessory use to residential uses, so the applicant just took that right from the Code.

Commissioner OHM asked if future accessory structures have to follow the ODP architectural standards or the City's Architectural and Site Design Manual.

Mr. Wallace Mendez said that Kipling Village would have to follow the architectural standards established by the ODP, which are written so that any future structures will match the existing buildings.

Commissioner OHM asked about the parking lot that abuts the west property line and wondered if it will be possible to plant anything in the 5-foot setback if an accessory structure is built there. He asked the question because he thought this was a buffer zone.

Mr. Wallace Mendez said the asphalt will be going up to the property line so there will be no room to plant anything.

Ms. Reckert added that a typical landscape buffer is not required on this property

Commissioner VOS asked about what accessory structures could be built, and what was the current height allowed.

Mr. Wallace Mendez said there currently are no accessory structures, but if one was to be built it could be a carport or shed and the height limit proposed in Staff's recommended conditions of approval is 15 feet; currently the height limit from the 1969 ODP limits the height of buildings to 35 feet, which would apply to accessory structures as well.

Commissioner VOS wanted clarification about condition number 3 on the suggested motion and if apartment uses is being added. She also wanted to know the definition of recreation use.

Mr. Wallace Mendez said condition number 3 was meant to remove a proposed permitted use for Blocks 9 thru 10, which are listed on page 2 of the ODP. The proposed use refers back to the City's commercial zone district use chart, which Staff feels is too broad. He also confirmed residential uses will be added to the list. He also explained that recreation uses could be a gym or a room that can be rented out for parties by the residents.

Commissioner BUCKNAM asked about the page 1 of the SDP and wondered if there will be bicycle parking and if it is flexible on where it is located.

Mr. Wallace Mendez said there will be bicycle parking it just isn't shown on the SDP.

Kristina Sorecy, applicant
4665 Kipling Street

Ms. Sorecy explained her company took over ownership of Kipling Village in June of 2006 and there was heavy crime activity and the housing was substandard. They have completed many updates to the property, such as improvement to the exteriors of the buildings and the Kipling streetscape project. She explained that in October of 2016 there was a fire in Block 10 and it was at that point in time they learned Blocks 9 and 10 were not zoned for residential uses, though they had been used residentially since before they purchased the property. It is important to the management team to get those buildings occupied so transients would not be attracted to them.

Commissioner VOS asked for a description of the buildings currently.

Ms. Sorecy explained that Block 10 has three levels and currently on the top level has two units, as does the garden level. The rest of the building has been vacant for 7 to 8 years. Block 9 is two levels, and is the location of the leasing office with two units above it.

Commissioner LARSON asked if the intent is to make Block 10 entirely residential.

Ms. Sorecy said 1 or two units might be added but potentially some of the areas could be for a commercial business and fitness center.

Commissioner BUCKNAM asked if there is currently bicycle parking on the property and if so will they remain.

Ms. Sorecy said yes behind Block 9 and by the two pools there is bicycle parking and they will remain.

Commissioner LEO asked if there is any Section 8 housing currently at the complex.

Ms. Sorecy said the previous owner allowed a combination of Section 8 and conventional tenants. Currently there are two units that are Section 8 occupied, as those tenants were living on the property before it was purchased by the current owner in 2006, they are essentially a 'grandfathered' status. New Section 8 tenants are not accepted on the property, it is all conventional rentals.

Commissioner PETERSON asked in the suggested motion if condition number 1 could read a maximum of 234.

Commissioner OHM also wanted to thank staff for revising some of the conditions prior to the meeting.

It was moved by Commissioner LEO and seconded by Commissioner OHM to recommend APPROVAL of Case No. WZ-18-03, a request for approval of an Outline Development Plan on property zoned Planned Residential Development located at 4635 Kipling Street, for the following reasons:

- 1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.**
- 2. The development is not feasible under any other zone district, and has been zoned as a Planned Residential Development for nearly 50 years.**
- 3. All responding agencies have indicated they can serve the property with improvements installed at the developers' expense.**
- 4. The change of zone is in conformance with *Envision Wheat Ridge*.**
- 5. A change of character along the Kipling Corridor has occurred since the property was entitled in 1969, and it is in the public interest to encourage investment in the property by allowing for flexibility in the uses along Kipling Street.**

And with the following conditions:

- 1. The total number of units on page 2 of the ODP be revised to a maximum of 234, as is reflected in the site plan on the same page.**
- 2. The accessory structure height be modified to 15 feet on both the ODP and the SDP.**
- 3. Remove "Uses that are similar to those listed, per Section 26-204 of the Municipal Code" from the allowed uses for Block 9-10 on the ODP.**

Motion carried 7-0.

It was moved by Commissioner OHM and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WZ-18-04, a request for approval of a Specific Development Plan on property zoned Planned Residential Development located at 4635 Kipling Street, for the following reasons:

1. The Specific development plan is consistent with the purpose of a planned development, as stated in Section 26-301 of the Code of Laws.
2. The specific development plan is consistent with the intent and purpose of the outline development plan.
3. The proposed uses are consistent with those approved by the outline development plan, and will allow for continued investment in the property.
4. All responding agencies have indicated they can serve the property with improvements installed at the developers' expense.
5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan

And with the following conditions:

4. The total number of units on page 2 of the ODP be revised to a maximum of 234, as is reflected in the site plan on the same page.
5. The accessory structure height be modified to 15 feet on both the ODP and the SDP.
6. Remove "Uses that are similar to those listed, per Section 26-204 of the Municipal Code" from the allowed uses for Block 9-10 on the ODP.

Motion carried 7-0

- B. Case No. WS-17-03: an application filed by Slawomir Golabek for approval of an 11-lot subdivision for townhomes for property located at 10590 West – 44th Avenue.

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

Commissioner VOS asked if the height limit in the MU-N zone district is 50 feet.

Ms. Reckert confirmed the height in MU-N can be 50 feet, but if the use is residential then the height is limited to 35 feet, which can be 3 stories.

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 68-2018 – A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT PLAN FOR PROPERTY ZONED PLANNED RESIDENTIAL DEVELOPMENT AT 4635 AND 4665 KIPLING STREET (CASE NO. WZ-18-04/KIPLING VILLAGE)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☒ YES

☐ NO



Community Development Director



City Manager

ISSUE:

The applicant is requesting approval of a Specific Development Plan for the Camelot Club Apartments Planned Residential Development (PRD) located at 4635 and 4665 Kipling Street.

A rezoning to Planned Residential Development (PRD) has been proposed for the property at 6904-6940 W. 48th Avenue pursuant to Council Bill 27-2018. Approval of a Specific Development Plan is the second step in the City's approval process for a PRD. The Specific Development Plan provides a site plan for the subject property. In this case, it essentially documents the existing conditions.

PRIOR ACTION:

Planning Commission heard the request at a public hearing on September 20, 2018 and recommended approval. The staff report and meeting minutes from the Planning Commission meeting are attached to the preceding CAF for Council Bill 27-2018.

FINANCIAL IMPACT:

The request is not expected to have a direct financial impact on the City. Fees in the amount of \$2,700.00 were collected for the review and processing of Case No. WZ-18-04.

BACKGROUND:

Please refer to the Council Action Form for Council Bill 27-2018 for background information regarding the property.

Council Bill 27-2018 proposes a rezoning to Planned Residential Development (PRD) and the associated Outline Development Plan (ODP). The ODP included general development parameters, whereas the Specific Development (SDP) shows final site plan details. Because the planned development is being established to allow the existing structures, the site plan simply shows the existing conditions including the building footprints, landscape areas, sidewalks, parking spaces, and existing setbacks. If modifications to the site are proposed in the future an amended SDP would be required.

RECOMMENDED MOTION:

“I move to approve Resolution No. 68-2018 a resolution approving a Specific Development Plan on property zoned Planned Residential Development at 4635 and 4665 Kipling Street, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The proposed Specific Development Plan has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. All requirements of a Specific Development Plan have been met.”

Or,

“I move to deny Resolution No. 68-2018 a resolution approving a Specific Development Plan on property zoned Planned Residential Development at 4635 and 4665 Kipling Street, for the following reasons:

- 1.
- 2.
3. ”

REPORT PREPARED/REVIEWED BY:

Zack Wallace Mendez, Planner II

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 68-2018

**CITY OF WHEAT RIDGE
RESOLUTION NO. 68
Series of 2018**

**TITLE: A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT
PLAN FOR PROPERTY ZONED PLANNED RESIDENTIAL
DEVELOPMENT FOR PROPERTY LOCATED AT 4635 AND 4665
KIPLING STREET (CASE NO. WZ-18-04/KIPLING VILLAGE)**

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, Kipling Village, LLC has submitted a land use application for approval of a Specific Development Plan for the Camelot Club Apartments Planned Residential Development (PRD) for property located at 4635 and 4665 Kipling Street; and,

WHEREAS, the Specific Development plan will allow for additional investment and reinvestment in the community; and,

WHEREAS, all requirements for a Specific Development Plan have been met; 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:

**A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT PLAN FOR
PROPERTY ZONED PLANNED RESIDENTIAL DEVELOPMENT AT 4635 AND 4665
KIPLING STREET (CASE NO. WZ-18-04) IS HEREBY APPROVED FOR THE
FOLLOWING REASONS:**

1. City Council has conducted a proper public hearing, meeting all public notice requirements as required by Section 26-109 and Section 26-407 of the Code of Laws.
2. The proposed Specific Development Plan has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. All requirements of a Specific Development Plan have been met.
4. The proposed plat will facilitate reinvestment in the site.

DONE AND RESOLVED by the City Council this 26th day of November, 2018.

By:

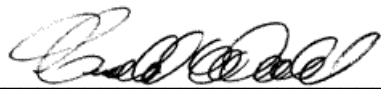
Bud Starker, Mayor

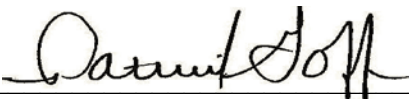
ATTEST:

Janelle Shaver, City Clerk

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 28-2018 – AN ORDINANCE AMENDING
THE WHEAT RIDGE CODE OF LAWS CONCERNING
WILDLIFE AND WATERFOWL**

- | | |
|--|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING (10/22/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input checked="" type="checkbox"/> ORDINANCES FOR 2 ND READING (11/26/2018) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney

City Manager**ISSUE:**

Staff is recommending new rules and regulations concerning the feeding of wildlife and waterfowl be consolidated with existing regulations on the treatment of wild animals. This ordinance amends Chapter 4 (Animals), Chapter 16 (Miscellaneous Offenses), and Chapter 17 (Park Rules and Regulations).

PRIOR ACTION:

This item was discussed with City Council at the October 1, 2018 study session. Consensus was reached to direct staff to draft an ordinance for City Council consideration.

FINANCIAL IMPACT:

Adoption of this ordinance could decrease the amount of staff time and other expenses associated with the impacts of feeding wildlife and waterfowl.

BACKGROUND:

Due to the close proximity of open space to residential dwellings, the feeding of wildlife within the greenbelt may create the following issues:

- Most wildlife become tame and later can become aggressive in search of food. This can result in injuries or death to people, pets and livestock animals.

- Wildlife can carry diseases that may affect humans, pets and livestock animals, such as rabies and the plague.
- Animals will frequent areas where food is available which includes roadsides and the crossing of major thoroughfares to reach the food sources and may be killed by passing of vehicles.
- Deer have unique digestive systems. They must eat enough specific plant proteins to stimulate the growth of vital intestinal bacteria. Human food does not produce these organisms, and without them, members of the deer family cannot process food. They may starve to death on a full stomach.
- Human food may cause health problems and chemical imbalances in wildlife. Ill health is the result of eating human food and will make the animals less likely to survive in winter.
- Many animals will stop foraging for wild foods and become dependent on human handouts. If they fail to stash seeds, they will no longer be planting future generations of trees and bushes.

RECOMMENDATION:

This Ordinance: (1) defines wildlife and waterfowl and food, (2) establishes rules and regulations governing the feeding of wildlife and waterfowl, (3) moves material concerning wild animals from Chapter 16 to Chapter 4, and (4) cross-references the (new) requirements to the existing park and recreation rules in Chapter 17.

The Parks and Recreation Commission recommend amending provisions of Chapter 4 and 17 of the Wheat Ridge Code of Laws concerning animals and the feeding of wildlife and waterfowl.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 28-2018, an ordinance amending the Wheat Ridge Code of Laws concerning wildlife and waterfowl, on second reading and that it takes effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill 28-2018, an ordinance amending the Wheat Ridge Code of Laws concerning wildlife and waterfowl for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Joyce Manwaring, Parks and Recreation Director

Daniel Brennan, Chief of Police

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 28-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DAVIS
Council Bill No. 28
Ordinance No. _____
Series of 2018

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF
LAWS CONCERNING WILDLIFE AND WATERFOWL**

WHEREAS, pursuant to Article XX of the Colorado Constitution and C.R.S. §§ 31-15-401(1)(m) and 31-15-702(1)(a)(I), the City of Wheat Ridge ("City") possesses the authority to prohibit the feeding of wildlife and waterfowl; to regulate the treatment of wild animals, and to regulate the use of public parks within the City; and

WHEREAS, pursuant to this authority, the City, acting by and through its City Council (the "Council"), wishes to prohibit the feeding of wildlife and waterfowl within the City; and

WHEREAS, the Council finds and determines that the imposition of rules and regulations specific to the feeding of wildlife and waterfowl are necessary and desirable to minimize the potential impacts of feeding wildlife and waterfowl to protect all people and animals using the parks; and

WHEREAS, the Council further finds that feeding wildlife and waterfowl rules and regulations should be codified within the Wheat Ridge Code of Laws ("Code") to permit the violators thereof to be prosecuted in the City's Municipal Court; and

WHEREAS, the Council therefore desires to amend certain provisions of Chapters 4, 16 and 17 of the Code, to establish uniform rules and regulations to prohibit the feeding of wildlife and waterfowl, and the treatment of wild animals and to make other conforming amendments.

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

Section 1. Code Section 4-1 is amended by the addition of the following definitions:

"WILDLIFE" SHALL INCLUDE ANY ANIMAL, WHICH IS NOT NORMALLY DOMESTICATED IN THIS STATE, INCLUDING BUT NOT LIMITED TO BEARS, MOUNTAIN LIONS, ELK, COYOTES, DEER, FERAL CATS, FOXES, GROUNDHOGS, OPOSSUMS, RACCOONS, SKUNKS, SQUIRRELS AND WATERFOWL.

"WATERFOWL" SHALL INCLUDE ANY BIRD, DOMESTIC OR WILD, THAT FREQUENTS THE WATER, OR LIVES ABOUT RIVERS, LAKES, ETC., AN AQUATIC FOWL, INCLUDING BUT NOT LIMITED TO DUCKS, GEESE, SWANS, HERON, AND EGRETS.

“FOOD” SHALL INCLUDE ANY PRODUCT DESIGNATED FOR ANIMAL OR HUMAN CONSUMPTION.

“WILD BIRD” INCLUDES ALL UNDOMESTICATED BIRDS NATIVE TO NORTH AMERICA AND UNDOMESTICATED GAME BIRDS IMPLANTED IN NORTH AMERICA BY GOVERNMENTAL AGENCIES AND ANY DOMESTIC DUCK OR GOOSE RELEASED BY ANY PRIVATE PERSON OR RECREATIONAL AUTHORITY UPON ANY RECREATIONAL AREA WITHIN THIS CITY.

“WILD ANIMAL” INCLUDES ANY ANIMAL NATIVE TO THE STATE, BUT DOES NOT INCLUDE RATTLESNAKES, FISH, NORWAY RATS OR COMMON HOUSE MICE.

“HUMANE TRAP” INCLUDES ANY TRAP WHICH DOES NOT CAUSE PHYSICAL INJURY, PAIN OR SUFFERING OF A TRAPPED ANIMAL. STEEL-JAW LEG HOLD TRAPS AND SNARES ARE SPECIFICALLY EXCLUDED FROM THIS DEFINITION, BUT THE CITY SHALL NOT BE PRECLUDED FROM DETERMINING THAT ANY OTHER TYPE OF TRAP IS ALSO EXCLUDED FROM THIS DEFINITION.

“CAUSING DAMAGE ON LAND” SHALL MEAN PHYSICAL INJURY TO BUILDINGS OR IMPROVEMENTS OR DESTRUCTION OR INJURY OF DOMESTIC ANIMALS OR PETS LAWFULLY KEPT THEREON.

Section 2. A new Code Section 4-19 is hereby enacted to read as follows:

SECTION 4-19. FEEDING OF WILDLIFE.

- A. IT SHALL BE UNLAWFUL TO PURPOSELY OR KNOWINGLY PLACE OR PROVIDE ANY FOOD FOR ANY WILDLIFE ANIMAL OR WATERFOWL.
- B. NO PERSON SHALL PURPOSELY OR KNOWINGLY LEAVE OR STORE ANY REFUSE, GARBAGE, FOOD PRODUCT, PET FOOD, FORAGE PRODUCT OR SUPPLEMENT, SALT, SEED OR BIRDSEED, FRUIT, GRAIN IN A MANNER THAT WOULD CONSTITUTE AN ATTRACTANT TO ANY WILDLIFE OR WATERFOWL.
- C. THIS SECTION SHALL NOT APPLY TO FEEDING OF BIRDS, SQUIRRELS, OR DOMESTIC WATERFOWL ON PRIVATE PROPERTY OWNED OR CONTROLLED BY THE PERSON(S) ENGAGED IN SUCH FEEDING.

Section 3. A new Code Section 4-20 is hereby enacted to read as follows:

SEC. 16-64. - PROTECTION OF WILDLIFE.

(A) SHOOTING, CAPTURING, ETC., PROHIBITED. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IT IS UNLAWFUL TO WILLFULLY SHOOT, CAPTURE, HARASS, INJURE OR DESTROY ANY WILD BIRD OR ANIMAL OR TO ATTEMPT TO SHOOT, CAPTURE, HARASS, INJURE OR DESTROY ANY SUCH WILD BIRD OR ANIMAL ANYWHERE WITHIN THIS CITY.

(B) DISTURBING, ETC., NESTS, BURROWS, ETC., PROHIBITED. NO PERSON SHALL WILLFULLY DESTROY, ROB OR DISTURB THE NEST, NESTING PLACE, BURROW, EGGS OR YOUNG OF ANY WILD BIRD OR ANIMAL ANYWHERE WITHIN THIS CITY.

(C) STATE-PROTECTED BIRDS AND ANIMALS. THE PROVISIONS OF THIS SECTION ARE NOT INTENDED TO ALLOW THE DESTRUCTION OF ANY BIRD OR ANIMAL PROTECTED BY STATE OR FEDERAL LAW.

(D) WHEN TRAPPING PERMITTED. IF ANY WILD BIRD OR ANIMAL IS CAUSING DAMAGE ON LANDS WITHIN THE CITY OWNED OR LEASED BY ANY PERSON, SUCH PERSON OR ANY MEMBER OF HIS FAMILY, OR HIS AGENT, MAY TRAP SUCH WILD BIRD OR ANIMAL, SUBJECT TO THE PROVISIONS OF THIS SECTION.

(E) PROVISIONS FOR TRAPPING. TRAPPING OF ANIMALS SHALL FOLLOW THE PROVISIONS SET OUT BELOW:

(1) WHEN DEEMED NECESSARY BY POLICE OFFICERS OR THE COMMUNITY SERVICE OFFICER FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY, SUCH OFFICERS AND/OR THEIR AGENTS MAY PLACE A HUMANE TRAP ON CITY PROPERTY OR OTHER PROPERTY WITHIN THE CITY WHEN THE PROPERTY OWNER REQUESTS SUCH HUMANE TRAP FOR THE PURPOSE OF CAPTURING ANY WILD OR PET ANIMAL CREATING A NUISANCE IN THE CITY. PROVIDED, HOWEVER, THAT NO TRAP OF ANY KIND SHALL BE SET UPON ANY PROPERTY WITHOUT NOTIFICATION TO AND/OR PERMISSION FROM THE OWNER OF SUCH PROPERTY.

(2) ANY PERSON WHO TRAPS AN ANIMAL PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL IMMEDIATELY NOTIFY POLICE DEPARTMENT OF SUCH TRAPPING. THE POLICE DEPARTMENT SHALL HAVE THE EXCLUSIVE RIGHT AND AUTHORITY TO DETERMINE THE DISPOSITION OF ANY SUCH TRAPPED ANIMAL.

(3) COMMUNITY SERVICE OFFICERS ARE AUTHORIZED TO USE ANY HUMANE TRAPS OR OTHER SUITABLE DEVICES TO SUBDUE OR DESTROY ANY ANIMAL THAT IS DEEMED BY THE COMMUNITY SERVICE OFFICER, IN HIS DISCRETION, TO BE A DANGER TO ITSELF OR TO THE PUBLIC HEALTH AND SAFETY.

(4) IT SHALL BE UNLAWFUL FOR ANY PERSON TO SET OR CAUSE TO BE SET WITHIN THE CITY ANY STEEL-JAW LEG-HOLD TRAP, SNARE OR ANY TRAP OTHER THAN A HUMANE TRAP, FOR THE PURPOSE OF CAPTURING ANY ANIMAL, WHETHER WILD OR DOMESTIC.

(F) APPLICATION TO CITY AND STATE EMPLOYEES. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE PERSONNEL OF ANY POLICE, FIRE OR ANIMAL CONTROL AGENCY OR TO THE STATE DIVISION OF WILDLIFE OR

DEPARTMENT OF HEALTH OR OTHER STATE OR FEDERAL AGENCY, AND ALL CITY OF WHEAT RIDGE EMPLOYEES WHEN SUCH PERSONS ARE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES AS EMPLOYEES OF SUCH AGENCIES.

(G) NOTHING HEREIN SHALL LIMIT THE AUTHORITY OF A SWORN POLICE OFFICER OF THE CITY TO TAKE ACTIONS TO SUBDUE OR DESTROY ANY ANIMAL THAT IS DEEMED BY THE POLICE OFFICER, IN HIS DISCRETION, TO BE A DANGER TO ITSELF OR THE PROTECTION OF PUBLIC HEALTH AND SAFETY.

Section 4. Code Section 17-29 is amended by the addition of a new subsection (c), to read as follows:

(C) THE TREATMENT OF WILDLIFE AND WATERFOWL SHALL BE GOVERNED BY SECTIONS 4-19 AND 4-20 OF THIS CODE.

Section 5. Code Section 16-64 is hereby repealed.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 22nd day of October, 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 November 26, 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: October 25, 2018


Second Publication:

Wheat Ridge Transcript

Effective Date:

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 29-2018 – AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE CONSUMPTION OF FERMENTED MALT BEVERAGES IN CITY PARKS**

- | | |
|--|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING (10/22/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input checked="" type="checkbox"/> ORDINANCES FOR 2 ND READING (11/26/2018) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

Staff is recommending new rules and regulations concerning the consumption of alcohol in City Parks. These new rules align with the State of Colorado changes in the definition of fermented malt beverages that are effective January 1, 2019. This change eliminates the current restriction of 3.2% fermented malt beverages (beer) only allowed in parks and allows malt beverages of up to 6% alcohol by weight.

PRIOR ACTION:

This item was discussed with City Council at the October 1, 2018 study session. Consensus was reached to direct staff to draft an ordinance for City Council consideration.

FINANCIAL IMPACT:

There is no financial impact created by approving this ordinance amendment.

BACKGROUND:

Colorado State Senate Bill 18-243, which becomes effective on January 1, 2019, eliminates the alcohol content limit within the definition of “fermented malt beverages,” and allows public consumption of alcohol if it “has been specifically authorized by ordinance, resolution or rule adopted by a municipality, [or] City.

RECOMMENDATION:

The Parks and Recreation Commission recommend amending provisions of Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverages in City Parks.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 29-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverages in city parks, on second reading and that it takes effect 15 days after final publication.”

Or

“I move to postpone indefinitely Council Bill 29-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverages in city parks for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 29-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 29
ORDINANCE NO. _____
Series 2018

TITLE: AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE CONSUMPTION OF FERMENTED MALT BEVERAGES IN CITY PARKS

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council previously adopted and amended Chapter 17 of the Wheat Ridge Code of Laws (the "Code") concerning parks and recreation; and

WHEREAS, Colorado State Senate Bill 18-243, which becomes effective on January 1, 2019, eliminates the alcohol content limit within the definition of "fermented malt beverages," and allows public consumption of alcohol if it "has been specifically authorized by ordinance, resolution or rule adopted by a municipality, [or] City," and

WHEREAS, the Council now wishes to further amend Chapter 17 of the Code to address this recent state legislation concerning fermented malt beverages and to permit the consumption of fermented malt beverages in parks within the City.

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

Section 1. Section 17-17 of the Wheat Ridge Code of Laws concerning "Alcoholic beverages" is hereby amended as follows:

Sec. 17-17. – Alcoholic beverages.

(a) The storage, sale or consumption of any malt, vinous or spirituous liquors, as defined by the Colorado Liquor Code, is prohibited in any park, recreation area or recreation building within the city except as specifically provided herein or as may be authorized pursuant to a special event permit issued by the city in accordance with C.R.S., article 48, title 12. The consumption and/or storage of fermented malt beverages ~~containing not more than three and two-tenths (3.2) percent of alcohol by weight~~ is permitted in any park or recreation area within the city so long as, and only so long as, such fermented malt beverage has been purchased in a manner authorized, and is being consumed by persons permitted, by applicable state law. It shall be unlawful to sell any fermented malt

beverage within any park or recreation area within the city unless such sales are made pursuant to a special event permit granted by the city and unless such sales are made in accordance with the Colorado Beer Code.

(b) Storage and consumption of fermented malt and vinous liquor is permitted at the Wheat Ridge Active Adult Center, the Wheat Ridge Recreation Center and the Richards-Hart Estate in conjunction with an event sanctioned and authorized by the director; and provided further that such alcoholic beverages are neither sold to, served to, or consumed by any person not authorized by the Colorado Liquor Code or the Code of Laws of the City of Wheat Ridge to possess or consume such alcoholic beverages. The director is hereby authorized to establish rules for serving and consumption of alcoholic beverages at the Richards-Hart Estate, the Wheat Ridge Active Adult Center, and the Wheat Ridge Recreation Center.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 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 6 to 0 on this 22nd day of October, 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 November 26, 2018, at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

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

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

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: October 25, 2018

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

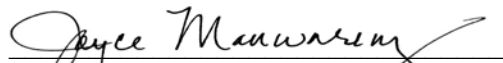

Wheat Ridge Transcript and www.ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 30-2018 – AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING PARKS AND RECREATION TO ADDRESS THE USE OF ELECTRICAL ASSISTED BICYCLES**

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (10/22/2018)
☒ ORDINANCES FOR 2ND READING (11/26/2018)

QUASI-JUDICIAL:

☐ YES☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

Staff is recommending new rules and regulations concerning the use of electrical assisted bicycles on city trails. Electrical assisted bicycles are becoming more and more popular with bicycle riders throughout the metropolitan area. Currently, Chapter 17 of Wheat Ridge Code of Laws does not allow any type of motorized vehicle on park trails. This ordinance redefines bicycle to include electrical assisted bicycles and allows the usage of these bicycles on park and open space trails.

PRIOR ACTION:

This item was discussed with City Council at the October 1, 2018 study session. Consensus was reached to direct staff to draft an ordinance for City Council consideration.

FINANCIAL IMPACT:

There is no financial impact created by approving this ordinance amendment.

BACKGROUND:

Colorado Revised Statutes 42-1-102(10) defines bicycles as:

“Bicycle” means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.”

The change outlined in this ordinance allows and defines Class I and Class II electrically assisted bicycles to ride on city trails. These bicycles require pedal power to operate and therefore are not a motorized vehicle. By using the State Statute definition of bicycle the ordinance differentiates between other types of vehicles that may have electric motors as part of the apparatus.

RECOMMENDATION:

The Parks and Recreation Commission recommends amending provisions of Chapter 17 of the Wheat Ridge Code of Laws concerning the use of electrical bicycles on park trails.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 30-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the use of electrical assisted bicycles, on second reading and that it takes effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill 30-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the use of electrical assisted bicycles for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 30-2018

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 30
ORDINANCE NO. _____
Series 2018**

TITLE: AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING PARKS AND RECREATION TO ADDRESS THE USE OF ELECTRICAL ASSISTED BICYCLES

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council previously adopted and amended Chapter 17 of the Wheat Ridge Code of Laws (the "Code") concerning parks and recreation; and

WHEREAS, the Council now wishes to further amend Chapter 17 of the Code to address and include the use of electrical assisted bicycles within the City.

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

Section 1. Section 17-1 of the Wheat Ridge Code of Laws concerning "Definitions," is hereby amended by the addition of the following definitions in the appropriate alphabetical order:

Bicycle means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter, and such definition shall include Class 1 and Class 2 electrical assisted bicycles.

Electrical Assisted Bicycle means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) "Class 1 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. Class 1 electrical assisted

bicycles shall be considered and treated in the same manner as bicycles in this Chapter.

(b) "Class 2 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. Class 2 electrical assisted bicycles shall be considered and treated in the same manner as bicycles in this Chapter.

(c) "Class 3 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour. Class 3 electrical assisted bicycles shall be considered and treated in the same manner as motorized vehicles in this Chapter.

Motorized Vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include Class 1 and Class 2 electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. Class 3 electrical assisted bicycles shall be considered motorized vehicles in this Chapter.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 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 6 to 0 on this 22nd day of October, 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 November 26, 2018 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

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

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

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: October 25, 2018

Second Publication:

Wheat Ridge Transcript

Effective Date:

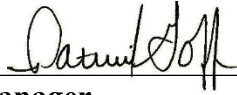
Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 34-2018 – AN ORDINANCE APPROVING THE SALE OF DESIGNATED PARK LAND AT THE INTERSECTION OF WEST 38TH AVENUE AND JOHNSON STREET AND IN CONNECTION THEREWITH, AUTHORIZING EXECUTION OF AN AGREEMENT FOR SAID SALE**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (11/26/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (12/10/2018) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☒ YES ☐ NO

Parks and Recreation Director

City Manager**ISSUE:**

The City has the opportunity to sell the vacant parcel of park property located on the southwest corner of 38th Avenue and Johnson Street for the development of a CVS Pharmacy. This parcel was not originally developed as part of Discovery Park due to:

1. Maximizing efficient use of site to meet the goals of the Park Master Plan; and
2. The site's proximity to the Appleridge Café, currently located on the southeast corner of 38th Avenue and Kipling Street. (Aerial photo attached)

The City Charter requires a unanimous vote of city council to dispose of park property. The Wheat Ridge Charter addresses the disposal of park land in Section 16.5.

“The city shall not sell or dispose of municipally owned buildings or real property for a public purpose, without first obtaining the approval, by ordinance, of three-fourths of the entire council. Unanimous approval of the entire council, by ordinance, shall be necessary for sale or disposition of designated park land.”

PRIOR ACTION:

At the May 10, 2018 study session, this item was presented. City Council reached a consensus to continue to move forward on the disposal of the park property.

On May 10, 2010 City Council approved the sale of a portion of park property to the south of the Appleridge Café to address the issues with café site parking needs. At that time the following information was provided to Council as part of the Park Master Plan adoption action.

“The park master plan was designed to achieve a win-win situation with the existing restaurant business located on the corner. The plan identifies the northeast corner of the parkland as an area for future development. The restaurant property owner at this time does not wish to purchase the entire .85 acres. A lot will be platted for future sale when, and if, the restaurant property re-develops. This park parcel will remain vacant in the future to allow for future development, sale and or lot consolidation with the restaurant property.”

City Council approved a resolution to obtain an appraisal on the applicable portion of park property adjacent to the Appleridge Café on August 28, 2008. City Council approved the transfer of the reverter clause from this park parcel to the Baugh House property on September 28, 2009 as one of the required steps to allow for the future disposal of the park property.

FINANCIAL IMPACT:

An appraisal was completed on the property in March 2017 and has been updated. In March of 2017 the City and developer agreed on the 2017 appraised price as a basis for moving forward with the development of the property.

The parcel is .5 acres in size and the appraised price, when consolidated with the adjacent lot, was \$600,000 in 2017. The updated appraisal information documents the value of the property at \$650,000. The land that is now Discovery Park, including this parcel was purchased with the City’s attributable share of Open Space Funds and Jefferson County Bond Funds. Jefferson County Open Space does not have a financial interest in the property due to the removal of the reverter clause encumbrance on this portion of the park property. The original purchase price for the entire 8 acre site that is now Discovery Park, including the undeveloped area under discussion for sale, was \$1,245,500.

All proceeds from the sale of the property are required to be placed in the Open Space Fund 32 for park and recreation purposes due to the fact that open space funds were used to originally purchase the property. The funds from the sale of this park property would be used for construction of Phase II of Prospect Park Renovation. Phase I has been completed, Phase II is on hold due to the additional funding required for the Anderson Park Renovation that was originally slated for Phase II of the Prospect Park Renovation.

BACKGROUND (PARK):

The Master Plan for the park was developed with the consideration that the corner parcel, when combined with the Appleridge Restaurant site provided opportunity for future commercial development. Thus, in 2008 the City Council approved the rezoning of the property to Planned Commercial Development, it was the intent this property would eventually develop as a commercial venture. This action was viewed as a compromise in the community due to the commercial potential of the Kipling location of the park parcel.

Construction of the park was completed in 2010. The park meets the needs of the community through the amenities and facilities in the park. These include a skate park, a variety of play structures, a splash pad, picnic shelters, walking trails and athletic practice fields. There is adequate parking to support these activities. This portion of the site is not required to meet any future park development needs.

On October 17, 2018, the Wheat Ridge Parks and Recreation Commission was presented information regarding the sale of the excess park property. The Committee voted 2-2-1 on the sale of the vacant parcel.

BACKGROUND (CVS):

In early 2017, CVS, through their representative AJ Barbato, approached the City regarding the development of the above stated parcels for the development of a new CVS Pharmacy. Barbato stated that negotiations were underway with the owner of the Appleridge Café for acquisition and potential relocation of the café. Appleridge was willing to have their site acquired as long as an adequate new site, within the same geographical area could be identified for relocation.

In order for the development of the new pharmacy, the developer would also need to acquire the vacant parcel to the east of the café. This parcel is owned by the City of Wheat Ridge and under the control of the Parks and Recreation Department. The Department has identified this parcel as a remnant piece of land that is not needed to meet current or future park needs.

The City requested the developer initiate an appraisal for the land value and purchase price. The initial appraisal was completed on March 26, 2017 by Mac Taggart & Mosier, Inc. which created a market value estimate for standalone secondary commercial premise at \$400,000 and an assemblage to the full development of the CVS at \$600,000. The developer agreed to pay the appraised amount.

During this period, the developer was able to identify a parcel that was suitable for the Appleridge café relocation. The developer went under contract to obtain the site located directly south of the Recreation Center on Kipling, just north of the lot currently under redevelopment for the Circle K convenience station. The developer entered into negotiations with the owner of the café for acquisition and relocation. The negotiations were completed in early summer 2018.

Because it had been over a year since the completion of the initial appraisal, the City requested a new appraisal based on current conditions. The second appraisal was conducted by the same

firm who identified the standalone value at \$450,000 and the market value estimate for the assemblage at \$650,000. In the letter attached to this report, CVS has agreed to purchase the vacant site at the most recent appraised value of \$650,000.

CVS anticipates requesting the use of tax increment financing (TIF) available through the Wheat Ridge Urban Renewal Authority (Authority). At this time, the amount of TIF is still being developed through a pro forma which will be evaluated by the Authority. If any portion of sales tax will be utilized in the TIF, the Council will be asked to adopt a resolution approving a Cooperation Agreement with the Authority.

CVS anticipates the construction of a building just over 13,000 square feet with a drive-thru pharmacy. The new Appleridge Café will be approximately 3,000 square feet.

TRAFFIC:

A formal site plan has not been submitted by the developer, but it is anticipated they will seek:

- A right-in, right-out access point along Kipling Street (CDOT approval required)
- Full access onto Johnson Street
- A right-in, right out movement along West 38th Avenue.

The City requested of CVS to provide some anticipated traffic flows from the site. The attached letter is not a full traffic study, but only a study based on International Transportation Engineers (ITE) figures from the *Trip Generation Manual*. If the project moves forward, a full traffic study will be commissioned.

The attached letter from Kimley Horn provides trip generation estimates between the development of both pads for a CVS, compared to the development of both pads with the existing Appleridge Café at its existing site and a fast food establishment with a drive-thru on the vacant pad. The ITE data shows a combined Appleridge and fast food restaurant would generate approximately 1,752 daily vehicle trips while a standalone CVS would create 1,432 trips, a difference of 320 less trips. The distribution of the traffic was not analyzed.

PROCESS:

If the Council approves the ordinance, as conditions of the sale and prior to the initiation of construction, TMC Colorado would be required to close on its purchase of the Café property, a purchase and sale agreement between TMC Colorado and the City must be signed, and the property would need to be consolidated with the Café property under a consolidation plat. The final development will also require the site to meet all the building codes of the City and adhere to the Architectural Site Design Manual.

RECOMMENDATIONS:

Staff recommends the sale of the excess property for the following reasons:

1. The land in question is excess property and is not part of any future development plans of Discovery Park and was rezoned in 2008 to Planned Commercial Development.

2. The sale will provide an additional \$650,000 to the Parks and Recreation Department for improvements to City park capital investments.
3. If the sale were to not occur, the vacant land has no market value as a 'stand-alone' parcel for commercial development
4. The restaurant on the adjoining parcel is over 50-years old and the owner of the Appleridge Café desires the relocation of the restaurant.
5. The development of a CVS Pharmacy will provide additional sales tax revenues.
6. Traffic patterns indicate that vehicular movement will exit onto 38th Avenue from Johnson Street.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street, and in connection therewith authorizing execution of an agreement for said sale for the sole purpose of ordering it published and for a public hearing set for Monday, December 10, 2018 at 7 pm in City Council Chambers.

REPORT PREPARED BY:

Steve Art, Economic Development Manager/Executive Director – Renewal Wheat Ridge
Joyce Manwaring, Director of Parks and Recreation
Gerald Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 34-2018
2. Parcel Map
3. 2017 Appraisal
4. 2018 Appraisal
5. Purchase Agreement Letter
6. Traffic Generation Letter (Kimley/Horn)

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 34
Ordinance No. _____
Series 2018

**TITLE: AN ORDINANCE APPROVING THE SALE OF DESIGNATED
PARK LAND AT THE INTERSECTION OF WEST 38TH
AVENUE AND JOHNSON STREET AND, IN CONNECTION
THEREWITH, AUTHORIZING EXECUTION OF AN
AGREEMENT FOR SAID SALE**

WHEREAS, the City of Wheat Ridge, Colorado ("City") owns certain real property within the City at the intersection of West 38th Avenue and Johnson Street that is designated as park land (the "Park Property"); and

WHEREAS, a portion of the Park Property is adjacent to private property for which TMC Colorado, LLC, an Indiana Limited Liability Company ("TMC Colorado") is the contract purchaser and upon which a café business is currently located (the "Café Property"); and

WHEREAS, in 2008, the City approved a master park plan for the Park Property that included information regarding the reservation of this property for future consolidation with the adjacent private property; and

WHEREAS, in furtherance of both of these goals, the City and TMC Colorado are negotiating an agreement under which the City will convey the Park Property to TMC Colorado for a purchase price of \$650,000 for the purpose of commercial development; and

WHEREAS, the property the City proposes to convey to TMC Colorado is designated park land; and

WHEREAS, pursuant to the Wheat Ridge City Charter Section 16.5, the unanimous approval of the entire City Council, by ordinance, is necessary to sell or dispose of designated park land; and

WHEREAS, the City Council finds and determines that the sale of a portion of the park land located at West 38th Avenue and Johnson Street does not impact the use or needs of the adjacent park; and

WHEREAS, the City Council therefore desires to approve the sale of the Park Property conditioned upon execution of a purchase and sale agreement, acquisition of the Café Property by TMC Colorado and the consolidation of the same with the Park Property.

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

Section 1. Sale of Park Property Approved. Pursuant to Charter Section 16.5, the City Council hereby approves the sale to TMC Colorado, LLC of certain City-owned property designated as park land for a purchase price of \$650,000, and which land is more particularly described on **Exhibit 1**, attached hereto and incorporated herein by this reference.

Section 2. Agreement Approved. In connection with the sale of park land approved by Section 1 above, the City Council hereby authorizes and directs the Mayor and City Clerk to execute a purchase and sale agreement and associated documents, in form approved by the City Attorney.

Section 3. Conditions of Approval of Sale of Property. The sale of property and agreement approved by Sections 1 and 2 above is expressly contingent upon the satisfaction of all of the following conditions precedent: (1) the execution of a purchase and sale agreement in form approved by the City Attorney, (2) the acquisition of title by TMC Colorado, LLC of the Café Property, and (3) final approval of a consolidation plat and such other required land use approvals to permit the unified development of the Café Property and the Park Property. Should any one of these conditions precedent fail to occur on or before June 10, 2019, the approvals set forth in Sections 1 and 2 above shall never become effective.

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

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

INTRODUCED, READ, AND ADOPTED on first reading by the unanimous approval of the entire membership of the City Council this 26th day of November, 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 December 10, 2018 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by the unanimous approval of the entire membership of the City Council 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:

EXHIBIT 1

Park Property

LEGAL DESCRIPTION

A parcel of land in the NW ¼ of Section 27, T3S, R69W of the 6th PM, described as: Lot 3 and Tract A, 38th & Kipling Subdivision, City of Wheat Ridge, Jefferson County, Colorado, excluding therefrom right of way parcels of 15.25 and 19.5 feet in width along the norther boundary thereof, and a right of way parcel of 1.5 feet in width along the eastern boundary thereof, and retaining a drainage easement 15 feet in width across Tract A, as shown on the attached **Exhibit 1A**.

Exhibit 1A
Diagram of Park Property
[Attached]



3790 W. 38th Avenue

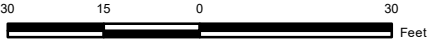
Legend

ROW_CURRENT
Interstate
State_Highway

Road Centerline

CLASS

- Primary road, interstate highway, limited access road
- Secondary road, U.S. highway
- Connecting road, county roads
- Neighborhood road, city street, unimproved road
- Special Road Feature
- EASE_Utility



Horizontal Coordinate System:
NAD83/92 State Plane, Colorado Central Zone 0502

Vertical Datum: NAVD88

DISCLAIMER NOTICE:

This is a pictorial representation of geographic and demographic information. Reliance upon the accuracy, reliability and authority of this information is solely the requestor's responsibility. The City of Wheat Ridge, in Jefferson County, Colorado - a political subdivision of the State of Colorado, has compiled for its use certain computerized information. This information is available to assist in identifying general areas of concern only. The computerized information provided herein should only be relied upon with corroboration of the methods, assumptions, and results by a qualified independent source. The user of this information shall indemnify and hold free the City of Wheat Ridge from any and all liabilities, damages, lawsuits, and causes of action that result as a consequence of his reliance on information provided herein.

Wheat Ridge

7500 West 29th Avenue
Wheat Ridge, CO 80033-8001
303.234.5900

DATE: 11/08/2018

MacTaggart and Mosier, Inc.
Real Estate Appraisers and Consultants
40 South Allison Street
Lakewood, CO 80226
Ph: 303-399-5615
email: rcmosier@aol.com

August 15, 2018

City of Wheat Ridge
7500 West 29th Avenue
Wheat Ridge, CO 80033

Attn.: Steve Art, Executive Director of the
Urban Renewal Authority

Dear Mr. Art:

You are in receipt of an appraisal of the land east of the southeast corner of 38th Avenue at Kipling Street prepared March 31, 2017 with an effective date of March 26, 2017. The purpose of the inspection was to estimate the market value of the fee simple estate in this property in its "as is" condition. The intended use of the appraisal report is to serve as a basis for pricing the property for disposal. The City is the client and the sole intended user of that appraisal report. At its discretion, the prospective buyer, its attorney and accounting professional may be included as additional intended users. In that appraisal I estimated the value of the land in the standalone secondary commercial premise to be \$400,000 and the value in an assemblage to the corner premise to be \$600,000.

This letter is an update to the original appraisal. It carries an effective date of August 8, 2018, the most recent date of inspection, has the intended use of establishing a basis for

pricing the property for disposal, and is prepared for the same intended user, namely the City of Wheat Ridge.

The sections of the original appraisal report that are updated, or are not changed but warrant emphasis, follow.

OWNERSHIP AND SALES HISTORY

The ownership has not changed and the owner is still the City of Wheat Ridge. It is still not under contract but the agent for CVS drug stores is proposing to buy the property. I have not been informed as to the asking price or offered amount in relation to this prospective sale.

TAXES AND ASSESSMENTS

The land is valued at \$8,155 for 2017 taxes payable in 2018, and it remains \$8,155 for 2018 taxes payable in 2019.

HIGHEST AND BEST USE

The highest and best use as a standalone site remains as an office or secondary commercial use. Combined with the corner site, the highest and best use as assembled is still for a high-intensity retail commercial use.

SALES COMPARISON APPROACH

A new search for comparable sales of secondary commercial sites reveals three new sales, Sale Nos. 7, 8 and 9 cited with the original six sales below.

Mr. Steve Art
City of Wheat Ridge
August 15, 2018
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Land Sales, Jefferson County File LSGRet1704.WR.38th							
Sale No.	Location Grantor/Grantee	Date	Price	Area (Sq.Ft.)	Comments	Price Per SF	Financing
1	7321 Sheridan Blvd. Tepper Partners/ BTS Sheridan VZ, LLC	Aug-17	\$480,000	24,829	Zoned PUD, Westminster, Lot in a Commercial Subdivision. New Verizon Store, Sold as Net Leased Investment Jun-18.	\$19.33	Cash to Seller.
2	9890 W. 44th Ave. Cluck Estate/ Sheard Family Trust	Jul-15	\$532,000	43,516	Zoned C-1 Wheat Ridge; Residential Improvements. Demo'd After Sale; Actual Price \$507,000, Plus Demo. \$25K = \$532,000	\$12.23	Cash to Seller.
3	7960 Wadsworth Blvd. Edgemark Development Services, LLC/ Mountain Dental Specialties, LLC	May-15	\$500,000	51,836	Zoned B-2 Arvada; Vacant Pad w/o Wadsworth Frontage. Purchased for Dental Clinic.	\$9.65	Cash to Seller.
4	N of NWC Bowles Avenue @ Simms St. Market Development Corporation/ CBH Properties Ken Caryl, LLC	Nov-15	\$450,000	30,000	Zoned PD, Jefferson County; Lot in Commercial Subdivision. Purchased for Christian Brothers Automotive.	\$15.00	Cash to Seller.
5	6230 W. 38th Ave. Johnson/ Sophium Real Estate, LLC	Oct-15 41 dom	\$432,000	30,056	Zoned MU-N Wheat Ridge Vacant Lot; For Sale	\$14.37	Cash to Seller.
6	NW of NWC 64th Avenue at Indiana St. Acorn 4 Arvada Marketplace/ Doud BTS, Inc.	Sep-16	\$425,000	27,007	Zoned PUD-BP, Arvada; Vacant Site.	\$15.74	Cash to Seller
7	5290 W. Arizona Ave. Guzman/ HM Rental I, LLC	Aug-17 102 dom	\$375,000	27,878	Zoned M-G-S, Lakewood. Previous Sale Sep-16 \$220,000, or \$7.89/SF.	\$13.45	Cash to Seller.
8	1825-1975 Kipling St. Listing	Listing	\$341,000	22,651	Zoned M-E-U, Lakewood Previous Sale May-17 \$165,000, or \$7.28/SF	\$15.05	Cash to Seller.
9	8399 Ralston Rd. BB Holdings Colorado, LLC/ McClafflin Real Estate, LLC	Feb-17	\$160,600	10,500	Zoned P-1, Arvada Purchased by investor to sell to adjacent owner for parking 2 days later Feb-17 for \$200,000 or \$19.05/SF. 25% increase over normal price for assemblage.	\$15.30	Cash to Seller.

Sale Nos. 1 through 6 are the sales from the original report with only a modification for the listing is now a sale in Sale No. 1. Sale Nos. 7 through 9 are new sales generated for this update of the appraisal. All the sales are processed like they were through the original appraisal, including the application of a 10% per year time adjustment to all the sales to bring them to the current date. The adjustment grid that follows develops value indications from \$14.21 to \$19.36 per square foot. Weighting the new sales the most, the weighted average is \$17.06 per square foot.

It is important to note that the new sales indicate a lower value than the six sales from the original report. Two reasons explain this phenomenon. The new sales are generally in more marginal retail areas, and although adjustment for location has brought them more in line, the adjustment may have not been enough. And the time adjustment for the original sales at 10% per year for as long as three years results in hefty adjustments to the original sales. Property appreciation can have waned in the last year and a half, but in other segments of the Denver land market I have observed spikes in land prices and I reject a lower time adjustment. The best way to reflect the softening land appreciation, if that is what is happening, is to place a greater weight on the newer sales. Ranking the sales in descending order, with the newer sales carrying the greatest weight, the weighted average is \$17.06, calculating a value estimate of (\$17.06 per square foot X 25,378 square feet =) \$432,949, rounded to:

VALUE ESTIMATE BY SALES COMPARISON APPROACH
STANDALONE SECONDARY COMMERCIAL PREMISE
\$450,000

Mr. Steve Art
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Adjustment Grid to Compare to 38th Ave. E. of Kipling St.														
Sale No.	Location	Price Per SF	Circumst. of Sale	Financing	Subtotal Adjustments	Adjusted Price	Location /Use	Layout Topography	Size	Net Adj.	Indicated Value	Weight	Extension	
1	7321 Sheridan Blvd.	\$19.33	110% 12	100%	100%	110%	\$21.36	-10% Interior Visibility to Maj. St.	0% Level	0%	-10%	\$19.22	5	\$96.10
2	9890 W. 44th Ave.	\$12.23	136% 37	100%	100%	136%	\$16.62	0% Interior Min. Ret. Exposure	0% Level	10%	10%	\$18.28	4	\$73.13
3	7960 Wadsworth Blvd.	\$9.65	138% 39	100%	100%	138%	\$13.33	0% Interior Min. Ret. Exposure	0% Level	10%	10%	\$14.67	2	\$29.33
4	N of NWC Bowles Avenue @ Simms St.	\$15.00	130% 32	100%	100%	130%	\$19.56	-10% Interior Visibility to Maj. St.	0% Level	0%	-10%	\$17.61	1	\$17.61
5	6230 W. 38th Ave.	\$14.37	132% 33	100%	100%	132%	\$18.90	0% Interior Min. Ret. Exposure	0% Level	0%	0%	\$18.90	3	\$56.70
6	NW of NWC 64th Avenue at Indiana St.	\$15.74	123% 25	100%	100%	123%	\$19.36	0% Interior Min. Ret. Exposure	0% Level	0%	0%	\$19.36	6	\$116.19
7	5290 W. Arizona Ave.	\$13.45	110% 12	100%	100%	110%	\$14.86	20% Interior Min. Ret. Exposure Stagnant Retail Area	0% Level	0%	20%	\$17.83	9	\$160.49
8	1825-1975 Kipling St.	\$15.05	90% Listing	100%	100%	90%	\$13.55	10% Corner Visibility to Maj. St. Stagnant Retail Area	0% Level	0%	10%	\$14.90	7	\$104.33
9	8399 Ralston Rd.	\$15.30	116% 18	100%	100%	116%	\$17.76	-10% Corner Visibility to Maj. St.	0% Level	-10%	-20%	\$14.21	8	\$113.66
												Column Totals:		
												Weighted Average:		
												45		
												\$767.54		
												\$17.06		

PREMIUM FOR ASSEMBLAGE

Because the highest and best use is for assemblage to the corner to create a retail site for a national retailer, the value of the subject is influenced by: its proximity to the corner; the lack of adequate size of land at the corner for a national chain retail site; and the lack of other possibilities to acquire the necessary land. A premium over and above its value as a standalone secondary commercial site is warranted. The following sales are presented to demonstrate the going rate for corner locations for national retailers to construct new facilities. Sale Nos. 10 through 13 are from the original report, and Sale No. 14 was added for this update. The range is from \$21.96 to \$37.64 per square foot before adjustments. After making transactional adjustments (in this case just for time) the prices are \$23.66 to \$46.32 per square foot. The value of the assembled site of 52,036 square feet is from \$30.00 to \$35.00 per square foot, or between \$1,230,000 to \$1,820,000, rounded.

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	Corner Sites to National Retailers						
Sale	Location			Area		Price	
<u>No.</u>	<u>Grantor/Grantee</u>	<u>Date</u>	<u>Price</u>	<u>(Sq.Ft.)</u>	<u>Comments</u>	<u>Per SF</u>	<u>Financing</u>
10	5904 S. Kipling St.	Dec-16	\$1,450,000	56,198	Zoned PD, Jefferson County; Car Wash, 3,372 SF Demo'd	\$25.80	Cash to Seller.
	Gosch, et ux., Heckman Management/ CVS 10782 Co., LLC	405 dom			2 Retail Buildings 5,447 SF Demo'd Actual Price \$1,350,000 plus Demo \$100K = \$1,450,000.		
11	280 S. Yarrow St.	Jan-17	\$1,650,000	55,404	Zoned M-C-U, Lakewood	\$29.78	Cash to Seller
	Suppa Properties, LLC				Purchased for new retail center 17,621 SF.		
	EGO, Inc.						
12	NWC 72nd Ave. @ Sheridan Blvd.	Jun-16	\$705,000	18,731	Zoned PUD Westminster; Lot in a Commercial Subdivision.	\$37.64	Cash to Seller
	Cadence Development, LLC/ Legend Lake 7211 N Sheridan, LLC				Same-Day Sale Tepper, et ux to Cadence, \$530,000, or \$28.30/SF "Denny's" Restaurant now under construction.		
13	3244 S. Wadsworth Blvd.	Jun-16	\$975,000	28,835	Zoned C-R Lakewood; "Perkins" Restaurant, 5,212 SF Demo'd	\$33.81	Cash to Seller.
	Mitchel Cory Family, LLC/ Red Robin West, Inc.				Actual Price \$900,000 plus Demo \$75K = \$975,000. Pad in Shopping Center; Purchased for new "Red Robin" restaurant.		
14	Lot 8, Gateway Village, US 40 NW of I-70	Jun-17	\$1,798,443	81,893	Zoned Commercial, Golden; Purchased for a convenience store; Adj	\$21.96	Cash to Seller
	Gateway Land Investment, LLC/ KG Store 319, LLC				new hotels.		
	Reception # 2017064129, Jun 21, 2017						

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These sales are not used to directly value the subject site. The subject has no frontage or exposure to the major thoroughfare. But assembled to the corner, it takes on the characteristics of the larger corner site. These sales represent the maximum amount of value the subject site could obtain were it included with the corner site. To build a free-standing retail store about 50,000 square feet of land area is necessary and the corner has 26,658 square feet. The subject site (25,378 square feet) is necessary to assemble to the corner to achieve this size necessary for national retail development. This puts the subject property in an advantageous negotiating position, and the premium for assemblage will be substantial.

Sale No. 9 presented earlier is a new sale for this update and is cited at the first sale as a standalone site, selling for \$15.30 per square foot. In the second sale two days later, it sold for \$19.05 to the owner of the adjacent office building for parking. This is an increment of ($\$19.05 \text{ per square foot} / \$15.30 \text{ per square foot} =$) 1.245, or 25% for assemblage.

Sale No. 15, cited below, is the anatomy of a commercial land assemblage for a self-storage facility in Arvada. The assemblage of the site is summarized:

Assemblage for a Self-Storage Facility						
Sale Location			Area		Price	
No. Grantor/Grantee	Date	Price	(Sq.Ft.)	Comments	Per SF	
15 9989 W. 60th Ave.	Feb-16 to Apr-17	\$2,195,000	91,089	Zoned B-2, Total Assemblage for Arvada Self Storage	\$24.10	
Arvada Urban Renewal / 60th & Ralston, LLC	Feb-16	\$180,000	41,474	Vacant Site Subsidized by Arvada Urban Renewal; 838 dom	\$4.34	
Vigil / 60th & Ralston, LLC	Apr-17	\$650,000	35,850	Monterrey House Restaurant; Act. Price \$587K + Demo = \$650K	\$18.13	
Erickson / 60th & Ralston, LLC	Mar-17	\$1,365,000	13,765	3-Story Office Bldg.; Act. Price \$1,250,000 + Demo = \$1,365,000	\$99.16	



LAYOUT OF SELF-STORAGE FACILITY SITE.

The assemblage was accomplished in three parts: the original purchase at a discounted price from the Urban Renewal Authority; then a nearly simultaneous purchase over one year later of a restaurant (a large critical part of the assemblage) and an office building (a smaller part of the assemblage that enhances the layout and density but is not vital to the project). The discounted price of the original purchase makes it feasible to buy improved property and spend money on demolition. But taken altogether, the assembled price of \$24.10 is more than the price paid for other self-storage sites on the

West Side of town. Because the base for measuring assemblage premium is skewed so low (the Urban Renewal price) a premium for assemblage cannot be measured. But it is clear from the price paid for the office building (\$99.16 per square foot of land area) that the premium is extraordinarily high. Stated another way, the assemblage of the Urban Renewal site and the adjacent restaurant cost \$830,000 for 77,324 square feet, or \$10.73 per square foot of land. Adding the last 13,765 square feet of land with the office building, the cost skyrockets to \$2,195,000 or \$24.10 per square foot of land. The addition of 18% more land area added 164% to the assembled Urban Renewal site and the restaurant site to make the three-parcel assemblage.

From a 25% premium as measured by Sale No. 9 to unquantified but exorbitant premium as measured by Sale No. 15, a 50% premium used in the original appraisal is justified. The value of the subject property in the assemblage to the corner premise is (\$17.06 per square foot standalone premise X 1.5 assemblage premium = \$25.59 per square foot assembled to the corner X 25,378 square feet =) \$649,423, rounded to:

MARKET VALUE ESTIMATE
ASSEMBLAGE TO THE CORNER PREMISE
\$650,000

VALUATION SUMMARY

Due to the proximity of this property to the corner and its complementary layout and size with relation to the corner parcel, both the standalone secondary commercial premise and the

assemblage to the corner premise are presented. Those value estimates are:

MARKET VALUE ESTIMATES
STANDALONE SECONDARY COMMERCIAL PREMISE
\$450,000
ASSEMBLAGE TO THE CORNER PREMISE
\$650,000

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct;
- the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions;
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
- I have performed no services as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment;
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
- my engagement in this assignment was not contingent upon developing or reporting predetermined results;
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
- my analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Appraisal Institute's Code of Professional Ethics and Standards of Appraisal Practice, which include the Uniform Standards of Professional Appraisal Practice. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. As of the date of this report, Richard C. Mosier has completed the requirements of the continuing education program of the Appraisal Institute;
- I have made a personal inspection of the property that is the subject of this report; and
- no one provided significant real property appraisal assistance to the person signing this certification.

Richard C. Mosier, MAI
Colorado General Certified
Appraiser #CG01313149

EXHIBIT "A"

QUALIFICATIONS OF THE APPRAISER
AND LIMITING CONDITIONS

QUALIFICATIONS OF APPRAISER

NAME : Richard C. Mosier, MAI
EDUCATION : Bachelor of Science Degree in Business Administration; Building Industry and Real Estate Major; University of Denver, June, 1973.

APPRAISAL DESIGNATIONS, OFFICES HELD:

MAI (Member, Appraisal Institute)
Certificate No. 6334, November, 1981
Appraisal Institute, Colorado Chapter, President 1991
Appraisal Institute, Region II Finance Officer 1993-2004
Appraisal Institute, Region II, Chair 2007
Appraisal Institute, National Board of Directors 2006-2007

APPRAISAL INSTITUTE CLASSROOM INSTRUCTOR:

AI Basic Appraisal Principles Since 2012
AI Basic Appraisal Procedures Since 2012
AI General Sales Comparison Approach Since 2013
AI General Income Capitalization Approach, Parts 1 and 2 Since 2013
AI General Site Valuation and Cost Approach Since 2013

MEMBER OF : Denver Board of Realtors (Appraiser Member).
LICENSES : Real Estate Broker in Colorado since June, 1975
Certified General Appraiser in Colorado, #CG01313149
Certified General Appraiser in Wyoming, #376

BUSINESS AFFILIATIONS:

Mac Taggart & Mosier, Inc., President
40 South Allison Street
Lakewood, Colorado 80226

APPRAISAL EXPERIENCE:

Appraised various types of real property including single-family homes, condominiums, apartments, shopping centers, commercial buildings, restaurants, service stations, office buildings, warehouses, manufacturing plants, motels, golf courses, subdivisions and land developments, easements, conservation easements, water rights, leased fee and leasehold estates, and special purpose, residential, commercial and industrial land. Qualified expert witness in District Courts of Denver, Arapahoe, Boulder, Douglas, Elbert and Jefferson Counties, Federal Bankruptcy Court, various arbitration proceedings.

CAREER HISTORY: Associated with C. K. Mac Taggart, MAI, since graduating from college in 1973 in a research analyst capacity until 1976. Served as an associate appraiser until July, 1980, when Mac Taggart and Mosier, Inc., was formed.

REPRESENTATIVE LIST OF APPRAISAL CLIENTS:

AAA Colorado	Denver Health	Jefferson County
ANB Bank	and Hospitals	Open Space
Bank of the West	Denver Lumber Company	Kansas State Bank
Boulder County Board	Douglas County	Metro West
of Equalization	Douglas County Board	Housing Solutions
Broomfield County Board	of Equalization	PCV Murcor
of Equalization	Federal Deposit	Sage Capital
City of Lakewood	Insurance Corporation	Town of Loveland
City of Wheat Ridge	Fidelity National Title	Town of Silverthorne
City of Centennial	First Citizen's Bank	UMB Bank
Colorado State Bank	FirstBank	Wells Fargo Trust
Colorado Department	GE Capital National	Department
of Transportation	Home State Bank	Various Private
Colliers International	Jefferson County	Individuals
Comerica Bank	Dept. of Highways	

LIMITING CONDITIONS AND ASSUMPTIONS

1. Title to the property is assumed to be good and marketable.
2. No responsibility for legal matters is assumed, nor is the appraiser(s) required to give testimony or appear in court unless prior arrangements have been made in writing. If any courtroom or administrative testimony is required in connection with this report, an additional fee shall be charged for those services.
3. All information in this report has been obtained from reliable sources. The appraiser(s) cannot, however, guarantee or be responsible for the accuracy of the information furnished by others.
4. Sketches in this report are intended for illustrative purposes only.
5. If the property being appraised is a fractional interest(s) of real estate, it, when added to the value of any other fractional interest(s), may or may not equal the value of the entire fee simple estate.
6. If the property being appraised is a geographical portion of a larger parcel, it, when combined with the remaining geographical portion(s), may or may not equal the value of the whole.
7. One (or more) of the signatories of this appraisal report is a member of the Appraisal Institute. The Bylaws and Regulations of the Institute require each member to control the use and distribution of each appraisal report signed by such member. The party for whom this appraisal report was prepared may distribute copies of this report, bearing original signature(s), only in its entirety. Such copies that are distributed must contain all exhibits including these limiting conditions and assumptions.
8. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the written consent and approval of the appraiser(s), particularly as to valuation conclusions, the identity of the appraiser(s) or firms with which connected, or

any reference to the Appraisal Institute or to the MAI or SRA designations.

9. The distribution of the total valuation in this report between land and improvements applies only under the existing utilization and zoning of the property. Land and improvements are not severable for other valuation purposes.
10. Mechanical, electrical and plumbing systems in the improvements are presumed to be in operating condition, and no liability for the malfunction of those items is assumed by the appraiser(s). A qualified engineer is recommended for an opinion of serviceability and adequacy of those components.
11. (For proposed improvements). Completion as per the plans and specifications submitted and construction to start within a reasonable time period from the date of this report.
12. (For proposed improvements). The appraiser(s) reserves the right to inspect the subject improvements when completed to verify conformance with the plans and specifications upon which this appraisal is based.
13. Soils conditions, underground or concealed hazardous materials, or other features of the property not visibly apparent are not investigated by the appraiser(s) unless it is specifically addressed in the report. Any damages arising from such defects in the property is without warranty or liability of the appraiser(s).
14. Any damages incurred by the use of or reliance on the appraisal report is without warranty or liability except for the amount of the fee paid to the appraiser(s).
15. By the use of or reliance on this appraisal report, such user is assumed to have read and agrees to these 15 numbered limiting conditions and assumptions.

END OF APPRAISAL REPORT AND EXHIBITS

APPRAISAL

of

LAND

**EAST OF THE SOUTHEAST CORNER
38TH AVENUE AT KIPLING STREET
WHEAT RIDGE, COLORADO**

Prepared For

CITY OF WHEAT RIDGE

Valuation Date

MARCH 26, 2017

by

Mac Taggart & Mosier, Inc.

Real Estate Appraisers and Consultants
40 South Allison Street
Lakewood, Colorado 80226
(303) 399-5615

MacTaggart and Mosier, Inc.

Real Estate Appraisers and Consultants

40 South Allison Street

Lakewood, CO 80226

Ph: 303-399-5615

Fx: 303-399-5617

email: rcmosier@aol.com

March 31, 2017

City of Wheat Ridge
7500 West 29th Avenue
Wheat Ridge, CO 80033

Attn.: Steve Art, Executive Director of the
Urban Renewal Authority

Dear Mr. Art:

At your request, I have inspected the vacant land east of the southeast corner of 38th Avenue at Kipling Street in Wheat Ridge, Colorado. The purpose of the inspection was to estimate the market value of the fee simple estate in this property in its "as is" condition as of March 26, 2017, the most recent date of inspection. The intended use of the appraisal report is to serve as a basis for pricing the property for disposal. The City is the client and the sole intended user of this appraisal report. At its discretion, the prospective buyer, its attorney and accounting professional may be included as additional intended users.

The definition of market value, legal description, 15-item limiting conditions and assumptions and other pertinent data used to solve the appraisal problem are included in the attached report. The report contains a total of 21 pages and 1 exhibit. The complete appraisal process was applied, and the report is in a narrative restricted format. It is restricted in the sense that

Mr. Steve Art
City of Wheat Ridge
March 31, 2017
Page 2

it does not contain all the descriptive data and reasoning needed for a third party to fully understand the process to arrive at the value conclusion. My file is complete so that, if needed, I can draft a narrative summary appraisal report with all the descriptive data and reasoning necessary to fully understand the processes and conclusions in this appraisal.

As concluded in the report, the subject property has a:

MARKET VALUE ESTIMATES
STANDALONE SECONDARY COMMERCIAL PREMISE
\$400,000
ASSEMBLAGE TO THE CORNER PREMISE
\$600,000

Thank you for the opportunity of working with you on this appraisal assignment.

Respectfully submitted,

Richard C.
Mosier

Digitally signed by Richard C. Mosier
DN: cn=Richard C. Mosier,
o=MacTaggart and Mosier, Inc., ou,
email=rcmosier@aol.com, c=US
Date: 2017.03.31 13:28:46 -06'00'

Richard C. Mosier, MAI
Colorado General Certified
Appraiser #CG01313149

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EXHIBITS

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IDENTIFICATION OF THE SUBJECT PROPERTY

The property that is the subject of this appraisal is the vacant land east of the southeast corner of 38th Avenue at Kipling Street in Wheat Ridge, Colorado. The legal description is:

Lot 3, 38th & Kipling Park Subdivision, County
of Jefferson, State of Colorado.

The legal description above is from the plat on record in the Jefferson County Records. For additional identification the Assessor's parcel number is 39-272-18-005.

PROPERTY RIGHTS APPRAISED

The property rights appraised are those of the fee simple estate, subject only to normal encumbrances of eminent domain, taxation, police power and escheat.

OWNERSHIP AND SALES HISTORY

The owner of record is the City of Wheat Ridge. This entity has owned the property for many years and the last item on record is the plat recorded June 18, 2010. The property is not listed for sale or under contract for sale. There is an interested party (affiliated with CVS drug stores) attempting to buy the property. I have not been told of any asking price or offer amount in relation to this prospective sale.

PURPOSE OF APPRAISAL

The purpose of this appraisal is to estimate the market value of this property in an "as is" condition. The intended use of the appraisal report is to serve as a basis for pricing the property for disposal. The City is the client and the sole intended user of this appraisal report. At its discretion, the prospective

buyer, its real estate agent, its attorney and accounting professional may become additional intended users.

EFFECTIVE DATE OF VALUATION

The effective date of this appraisal is March 26, 2017, the most recent date of inspection. The written report was prepared on March 31, 2017.

SCOPE OF THE APPRAISAL

This appraisal report is in narrative restricted format with all data, reasoning and analyses to support the conclusions included in my file. The narrative in this report is intended to communicate the findings to a knowledgeable client and some of the descriptive data and reasoning to support the value estimate are omitted. The use of this report is restricted to the client as there may not be sufficient information and reasoning for a third party to understand the value conclusions. The file is complete with all data and reasoning to support the conclusions stated in this report. The complete appraisal process is applied utilizing all approaches and techniques that help solve the appraisal problem. The sales comparison is applied to value the subject property. The cost approach and the income approach are not suitable or valuing vacant land and are not applied in this case.

The appraiser has made a personal on-site inspection of the property. Records provided by the client or management of the property were collected and utilized in the appraisal process. The only record provided is the Assessor's parcel number.

The public records were investigated to determine the last sale of the subject. The assessor's office was consulted to learn the assessed value, mill levy, improvement size and layout of the subject site. Several independent sources for information on sales and rentals of improved property and sales of land were

investigated to produce the data relied upon in this report. The data was then analyzed for relevance and applicability to this specific appraisal problem and is the basis for the conclusions to value expressed in this report. Several conclusions are expressed in this appraisal that the appraiser has accepted as reasonable without proof or documentation. Certain other business and engineering disciplines are deferred to in this report, and the reader should not substitute the conclusions of the appraiser for the professional services appropriate to those disciplines.

EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS

An extraordinary assumption is one which, if proved false, would result in a significant change in the value estimate. There are no extraordinary assumptions that affect this appraisal.

A hypothetical condition is one which is known to be false, but for the purposes of the appraisal is assumed to be true. There are no hypothetical conditions in this appraisal.

DEFINITION OF MARKET VALUE

The term "Market Value", as used in this appraisal report, is defined as follows:

"The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress."

Source: The Appraisal of Real Estate, Fourteenth Edition, published by the Appraisal Institute.

TYPICAL MARKET FINANCING

Typical financing for this property type is up to 60% of

value at interest rates of 5.0% to 6.0% amortized over 3 to 5 years, fully amortizing or with large balances due at the end of the term. It is also common to carry the financing interest only until the loan is called. Any seller assisted financing approximating these terms is deemed equivalent to cash to the seller.

REASONABLE EXPOSURE TIME

Reasonable exposure to the market refers to the time before the effective date of appraisal. Of the sales researched for this appraisal only a few report exposure time and the range of exposure time is from 41 to 866 days on market. There is much more activity as of late and the estimated exposure time is 9 to 12 months.

METROPOLITAN DENVER DATA

The discussion of the economic conditions affecting the Metropolitan Denver area is available at the client's request. The National economy has come through a recession that varied in its intensity from region to region. While the West Coast, Sun Belt and Rust Belt sections of the country are hit hard by the recession, the Mountain Region is not so desperate. Coming off of three years of modest growth, the local economy was not so overheated as to be poised for a big fall. The recovery officially began in 2009 but job creation lagged and masked any appreciable signs of recovery. Over the last four years, job growth has begun again in a modest fashion and in the last two years job creation has picked up steam. The recession was exacerbated by the lack of credit for commercial mortgages and the specter of commercial loans coming due when there was no credit to refinance them. Credit is moving once again, and a brisk recovery is now underway, led by residential and particularly apartment

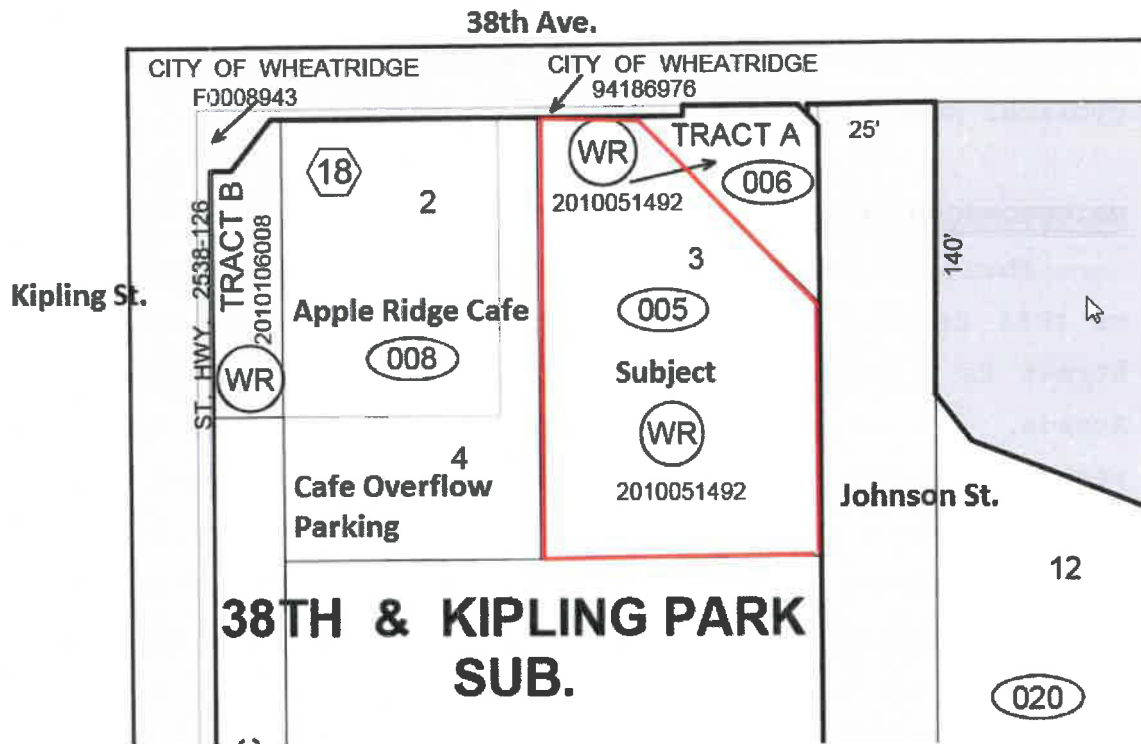
construction. Fueled by in-migration and exacerbated by a lack of condominiums for individual ownership (builder liability to homeowners and HOA's being a chief factor) the demand for apartments has escalated rents and occupancy to a point of imbalance. New apartments are being constructed to meet the demand, and a pull on the rest of the real estate markets is being felt with new construction in every sector. All the real estate activity is driven by a mature general economic expansion, and a cyclical downturn can be expected.

NEIGHBORHOOD DESCRIPTION

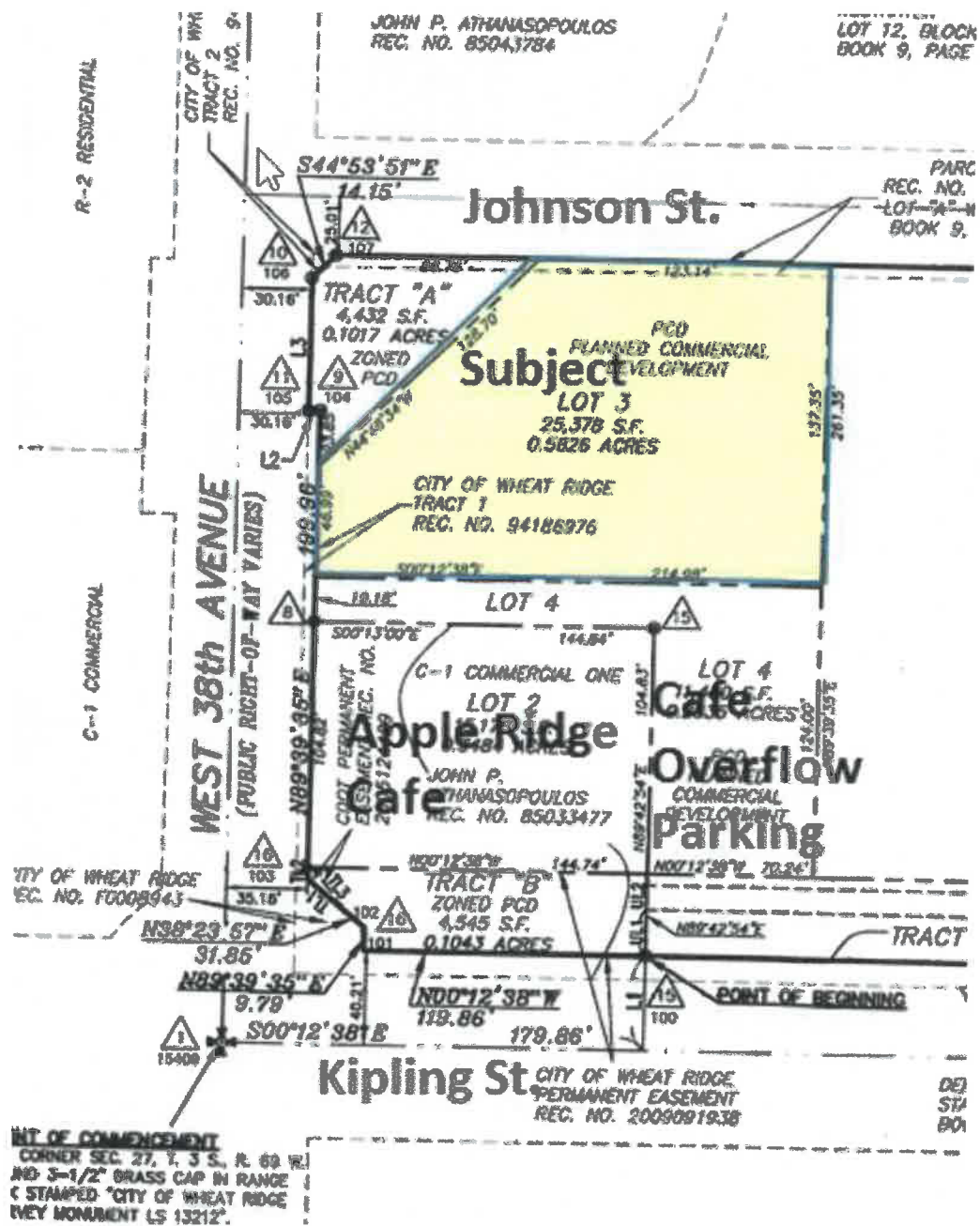
This section is omitted for the narrative restricted format of this report. It is, however, important to note that Kipling Street is a major thoroughfare through Wheat Ridge, Lakewood and Arvada. It is not an intensive commercial retail strip in the vicinity of the subject but is becoming more so with a recently-opened Sprouts Grocery store and a new Starbucks store on the southwest corner at 38th Avenue. 38th Avenue is a collector street without significant retail concentration along this stretch of the road.

The subject site in relation to this corner is just east of the Apple Ridge Café that occupies the southeast corner of 38th Avenue at Kipling Street. Originally, it was an Arctic Circle fast food restaurant dating from the 1970's. It has operated for the last few decades as a neighborhood diner with a loyal following. It sold in January, 2015 for \$750,000 and has continued to operate as a restaurant. The sale calculates to \$28.13 per square foot of land area which, as the sales comparison approach will show later, is near the prices paid for land value for corner retail sites. The significance of this property and the relationship of the subject to it is that CVC drugstores, or an agent representing them, has approached the City of Wheat Ridge

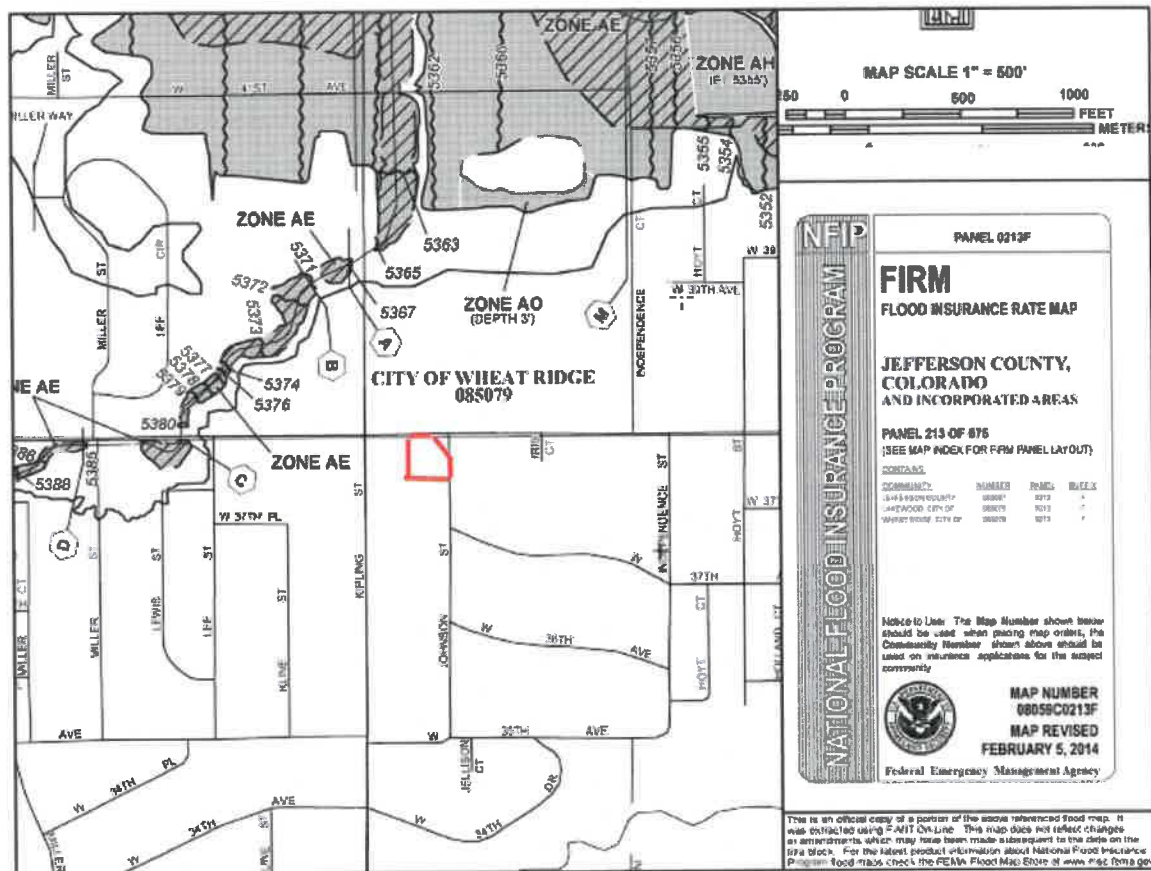
inquiring for the availability of the subject site to assemble to the corner.



ASSESSOR'S MAP; SUBJECT IN RED.



PORTION OF THE PLAT MAP



FLOOD PLAIN MAP; SUBJECT IN RED.

PROPERTY DESCRIPTION

The site is rectangular with a triangle missing from its northeast corner where a drainage ditch flows northwesterly through the corner. The site contains 25,378 square feet with a frontage on 38th Avenue of 46.99 feet, a depth to the south from 38th Avenue of 215.98 feet, frontage on Johnson Street of 123.14 feet, a depth to the west from Johnson Street of 137.35 feet and a shared property line with the drainage ditch (Trace A) of 128.70 feet.

Vehicular access to the site is only from Johnson Street. It has access from Lot 4 adjacent to the west that is used from time to time for overflow parking for the Apple Ridge Café,

although the subject site is not used for overflow parking for the restaurant. The adjacent land to the south is also owned by the City of Wheat Ridge upon which they have constructed a park. There is gravel paving on the subject site indicating it has been used for overflow parking for the park.

The plat shows no easements affecting the subject site. A current survey was not provided so no statement regarding easements or encroachments can be made except to say none are assumed to exist that would adversely affect the utility or value of the subject site. The site slopes downward to the northwest.

The site is not in a flood hazard area. There are no obvious signs of hazardous materials on or around the site. There have been gas stations Kipling Street and 38th Avenue that are potential sources for hydrocarbon emissions in the ground water and a Phase I environmental assessment is advisable to see if any hazardous material may have leaked underground to affect the subject site.

The soil conditions are not known and a soils engineer should be consulted in the event of recent construction of new subject improvements. The existing buildings in the immediate area show no obvious signs of heaving or subsiding soils.

The City of Wheat Ridge provides water, sanitary sewer and storm sewer utilities. Xcel Energy provides gas and electric power.

The site is zoned Planned Commercial Development along with the rest of the 38th & Kipling Park Subdivision. This is specific zoning ordinance crafted for this subdivision alone. Most of the subdivision is now a City maintained park but the northern portion is reserved for "future conveyance" and may be used for commercial uses as allowed in the RC, Residential Commercial Zone District. (The 2008 outline development plan for 38th & Kipling Park calls

the RC zone district "Residential Commercial, while the current zoning map and land use schedule calls RC zoning "Restricted Commercial" and does not list "Residential Commercial" zone district.) The RC zone district allows a wide array of commercial retail and secondary commercial uses but, oddly for CVC that enquires about this site, does not allow drug stores. Every other commodity found in a CVC or Walgreens store appears on the permitted use list for RC zoning except drug stores. A zoning clarification, variance or rezone to a more intense zone district such as C-1 or C-2 will be necessary to accommodate a CVC store. The Apple Ridge Café site that is at the corner is zoned C-1 and the parcel known as Lot 4 of 38th & Kipling Park Subdivision (that is included in the ownership of the Café) is zoned Planned Commercial Development along with the subject site. Lot 4 is already included in the corner assemblage.

PERSONAL PROPERTY

There are no items of personal property included in this appraisal.

TAXES AND ASSESSMENTS

The property at is valued at \$8,200 on the tax roll for Jefferson County. It is owned by the City of Wheat Ridge and is therefore exempt from taxation. It is valued as open space and park land which it clearly will not be if it is disposed from the City holdings.

HIGHEST AND BEST USE

Highest and best use may be defined as:

The reasonably probable and legal use of vacant land or an improved property that is physically possible, legally permissible,

appropriately supported, financially feasible, and that results in the highest value.

SOURCE: The Appraisal of Real Estate,
Fourteenth Edition, Appraisal
Institute.

The highest and best use of this property as a standalone site is for an office or a secondary commercial use that can capitalize on the 38th Avenue exposure and connection to retail uses along Kipling Street. Alternatively, it can be productively assembled with the adjacent parcel in the direction of Kipling Street to create a larger retail site with full corner access and exposure. The other corners are occupied by convenience stores on the northwest and northeast corners, and a Starbucks store backed up by the Sprouts Natural Grocery store at the southwest corner. Assembling the subject site to the corner provides the requisite site area to support a national chain store, such as CVS that has expressed an interest in the corner. At the present time the assemblage is not an accomplished fact and the highest and best use is for secondary commercial use or assemblage to the corner. The value as a potential assemblage to the corner is at least as much as its value as a secondary commercial site, and at most its value is commensurate with the value of the assembled corner site. To place a value on the subject site as a corner retail site would be an error, but the assemblage to that corner establishes a maximum amount the value can attain as part of the assemblage. Where the appropriate value falls in the range between secondary commercial and retail corner is a matter of urgency: how important to the assembled corner value is the subject property? After determining the value of the site as a secondary commercial site, I present sale properties of retail corner sites and a discussion of the premium attributable to the subject for assemblage to the corner.

The standalone highest and best use as a secondary commercial use meets three of the four tests for highest and best use: it is legal, physically possible and financially feasible. Without a potential for assemblage to the corner it is also the maximally productive use, but it has a higher site value if assembled to the corner. The additional site size gained from assembling the subject to the corner makes the corner large enough to attract national companies for their stores, such as Walgreens, CVS or major fast food companies that favor busy corners. In this respect the subject is a necessary component to the assemblage and a premium above the secondary commercial value level can be expected.

The evolution of the concept of highest and best use through this discussion comes down to this statement: the highest and best use of this property is to assemble to the parcels adjacent to the west to create a single usable site at the corner for high intensity retail commercial use.

VALUATION OVERVIEW

The sales comparison approach will be used to value the subject property as a vacant site. The cost approach and income approach find no application here to value the vacant land.

SALES COMPARISON APPROACH

The sales comparison approach measures value by comparing the subject property to other similar land parcels that have sold in the marketplace. The comparable sales are cited below. The premise of the valuation at this point is to address a standalone secondary commercial site. A premium for inclusion of the subject into an assemblage to the corner is addressed next.

Land Sales, Jefferson County
File LSGRef1704, WR.38th

Sale Location No. Grantor/Grantee	Date	Price	Area (Sq.Ft.)	Comments	Price Per SF Financing
1 7321 Sheridan Blvd. Under contract	Under contract 866 dom	\$500,000	24,829	Zoned PUD, Westminster, Lot in a Commercial Subdivision.	\$20.14 Cash to Seller.
2 9890 W. 44th Ave. Click Estate/ Sheard Family Trust	Jul-15	\$532,000	43,516	Zoned C-1 Wheat Ridge; Residential Improvements. Demo'd After Sale; Actual Price \$507,000, Plus Demo. \$25K = \$1,042,526.	\$12.23 Cash to Seller.
3 7960 Wadsworth Blvd. Edgemark Development Services, LLC/ Mountain Dental Specialties, LLC	May-15	\$500,000	51,836	Zoned B-2 Arvada; Vacant Pad w/o Wadsworth Frontage. Purchased for Dental Clinic.	\$9.65 Cash to Seller.
4 N of NWC Bowles Avenue @ Simms St. Market Development Corporation/ CBH Properties Ken Caryl, LLC	Nov-15	\$450,000	30,000	Zoned PD, Jefferson County; Lot in Commercial Subdivision. Purchased for Christian Brothers Automotive.	\$15.00 Cash to Seller.
5 6230 W. 38th Ave. Johnson/ Sophium Real Estate, LLC	Oct-15 41 dom	\$432,000	30,056	Zoned MU-N Wheat Ridge Vacant Lot; For Sale	\$14.37 Cash to Seller.
6 NW of NWC 64th Avenue at Indiana St. Acorn 4 Arvada Marketplace/ Doud BTS, Inc.	Sep-16	\$425,000	27,007	Zoned PUD-BP, Arvada; Vacant Site.	\$15.74 Cash to Seller.

The sales are adjusted for:

Time: Commercial property values have been increasing at about 10% per year from mid-2014. The adjustments are from 5% to 20% for time. Sale No. 1 is a contract and is adjusted downward 10% to account for the likely discount from the listing price when the sale will actually occur.

Circumstances of Sale: All of the sales occurred under normal circumstances with no undue compulsion to buy or to sell.

Financing: All of the sales were for cash or cash to seller. There are no adjustments for this feature.

Subtotal Adjustments and Adjusted Price: The price of each sale is adjusted for transactional elements of value and the adjusted price is calculated. All sales are brought to the same point in time, circumstance, and unaffected by financing. The remaining adjustments deal with physical variations in the comparable properties.

Location: Locations interior to the larger development but have retail visibility to the major street are adjusted downward 10% for location. Properties that are interior to the larger development (not on a corner) and have minimum retail exposure are on par with the subject location.

Layout and Topography: All the sales are basically level and receive no adjustment for this feature.

Size: Sale properties over 40,000 square feet are adjusted upward 10% for size.

The adjustments are applied consistently on the following spreadsheet. The sales are ranked highest to lowest in descending order of importance. Sale Nos. 6, 1 and 2 are the three best sales and receive the highest ranking. Sale No. 6 is fairly recent and Sale No. 1 is under contract. The land use for these purchases is secondary commercial. The rank times the indicated value is extended into the rightmost column. The sum of the rankings divided into the sum of the extensions is a weighted average of \$15.94 per square foot of land. The value

is (25,378 square feet land Area X \$15.94 per square foot =)
\$1,119,559, rounded to \$404,525.

**VALUE ESTIMATE BY SALES COMPARISON APPROACH
STANDALONE SECONDARY COMMERCIAL PREMISE
\$400,000**

Adjustment Grid to Compare to 38th Ave. E. of Kipling St.

Sale Location No. Grantor/Grantee	Price Per SF	Time	Circumst. of Sale	Financing	Subtotal Adjustments	Adjusted Price	Location /Use	Layout Topography	Size	Net Adj.	Indicated Value	Weight	Extension
1 7321 Sheridan Blvd.	\$20.14	90%	100%	100%	90%	\$18.12	-10% Interior	0% Level	0%	-10%	\$16.31	5	\$81.56
Visiblity to Maj. St.													
2 8880 W. 44th Ave.	\$12.23	118%	100%	100%	118%	\$14.43	0% Interior	0% Level	10%	10%	\$15.87	4	\$63.47
Min. Ret. Exposure													
3 7960 Wadsworth Blvd.	\$9.65	120%	100%	100%	120%	\$11.57	0% Interior	0% Level	10%	10%	\$12.73	2	\$25.46
Min. Ret. Exposure													
4 N of NWC Bowles Avenue @ Sir	\$15.00	115%	100%	100%	115%	\$17.25	-10% Interior	0% Level	0%	-10%	\$15.53	1	\$15.53
Visiblity to Maj. St.													
5 6230 W. 38th Ave.	\$14.37	115%	100%	100%	115%	\$16.53	0% Interior	0% Level	0%	0%	\$16.53	3	\$49.59
Min. Ret. Exposure													
6 NW of NWC 64th Avenue at India	\$15.74	105%	100%	100%	105%	\$16.52	0% Interior	0% Level	0%	0%	\$16.52	6	\$99.14
Min. Ret. Exposure													

Column Totals: 21 \$334.75
Weighted Average: \$15.94

PREMIUM FOR ASSEMBLAGE

Because the highest and best use is for assemblage to the corner to create a retail site for a national retailer, the value of the subject is influenced by: its proximity to the corner; the lack of adequate size of land at the corner; and the lack of other possibilities to acquire the necessary land. A premium over and above its value as a standalone secondary commercial site is warranted. The following sales are presented to demonstrate the going rate for corner locations for national retailers to construct new facilities. The range is from \$25.80 to \$37.64 per square foot before adjustments. After making transactional adjustments (in this case just for time) the prices are \$26.58 to \$40.65 per square foot.

Corner Sites to National Retailers

Sale Location	Date	Price	Area (Sq.Ft.)	Comments	Price Per SF	Financing
No. Grantor/Grantee 7 5904 S. Kipling St. Gosch, et ux., Heckman Management/ CVS 10782 Co., LLC	Dec-16 405 dom	\$1,450,000	56,198	Zoned PD, Jefferson County; Car Wash, 3,372 SF Demo'd 2 Retail Buildings 5,447 SF Demo'd Actual Price \$1,350,000 plus Demo \$100K = \$1,450,000.	\$25.80	Cash to Seller.
8 280 S. Yarrow St. Suppa Properties, LLC EGO, Inc.	Jan-17	\$1,650,000	55,404	Zoned M-C-U, Lakewood Purchased for new retail center 17,621 SF.	\$29.78	Cash to Seller
9 NWC 72nd Ave. @ Sheridan Blvd. Cadence Development, LLC/ Legend Lake 7211 N Sheridan, LLC	Jun-16	\$705,000	18,731	Zoned PUD Westminster; Lot in a Commercial Subdivision. Same-Day Sale Tepper, et ux to Cadence, \$530,000, or \$28.30/SF "Denny's" Restaurant now under construction.	\$37.64	Cash to Seller
10 3244 S. Wadsworth Blvd. Michel Cory Family, LLC/ Red Robin West, Inc.	Jun-16	\$975,000	28,835	Zoned C-R Lakewood; "Perkins" Restaurant, 5,212 SF Demo'd Actual Price \$900,000 plus Demo \$75K = \$975,000. Pad in Shopping Center; Purchased for new "Red Robin" restaurant.	\$33.81	Cash to Seller.

Sale Location	Price	Circumst.	Financing	Subtotal	Adjusted
No. Grantor/Grantee	Per SF	of Sale		Adjustments	Price
7 5904 S. Kipling St.	\$25.80	100%	100%	103%	\$26.58
8 280 S. Yarrow St.	\$29.78	100%	100%	103%	\$30.67
9 NWC 72nd Ave. @ Sheridan Blvd	\$37.64	100%	100%	108%	\$40.65
10 3244 S. Wadsworth Blvd.	\$33.81	100%	100%	108%	\$36.52

These sales are not used to directly value the subject site. The subject has no frontage or exposure to the major thoroughfare. But assembled to the corner, it takes on the characteristics of the larger corner site. These sales represent the maximum amount of value the subject site could obtain were it included with the corner site. To build a free-standing retail store about 50,000 square feet of land area is necessary and the corner has 26,658 square feet. The subject site (25,378 square feet) is necessary to assemble to the corner to achieve this size necessary for national retail development. This puts the subject property in an advantageous negotiating position, and the premium for assemblage will be substantial. I judge the premium to be 50% of the base value as a secondary commercial site, bringing the value to (\$15.94 per square foot X 1.5 =) \$23.91 per square foot. The inventory of alternative sites along Kipling Street from 26th Avenue to I-70 suggests that the premium would not be more than 50%. The value of the subject site is (25,378 square feet X \$23.91 per square foot =) \$606,788, rounded to:

**MARKET VALUE ESTIMATE
ASSEMBLAGE TO THE CORNER PREMISE
\$600,000**

VALUATION SUMMARY

Due to the proximity of this property to the corner and its complementary layout and size with relation to the corner parcel, both the standalone secondary commercial premise and the assemblage to the corner premise are presented. Those value estimates are:

MARKET VALUE ESTIMATES
STANDALONE SECONDARY COMMERCIAL PREMISE
\$400,000
ASSEMBLAGE TO THE CORNER PREMISE
\$600,000

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct;
- the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions;
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved;
- I have performed no services as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment;
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
- my engagement in this assignment was not contingent upon developing or reporting predetermined results;
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
- my analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Appraisal Institute's Code of Professional Ethics and Standards of Appraisal Practice, which include the Uniform Standards of Professional Appraisal Practice. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives. As of the date of this report, Richard C. Mosier has completed the requirements of the continuing education program of the Appraisal Institute;
- I have made a personal inspection of the property that is the subject of this report; and
- no one provided significant real property appraisal assistance to the person signing this certification.

**Richard
C. Mosier**

Digitally signed by Richard C.
Mosier
DN: cn=Richard C. Mosier,
o=MacTaggart and Mosier, Inc., ou,
email=rcmosier@aol.com, c=US
Date: 2017.03.31 13:29:17 -06'00'

Richard C. Mosier, MAI
Colorado General Certified
Appraiser #CG01313149

EXHIBIT "A"

QUALIFICATIONS OF THE APPRAISER
AND LIMITING CONDITIONS

QUALIFICATIONS OF APPRAISER

NAME : Richard C. Mosier, MAI
EDUCATION : Bachelor of Science Degree in Business
Administration; Building Industry and Real Estate
Major; University of Denver, June, 1973.

APPRAISAL DESIGNATIONS, OFFICES HELD:

MAI (Member, Appraisal Institute)
Certificate No. 6334, November, 1981
Appraisal Institute, Colorado Chapter, President 1991
Appraisal Institute, Region II Finance Officer 1993-2004
Appraisal Institute, Region II, Chair 2007
Appraisal Institute, National Board of Directors 2006-2007

APPRAISAL INSTITUTE CLASSROOM INSTRUCTOR:

AI Basic Appraisal Principles Since 2012
AI Basic Appraisal Procedures Since 2012
AI General Sales Comparison Approach Since 2013
AI General Income Capitalization Approach,
Parts 1 and 2 Since 2013
AI General Site Valuation and Cost Approach Since 2013

MEMBER OF : Denver Board of Realtors (Appraiser Member).
LICENSES : Real Estate Broker in Colorado since June, 1975
Certified General Appraiser in Colorado, #CG01313149
Certified General Appraiser in Wyoming, #376

BUSINESS AFFILIATIONS:

Mac Taggart & Mosier, Inc., President
40 South Allison Street
Lakewood, Colorado 80226

APPRAISAL EXPERIENCE:

Appraised various types of real property including single-family homes, condominiums, apartments, shopping centers, commercial buildings, restaurants, service stations, office buildings, warehouses, manufacturing plants, motels, golf courses, subdivisions and land developments, easements, conservation easements, water rights, leased fee and leasehold estates, and special purpose, residential, commercial and industrial land. Qualified expert witness in District Courts of Denver, Arapahoe, Boulder, Douglas, Elbert and Jefferson Counties, Federal Bankruptcy Court, various arbitration proceedings.

CAREER HISTORY: Associated with C. K. Mac Taggart, MAI, since graduating from college in 1973 in a research analyst capacity until 1976. Served as an associate appraiser until July, 1980, when Mac Taggart and Mosier, Inc., was formed.

REPRESENTATIVE LIST OF APPRAISAL CLIENTS:

AAA Colorado	Denver Health	Jefferson County
ANB Bank	and Hospitals	Open Space
Bank of the West	Denver Lumber Company	Kansas State Bank
Boulder County Board	Douglas County	Metro West
of Equalization	Douglas County Board	Housing Solutions
Broomfield County Board	of Equalization	PCV Murcor
of Equalization	Federal Deposit	Sage Capital
City of Lakewood	Insurance Corporation	Town of Loveland
City of Wheat Ridge	Fidelity National Title	Town of Silverthorne
City of Centennial	First Citizen's Bank	UMB Bank
Colorado State Bank	FirstBank	Wells Fargo Trust
Colorado Department	GE Capital National	Department
of Transportation	Home State Bank	Various Private
Colliers International	Jefferson County	Individuals
Comerica Bank	Dept. of Highways	

LIMITING CONDITIONS AND ASSUMPTIONS

1. Title to the property is assumed to be good and marketable.
2. No responsibility for legal matters is assumed, nor is the appraiser(s) required to give testimony or appear in court unless prior arrangements have been made in writing. If any courtroom or administrative testimony is required in connection with this report, an additional fee shall be charged for those services.
3. All information in this report has been obtained from reliable sources. The appraiser(s) cannot, however, guarantee or be responsible for the accuracy of the information furnished by others.
4. Sketches in this report are intended for illustrative purposes only.
5. If the property being appraised is a fractional interest(s) of real estate, it, when added to the value of any other fractional interest(s), may or may not equal the value of the entire fee simple estate.
6. If the property being appraised is a geographical portion of a larger parcel, it, when combined with the remaining geographical portion(s), may or may not equal the value of the whole.
7. One (or more) of the signatories of this appraisal report is a member of the Appraisal Institute. The Bylaws and Regulations of the Institute require each member to control the use and distribution of each appraisal report signed by such member. The party for whom this appraisal report was prepared may distribute copies of this report, bearing original signature(s), only in its entirety. Such copies that are distributed must contain all exhibits including these limiting conditions and assumptions.
8. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the written consent and approval of the appraiser(s), particularly as to valuation conclusions, the identity of the appraiser(s) or firms with which connected, or any reference to the Appraisal Institute or to the MAI or SRA designations.

9. The distribution of the total valuation in this report between land and improvements applies only under the existing utilization and zoning of the property. Land and improvements are not severable for other valuation purposes.
10. Mechanical, electrical and plumbing systems in the improvements are presumed to be in operating condition, and no liability for the malfunction of those items is assumed by the appraiser(s). A qualified engineer is recommended for an opinion of serviceability and adequacy of those components.
11. (For proposed improvements). Completion as per the plans and specifications submitted and construction to start within a reasonable time period from the date of this report.
12. (For proposed improvements). The appraiser(s) reserves the right to inspect the subject improvements when completed to verify conformance with the plans and specifications upon which this appraisal is based.
13. Soils conditions, underground or concealed hazardous materials, or other features of the property not visibly apparent are not investigated by the appraiser(s) unless it is specifically addressed in the report. Any damages arising from such defects in the property is without warranty or liability of the appraiser(s).
14. Any damages incurred by the use of or reliance on the appraisal report is without warranty or liability except for the amount of the fee paid to the appraiser(s).
15. By the use of or reliance on this appraisal report, such user is assumed to have read and agrees to these 15 numbered limiting conditions and assumptions.

END OF APPRAISAL REPORT AND EXHIBITS

T.M.

C R O W L E Y

& ASSOCIATES

October 3, 2018

Steve Art
Executive Director
Wheat Ridge Urban Renewal Authority
7500 West 29th Avenue
Wheat Ridge, Colorado 80033

Steve –

Please accept this letter as confirmation of TMC Colorado 2, LLC's agreement with the appraisal price of \$650,000 contained in the updated August 15, 2018 appraisal from MacTaggart and Mosier to the City of Wheat Ridge.

TMC Colorado 2, LLC is currently under contract with the other parcels necessary to complete the development of a CVS Pharmacy and the relocation and development of the AppleRidge Café. The above price would be subject to further contingencies regarding the development timeline and permitting of the aforementioned developments and assistance from the Wheat Ridge Urban Renewal Authority.

Please let me know if you have any further questions.

Thank you,



AJ Barbato
Executive Vice President of Real Estate Development
T.M. Crowley and Associates



October 9, 2018

Wheat Ridge Urban Renewal Authority
7500 West 29th Avenue
Wheat Ridge, Colorado 80033

Attn: Mr. Steve Art
Executive Director

Re: SEC 38th & Kipling Redevelopment
Trip Generation Comparison Letter

Dear Mr. Art:

This letter documents a comparison of trip generation of a proposed redevelopment to occur on the southeast corner of the 38th Avenue and Kipling Street intersection in Wheat Ridge, Colorado. Apple Ridge Café exists directly on this corner, and a vacant parcel is located to the east of this existing restaurant. A redevelopment is proposed which would include replacing the existing restaurant and vacant parcel with a proposed approximate 13,111 square foot pharmacy with drive-through window.

Apple Ridge Café is approximately 3,000 square feet. It is believed that the existing vacant parcel to the east could and would likely otherwise develop into a 3,000-square foot fast food restaurant with drive through if this redevelopment project were not to occur. Therefore, a trip generation comparison between the existing 3,000 square foot Apple Ridge Café sit down restaurant and possible adjacent 3,000 square foot fast food restaurant with drive through was compared to a pharmacy with drive through use.

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the existing and proposed land uses to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual*¹ published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. Trip generation was based on the ITE Trip Generation, 10th Edition (most current edition) average rate equations for high-turnover sit-down restaurant (ITE Code 932) for the Apple Ridge Café restaurant, fast-food restaurant with drive-through (ITE Code 934) for the adjacent vacant parcel to represent development potential, and Pharmacy/Drugstore with Drive-Through Window (ITE Code 881) for this proposed redevelopment project to provide a comparative analysis.

The following table summarizes the anticipated trip generation for the proposed 13,111 square foot pharmacy with drive through window compared with the existing 3,000 square foot Apple Ridge Café restaurant and possible adjacent 3,000 square foot fast food restaurant with drive-through window (trip generation calculations are attached).

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Tenth Edition, Washington DC, 2017.

**Trip Generation Comparison
Apple Ridge Café and Adjacent Fast Food Restaurant
to Pharmacy with Drive Through (proposed restaurant)**

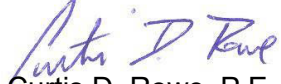
USE AND SIZE	DAILY VEHICLE TRIPS	WEEKDAY VEHICLE TRIPS					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing & Possible Uses – Apple Ridge Café and Adjacent Fast Food Restaurant							
Sit-Down Restaurant (932) 3,000 Square Feet	338	16	14	30	18	11	29
Fast Food Restaurant w/ DT (934) 3,000 Square Feet	1,414	62	59	121	51	47	98
Total	1,752	78	73	151	69	58	127
Proposed Use – Pharmacy with Drive Through							
Pharmacy/Drugstore W DT (881) 13,111 Square Feet	1,432	26	24	50	68	68	136
Net Difference in Trips	-320	-52	-49	-101	-1	+10	+9

As summarized in the table, the currently proposed redevelopment of the southeast corner of the 38th Avenue and Kipling Street intersection to a pharmacy with drive through would be anticipated to generate 1,432 daily weekday trips with 50 trips occurring during morning peak hour, and 136 trips occurring during the afternoon peak hour based on ITE equations and data. Based on the ITE equations for the existing Apple Ridge Café sit-down restaurant and a possible adjacent fast food restaurant with drive through, the proposed pharmacy redevelopment is anticipated to generate less traffic over an average weekday and during the morning peak hour, with slightly more traffic generated during the afternoon peak hour. The change in use is anticipated to account for a decrease of approximately 320 daily trips, a decrease of 101 trips in the morning peak hour, and an increase of 9 trips during the afternoon peak hour. Important to note, it is believed that the traffic generated by the existing Apple Ridge Café may be greater than the volumes predicted from the ITE equations due to the known busyness of the restaurant and the amount of parking provided on site.

In summary, this traffic study letter provides a trip generation comparison for a proposed pharmacy with drive through redevelopment to be located on the southeast corner of the 38th Avenue and Kipling Street intersection in Wheat Ridge, Colorado. The redevelopment is anticipated to decrease daily and morning peak hour traffic, but only slightly increase traffic to the project site during the afternoon peak hour. If you have any questions or require anything further, please feel free to call me at (303) 228-2304.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Curtis D. Rowe, P.E., PTOE
Vice President



Project Apple Ridge Café
 Subject Trip Generation for High-Turnover (Sit-Down) Restaurant
 Designed by Curtis Rowe Date September 26, 2018 Job No. _____
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - High Turnover Sit-Down Restaurant (932)

Independant Variable - 1000 Square Feet Gross Floor Area (X)

Gross Floor Area = 3,000 Square Feet

X = 3.000

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (900 Series Page 97)

Average Weekday	Directional Distribution:	55% ent.	45% exit.
T = 9.94 (X)	T = 30	Average Vehicle Trip Ends	
T = 9.94 * 3.000	16 entering	14	exiting

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (900 Series Page 98)

Average Weekday	Directional Distribution:	62% ent.	38% exit.
T = 9.77 (X)	T = 29	Average Vehicle Trip Ends	
T = 9.77 * 3.000	18 entering	11	exiting

Weekday (900 Series Page 96)

Average Weekday	Directional Distribution:	50% entering, 50% exiting
T = 112.18 (X)	T = 338	Average Vehicle Trip Ends
T = 112.18 * 3.000	169 entering	169 exiting

P.M. Peak Hour of Generator (900 Series Page 100)

Average Weekday	Directional Distribution:	52% ent.	48% exit.
T = 17.41 (X)	T = 52	Average Vehicle Trip Ends	
T = 17.41 * 3.000	27 entering	25	exiting

Saturday Peak Hour of Generator (900 Series Page 105)

Average Saturday	Directional Distribution:	51% ent.	49% exit.
T = 11.19 (X)	T = 34	Average Vehicle Trip Ends	
T = 11.19 * 3.000	17 entering	17	exiting

Non Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017-Page 207)

AM Peak Hour = 57% Non-Pass By	PM Peak Hour = 57% Non-Pass By
IN Out Total	
AM Peak 9 8 18	
PM Peak 10 6 17	
Daily 96 96 192	PM Peak Hour Rate Applied to Daily

Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017 -Page 207)

AM Peak Hour = 43% Pass By	PM Peak Hour = 43% Pass By
IN Out Total	
AM Peak 7 6 14	
PM Peak 8 5 13	
Daily 73 73 146	PM Peak Hour Rate Applied to Daily

Project SEC 38th & Kipling
 Subject Trip Generation for Fast-Food Restaurant with Drive-Through Window
 Designed by CDR Date October 09, 2018 Job No. _____
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - Fast Food Restaurant With Drive-Through Window (934)

Independant Variable - 1000 Square Feet Gross Floor Area (X)

Gross Floor Area = 3,000 Square Feet

X = 3.000

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (900 Series page 158)

Average Weekday	Directional Distribution:	51% ent.	49% exit.
T = 40.19 (X)	T = 121	Average Vehicle Trip Ends	
T = 40.19 * 3.000	62 entering	59 exiting	
	62 + 59 (*) =	121	

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (900 Series page 159)

Average Weekday	Directional Distribution:	52% ent.	48% exit.
T = 32.67 (X)	T = 98	Average Vehicle Trip Ends	
T = 32.67 * 3.000	51 entering	47 exiting	
	51 + 47 =	98	

Weekday (900 Series page 157)

Average Weekday	Directional Distribution:	50% entering, 50% exiting
T = 470.95 (X)	T = 1414	Average Vehicle Trip Ends
T = 470.95 * 3.000	707 entering	707 exiting
	707 + 707 =	1414

Saturday Peak Hour of Generator (900 Series page 163)

	Directional Distribution:	51% ent.	49% exit.
T = 54.86 (X)	T = 165	Average Vehicle Trip Ends	
T = 54.86 * 3.000	84 entering	81 exiting	
	84 + 81 =	165	

Non Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017)

AM Peak Hour =	51%	Non-Pass By	PM Peak Hour =	50%	Non-Pass By
	IN	Out	Total		
AM Peak	32	30	62		
PM Peak	26	24	49		
Daily	354	354	708	PM Peak Hour Rate Applied to Daily	

Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017)

AM Peak Hour =	49%	Pass By	PM Peak Hour =	50%	Pass By
	IN	Out	Total		
AM Peak	30	29	59		
PM Peak	26	24	49		
Daily	353	353	706	PM Peak Hour Rate Applied to Daily	

Project SEC 38th & Kipling
 Subject Trip Generation for Pharmacy/Drugstore with Drive-Through Window
 Designed by _____ Date _____ Job No. _____
 Checked by _____ Sheet No. _____ of _____

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - Pharmacy/Drugstore with Drive-Through Window (881)

Independant Variable - 1000 Sq. Feet Gross Floor Area (X)

SF= 13111

X = 13.111

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (page Series 800 Page 562)

Average Weekday	Directional Distribution:	53% ent.	47% exit.
T = 3.84 (X)	T = 50	Average Vehicle Trip Ends	
(T) = 3.84* (13.1)	26 entering	24 exiting	
	26 + 24 = 50		

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (Series 800 page 563)

Average Weekday	Directional Distribution:	50% ent.	50% exit.
T = 10.29 (X)	T = 136	Average Vehicle Trip Ends	
(T) = 10.29 * (13.1)	68 entering	68 exiting	
	68 + 68 = 136		

Weekday (Series 800 page 561)

Average Weekday	Directional Distribution:	50% entering, 50% exiting
T = 109.16 (X)	T = 1432	Average Vehicle Trip Ends
(T) = 109.16 * (13.1)	716 entering	716 exiting
	716 + 716 = 1432	

Saturday Peak Hour of Generator (page 1807)

T = 8.20 (X)	Directional Distribution:	49% ent.	51% exit.
(T) = 8.20 * (13.1)	T = 108	Average Vehicle Trip Ends	
	53 entering	55 exiting	
	53 + 55 = 108		

Non-Pass-by Trip Volumes (page 63, ITE Trip Generation Handbook, December 2012)

PM Average Pass By Percentage:	51%	Pass By
	IN	Out
AM Peak	13	12
PM Peak	35	35
Daily	365	365
Saturday	27	28
	Total	
	25	
	69	
	732	
	55	

PM Rate Applied to AM Peak
 PM Rate Applied to Daily
 PM Rate Applied to Saturday

Pass-by Trip Volumes (page 63, ITE Trip Generation Handbook, December 2012)

PM Average Pass By Percentage:	49%	Pass By
	IN	Out
AM Peak	13	12
PM Peak	33	33
Daily	351	351
Saturday	26	27
	Total	
	24	
	67	
	702	
	53	

PM Rate Applied to AM Peak
 PM Rate Applied to Daily
 PM Rate Applied to Saturday

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 33-2018 – AN ORDINANCE APPROVING A ZONE CHANGE FROM AGRICULTURAL-ONE (A-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 4440 TABOR STREET (CASE NO. WZ-18-15/CLEAR CREEK TERRACE)

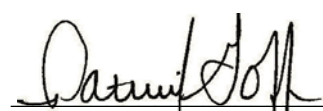
☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☒ ORDINANCES FOR 1ST READING (11/26/2018)
☐ ORDINANCES FOR 2ND READING (1/14/2019)

QUASI-JUDICIAL: ☒ YES

☐ NO



Community Development Director

City Manager**ISSUE:**

The applicant is requesting approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 4440 Tabor Street. The purpose of this request is to prepare the property for development of a twenty-six unit townhome project.

PRIOR ACTION:

Planning Commission heard this request at a public hearing held on November 15, 2018 and gave a recommendation of approval for the following reasons:

1. The proposed zone change will promote the public health, safety, and welfare of the community.
2. The proposed zone change will provide a land use transition from 44th Avenue to the low-density neighborhoods to the north.
3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.

4. The zone change will promote redevelopment and revitalization of the property and may serve as a catalyst for other property redevelopment or improvements in the area.
5. The criteria used to evaluate a zone change support the request.

The staff report and meeting minutes from the Planning Commission meeting will be included with the ordinance for second reading.

FINANCIAL IMPACT:

The proposed zone change is not expected to have a direct financial impact on the City. Fees in the amount of \$1,286.00 were collected for the review and processing of Case No. WZ-18-15.

BACKGROUND:

Current Zoning/Property Description

The property is located mid-block on Tabor Street north of 44th Avenue and south of Interstate-70. The property is approximately 2.07 acres in size, is “L”-shaped, and is currently undeveloped.

The existing A-1 zoning on the property allows single-family residential estate living (one acre lots) within a quasi-rural or agricultural setting. In addition to single-family residential, general farming operations and uses such as greenhouses, stables and fish hatcheries are allowed as permitted land uses. Under current zoning, if the property were subdivided for residential development, it could have two single-family homes on it.

Tabor Street is designated as a collector street and is a primary north-south route between W. 44th Avenue and W. 52nd Avenue, connecting to both the 1-70 Frontage Road and the Wheat Ridge-Ward commuter rail station. Traffic counts taken in 2016 indicate a traffic volume of 4,496 vehicles per day on this stretch of Tabor Street.

Surrounding Land Uses

The site is surrounded by a variety of zoning designations and land uses. To the north, east, and south of the subject property are a variety of residential zone districts including Residential-One (R-1), Residential-Two (R-2), and Residential-Three (R-3). This area includes single-family homes, duplexes, and some small multi-family developments. To the west across Tabor Street are a variety of commercial zone districts, Planned Commercial Development (PCD) and Commercial-One (C-1), as well as a property that was rezoned to Mixed Use – Neighborhood (MU-N) by City Council on April 30, 2018.

Proposed Zoning and Outline Development Plan

The proposed Planned Residential Development zoning and Outline Development Plan are intended to accommodate 26 townhome units in four and six unit building configurations. Each of the units will have an attached, rear-loaded two-car garage. A single curb cut on Tabor provides access into the property.

If approved, the proposed density would be 12.5 units per acre, which is similar to the City’s R-3 zoning and considered to be in the medium-density range. Because the property exceeds one acre

in size, it is not eligible to be rezoned to R-3 or any other straight residential zone district; it is eligible only for a PRD or mixed use district. A complete analysis of the zone change criteria and ODP will be included with the ordinance for second reading.

RECOMMENDATIONS:

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

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

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

RECOMMENDED MOTION:

“I move to approve Council Bill No. 33-2018, an ordinance approving the rezoning of property located at 4440 Tabor Street from Agricultural-One (A-1) to Planned Residential Development (PRD) with approval of an Outline Development Plan, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 14, 2019 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

REPORT PREPARED/REVIEWED BY:

Meredith Reckert, Senior Planner

Lauren Mikulak, Planning Manager

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 33-2018

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 33
ORDINANCE NO. _____
Series of 2018

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM AGRICULTURAL-ONE (A-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 4440 TABOR STREET (CASE NO. WZ-18-15/CLEAR CREEK TERRACE)

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, Creekside Homes, LLC has submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) zone district with an Outline Development Plan for property located at 4440 Tabor Street; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which designates the property along the east side of Tabor Street as Neighborhood; and,

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

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

Section 1. Upon application by Creekside Homes, LLC, for approval of a zone change ordinance from Agricultural-One (A-1) to Planned Residential Development (PRD) for property located at 4440 Tabor Street, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change is approved for the following described land:

Lot 2, Davisher Minor Subdivision, City of Wheat Ridge, County of Jefferson, State of Colorado.

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

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

health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 26th day of November, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, January 14, 2019, at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

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

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 32-2018 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6985 W. 38TH AVENUE FROM COMMERCIAL-ONE (C-1) TO MIXED USE-NEIGHBORHOOD (MU-N) (CASE NO. WZ-18-21/BARTA)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☒ ORDINANCES FOR 1ST READING (11/26/2018)
☐ ORDINANCES FOR 2ND READING (01/14/2019)

QUASI-JUDICIAL:

☒ YES

☐ NO



Community Development Director



City Manager

ISSUE:

The applicant is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 W. 38th Avenue.

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

PRIOR ACTION:

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

FINANCIAL IMPACT:

The proposed zone change is not expected to have a direct financial impact on the City. Fees in the amount of \$845 were collected for the review and processing of Case No. WZ-18-21.

BACKGROUND:

The subject property is located at 6985 W. 38th Avenue. The property is approximately a sixth of an acre in size (6,900 square feet) and is located on the north side of W. 38th Avenue between

Reed Street and Pierce Street. Currently the property contains one structure, a two-story building containing retail/office spaces on the first floor and four apartments on the second floor. The structure was built in 1950, per the Jefferson County Assessor. There is a parking area in the front of the building, and behind are more parking spaces in addition to an alley/trash collection area. The building is physically attached to the neighboring building on the east side, 6915 W. 38th Avenue, which is common for older commercial buildings, particularly on W. 38th Avenue.

The number of existing residential units exceeds what is currently allowed in C-1, but they are considered legally nonconforming because they appear to have existed since the structure's original construction.

Surrounding Land Uses

The property is currently zoned Commercial-One (C-1). Most properties along W. 38th Avenue between Wadsworth Boulevard and Sheridan Boulevard are zoned Mixed Use – Neighborhood (MU-N) as a result of a legislative rezoning in 2012, but the property owner at the time opted out of the MU-N zoning. The surrounding businesses include restaurants, bars, offices, and a gas station.

Current and Proposed Zoning

The property is currently zoned Commercial-One (C-1), which provides for a wide range of commercial land uses including office, general business, and retail sales and service establishments. Residential uses can be located in C-1 but must be accessory to a primary use.

The applicant is requesting the property be rezoned to Mixed Use-Neighborhood, a zone district intended to provide medium density mixed-use development. In addition to residential and office uses, it allows for a range of neighborhood-serving commercial and retail uses. The zone change will allow the property to match the zoning of the surrounding properties and will allow the buildings existing nonconforming uses to comply with the zoning.

RECOMMENDATIONS:

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

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

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

RECOMMENDED MOTION:

“I move to approve Council Bill No. 32-2018 an ordinance approving the rezoning of property located at 6985 W. 38th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 14, 2019 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication.”

REPORT PREPARED/REVIEWED BY:

Scott Cutler, Planner II

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 32-2018

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 32
ORDINANCE NO. _____
Series of 2018

**TITLE: AN ORDINANCE APPROVING THE REZONING OF
PROPERTY LOCATED AT 6985 W. 38th AVENUE FROM
COMMERCIAL-ONE (C-1) TO MIXED USE-NEIGHBORHOOD
(MU-N) (CASE NO. WZ-18-21 / BARTA HOUSE)**

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, Barta House LLLP has submitted a land use application for approval of a zone change to the Mixed Use-Neighborhood zone district for property located at 6985 W. 38th Avenue; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which calls for a mix of land uses and high quality urban form on W. 38th Avenue; and,

WHEREAS, the zoning will bring the property into conformance with the surrounding zoning on the corridor; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on November 15, 2018 and voted to recommend approval of rezoning the property to Mixed Use-Neighborhood (MU-N),

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

Section 1. Upon application by Barta House LLLP for approval of a zone change ordinance from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 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:

PARCEL A:
THE EAST 34 FEET OF LOT 1 AND THE WEST 12 FEET OF THE W ½ OF LOT 10, BLOCK NO. 1 OF HOLLEY SUBDIVISION, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL B:

TOGETHER WITH AND EASEMENT ACROSS THE NORTH 15 FEET OF THE WEST 100 FEET OF SAID LOT 1 AS GRANTED BY INSTRUMENT RECORDED APRIL 17, 1950 IN BOOK 669 AT PAGE 216, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 26th day of November, 2018, ordered it published with Public Hearing and consideration on final passage set for **Monday, January 14, 2019 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication:

2nd publication:

Wheat Ridge Transcript:

Effective Date:

REQUEST FOR CITY COUNCIL ACTION


TITLE: RECONSIDERATION OF ORDINANCE 1656, SERIES 2018, IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF CERTAIN BUILDING PERMITS, AND DECLARING AN EMERGENCY


☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES

☒ NO



City Attorney

City Manager**ISSUE:**

Reconsideration of Ordinance 1656, Series 2018 imposing a temporary moratorium on the acceptance, processing and approval of building permits for single family residences within administratively approved subdivisions in the R-1 Zone District.

PRIOR ACTION:

Council adopted Ordinance 1656 as an emergency ordinance on October 22. At its study session on November 5, Council adopted a consensus to schedule a formal vote to reconsider the ordinance at the November 26 regular meeting.

FINANCIAL IMPACT:

N/A

BACKGROUND:

Following adoption of Ordinance 1656 on October 22, staff developed a series of options to address the planning issues raised by the neighbors in the Bellaire subdivision. Council acted by

consensus to direct that additional options be developed for the procedure for review and approval of administrative subdivisions.

RECOMMENDED MOTIONS:

“I move to reconsider Ordinance 1656, an ordinance imposing a temporary moratorium on the acceptance, processing and approval of certain building permits, and declaring an emergency.”

If this motion does not pass, the ordinance remains in effect and no further action is required. If the motion does pass, the following motion is appropriate.

Or,

“I move to postpone indefinitely Ordinance 1656, an ordinance imposing a temporary moratorium on the acceptance, processing and approval of certain building permits and declaring an emergency for the following reason(s) _____.”

REPORT PREPARED BY:

Gerald Dahl, City Attorney

Patrick Goff, City Manager

ATTACHMENTS:

1. Ordinance 1656

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER MATHEWS
Council Bill No. 31- 2018
Ordinance No. 1656

Series 2016

TITLE: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
ACCEPTANCE, PROCESSING, AND APPROVAL OF CERTAIN BUILDING
PERMITS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and CRS 31-23-101 et seq., the Wheat Ridge City Council ("Council") is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council now wishes to impose a moratorium upon the issuance of building permits for single family residences within administratively-approved subdivisions within the R-1 Zone District in order to consider adoption of regulations to address the procedures for review of administrative subdivisions under Code of Laws Section 26-406.B.

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

Section 1. Moratorium Declared. The Council hereby imposes a temporary moratorium upon the acceptance, processing and approval of building permits for construction of single family residences in the R-1 Zone district within subdivisions approved administratively pursuant to Code of Laws Section 26-406.B. The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such permits during the moratorium period.

Section 2. Duration. The moratorium imposed by this Ordinance shall commence on the effective date of this Ordinance and shall terminate on January 20, 2019 unless sooner terminated by action of the Council.


Section 3. Emergency Declared; Effective Date. Pursuant to Section 5.13 of the Home Rule Charter, the Council hereby declares an emergency to exist requiring immediate effectiveness of this Ordinance in order to permit the Council to consider revised regulations for administrative subdivisions without jeopardizing current land development patterns. This Ordinance shall take effect upon adoption.

INTRODUCED, READ, AND ADOPTED on a single reading under Charter Section 5.13 by a vote of 6 to 0 on this 22nd day of October, 2018; and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge.

SIGNED by the Mayo Pro Term on this 22nd day of October 2018.




ATTEST:



Janelle Shaver, City Clerk
Robin Eaton, Deputy City Clerk



Tim Fitzgerald, Mayor Pro Tem

Approved As To Form


Gerald E. Dahl, City Attorney

Published in the Wheat Ridge Transcript on October 25, 2018.
Effective Date: October 22, 2018

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO ELECT THE MAYOR PRO TEM**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

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

Each year City Councilmembers nominate and elect by a majority vote a Mayor Pro Tem who serves until their successor is elected. The election is conducted according to Section III (B) of the City Council Rules of Order and Procedure as follows:

B. MAYOR PRO TEM:

1. At the first or second Regular meeting in November of each year, the Council shall nominate and elect by motion upon a majority vote, a Mayor Pro Tem who shall serve until their successor is elected. The procedure shall be as follows:
 - The presiding officer will announce that the floor is open for nominations for the position of Mayor Pro Tem.
 - Nominations will be taken from City Council members by voice. No second is needed.
 - Each nominee will have the opportunity to address the Council.
 - Each Council member will mark the paper ballot with the name of the nominee they wish to vote for and fold the paper in half to ensure secrecy.
 - The City Clerk will collect the ballots, tally the results, and return the written name of the majority vote receiver to the presiding officer, who will announce the highest vote getter.

- In the event of a tie, the Mayor will cast a paper ballot, to be delivered to the City Clerk for inclusion into the election tally.
- A motion and second is then in order to elect, the highest vote getter to the position of Mayor Pro Tem. The Council is encouraged to confirm the nomination unanimously; however, Council Members are not required to vote for this person. If the motion is not carried, additional motions are in order until a Mayor Pro Tem is elected by a majority of Council.

FINANCIAL IMPACT:

None

BACKGROUND:

Mayor Pro Tem authority and duties include:

1. Presiding over the meetings of Council in the absence of the Mayor
2. Functioning as the Council Parliamentarian and advising the Chair and Councilmembers on Parliamentary rules
3. Reviewing and setting the Council agenda prior to Council meetings
4. Adding emergency items to Council agendas
5. Removing any item from the agenda with the exception of an item placed on the agenda by two Councilmembers or an item added by the Council by majority vote
6. Arranging and coordinating the orientation of all newly-elected officials within two months after the election.

RECOMMENDED MOTION:

"I move to elect _____ as Mayor Pro Tem, effective immediately, term to expire upon election of their successor."

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

ATTACHMENTS:

1. Mayor Pro Tem ballot form



Council Nomination for Mayor Pro Tempore

Council Rules, Section III.B.1. Mayor Pro Tem: At the first or second Regular meeting in November of each year, the Council shall nominate and elect by motion upon a majority vote, a Mayor Pro Tem who shall serve until their successor is elected. The Council is encouraged to confirm the nomination unanimously.

Write in your vote for Mayor Pro Tem

This Council Member vote for Mayor Pro Tempore was made and submitted to the City Clerk on this 26th day of November, 2018.

City Clerk: _____