

AGENDA

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

January 14, 2019
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 MINUTES of November 26, 2018 and December 10, 2018 and
Study Session Notes of December 3, 2018 and December 17, 2018**

PROCLAMATIONS AND CEREMONIES

National Radon Action Month
Proclamation for 50th Anniversary Recognizing WRPD Commemorative Badge
for 2019

CITIZENS' RIGHT TO SPEAK

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

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to approve quarterly payments to the Jefferson County Communications Authority for E-911 Call-Taking and Police Radio Dispatch Services not to exceed \$645,742 for 2019
- b. Resolution No. 01-2019 – approving an amended Police Recruit Training Agreement to provide Law Enforcement Academy Training for nine Wheat Ridge Police Recruits at the Combined Regional Academy
- c. Resolution No. 02-2019- approving an Intergovernmental Agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 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)
3. Council Bill 33-2018 – approving a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4440 Tabor Street (Case No. WZ-18-15/Clear Creek Terrace)
4. Council Bill 34-2018 – 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

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution No. 05-2019 – amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation for the purpose of accepting a Department of Justice Grant and Authorizing Expenditure of Funds for the purchase of Body Worn Cameras in the amount of \$90,000
6. Resolution No. 03-2019 – concerning the Acquisition and Acceptance of Private Property for the purpose of constructing, installing, maintaining, and using Public Improvements for Improving Ridge Road by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's Power of Eminent Domain, and authorizing such action as necessary to accomplish said purposes
7. Resolution No. 04-2019 – concerning the acquisition and acceptance of private property for the purpose of constructing, installing, maintaining, and using Public Improvements for improving Wadsworth Boulevard by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's Power of Eminent Domain, and authorizing such action as necessary to accomplish said purposes

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

November 26, 2018

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

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

ROLL CALL OF MEMBERS

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

Also present: Deputy City Clerk, Robin Eaton; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Parks and Recreation Director, Joyce Manwaring; Community Development Director, Ken Johnstone; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of September 24, 2018 and October 22, 2018 and Study Session Notes of November 5, 2018

There being no objections, the City Council minutes of September 24, 2018 and October 22, 2018 and Study Session Notes of November 5, 2018 were approved as published with October 22nd being revised to show Mayor Starker as absent.

PROCLAMATIONS AND CEREMONIES

Mayor Starker proclaimed Saturday, November 24, 2018 Small Business Saturday, but hopes that it will be a continuing cause in the City. For the contributions that they make creating jobs, boosting the local economy and community.

Mayor Starker proclaimed December 15, 2018 Bill of Rights Day. The proclamation was received by Andy McKean. He spoke of the ratification of a document being amendments to the constitution that would become the cornerstone to the freedoms and rights that we enjoy today. The Bill of Rights as we know it today, limits power of the federal government, and guarantees each citizen life, liberty, justice, property and the pursuit of happiness. He would like to encourage all Wheat Ridge residents to reflect on the significance of this important event.

CITIZENS' RIGHT TO SPEAK

Jerry DiTullio read a bittersweet resignation letter to City Council, guests and staff. He was honored to serve the City of Wheat Ridge in many positions and work with the employees. This resignation will be effective midnight, January 7, 2019. He is willing to help assist the new City of Wheat Ridge Treasurer and hopes that his position is filled prior to the 2019 election.

Rachel Hultin wanted everyone to know that the NRS is hosting an open house Wednesday, December 12, from 5:30 to 8:00 pm. It is an important event that's designed to share input and learn about everyone's perspectives. She hopes to see everyone there, including city council.

Sunny Garcia seconded the statement by Rachel Hultin on the NRS meeting, and wanted to thank Mayor Starker for attending the Arvada Chamber of Commerce Third Friday breakfast. She was impressed with the collaboration efforts by all of the mayoral attendees.

Jennifer Yates read a public health statement concerning the nicotine vaping problems with young adults. On one point she stated that youth are up to five times more likely to start smoking cigarettes within a year of vaping. There are underground black markets that are selling these vaporizers to minors and wants to see retail licensing regulations set to the age of 21 to purchase and use all nicotine products.

Sam Sotiros from the Wild Bird Rescue and Rehab gave an update for land that they own on 44th avenue. They are desirous to form a good partnership with the City and be active in the community. Planned to reopen a year ago, a mile from the current facility treating mostly orphaned, injured or kidnapped birds. With limited space for treating only smaller birds, the large birds are handled by facilities in Broomfield and others. They will be going to planning commission soon to set up opening aviaries to help larger birds.

Douglas Linden from Better Wheat Ridge, a large and growing community of concerned citizens and active volunteers, would like to see Monica Duran stick around a while to try and juggle both jobs, barring any conflicts of interest.

Ryan Mitchell wants to say thank you and congratulations to both Jerry and Monica.

Becky Lewthwaite represents an active group with many volunteers who received no notice about the meeting tonight. Speaking for the community, she wishes that Monica Duran fulfills her commitment and stays on at her city council position. She thanked her for what she has done and looks forward to working with her more in the future.

John Clark, appreciates what both Jerry DiTullio and Monica Duran have done for the city. He wants full disclosure, living in the city over 45 years, as a homeowner with rental homes in three cities. There are city leaders, officials, planners and developers that do not live in the city and they do not care how the city is developed. He attended and spoke at past neighborhood, planning and council meetings for questionable zone

changes. He feels that no one in the city government cares about these concerns and that they just want to pack more residential units into areas.

Henry Lewthwaite appreciates Monica Duran's role in the city council. She understood unique situations in the neighborhoods and feels it is important for her to remain on city council. He is hoping that she reconsiders and stays on until the end of her term and maybe longer.

Elizabeth Grant spoke of the person with the zoning concern on Tabor in back of Heini's market, and was saddened by his talking because it seemed that he had given up. We don't want a city where the little people give up. We're all little people and shouldn't have to give up. She wishes council would stop and take stock on what could be done to remedy situations and that it's time to get a bigger plate.

Public Comment was closed

Councilmember Mathews responded that he sincerely hopes the city council will improve its image in time. This being so that people will not consider themselves little people, and to raise the citizens expectations of council. He requests the citizens not to lose faith, and to show up every night. Council will listen, and people's wills have a lot better chance to be acted on.

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

Councilmember Duran introduced the Consent Agenda.

Motion by Councilmember Duran to approve Consent Agenda Items a.), b.), c.) and d.) seconded by Councilmember Urban; motion carried 8-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Council Bill 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)

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

Councilmember Mathews introduced Council Bill 27-2018.

Deputy Clerk Eaton assigned Ordinance 1657.

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

Staff Presentation -

Director Johnstone reported briefly that this is a simple planned residential development for improving the street scape, as well as showing the exact site layout. They are limited to a maximum number of units and that they want to have a few retail areas converted back to rental units along with new sign locations.

Mayor Starker requested that Mr. Johnstone's staff presentation be applicable to both agenda items 2 and 3.

Public Comment No one came forward to speak.

Council Questions - There were none

Mayor Starker closed the public hearing.

Motion by Councilmember Mathews to approve Council Bill 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 on second reading, and that it take effect 15 days after final publication for the following reasons:

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

seconded by Councilmember Duran; motion carried 8-0.

3. Resolution 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)

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 4635 and 4665 Kipling Street 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.

Councilmember Dozeman introduced Item 3.

Mayor Starker opened the public hearing.

Public Comment - There was none

Council questions - There were none

Motion by Councilmember Dozeman to approve Resolution No. 68-2018, a resolution approving a Specific Development Plan for 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.

seconded by Councilmember Urban; motion carried 8-0

4. 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.

Deputy Clerk Eaton assigned Ordinance 1658.

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

Staff Presentation

There was no presentation but Director Manwaring was in attendance to answer any questions.

Public Comment No one came forward to speak.

Council Questions - There were none

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 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, seconded by Councilmember Urban; motion carried 8-0

5. Council Bill 29-2018 – An Ordinance amending Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverage 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.

Deputy Clerk Eaton assigned Ordinance 1659.

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

Staff Presentation

There was no presentation but Director Manwaring was in attendance to answer any questions.

Public Comment No one came forward to speak.

Council Questions - There were none

Mayor Starker closed the public hearing.

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 beverage in City Parks on second reading and that it takes effect 15 days after final publication, seconded by Councilmember Dozeman; motion carried 8-0

6. 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

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 Hoppe introduced Council Bill 30-2018.

Deputy Clerk Eaton assigned Ordinance 1660.

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

Staff Presentation - There were none

Public Comment

Rachel Hultin on behalf of the Wheat Ridge active transportation advisory team appreciates the thoughtful manner in which the city approached to use of EBikes. Recognizing that it was an unregulated issue on the trail system, Council did great job of soliciting input. This helps to create a culture of respect on our trails and is a great outcome by thinking ahead.

Council Questions - There were none

Mayor Starker closed the public hearing.

Motion by Councilmember Hoppe 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 second reading, and that it takes effect 15 days after final publication, seconded by Councilmember Duran; motion carried 8-0

ORDINANCES ON FIRST READING

7. Council Bill No. 34-2018 – An Ordinance 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

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 Apple Ridge Café, currently located on the southeast corner of 38th Avenue and Kipling Street.

Councilmember Pond introduced Council Bill 34-2018.

Motion by Councilmember Pond to approve Council Bill 34-2018 - an ordinance 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, on first reading, order it published and for a public hearing set for Monday, December 10, 2018 at 7 pm in City Council Chambers; seconded by Councilmember Hoppe; motion carried 8-0.

8. Council Bill No. 33-2018 – An Ordinance 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)

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.

Councilmember Dozeman introduced Council Bill 33-2018.

Motion by Councilmember Dozeman to approve Council Bill 33-2018 - an ordinance 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), on first reading, order it published, public hearing set for Monday, January 14, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; motion carried 8-0.

9. 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)

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.

Councilmember Urban introduced Council Bill 32-2018.

Motion by Councilmember Urban to approve Council Bill 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), on first reading, order it published, public hearing set for Monday, January 14, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; motion carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

10. 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.

Councilmember Fitzgerald introduced Item 10.

Staff Presentation

Mr. Dahl gave an overview of the steps and process to reconsider ordinances. Specifically that it must be revisited at the next business meeting and if no motion is presented tonight then the emergency ordinance will be left to expire on its own.

Mayor Starker and Mr. Dahl conferred on whether the Mayor is allowed to break a tie concerning procedural matters, such as considering the matter for reconsideration.

Public Comment

Persons speaking for wishing to revisit the emergency moratorium include the applicant for the subdivision Stephanie Garcia, Lori Garcia, Jenny Abel, Taylor Garcia, and Steve Kinney.

Items discussed for revisiting the ordinance included additional costs for delays; both financially and in time constraints with builders; disparaging remarks through electronic venues; misinformation and loss of property rights.

Persons speaking against revisiting the emergency moratorium included Elizabeth Grant, Katheryn Grant, Jay Peck, Susanne Teal, Sandra Nance, Gail Thompson, Amy

Burkett, Karen Jenni, Melissa Chaffin, Connie Herrick, Jim Kaczmarek, Laura Whitfield, Julie Hahn, and Chris Chidley

Items discussed for not revisiting the emergency moratorium included lack of disclosure; people being shocked that the code was changing in 2014 with no notification; keep the farming heritage in the city; quality of life; changing unique neighborhoods; possibly looking into overlays.

Public Comment was closed.

Council Questions and concerns

Councilmember Mathews responded to the complicated issues and the implication that the City needs to change. Explaining his hope for time to seek a proper remedy for subdivisions so this issue does not need to come up again and is against reconsidering the motion.

Councilmember Hoppe supports looking at overlay zonings or special districts, and not retroactively applying it to someone whom already has been approved for a subdivision. Change is apparent every day and even though she cannot ask for a reconsideration she hopes that one is given and will support it if done.

Councilmember Davis received clarification that prior to 2014 that consolidations and lot line adjustments were administratively approved for redrawing. Anything else would have gone in front of the planning commission. The moratorium was approved to give time to hear and look at different ideas. Will ask for a reconsideration so that all voices can be heard from both sides.

Councilmember Fitzgerald wants to thank everyone for coming in and acknowledged how everyone feels about the neighborhood. There is also a bigger picture here and that's being equal under the law. Our code requires us to act, fair or not and he will be voting for reconsideration and hopes the applicant takes into consideration the thoughts of the neighborhood, even as she met the requirements of the code

Councilmember Duran thinks about 2016 and the bulk plane where one side wanted to be heard but only for what mattered to them. She doesn't want people to feel that they are being ignored. She sees both sides of the story and feels more conversations and time needs to take place. Change is inevitable and talking together is a way of moving forward as she will be supporting to keep the moratorium in place.

Councilmember Dozeman is thankful for the citizens speaking their minds and giving us their opinions. Holding meetings that are well attended helps Council and the neighborhoods understand one's apprehensions in a growing and changing environment. Her previous support of the moratorium was not in support of retroactively imposing laws and subdivisions should have had public input. She is not going to support the reconsideration of the moratorium for multiple reasons.

Councilmember Pond repeated the thanks to everyone that came out tonight and agrees that it is a complicated issue. Personally it's hard to sit and listen to the assumptions that we don't care about the city. We may disagree or approach things in a different manner but he loves this city. Each neighborhood has its own unique character and balancing them is hard. We have a commitment to talk about this issue now and in the future and that it's fair to reconsider it, to help straighten it out.

Councilmember Urban sees it as a very difficult situation and that there is no easy way out of it. However the role of a city councilmember shouldn't be hindered by threat of litigation. It is part of the job, given the nature of the work that we do. The approval was made as it was written at the time and cannot be unapproved retroactively. He went on to describe new or amended items to be looked at for a new ordinance on an emergency moratorium or motions to be made.

Discussion on the item continued with Mr. Dahl advising the City Council on the appropriate steps to take if Ordinance 1656 were to be reconsidered.

Mayor Starker thanked everyone who showed up as well as those that couldn't come to speak on this issue. He expressed how they had been very articulate, courteous and respectful to everyone attending. He hopes that everyone felt the meeting was conducted in a fair and open process. He spoke of the recent study session with a unanimous consensus to reconsider this issue. To move forward with new options on how to help the city balance properly, the neighborhood rights and to help provide more input from both sides, on these types of issues.

Motion by Councilmember Davis to reconsider Ordinance 1656, an ordinance imposing a temporary moratorium on the acceptance, processing and approval of certain building permits, and declaring an emergency; seconded by Councilmember Urban; motion carried 7-1 with Councilmember Duran voting no.

Mayor Starker called a short recess

Mr. Dahl described the processing for a new emergency ordinance requested by Councilmember Urban.

Motion by Councilmember Davis 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:

- Will be creating a new emergency ordinance

Seconded by Councilmember Duran; motion carries 8-0

Motion by Urban, as referenced by the City Attorney, to adopt Ordinance 1661 – an ordinance adopting a temporary moratorium on the acceptance, processing and approval of administrative subdivisions within the Bel Aire subdivision and to declare an emergency, seconded by Councilmember Duran.

Discussion followed on why the ordinance is not applied city wide and just in the Bel-Aire neighborhood.

Motion by Councilmember Mathews to amend the motion on Ordinance 1661 and replace the words Bel Aire neighborhood and replace it with the words entire City of Wheat Ridge, seconded by Councilmember Fitzgerald.

Discussion on the amendment motion followed.

Motion to amend the original motion fails 5-3 with Councilmember Mathews, Dozeman and Duran voting yes.

Original Motion carries 6-2 with Councilmembers Pond and Fitzgerald voting no.

11. Motion to Elect the Mayor Pro tem

Mayor Starker introduced Item 11 and read the election process as outlined in the City Council Rules and Procedures.

Mayor Starker declared the floor open for nominations for the position of Mayor Pro tem.

Councilmember Pond nominated Councilmember Hoppe to be Mayor Pro tem

Councilmember Mathews nominated Councilmember Urban to be Mayor Pro tem.

Mayor Starker closed the nominations.

Councilmember Hoppe addressed the Council, stating that she would be honored and excited to have the opportunity to potentially be able to serve the City and team members as Mayor Pro tem. She listed previous scheduling and boards experience and would be a capable and able person to assist the Mayor in this position.

Councilmember Urban also addressed the Council agreeing that whoever is picked would do a good job. He listed understanding parliamentary procedure, the ability to run meetings and being able to provide clarity as it relates to the rules. As Mayor Pro tem, he would do his best to run meetings efficiently and help to keep the calendar up to date and moving forward.

Eight councilmembers voted and passed their ballots to the Deputy Clerk Eaton who counted the ballots and delivered the results to Mayor Starker. Mayor Starker extolled the virtues of both Candidates and congratulated Councilmember Hoppe on her election as Mayor Pro-Tem.

Mr. Dahl advised that a motion was necessary to elect the Mayor Pro tem.

Motion by Councilmember Pond to elect Councilmember Hoppe as Mayor Pro Tem, effective immediately, term to expire upon election of her successor; seconded by Councilmember Urban; motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff reminded everybody of the Holiday lighting ceremony on the Green in front of Stevens elementary. He discussed the City Council seat District one vacancy as well as the City Treasurer position. With the time commitments that requires its announcement as well as the application form that is found on the city website that needs to be submitted. The City Treasurer position has no such required time frame to be appointed but the City will get that procedure out as soon as possible.

Concurrence by Councilmembers to attend to the issue of appointing the city council member first before looking into announcing and appointing for the treasurer position at the December 3rd, Study Session.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Councilmember Urban inquired of Mr. Goff about an opportunity to have a meeting, concerning the Wadsworth Blvd. construction design.

ADJOURNMENT

The meeting adjourned at 10:59 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 14, 2019

Janeece Hoppe, 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

December 10, 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

Monica Duran	Janece Hoppe	Zachary Urban
George Pond	Leah Dozeman	

Absent: Kristi Davis, Tim Fitzgerald, and Larry Mathews are excused

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

Mayor Starker announced the postponement of item #2 of the agenda and to move it to the January 14, 2019 meeting, as it requires a vote of the full council

CITIZENS' RIGHT TO SPEAK

Kimary Marchese being part of the Victorian Society of Colorado and Wheat Ridge Historic Society has been showing off beautiful historic sites for 18 year. Sites from across the state, excluding the Richard Hart estate. She is asking for a non-profit fee discount to use the site, being a social club that benefits mutually with their members that come in from all points. Those members would eat and stay in Wheat Ridge as well as getting the word out about the estate for rentals. She then introduced the other members of the Society.

John Voles the President of the Society from Douglas County, detailed some of their events throughout the State that includes a cannon for use with the 1812 overture. He would appreciate that the council consider the discount fee request for non-profits.

Lorraine Burger from Boulder stated that even if the roles have changed dramatically from olden times, history is no less important and if we don't know where we came from can't really know where we are. She supports the Society and other non-profits having access to the estate.

Public Comment was closed

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to approve Monthly Payments to Kaiser Permanente for January through December 2019 Membership Billing not to exceed a total of \$2,420,526
- b. Resolution No. 70-2018 – a resolution approving an amended and restated Intergovernmental Agreement to establish the West Metro Drug Task Force
- c. Resolution No. 71-2018 – A resolution approving a Memorandum of Understanding between the City of Wheat Ridge and the United States Secret Service for membership in the Colorado Electronic Crimes Task Force

Councilmember Pond introduced the Consent Agenda.

Motion by Councilmember Pond to approve Consent Agenda Items a.), b.), and c.), seconded by Councilmember Urban; motion carried 5-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Council Bill 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

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 Apple Ridge Café, currently located on the southeast corner of 38th Avenue and Kipling Street.

Councilmember Pond introduced Council Bill 34-2018.

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.

Motion by Councilmember Pond to postpone Item No. 2, Council Bill No. 34-2018 Until January 14, 2019; seconded by Councilmember Dozeman; motion carried 5-0

DECISIONS, RESOLUTIONS AND MOTIONS

3. Motion to award a contract and approve subsequent payments to HDR Engineering, Inc., Denver, CO in the amount of \$1,344,394.91 for professional services for ROW Acquisition services for the Wadsworth Boulevard Improvement Project.

Councilmember Dozeman introduced Item 3.

Staff Presentation

Mark Westberg gave a brief presentation and update on the scheduling, acquisitions, and title commitments and was then ready for questions.

Public Comment - none

Council Questions and concerns - none

Motion by Councilmember Dozeman to award a contract and approve subsequent payments to HDR Engineering, Inc., Denver, CO in the amount of \$1,344,394.91 for professional services for ROW Acquisition services for the Wadsworth Boulevard Improvement Project; seconded by Councilmember Duran; motion carried 5-0

4. Motion to award a contract and approve subsequent payments to HDR, Inc., Denver CO in an amount not to exceed \$75,139 for Professional Services for ROW Acquisition Services for Ridge Road

Councilmember Urban introduced Item 4.

Staff Presentation

Mark Westberg gave another presentation on possible 2E projects, ROW Acquisition Contracts, and scheduling.

Public Comment

Connie Burg would like to thank you for being a council of integrity in agreeing to uphold the city commitments. She admires council and staff to think outside the box and explore creative solution to address transportation issues which might help everyone in the long run.

Public Comment was closed.

Council Questions and concerns

Councilmember Dozeman asked for an update for RTD on the G-line and its testing, and the response was that no updates are available at this time.

Councilmember Urban asked if there are plans to put sidewalk on the south side of project and it was responded that it was determined there is nothing on south side as a destination, so there is no need for one.

Motion by Councilmember Urban to award a contract and approve subsequent payments to o HDR, Inc., Denver CO in an amount not to exceed \$75,139 for Professional Services for ROW Acquisition Services for Ridge Road; seconded by Councilmember Hoppe; motion carried 5-0

5. Resolution No. 69-2018 – A Resolution approving an Agreement with the Wheat ridge Sanitation District regarding 29th Avenue Street Improvements

The City has been working for several years with Denver Water and the City of Edgewater on the reconstruction of 29th Avenue between Kendall and Fenton Streets. In order to simplify design and construction coordination, the City negotiated agreements with Denver Water and the City of Edgewater for the City of Wheat Ridge to construct the improvements and be reimbursed by both entities for their shares. This year, the City was approached by the Wheat Ridge Sanitation District to reach a similar agreement to reconstruct a portion of their sanitary sewer main within the limits of the project.

Councilmember Duran introduced Item 5.

Staff Presentation

Mark Westberg presentation included Denver Water's requests along with Wheat Ridge Sanitation district sewer main fixes, funding partners, and scheduling.

Staff recommends approving the amendment to the IGA with the Wheat Ridge Sanitation District.

Public Comment - none

Council Questions and concerns - none

Motion by Councilmember Duran to approve Resolution No.69-2018, a resolution approving an Agreement with the Wheat ridge Sanitation District regarding 29th Avenue Street Improvements, seconded by Councilmember Hoppe; motion carried 5-0

6. Resolution No. 72-2018 – A Resolution accepting the resignation of Councilmember Monica Duran and thanking her for her contributions to the City of Wheat Ridge

Councilmember Monica Duran was elected to the Colorado House of Representatives on November 6, 2018 to represent Colorado in House District 24. Ms. Duran tendered her resignation to the Mayor and City Council on November 18, 2018, with an effective date of December 31, 2018.

Councilmember Hoppe introduced Item 6 and read in the resolution which included in part:

Ms. Duran was elected as a District I City Councilmember in November 2015. Monica also served on the Wheat Ridge Planning Commission, the Wheat Ridge Carnation Festival Board, represented the City on the Colorado Municipal League Policy Committee and was involved with Wheat Ridge Partnered in Faith.

Motion by Councilmember Hoppe to approve resolution No. 72-2019, a resolution accepting the resignation of Councilmember Monica Duran and thanking her for her contributions to the City of Wheat Ridge; seconded by Councilmember Urban.

Discussion on the motion followed:

Motion by Councilmember Duran to amend the resolution to add serving on the Wheat Ridge Fire Board, seconded by Councilmember Hoppe; motion carried 5-0.

Councilmember Pond thanked Councilmember Duran and wishes her well down at the State. He would love to hear from her, as promised earlier, and wishes her the best of luck.

Councilmember Urban mirrored that congratulation along with appreciating her desire to work at the State level. He remembers that it was not always the funniest place to be and appreciates her service to the City of Wheat Ridge.

Councilmember Duran wanted to thank the citizens of Wheat Ridge for their support and she will continue to represent everyone, albeit in a different way. She appreciated everyone who reached out to her to consider staying on and regrets that it is not possible to do so. She is grateful for the opportunity that she has had in the last four years for it has been a great experience.

Councilmember Hoppe thanked Councilmember Duran for being her counter-part in District 1 and always being able to work together. Always being able to come together and find common ground, even if they agreed to disagree.

Councilmember Dozeman congratulated Councilmember Duran, wishing her the best of luck and hopes to have her ear when she is working down at the capital.

Lastly, Mayor Starker congratulated Councilmember Duran on being a very faithful councilmember that was good for the district. He is glad to see her going down to the state capital to represent the citizens of Wheat Ridge and wishes her the best of luck.

Motion carried, 5-0

7. Resolution No. 73-2018 – A Resolution accepting the resignation of City Treasurer Jerry DiTullio and thanking him for his contributions to the City of Wheat Ridge

City Treasurer Jerry DiTullio was elected as the Jefferson County Treasurer on November 6, 2018. Mr. DiTullio tendered his resignation to the Mayor and City Council on November 26, 2018, with an effective date of midnight on January 7, 2019.

Councilmember Urban introduced Item 7 and read in the resolution which included in part:

Mr. DiTullio served on the Wheat Ridge City Council from 1995 to 2005 and again from 2013 to 2015, as Wheat Ridge Mayor from 2005 to 2013 and was elected as Wheat Ridge City Treasurer in November 2015. Mr. DiTullio also served on the Board of Trustees for the Wheat Ridge Police Pension Fund, the Jefferson County Community Development Advisory Committee, the Wheat Ridge Housing Authority, the Wheat Ridge Business District, the Urban Drainage and Flood Control Board, the Metro Mayors Caucus, the Wheat Ridge Rotary and was active with many other community organizations.

Motion by Councilmember Urban to approve resolution No. 72-2018, a resolution accepting the resignation of City Treasurer Jerry DiTullio and thanking him for his contributions to the City of Wheat Ridge; seconded by Councilmember Hoppe.

Discussion on the motion followed:

Councilmember Hoppe spoke on some of the achievements Mr. DiTullio had as city treasurer and appreciated those. These included moving the finds into a CSAFE program which made for larger returns on the cities investments, reports on commercial sales corridors and giving a clear picture where sale tax revenue is coming from.

Councilmember Dozeman thanked Mr. DiTullio for his hard work being the City Treasurer, being invested in the community as well as being a special education teacher at Wheat Ridge High School. It's been an honor and privilege working with him and he helped her navigate the process to be an elected official and volunteer as well.

Councilmember Urban stated that Mr. DiTullios tenure with the city is somewhat unprecedented. It showed his ability to get things done for the greatest amount of good for everyone involved. He has a tremendous amount of skills which is good for JeffCo, but it's a loss to the City of Wheat Ridge.

Councilmember Pond added that along with some of the other former titles given to him tonight, Mr. DiTullio is an avid viewer of channel 8 and he expressed his thanks to him. He had admired his boundless enthusiasm and energy for the city and knows that he will bring it to the county as well.

Lastly Mayor Starker gave his congratulations to Mr. DiTullio, a citizen and long standing member of District 1, that is going on to electoral office with the county. He has done great work in our city and is a dedicated public servant. He thanks him for his service and sends him off with our best wishes.

Motion carried; 5-0

CITY MANAGER'S MATTERS

Mr. Goff has a reminder for council and the citizens of the open house this Wednesday for the neighborhood revitalization strategy at the recreation center 5:30 – 8 pm. This is a great chance for the public to give input on what they want to see in the city and to please show up.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Councilmember Dozeman reminded the public that the Wheat Ridge Chamber of Commerce Christmas party will be at the Grange December 13 with food and beverages, there will also be a silent auction and please bring items that will be donated to the homeless.

Councilmember Duran wishes to thank everyone and hopes to continue helping by holding meetings on Saturdays for District 24.

Mayor Starker wishes everyone a very Merry Christmas and Happy Holiday season and to please watch out for the kids as the streets are dark and could be slippery.

ADJOURNMENT

The meeting adjourned at 7:50 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 14, 2019

Janeece Hoppe, 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
December 3, 2018

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

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

Absent: Monica Duran, excused

Also present: Deputy City Clerk, Robin Eaton; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Division Chief, Dave Pickett, guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Rachel Hultin spoke on two agenda items, one being the recent Bel Aire neighborhood subdivision which was heard last week at council. The other is the recently vacated treasury position. The city charter gives us direction for elected positions and maybe it's a good time to re-visit the charter. She hopes that council will appoint and fill the position until the end of the term. Second, our community has neighborhoods that we have seen that are very beloved to them. Please be clear about changes to them, to help retain their character and quality as a way to help preserve them.

Connie Burg stated that Bel Aire is a lovely neighborhood, a delightful place. We should be preserving it and anytime a change comes up, the neighbors should have say in those changes. Notify the neighbors by a variance instead of an administrative approval. She wishes to have administrative approvals modified and that subdivisions should go to council and is opposed to having special overlay pocket areas in the city.

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

1. Family Justice Center Update – introduced by Dave Pickett

Senior Deputy District Attorney Candace Cooledge and former Undersheriff Ray Fleir, gave presentations to City Council with updates for the opening of the proposed Family Justice Center for Jefferson County, now known as Porchlight. Members of the Wheat Ridge Police Department continue to be involved as subcommittee members on this project.

Porchlight now has a business plan, helped through Jefferson county business resource center, and a mission statement. The furniture donations and seed money have been gracious and are very much appreciated.

They also received an OVW grant, to help fund employee positions which includes a navigator position. That person helps guide people to services and contracts for child care at the center. Their new location at 11100 West 8th avenue (Quail) in Lakewood will also have space for law enforcement services, which is an integral part of the success for family justice centers.

A great place to follow their journey is their new website located at www.prochlightjc.org

Discussion and questions from Council followed:

Mayor Starker thanked them for their presentation and was thrilled on the great progress that they have made. That included how far the Porchlight vision has come in a years' time.

Councilmember Pond thanked them as well and asked for a copy of their business plan. (Also attached to these minutes)

Councilmember Mathews asks about future funding requests and gives them information about the cities outside agency board for requests as he wishes them the best.

2. Memorandum of Understanding to join the Colorado Electronic Crimes Task Force - Darrel Guadnola, New Investigations Bureau Commander

Introduced by Dave Pickett, new Commander of the Wheat Ridge Police Department Investigations Bureau Darrel Guadnola, gave information on how the department is behind the curve when electronic forensics analysis is involved. He spoke about how the Intergovernmental Agreement (IGA) has been formulated between the United States Secret Service (USSS) and the City of Wheat Ridge for the purpose of allowing the Wheat Ridge Police Department to join the Colorado Electronic Crimes Task Force (CECTF). This ad-hoc task force provides forensic computer investigation capability and network investigative response to its law enforcement community members.

Once membership is confirmed, the USSS is empowered to provide funding for overtime and equipment to CECTF partners, asset forfeiture for joint investigations with task force partners, and training at the National Computer Forensics Institute.

Discussion and questions from Council followed:

Councilmember Urban asked if there had been any past experiences where the City was unable to move the cases forward without outside help.

Councilmember Mathews stated that computer crimes are difficult as much of it occurs out of state per se so how he asked when it can be addressed locally versus federal.

Councilmember Dozeman asked what the process is for applying to this program and any certain criteria that is attractive.

Motion for a consensus by Councilmember Urban to move forward with executing the memorandum of understanding between the City of Wheat Ridge and the United State Secret service passes unanimously.

3. Revision to West Metro Drug Task Force IGA - Dave Pickett

Division Chief Dave Pickett reported that changes in the way the Federal Government handles asset forfeiture has required that the funding model for the West Metro Drug Task Force (WMDTF) be reconsidered. A new Intergovernmental Agreement (IGA) is required between the participating agencies; the Jefferson County Sheriff's Office, the First Judicial District Attorney's Office, and the cities of Arvada, Lakewood, Golden and Wheat Ridge outlining the new funding model.

There will be no substantive fiscal impact as the Wheat Ridge Police Department will continue to pay the salary and benefits of its team members assigned to the WMDTF. The opportunity for asset forfeiture funds to be awarded to WRPD remains; however, the mechanism by which those funds are requested and delivered will change. These funds are contained within the City of Wheat Ridge Fund 17, the Police Investigation Fund.

Discussion and questions from Council followed:

Councilmember Hoppe has concerns with the new manpower increases for this program and asks if the award will be higher because of it, than in the past.

Councilmember Urban asks which funds for forfeiture would go outside operations and taskforce operations, or to delineate it, which funds go to the city and which would go to the task force forfeitures fund.

Councilmember Davis asks for more information about staffing, polls and divvying the funds out by percentages or is it a case by case basis.

Councilmember Mathews inquires about who provides oversight to make sure the funds are not mishandled and everything is kept above board.

Mayor Starker states that it is an Intergovernmental agreement that requires it be heard, and asked for a consensus to bring it to council on December 10, which passed unanimously.

4. Moratorium on Administrative Subdivisions in Bel Aire -

Director Ken Johnstone spoke how 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.

At the November 5, 2018 Council study session, in response to some of the issues raised at the October 22 meeting, staff presented possible options for taking action to make regulatory changes to the City's subdivision and/or zoning regulations. At that study session, Council also provided consensus to reconsider the moratorium ordinance on the agenda for the next regular Council meeting, November 26. At the November 26, 2108 City Council meeting, Council voted to reconsider the ordinance and then voted to indefinitely postpone said moratorium, effectively making it null and void.

Following that action at the November 26 meeting, City Council adopted an alternative emergency ordinance, placing a 90-day moratorium on the acceptance, processing and approval of any administrative subdivision applications in the Bel-Aire subdivision, for the purpose of evaluating code sections relative to administrative subdivision approvals.

Discussion and questions from Council followed:

Councilmember Mathews questioned on how a 3 lot subdivision is quasi-judicial and how can it be appealed if denied. Suggests that 1-5 subdivisions go to planning commission with hearings and notice be given to the community.

Councilmember Urban would be supportive of a measure limiting or eliminating the use of flag lots and if requested, they would be brought before the planning commission or city council.

Councilmember Dozeman would like to see public notice given to the neighborhoods for either minor or major subdivisions, whether or not it goes to planning commission or to council.

Councilmember Pond questions what is required by the application for a subdivision to document the architectural intent or geometry to show how the lot is going to be divided. Is it an actual architect drawing, is it in code or is it in general administrative practice and cautions against neighborhood review boards.

Councilmember Fitzgerald stated that there is a flag lot that is located behind him is not a problem, even if it were reviewed today. It's not a problem for anyone and is concerned that the 90 day ordinance that is not treating people equally. People have a right to expect equal treatment under the law and people, as a general rule, are negative about any changes.

Councilmember Davis feels that notice should be given for subdivisions and asks what is common to other home rule areas that are being subdivided. Is notice or hearings standard practice by other jurisdictions and to what extent of processing are they required to adhere to.

Councilmember Hoppe tied part the conversation into the ADU and bulk plane issues, wishing that the entire policy could be looked at. If these went together, hand in hand, then the flag lots could be more defined and looks to possibly changing those specifications during a policy review.

Discussion and questions from Council continued

Mayor Starker looks to have a government of laws, not a government of men and women. At our disposal should be the tools to objectively look at these types of situations. We need to have done the homework, and created the lawful course of action and that course of action should be clear and distinct. At hearings, we sit as jurors to apply the facts and decisions that honors the law, including the property rights that are held by all.

Councilmember Mathews asked for a consensus for staff to move forward eliminating administrative subdivisions and all general subdivisions approvals go to council; consensus failed.

Councilmember Urban asked for a consensus that if it's a flag lot with minor subdivision then it has to go in front of council. If there is no flag lot then it will be considered an administrative subdivision; consensus fails.

Councilmember Dozeman asked for a consensus to direct staff, with no timeframe, to begin looking at overlay zones are possible and how they would look throughout the city; consensus passes 4-3

Councilmember Pond asked for a consensus to actively look at a calendar of work either from the NRS group or others, to have future discussions and allow the emergency ordinance to expire; consensus fails 4-3

Councilmember Fitzgerald asked for a consensus to do nothing on the item for the temporary moratorium; consensus fails 4-3

Councilmember Urban asked for a consensus to draft an ordinance that within the administrative subdivision process, if a flag lot is being requested that it be sent up to the planning commission for review; consensus passes 5-2

5. Appointment of City Treasurer –

Councilmember Davis discussed multiple topics on the appointment of a new city treasurer whose words are about the position and not the people. She had worked with several different treasurers and spoke on the position of an elected city treasurer usually being held only in smaller jurisdictions. She spoke about some of the recent

discussions to possibly make it an employed role while it's in transition, along with other items that included pay scale, staff oversight and reporting requirements.

Councilmember Mathews reminds everyone that the city is charged to have a treasurer, that was voted on by the constituents and it is up to us to make sure the position is filled. If there is to be a change in the charter, it can happen at the next general election.

Councilmember Urban says to look at charter for it says shall and not may, so we need to make an appointment. Some of the things to look at are:

- What is the role of the treasurer
- What are the costs, what are the benefits
- What functions can be done at the staff level.

Giving the voters a chance to make that decision is a way to keep the charter healthy, vibrant and balanced.

Councilmember Hoppe said those are points that are very much worth discussing but we cannot bring it to a popular vote at this point. Possibly the hours spent in office needs to change or the rate of pay for the position can be part of the dialogue.

Councilmember Dozeman finds the conversations very interesting and agrees that it should be something scheduled on the calendar to study. Some of the study points include:

- The value and duties of the position
- Possible ballot item in the future to keep it an elected position.

As an elected officials position, we have the obligation to fill it with a qualified person that has general knowledge and base. There is a short timeframe to take the reins and continue moving forward.

Councilmember Fitzgerald does not believe that the charter requires us to fill the position, and staff cannot make any decisions on how much or who gets paid. Treasurers essentially have one decision to make and that's where to put the money. Those must be in approved places and cannot be wildly speculative. If we wanted to try and get along without one, now would be a great time for a trial period. The citizens will tell us what they want, when it comes to a vote on the charter.

Councilmember Pond thinks the time is right to size up the job and the compensation part of can be looked at as well. One of the concerns is finding a person that can take the job and not have it be a conflict of interest. Right-sizing the expectations and defining the job, along with and the compensation can all be discussed.

Discussion and questions from Council followed

Mayor Starker says we are obligated to appoint someone to fill the position and there is no option to it. The Mayor reviews all of the treasurer's disbursements so there is

oversight to this position. If the council is going to revise this positions role, then they can also make the compensation commensurate with that role.

Councilmember Davis asks for a consensus to appoint a treasurer and the council can review the position and salary, with Mr. Dahl's decision to see if the salary change can be made immediately or needs to be done at the next election; Consensus passes

Discussion and questions on the timing of the application being let and pay concerns from Council followed

6. Staff Report(s)

Mr. Goff reported on some of the updates on the G-line, in reference to the Federal Railroad Administration reports on possibly shutting down the A-line.

7. Elected Officials' Report(s)

Mayor Starker thanked everyone who showed up at the Christmas tree lighting last Saturday night. There was a lot of fun things happening along with a lot of great people who showed up. He went on to thank the City for helping to put it on, as well as the MacDonald group at Keller Williams, Localworks, and Lutheran Medical Center for being key sponsors.

ADJOURNMENT: The Study Session adjourned at 9:41 p.m.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 14, 2019

Janeece Hoppe, Mayor pro tem

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
December 17, 2018

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

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

Absent: George Pond, (excused), Monica Duran

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

CITIZEN COMMENT ON AGENDA ITEMS

Julie McLean WR requests that she be allowed to run her business as the way that she intended to. Unfortunately that is not the way that dog pens or runs are being interpreted by the City of Wheat Ridge. She intended that there would be outside play areas for the dogs to get exercise and to operate it as a daycare and training facility. Ideally the dogs should feel like they are at home, as their owners intended to, but be able to go outside to the bathroom or for exercise.

Alecia Cope of Lakewood is a client of the previous speaker who both supports her and uses the day care for her energetic pup. She uses the daycare for full time or part time drop offs and really likes the model that she has and hopes that council finds some way so that she can continue her business.

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

1. Rocky Mountain Bottling Business Development Zone Agreement

The Rocky Mountain Bottling Company (RMBC) has submitted a request for a rebate of use tax pursuant to the Business Development Zone (BDZ) Program in Section 22-85 of the Wheat Ridge Code of Laws. RMBC has paid a total of \$1,050,000 in use tax to the City associated with the first phase of a multi-million dollar renovation project of their plant located at 10619 W. 50th Avenue in Wheat Ridge.

Staff Report

Steve Art spoke about participation in the program that will help the RMBC plant compete internally for limited allocation of capital dollars. Plants that can implement a project in the most cost-effective manner are best positioned to secure funding from the JV partners. Facility financial metrics impact which plants receive new investment, including ROI, cost structure and profitability. Economic incentives favorably impact

these metrics by reducing operational costs and improving ROI. In this case, a favorable use tax rebate from the City is particularly important to reduce project costs given the challenging market conditions and to offset competitive operating cost disadvantages impacting the facility ROI.

Staff recommends a twenty-five percent (25%) rebate on the \$1,050,000 in use tax paid by RMBC which equates to an approximate rebate of \$262,500 for the following reasons:

- The project will assist a major employer in Wheat Ridge and Jefferson County
- The project will retain jobs and may increase employment
- The project will provide a more efficient facility thus reducing power consumption resulting in fuel savings
- The project will create cleaner air by reducing contaminants released.

Staff also requests that Council consider the extension of this rebate for the entire redevelopment project through 2021.

Bill Dillaman and Meegan Spizer gave short presentations on who the Rocky Mountain Bottle Company is, why the tax rebate is important to them and how the company gives back to the community through payroll, benefits and community services.

Discussion and questions from Council included:

- Do you appreciate the plant on taxes so they pay for themselves; do they charge yourselves rent on the facility
- How much would the project pay in to the city, prior to the rebate
- Will some of those funds paid to the city be put into an escrow account
- Is there a sliding scale to encourage these types of capital investments
- Is there availability for citizens to partake in the glass recycling efforts
- Was the payment for use tax, include in the 2019 budget items

Consensus by Councilmember Urban to move forward with the rebate, passes

2. Dog Daycare/Boarding in C-1 Zone District

The City's code is silent to dog daycare uses. However, staff has made the administrative determination that the use is most similar to "animal veterinary hospitals or clinics," which are defined in Chapter 26 of Municipal Code and are permitted in certain zone districts. Chapter 26 regulates those clinics in a different manner when they are proposed to have any outdoor runs; as such, if a dog daycare proposal seeks to have an outdoor activity area (run), they would be required to be located in a Commercial-Two (C-2) or Industrial/Employment (I/E) zone district.

Staff report

Mr. Johnstone noted that the City's Code, including Chapter 26 (Zoning and Development) including the use chart, is silent to dog daycare. However, staff has made

the determination under the terms of 26-204-B that such a use is most similar to an animal veterinary hospital or clinic and therefor allowed to operate in the same location as those uses and under the same terms and conditions.

Mr. Johnstone explained the codes for Animal veterinary hospitals and clinics, with or without outdoor runs or pens, kennels and dog kennels, catteries and veterinary hospitals.

Discussion and questions from Council included:

- How is it differentiated between the types of uses for kennels, doggy daycare providers, and animal hospitals or clinics
- Would it be an appropriate for these facilities to be issued a special use permit (SUP)
- The original permit was stipulated that there would be no outdoor kennel runs
- SUPs are not allowed in C-1 so a zoning code change would need to occur
- Would this open up the doors for additional daycare centers be located around the city
- Is this facility located in the correct area and who will the dog runs impact
- We should update our use charts to be more specific and where should SUPs be allowed
- If we ignore our rules, then we don't have rules.

Consensus to have staff bring back a doggy daycare ordinance, addressed with special use permits, within various zone districts in an ordinance, fails.

Consensus by Councilmember Hoppe to have staff go back for more in depth study on what a doggy daycare facility is, where they would be allowed; possibly allowed with a special use permit; how neighboring communities treat them; what options would be available in various districts, and to what percentages are defined accessory uses, passes.

3. Discuss Appointment of City Treasurer

Mr. Goff gave a brief report that City Treasurer DiTullio was elected to the office of Jefferson County Treasurer on November 6, 2018. Mr. DiTullio has submitted his resignation as City of Wheat Ridge Treasurer, effective midnight, January 7, 2019. Consensus was reached by City Council on December 3 to further discuss the City Treasurer appointment on December 17, and a procedure to fill the vacancy has been established by staff.

The Wheat Ridge City Charter addresses vacancies of elected officials but does not address specific procedures for the appointment of elected officials. To establish a procedure to fill the vacancy we recommend an application process, and have created a draft application for City Council review.

The application period for City Treasurer would open December 21 and would close on Friday, January 25, 2019. All qualified candidates would then be contacted by the City Clerk's Office and informed to prepare a 3-5 minute presentation at the February 4, 2019 study session.

Additionally, the City Attorney reviewed City Council's request for information regarding the City Treasurer salary and if the salary could be altered ahead of filling the impending vacancy. It was determined that the salary cannot change prior to filling the vacancy in 2019, but that if City Council would like to change the compensation amount, the earliest it could be altered is before the 2019 election of a Treasurer, which would be effective in 2020. The salary for the role will be \$29,000 in 2019.

Discussion and questions from Council followed:

- Would like to start a draft ordinance for the next election cycle to review the salary
- Make the changes now instead of closer to 2019 and have the application reflect that change, possible in 2020
- Look at the treasurers position altogether with duties, salary and oversight
- Is this position benefited and part time
- Make the position be fiscally responsible to show their hours worked
- Add requirements to be able to hold the position

Motion for consensus by Councilmember Davis to move forward with the application process to appoint a treasurer as well as the application to note the possible changing salary in 2019, passes 4-2

Consensus to have the discussion of what the job duties are or might be in the future be brought back to council at a future study session, passes.

4. Staff Report(s)

5. Elected Officials' Report(s)

ADJOURNMENT: The Study Session adjourned at 8:09 p.m.

Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 14, 2019

Janeece Hoppe, Mayor pro tem

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE QUARTERLY PAYMENTS TO THE JEFFERSON COUNTY COMMUNICATIONS AUTHORITY FOR E-911 CALL-TAKING AND POLICE RADIO DISPATCH SERVICES NOT TO EXCEED \$645,742 FOR 2019**


☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO


Chief of Police


City Manager

ISSUE:

The Police Department is requesting authorization of payment to the Jefferson County Communications Authority (Jeffcom) in the amount of \$645,742, to be paid in quarterly amounts. This amount is the City's 2019 share of costs for the regional call-taking and dispatch center for police and fire agencies in Jefferson County.

PRIOR ACTION:

The City entered into an Intergovernmental Agreement (IGA) to provide for a regional communications authority for E-911 and police radio dispatching services on March 28, 2016. City Council subsequently approved a Dispatcher Transition and License Agreement on December 11, 2017, and approved the Member Services Agreement on February 26, 2018.

FINANCIAL IMPACT:

The City is responsible for 6.1% of the operating costs for Jeffcom, which is \$645,742 in 2019, to be paid in quarterly payments of \$161,435.50. These costs were anticipated and were included in the 2019 Police Department General Fund Budget, under account number 01-201-700-750 (Police Administration).

BACKGROUND:

Discussions regarding a regional communications authority to provide E-911 and dispatch radio services began in 2009, when chief law enforcement representatives in Jefferson County agreed to examine the consolidation and regionalization of services that would benefit the agencies and community. Two consultant studies were conducted to examine whether consolidation of E-911 centers were beneficial to each agencies community. Both studies concluded that there was significant opportunity to enhance services to citizens, both financially and from a service-level perspective.

During these discussions, a combination of sources were identified to fund Jeffcom. These funding sources included member agencies, fees collected from service users, and contributions from the Jefferson County Emergency Communications Authority (JCECA). An IGA was subsequently approved by each member agency in early 2016. The IGA outlines a funding formula termed the Equitable Sharing Cost Allocation Funding Formula. The formula includes standardized staffing costs, taking into account the costs expended by each Member to provide its own emergency services communications and dispatching center. The formula includes costs for supplies, services, equipment, maintenance and reserve funding, as well as employee salaries, benefits and training. Per the IGA, the City is responsible for 6.1% of the operating costs for Jeffcom, which equates to \$645,742 in 2019. This amount is divided into quarterly installments of \$161,435.50.

E-911 call-taking and police dispatching services transitioned to Jeffcom on March 22, 2018, with the last agencies transitioning in April, 2019.

RECOMMENDATIONS:

Staff recommends that council approve and allow administrative payment of the quarterly 2019 Jeffcom payments, not to exceed a total of \$645,742.

RECOMMENDED MOTION:

“I move to approve quarterly payments to the Jefferson County Communications Authority for E-911 call-taking and police radio dispatch services not to exceed a total of \$645,742 for 2019.”

Or,

“I move to deny quarterly payments to the Jefferson County Communications Authority for E-911 call-taking and police radio dispatch services not to exceed a total of \$645,742 for 2019 for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Daniel Brennan, Chief of Police

Patrick Goff, City Manager

ATTACHMENTS:

1. 2019 first quarter invoice from Jeffcom

C/O COMMUNITY RESOURCE SERVICES, LLC
7995 E. PRENTICE AVENUE, SUITE 103E
GREENWOOD VILLAGE, CO 80111
(303) 381-4960



WP-2019-1

c/o Chief Brennan
7500 W 29th Ave
Wheat Ridge, CO 80033

DUE DATE	AMOUNT DUE
1/1/2019	\$161,435.50

THANK YOU

INVOICE NO.		DATE INVOICE MAILED	INVOICE PERIOD			INVOICE AMOUNT
			FROM	TO		
WP-2019-1		12/1/2018	01/01/2019	3/31/2019		\$161,435.50
DESCRIPTION						NET AMOUNT
1 ST QTR - MEMBER AGENCY CONTRIBUTION TO JEFFCOM PER IGA						\$161,435.50
ANNUAL CONTRIBUTION \$645,742						
TOTAL AMOUNT DUE BY						
1/1/2019						\$161,435.50

ATTACHMENT 1

REQUEST FOR CITY COUNCIL ACTION


TITLE: RESOLUTION NO. 01-2019 – A RESOLUTION APPROVING AN AMENDED POLICE RECRUIT TRAINING AGREEMENT TO PROVIDE LAW ENFORCEMENT ACADEMY TRAINING FOR NINE WHEAT RIDGE POLICE RECRUITS AT THE COMBINED REGIONAL ACADEMY

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO


Chief of Police


City Manager

ISSUE:

The Wheat Ridge Police Department (WRPD) is requesting approval of a training agreement between the City of Lakewood, on behalf of itself and Jefferson County, and the City of Wheat Ridge to train new recruit police officers beginning January 14, 2019.

PRIOR ACTION:

The City of Lakewood requires a new agreement be signed for each recruit academy class. A similar agreement was approved by City Council on July 25, 2018.

FINANCIAL IMPACT:

The costs associated with sending a police recruit to the Jefferson County Sheriff's Office and Lakewood Police Department Combined Regional Academy is \$6,000. The total cost of training the nine recruits is \$54,000, payable to the Lakewood Police Department. These fees are included in the 2019 Budget.

BACKGROUND:

The Jefferson County Sheriff's Office and Lakewood Police Department's Combined Regional Academy currently holds two law enforcement training academy sessions, one in January and

one in July. The Police Department uses this regional academy to train newly hired police recruits to become certified law enforcement officers as required by the Colorado Peace Officer's Standards and Training Board (POST).

For the January 2019 class, staff has reserved space for nine police recruits to fill current position vacancies, including new positions approved by City Council for 2019, and to allow for attrition, which is likely to occur within the next six months.

Lastly, the City of Lakewood has changed the term of the agreement to five (5) years. Previously, an agreement was required for every recruit academy class.

RECOMMENDATIONS:

Staff recommends approval of this Police Recruit Training Agreement.

RECOMMENDED MOTION:

"I move to approve Resolution No. 01-2019, a resolution approving an amended Police Recruit Training Agreement to provide law enforcement academy training for nine Wheat Ridge Police recruits at the Combined Regional Academy."

Or,

"I move to postpone indefinitely Resolution No. 01-2019, a resolution approving an amended Police Recruit Training Agreement to provide law enforcement academy training for nine Wheat Ridge Police recruits at the Combined Regional Academy, for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Daniel Brennan, Chief of Police

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 01-2019
2. 2019 Recruit Training Agreement

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 01
Series of 2019

TITLE: A RESOLUTION APPROVING AN AMENDED POLICE RECRUIT TRAINING AGREEMENT TO PROVIDE LAW ENFORCEMENT ACADEMY TRAINING FOR NINE WHEAT RIDGE RECRUITS AT THE COMBINED REGIONAL ACADEMY

WHEREAS, pursuant to C.R.S. § 29-1-203, the cities of Wheat Ridge and Lakewood, Colorado are authorized to enter into cooperative agreements with other governmental entities to provide any function, service or facility each is authorized to undertake; and

WHEREAS, Lakewood and Wheat Ridge are each authorized to perform law enforcement functions pursuant to Section 6, Article XX of the Colorado Constitution and C.R.S. § 31-15-401; and

WHEREAS, such law enforcement functions occasionally necessitate the training of new police officer recruits; and

WHEREAS, Wheat Ridge does not employ a large enough number of police officer recruits or dedicated training staff to operate its own law enforcement training academy; and

WHEREAS, the City of Lakewood operates a law enforcement training academy, in cooperation with the Jefferson County Sheriff's Office; and

WHEREAS, the Wheat Ridge Police Department recommends sending its police officer recruits to said academy, under those terms and conditions set forth in the intergovernmental agreement attached to this Resolution; and

WHEREAS, the Wheat Ridge City Council ("Council") finds that approval of the attached agreement would promote the public health, safety and welfare by providing cost-effective quality training to future Wheat Ridge police officers; and

WHEREAS, the cost of attending the recruit training is \$6,000 per recruit, and the police department has nine new recruits to be trained; and

WHEREAS, in accordance with Section 14.2 of the City's Home Rule Charter, the City Council wishes to approve said intergovernmental agreement by resolution.

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

The Police Recruit Training Agreement by and between the City of Lakewood and the City of Wheat Ridge, concerning the training of Wheat Ridge police officer recruits at the Combined Regional Academy at a cost of \$6,000 per

recruit, as attached to this Resolution and incorporated herein by reference, is hereby approved. The Mayor and City Clerk are authorized to execute the same.

DONE AND RESOLVED this 14th day of January, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

POLICE RECRUIT TRAINING AGREEMENT

This POLICE RECRUIT TRAINING AGREEMENT (the "Agreement") is made and entered into this 14th day of January, 2019 (the "Effective Date"), by and between the **CITY OF LAKEWOOD**, a Colorado home rule municipal corporation whose principal business address is 480 South Allison Parkway, Lakewood, Colorado 80226 ("Lakewood"), on behalf of itself and Jefferson County, Colorado (the "County"), and **CITY OF WHEAT RIDGE**, a municipal corporation of the State of Colorado, with offices at 7500 West 29th Avenue, Wheat Ridge, CO 80033 ("Agency").

WHEREAS, Lakewood and the County conduct a joint academy for the training of law enforcement officers known as the Jefferson County Sheriff's Office and Lakewood Police Department's Combined Regional Academy (the "Academy"); and

WHEREAS, Agency is desirous of having its police recruits ("Recruits") attend Academy classes during the term of this Agreement, the number of such Recruits attending each Academy, and associated costs, to be agreed by the parties as set forth in Exhibit A attached hereto; and

WHEREAS, Article XIV, Section 18 of the Colorado Constitution and Part 2, Article 1, Title 29, C.R.S., encourage and authorize intergovernmental agreements among government entities to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each.

NOW, THEREFORE, for the mutual covenants and promises and other valuable consideration, the receipt and adequacy of which is expressly acknowledged, the parties hereby agree as follows:

1. Purpose. The purpose of this Agreement is to provide training of the Recruits at the Academy.
2. Term of Agreement. This Agreement shall have a term of five (5) years from the Effective Date. The provisions herein relating to insurance and the covenant not to sue shall survive the termination or expiration of this Agreement.
3. Description of Training. The Academy shall provide classroom instruction as well as all testing and evaluation of the Recruits as required by State of Colorado Peace Officer Standards and Training including, but not limited to, firearms training, police driving and arrest control.
4. Number of Recruits, Payment. Agency and Lakewood will agree on the number of Agency Recruits, if any, who will attend each Academy. Not later than fifteen (15) days prior to the commencement of an Academy, Agency shall pay to Lakewood the amount set forth in Exhibit A for the number of Agency Recruits that will attend.
5. Termination. Either party may terminate this Agreement by providing to the non-terminating party, not less than fifteen (15) days prior to the date of termination, written notice of termination including the effective date thereof.
6. Independent Contractor Status. Lakewood, the County and Agency are all governmental entities (each, an "Entity"). No officer or employee of any Entity shall be considered or deemed an officer or employee of any other Entity for any purpose, including worker's compensation insurance benefits and any other benefit. The Recruits are and shall remain employees of Agency and as such are not eligible for any salary or benefits from Lakewood or the County.

7. Insurance.

- a. Agency shall continuously maintain statutory Worker's Compensation employer's liability coverage. Agency is responsible for any deductible losses under such policies or payment of any retention amounts under a self-insurance program. A certificate of insurance acceptable to Lakewood must be provided upon execution of this Agreement unless the parties arrange otherwise.
- b. Both parties shall maintain general and auto liability, law enforcement liability and public officials' liability insurance. Agency agrees to provide a certificate of insurance to Lakewood stating that notice of any cancellation of such insurance will be provided to Lakewood not less than thirty (30) days prior to any such cancellation. All cancellation notices shall be sent to the City of Lakewood, Risk Management Division.

8. Covenant not to sue. Agency, in connection with the training of its Recruits as provided herein, hereby agrees to release, waive and discharge, and covenants not to sue, Lakewood and the County, and their respective officers, employees and insurers, from and against any and all claims, damages, liabilities, demands and court awards of any kind whatsoever, which arise from any acts or omissions of any Recruit while being trained pursuant to this Agreement or thereafter, that are in any manner connected with any Recruit, if such injury, loss or damage is or is claimed to be caused in whole or in part by the act, omission or other fault of any Recruit or the training of Recruits hereunder. The parties understand, are relying upon and do not waive or intend to waive by any provision of this Agreement the monetary limitations or any other rights, immunities or protections, provided by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*, as amended, or otherwise available to the parties and their officers or employees.

9. General Provisions.

- a. Integration, Amendment of Exhibit. This Agreement, including Exhibit A, which is incorporated herein by reference, contains the entire understanding among the parties, and no statement, promise or inducement made by either party that is not contained herein shall be valid or binding. This Agreement shall not be enlarged, modified, altered or extended, except in writing, signed by the parties and endorsed herein. For the avoidance of doubt, the parties agree that Exhibit A may be amended from time to time in a writing signed by the Chiefs of Police of Lakewood and Agency. This Agreement shall inure to the benefit of and be binding upon Lakewood and Agency and their successors and assigns.
- b. Assignment. This Agreement shall not be assigned by either party.
- c. Severability. If any part of this agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining parts shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part held to be invalid.
- d. Venue. Venue for any and all legal actions regarding the transaction covered herein shall lie in the District Court in and for Jefferson County, Colorado, and this transaction shall be governed by the laws of the State of Colorado.
- e. Authority. This instrument shall not constitute an agreement until accepted, in writing by the duly authorized representative of Lakewood and Agency.

- f. Current Expenditures. Financial obligations of the parties after the current fiscal year are contingent on funds for that purpose being appropriated, budgeted and otherwise made available by each party's City Council. The parties' obligations under the Agreement shall be from year to year only and shall not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of either party within the meaning of Article X, Section 20 of the Colorado Constitution.
- g. Counterparts; Electronic Disposition. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.

[Remainder of page intentionally blank – signatures follow.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY OF LAKEWOOD

ATTEST:

Daniel J. McCasky, Chief of Police

Margy Greer, City Clerk

Approved as to form:

Jennifer S. Roth, Deputy City Attorney-Criminal

CITY OF WHEAT RIDGE

ATTEST:

Bud Starker, Mayor

Signature

Janelle Shaver, City/Town Clerk

APPROVED AS TO LEGAL FORM:

Signature

Gerald Dahl, City Attorney

EXHIBIT A
Number of Agency Recruits and Payment Amount

Academy commencement date: January 14, 2019

Number of Agency Recruits attending: 9

Amount per Agency Recruit payable to Lakewood: \$6,000

Total amount payable from Agency to Lakewood for Recruit training: \$54,000

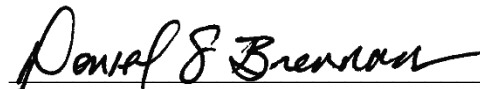
REQUEST FOR CITY COUNCIL ACTION**TITLE: RESOLUTION NO. 02-2019 – A RESOLUTION APPROVING
AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF LAKEWOOD AND THE CITY OF WHEAT
RIDGE FOR CRIME LAB/CRIME SCENE SERVICES**

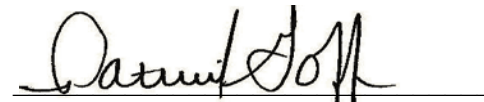
☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO


Chief of Police


City Manager

ISSUE:

Since 2006, the Wheat Ridge Police Department has contracted with the Lakewood Police Department to provide scene processing and analysis for major criminal events. A strong working relationship has been formed that has produced numerous successful prosecutions. The Lakewood Crime Analysis Team has also provided training to WRPD officers as well as assisted WRPD in Community Outreach. This agreement has been rewritten to be a five (5) year agreement rather than the one (1) year agreement it has been in the past.

PRIOR ACTION:

After reviewing the available options for crime scene analysis, the department entered into an agreement with the Lakewood Police Department to provide forensic crime lab services. The first IGA, an eighteen month agreement was approved in June, 2006 and ended December 31, 2007. Due to the success of this agreement, it has been continued since. This agreement has been successful over the past 12 1/2 years and it is recommended the agreement to be continued for the period between January 1, 2019 and December 31, 2023.

FINANCIAL IMPACT:

Per the agreement, Wheat Ridge pays salary and benefit costs for one Lakewood Crime Lab position at \$61,610 for salary and \$1,390 for benefits for a total of \$63,000 for 2019.

Preliminary overtime costs have been estimated at \$6,840, bringing the total 2019 personnel costs to \$69,840. Additional costs are \$1,600 for personnel support (training, cellphone, and clothing expenses) and the cost of replenishment of supplies consumed in the course of scene analysis, which is absorbed in the Investigations Bureau Operating Supplies budget account. The total 2019 annual cost is \$71,440. In comparison, salary and benefits costs for one Wheat Ridge Police senior detective position are \$98,155 and estimated overtime costs of \$8,000, bringing the total costs for a sworn detective position to \$106,155. This IGA saves the department approximately \$34,715 for 2019.

BACKGROUND:

The Wheat Ridge Police Department has used forensic crime lab services from the Lakewood Police Department since the original IGA was signed in 2006. The Wheat Ridge Police Department has found the Lakewood Crime Lab to be responsive and professional. This partnership provides the Wheat Ridge Police Department with immediate access to all of Lakewood Crime Lab personnel as needed. In addition, it has allowed Wheat Ridge access to high quality forensic services at a cost which is substantially lower than even basic forensic services could be provided from within.

The agreement states that in return for the services provided, Wheat Ridge will compensate Lakewood for the salary, benefits and other associated costs for one (1) full-time Crime Scene Analyst.

RECOMMENDATIONS:

The police department recommends maintaining the partnership with the Lakewood Police Department. This IGA makes the police department more efficient and effective, and enhances our level of service to the community. It also provides the department the opportunity to redeploy a sworn position to the Investigations Bureau.

RECOMMENDED MOTION:

“I move to approve Resolution 02-2019, a resolution approving an intergovernmental agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services.”

Or,

“I move to postpone indefinitely Resolution 02-2019, a resolution approving an intergovernmental agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services for the following reason(s)

_____.”

REPORT PREPARED BY:

Dave Pickett, Division Chief

Daniel Brennan, Police Chief

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 02-2019
2. Intergovernmental Agreement between City of Lakewood and City of Wheat Ridge

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 02
Series of 2019

TITLE: A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAKEWOOD AND THE CITY OF WHEAT RIDGE FOR CRIME LAB/CRIME SCENE SERVICES

WHEREAS, pursuant to C.R.S. § 29-1-203, the cities of Wheat Ridge and Lakewood, Colorado are authorized to enter into cooperative agreements with other governmental entities to provide any function, service or facility each is authorized to undertake; and

WHEREAS, Lakewood and Wheat Ridge are each authorized to perform law enforcement functions pursuant to Section 6, Article XX of the Colorado Constitution and C.R.S. § 31-15-401; and

WHEREAS, Lakewood currently possesses both a forensic crime lab and personnel that provide services that enhance investigative capabilities on crime scenes; and

WHEREAS, Wheat Ridge does not currently possess such specialized lab facilities or personnel; and

WHEREAS, the Wheat Ridge City Council ("Council") finds that contracting with Lakewood for the use of Lakewood's forensic crime lab facilities and personnel would promote and protect the public health, safety, and welfare by enhancing the investigative capabilities of Wheat Ridge concerning Wheat Ridge crime scenes; and

WHEREAS, the Council therefore desires to approve the terms of an agreement with Lakewood under which Wheat Ridge may utilize Lakewood's forensic crime lab and personnel; and

WHEREAS, in accordance with Section 14.2 of the City's Home Rule Charter, the City Council wishes to approve said intergovernmental agreement by resolution.

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

The Intergovernmental Agreement by and between the City of Lakewood and the City of Wheat Ridge concerning Wheat Ridge's use of Lakewood's forensic crime lab and personnel for calendar years 2019 through 2023, attached to this Resolution and incorporated herein by reference, is hereby approved. The Mayor and City Clerk are authorized to execute the same.

DONE AND RESOLVED this 14th day of January 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

**INTERGOVERNMENTAL AGREEMENT
FOR
FORENSIC CRIME LAB SERVICES AND PERSONNEL**

THIS INTERGOVERNMENTAL AGREEMENT FOR FORENSIC CRIME LAB SERVICES AND PERSONNEL (the "Agreement") is made and entered into effective this 1st day of January, 2019 (the "Effective Date"), by and between the **CITY OF WHEAT RIDGE, COLORADO**, a Colorado municipal corporation, ("Wheat Ridge"), and the **CITY OF LAKEWOOD**, a Colorado home rule municipal corporation ("Lakewood").

WHEREAS, in 2006, the parties entered into an Agreement for forensic crime lab services and personnel (the "Original IGA");

WHEREAS, annually thereafter, the parties have entered into identical versions of the Original IGA;

WHEREAS, the parties desire to enter into a longer-term agreement for the forensic crime lab services and personnel described herein (collectively, the "Services") with options for extension and termination;

WHEREAS, Lakewood possess a forensic crime lab and personnel that provide services that enhance investigative capabilities at crime scenes;

WHEREAS, Wheat Ridge desires to use these resources to more effectively manage its crime scene investigation, and Lakewood agrees to provide for such use;

WHEREAS, Lakewood employs one (1) additional Crime Scene Analyst (as defined herein) to service Wheat Ridge's crime scene investigation needs, which results in Wheat Ridge will receiving services equivalent to one (1) full-time employee; and

WHEREAS, the parties wish to memorialize their agreements herein.

NOW THEREFORE, in consideration of the recitals, covenants and promises herein set forth and other good and valuable consideration herein received, the parties agree as follows:

I. TERM AND TERMINATION; APPROPRIATION.

A. Term; Extension.

1. **Term.** The Term of this Agreement shall be five (5) years from the Effective Date, unless extended as set forth herein, subject to annual appropriation and termination as provided herein.
2. **Extension.** This Agreement may be extended for five-year periods, not to exceed four (4) such extensions.

- B. Termination.** Either party may terminate this Agreement at any time and for any reason upon providing sixty (60) days notice to the non-terminating party; provided, however, that if the reason for termination is the other party's breach of this Agreement, the non-terminating party shall be given at least thirty (30) days to effect a cure. Notice of termination must state the reason for termination with sufficient detail to provide the non-terminating party adequate information to cure.

- C. Compliance with Colorado Constitution Article X Section 20. The obligations of the parties hereunder are expressly subject to annual appropriation of amounts necessary in the sole and exclusive discretion of their respective governing bodies. Nothing in this Agreement constitutes or is intended to create a multi-year fiscal obligation or debt of either party within the meaning Article X, Section 20 of the Colorado Constitution.

II. DEFINITIONS. As used herein, the following terms have the meanings set forth:

- A. Ancillary Scene/Ancillary Crime Scene: A location that is not the primary scene of a Call-out. Ancillary Scenes include, but are not limited to: hospitals, vehicles and the Lakewood Police Department when used to create search warrants and process victims and/or suspects.
- B. Call-out: A request made by either the Wheat Ridge or Lakewood Police Department for a Crime Scene Analyst, and any other personnel as may be deemed necessary, to visit a Crime Scene and to begin the investigation and analysis necessary to resolve a particular case.
- C. Court Preparation: Includes but is not limited to: photo processing and preparation, diagram production, pre-trial meetings, consultation and other work done to prepare for any court proceedings resulting from a Crime Scene investigation.
- D. Crime Scene: Either a Primary or Ancillary Scene as defined herein.
- E. Crime Scene Analyst: A non-sworn member of the Lakewood Police Department specializing in Crime Scene investigation.
- F. Forensic Crime Lab/Crime Lab: A laboratory specially designed to aid in the investigation and analysis of evidence found at a Primary Crime Scene or any Ancillary Crime Scene.
- G. Image Analysis: Follow-up work performed in the Crime Lab, which includes, but is not limited to: review of images and providing stills from surveillance tapes.
- H. Overtime: Time worked by any Crime Scene Analyst beyond the normal working hours as scheduled on a weekly basis.
- I. Primary Scene/Primary Crime Scene: The location where a crime is committed.

III. SERVICES. Lakewood shall make its Forensic Crime Lab and personnel available to Wheat Ridge as set forth herein.

- A. Call-outs. Wheat Ridge may make a Call-out request for a Crime Scene Analyst in the circumstances as set forth in **Exhibit 1**, attached hereto and incorporated herein by this reference (the "Call-out Policy"). Lakewood shall make all assignments for each Call-out. Wheat Ridge shall provide security for any Crime Scene Analyst at the scene of a Wheat Ridge incident. Lakewood shall provide the following Services to Wheat Ridge in conjunction with each Wheat Ridge Call-out:
1. At least one (1) Crime Scene Analyst at the Primary Scene of the Call-out (additional personnel may be called out as necessary and as available);
 2. At least one (1) Crime Scene Analyst at any Ancillary Scenes (additional personnel may be called out as necessary and as available);

3. Chemical preparation for any required processing at a Crime Scene; and
 4. Follow-up preparation and evaluation of evidence in Lakewood's or Wheat Ridge's Crime Lab, including, but is not limited to:
 - a. Documentation of clothing and other items of evidentiary value;
 - b. Bloodstain pattern analysis both at the Crime Scene and in the Crime Lab (bloodstain pattern analysis includes presumptive testing for blood);
 - c. Field response latent print processing;
 - d. Footwear and tire track processing and comparison;
 - e. Alternate light source examinations;
 - f. Image Analysis;
 - g. Image processing and the archival storage and reproduction of images, which includes time, material and storage expense;
 - h. Report writing and diagramming, which includes laser mapping;
 - i. Gunshot residue collection;
 - j. Court Preparation; and
 - k. Court testimony.
- B. Training. Provide Crime Scene training to members of the Wheat Ridge Police Department when deemed necessary and appropriate, contingent upon the reasonable availability of Lakewood Crime Lab personnel to render such training. This training can include, but is not limited to:
1. Police in-service training;
 2. Basic Crime Scene Investigator (CSI) training; and
 3. CSI best practices update training.
- C. Assistance and Support. Provide assistance and technical support for various community outreach programs that have been established by the Wheat Ridge Police Department, contingent upon the reasonable availability of Lakewood Crime Lab personnel. These programs include, but are not limited to:
1. Wheat Ridge Volunteer Academy;
 2. Wheat Ridge Civilian Police Academy; and
 3. Wheat Ridge Police National Night Out Event.
- D. Procedure. For Crime Scenes located in Wheat Ridge, all evidence not required for immediate forensic examination shall be booked into Wheat Ridge property and evidence. Wheat Ridge shall be responsible for any required viewings of evidence.
- E. Standard, Access and Quality of Service. With regard to all Services provided hereunder, when responding to a request from Wheat Ridge, Lakewood shall provide the same standard of service, quality of service and accessibility to Wheat Ridge as it does for all Lakewood Call-outs.
- F. Staffing; Supervision. The Lakewood Forensic Crime Lab shall be staffed and supervised exclusively by Lakewood employees.
- G. Scope. This Agreement shall not be read to include access to any Lakewood Computer Forensics Technician.
- H. Wheat Ridge Facilities. Lakewood shall have access to Wheat Ridge facilities as necessary to carry out the intent of this Agreement. In particular, Lakewood shall have

access to the evidence facility owned by Wheat Ridge located at 11220 W. 45th Avenue, Wheat Ridge, Colorado.

IV. CONSIDERATION. In exchange for the Services provided and access to Crime Scene investigation resources, Wheat Ridge shall compensate Lakewood as follows:

A. Salary, Benefits and Other Associated Costs.

1. General. Wheat Ridge shall pay to Lakewood the salary, benefits and other costs for one (1) full-time Crime Scene Analyst. **The salary during the first year of this Agreement (2019) shall not exceed Sixty-one Thousand Six Hundred Ten and 00/100 dollars (\$61,610.00)** and shall be payable in advance in equal quarterly installments of Fifteen Thousand Four Hundred Two and 50/100 dollars (\$15,402.50).
2. Overtime. Wheat Ridge shall pay all hourly overtime costs for Crime Scene Analysts on Wheat Ridge Call-outs at the overtime rates paid by Lakewood for all overtime incurred by such Crime Scene Analysts. Within thirty (30) days of receipt of an invoice from Lakewood, Wheat Ridge shall pay to Lakewood all overtime costs incurred.

B. Replenishment of Supplies. Wheat Ridge agrees to provide replenishment of supplies consumed in the course of a Crime Scene investigation, including, but are not limited to, fingerprint powder, tape and brushes, casting material and chemicals used in the development of latent impressions and latent blood detection.

C. Personnel Support Fee. Wheat Ridge agrees to pay to Lakewood an additional fee for one (1) Crime Scene Analyst in the amount of \$1,600 per year to fund training costs, pager, mobile phone and clothing expenses. Lakewood will bill this fee quarterly in pro-rated amounts.

D. Changes. Changes in salary, benefits, overtime and other costs associated with this Agreement shall be made during each party's budget process (typically completed in the months of May and June) and shall be reflected on the form attached hereto **Exhibit 2**. In no event shall such changes be communicated to the other party later than one (1) week prior to submission of the final budget to the party's respective City Managers' offices for approval. Upon mutual agreement of the parties as to the changes reflected in Exhibit 2, as evidenced by their signatures thereon, Exhibit 2 shall be automatically amended without further action of the parties.

V. RECORDS RETENTION – PUBLIC RECORDS REQUESTS AND SUBPOENAS. All physical records and evidence generated by the Crime Lab and its personnel shall remain in the possession of Lakewood for the limited purpose of forensic examination. Upon the completion of examination of such records for a Wheat Ridge Crime Scene, such physical records and evidence shall be maintained by Wheat Ridge. Legal ownership of such records and evidence from any Wheat Ridge Crime Scene shall remain exclusively with Wheat Ridge. Wheat Ridge shall have all responsibility for responding to records inspection requests and any subpoenas for records with respect to Wheat Ridge crime scenes.

VI. COMPLIANCE WITH APPLICABLE LAW. The Parties agree that in execution of the terms and conditions of this Agreement, they shall comply with all applicable federal, state and local laws, regulations and policies

VII. NOTICE. Any notice to be provided under this Agreement shall be sufficient if personally delivered or if sent by certified mail, return receipt requested, addressed as follows:

If to Wheat Ridge:	Division Chief, Support Services Division City of Wheat Ridge 7500 W. 29 th Ave. Wheat Ridge, CO 80033
--------------------	--

With a copy (which shall not constitute notice) to:	Gerald E. Dahl Murray Dahl Beery & Renaud LLP 710 Kipling Street Suite 300 Lakewood CO 80215
---	---

If to Lakewood:	Commander, Support Services Division 480 S. Allison Pkwy. Lakewood, CO 80226
-----------------	--

With a copy (which shall not constitute notice) to:	Office of the City Attorney City of Lakewood 480 S. Allison Pkwy. Lakewood, CO 80226
---	---

Notices personally delivered shall be effective upon delivery. Mailed notices shall be effective three (3) business days after mailing.

VIII. GENERAL PROVISIONS.

- A. Integrated Agreement; Binding Effect. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. This Agreement shall be binding upon, and shall inure to the benefit of, the parties and their respective heirs, personal representatives, successors and assigns.
- B. No Waiver. Failure to insist upon strict compliance with any of the terms, covenants and/or conditions hereof shall not be deemed a waiver of such terms, covenants and/or conditions, nor shall any waiver or relinquishment of any right or power hereunder at any one time or more times be deemed a waiver or relinquishment of such right or power at any other time or times.
- C. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than the Lakewood and Wheat Ridge shall be deemed to be only an incidental beneficiary under this Agreement.
- D. Governing Law; Severability. The laws of the State of Colorado shall govern the interpretation, validity, performance and enforcement of this Agreement. For the resolution of any dispute arising hereunder, jurisdiction and venue shall be proper and exclusive in the Courts of Jefferson County, Colorado. If any provision of this Agreement shall be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Agreement shall not be affected thereby.

- E. Counterparts; Electronic Disposition. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately represent the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.
- F. Paragraph headings. Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.
- G. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Agreement on behalf of the parties and to bind the parties to its terms.

[Remainder of page intentionally blank – signatures follow.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the Effective Date.

ATTEST:

CITY OF WHEAT RIDGE, COLORADO

By: _____
Janelle Shaver, City Clerk

By: _____
Bud Starker, Mayor

APPROVED AS TO FORM:

By: _____
Gerald Dahl, City Attorney

CITY OF LAKEWOOD

Kathleen E. Hodgson, City Manager

ATTEST:

Margy Greer, City Clerk

Approved as to form:

Gregory D. Graham, Deputy City Attorney

Recommended for approval:

Approved as to funding:

Daniel J. McCasky, Chief of Police

Larry Dorr, Finance Director

EXHIBIT 1
Call Out Policy

Wheat Ridge may make Call-out requests for the following incidents:

1. Homicides and attempted homicides
2. Questionable (suspicious) and accidental deaths
3. Suicides
4. Felony Sex Assaults
5. First & Second degree assaults on police or fire personnel
6. Assaults with potentially life threatening injuries to any person
7. Fire investigations involving human death or potentially life threatening injuries; or at the request of fire investigators for technical assistance
8. Felony child abuse
9. First or Second degree kidnapping
10. Police involved shootings
11. Other types of incidents where the sensitivity of the investigation or a forensic complexity precludes the normal processing option, at the discretion of the supervisor

EXHIBIT 2
Annual Changes to Salary, Other Costs

The parties shall use this form to make annual changes to the salary, benefits, overtime and other costs associated with this Agreement, as set forth in Section IV.

Year: 20__

New Salary (if any): \$ _____

Overtime Pay/Rate: \$ _____

Benefits Changes (if any): _____

Changes in other Costs (if any): _____

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 ☐ ORDINANCES FOR 1ST READING (11/26/2018)
☐ BIDS/MOTIONS ☒ ORDINANCES FOR 2ND READING (01/14/2019)
☐ RESOLUTIONS

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. The existing building contains four (4) residential units on the second floor and commercial space on the first floor. This is the historical condition and is considered legally non-conforming under the C-1 zoning. The rezone to MU-N, if approved, would legalize the existing configuration.

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 are attached.

FINANCIAL IMPACT:

The proposed zone change is not expected to have a direct financial impact on the City. Fees in the amount of \$845 were collected for the review and processing of Case No. WZ-18-21. Additional fees will be collected for the proposed renovation work, which requires building permits.

BACKGROUND:

The subject property is located at 6985 W. 38th Avenue. The property is approximately a sixth of an acre in size 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 building was built in 1950, per the Jefferson County Assessor. There is a parking area in the front of the building and more spaces, plus an alley/trash collection area, behind it. 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.

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.

Referral Process

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

RECOMMENDATIONS:

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

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

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

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) for the following reasons:

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

Or,

“I move to deny 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) for the following reason(s): _____ 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:

Scott Cutler, Planner II

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 32-2018
2. Planning Commission Staff Report
3. Planning Commission Draft Meeting Minutes

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER URBAN
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 8 to 0 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: November 29, 2018

2nd publication:

Wheat Ridge Transcript:

Effective Date:

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

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

CASE MANAGER: Scott Cutler

CASE NO. & NAME: WZ-18-21 / Barta

ACTION REQUESTED: Approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N).

LOCATION OF REQUEST: 6985 W. 38th Avenue

APPLICANT (S): Joshua Andert & Weston Gouger

OWNER (S): Barta House LLLP

APPROXIMATE AREA: 6,900 square feet (0.158 acres)

PRESENT ZONING: Commercial-One (C-1)

COMPREHENSIVE PLAN: Main Street Corridor

ENTER INTO RECORD:

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

Location Map



Site

JURISDICTION:

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

I. REQUEST

The owners of the property at 6985 W. 38th Avenue are requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N). The zone change will allow the property to match the zoning of the surrounding properties and allow the building's existing nonconforming uses to comply with the zoning.

II. EXISTING CONDITIONS

The subject property is located at 6985 W. 38th Avenue. The property is approximately a sixth of an acre in size and located on the north side of 38th Avenue between Reed Street and Pierce Street. It consists of two parcels, parts of Lot 1 and Lot 10 of the Holley Subdivision which was originally platted in 1937. The property contains one structure, a two-story building containing retail/office spaces on the first floor and four apartments on the second floor (*Exhibit 1, Aerial*). The building was built in 1950, per the Jefferson County Assessor. There is a parking area in the front of the building, and more spaces plus an alley/trash area behind it. 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 property is zoned Commercial-One (C-1). Most properties along 38th Avenue between Wadsworth and Sheridan 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 (*Exhibit 2, Zoning Map*). The surrounding businesses include restaurants, bars, offices, and a gas station.

III. PROPOSED ZONING

The property is currently zoned Commercial-One (C-1). This zone district was established to provide for a wide range of commercial land uses, including office, general business, and retail sales and service establishments. Residential uses can be located in the C-1 zone district, but must be accessory to a primary use and are limited by Section 26-626 of the zoning code (Residential uses in commercial zones; conditions). Based on this code section, the current apartments exceed the allowance for residential uses in the C-1 zone district, but they have existed since the building's construction in 1950 and are therefore legally nonconforming.

The applicant has proposed to rezone the property from C-1 to Mixed Use – Neighborhood (MU-N) to bring the existing building into compliance with the zoning code, allow for parking requirements to be reduced slightly in case a restaurant were to occupy one or both of the retail spaces, and better facilitate shared parking agreements in the area (*Exhibit 3, Applicant Letter*). The applicant has purchased the property and regardless of the zone change, they plan to fully renovate the building, exterior and interior. In addition to residential and office uses, the MU-N zone district allows for a range of neighborhood-serving commercial and retail uses.

The following table compares the existing and proposed zoning for the property, with standards for new development or major additions. The development standards are similar in terms of architectural

requirements and build-to/setbacks. In terms of permitted uses, MU-N allows commercial and residential uses whereas the C-1 zone allows only commercial uses with highly restricted residential uses as an accessory use. The C-1 is slightly more permissive in allowing more intense commercial uses, but in this case the dimensions of the property are a limiting factor. In terms of residential uses, MU-N would legitimize the existing apartments which exceed the allowances of the C-1 zone district but have existed since the building was built. MU-N does not prescribe the number of residential units that are permitted; they are limited by the charter cap and feasibility of development on the site.

	<u>CURRENT ZONING</u> Commercial-One (C-1)	<u>PROPOSED ZONING</u> Mixed Use-Neighborhood (MU-N)
Uses	Allows a wide range of commercial uses with very limited residential accessory uses	Allows residential, commercial or mixed use – includes multi-family and live/work facilities
Architectural Standards	Architectural and Site Design Manual	Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation and materials.
Max. Building Height	50'	35' if the building has residential use 50' for all other uses
Max. Lot coverage	80%	90% for mixed use 85% for single use
Min. Landscaping	20%	10% for mixed use 15% for single use
Build-to Area	0-12' along front property line (property is in Traditional Overlay district)	0-12' along front property line
Setbacks	Sides: 5' per story unless building is masonry, then 0' Rear: 10' plus 5' per additional story	Sides: 0' Rear: 5'

IV. ZONE CHANGE CRITERIA

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

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

The MU-N zone district would allow the property owner to bring the building into compliance with its assigned zone district and allow the zoning to match that of all of the surrounding properties on the corridor. The existing apartments, which are currently legally non-conforming, would become conforming under the MU-N zoning. The applicant plans to renovate the existing building, so no new development is proposed as part of this application. No additional apartments could be added due to density limitations.

For that reason, the zone change should not have an adverse effect on the surrounding area. Based on the small size of the property, many of the more intensive permitted uses in MU-N zone district are unrealistic (such as large apartment buildings or intensive commercial uses).

In addition, any MU-N building containing a residential use is limited to 35 feet in height. Commercially-zoned properties (RC, C-1, and NC) may contain buildings up to 50 feet in height.

The design standards for MU-N are stricter than for other commercial zones, including setbacks, landscaping buffers, and architecture.

Staff concludes that this criterion has been met.

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

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

Staff concludes that this criterion has been met.

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

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

W. 38th Avenue is a primary east-west corridor in the City, is classified as a major arterial, and is predominantly commercial in character, with residential uses sprinkled throughout. *Envision Wheat Ridge*, the City's 2009 comprehensive plan, identifies this corridor as a Main Street Corridor (*Exhibit 4, Comprehensive Plan*). This designation envisions a pedestrian-friendly main street environment that emphasizes Wheat Ridge's historic and hometown character. The comprehensive plan notes the importance of small-scale mixed-use infill and redevelopment between Wadsworth Boulevard and Pierce Street, where this site is located.

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

The 38th Avenue Corridor Plan, adopted in 2011, identifies this portion of the corridor as the Main Street subdistrict. The vision for this subdistrict is to have "small shops, restaurants, and services at the ground floor with residences and office space on upper floors," and the zone change and very much supports this vision.

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 C-1 zoning designation as it appears on the City zoning maps. As noted above, the City allowed an opt-out period after the

2012 legislative rezoning and the prior property owner was among a handful of those who opted-out of the MU-N and retained their existing zoning—in this case C-1.

Staff concludes that this criterion is not applicable.

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

Staff believes the existing C-1 zoning on the property does not accurately represent the uses of the property, nor the mixed-use nature of the 38th Avenue corridor. Based on recent projects along 38th Avenue in the MU-N zone district, both residential and commercial, Staff concludes that there are changed conditions which make this property undesirable to be limited to purely a commercial zoning designation.

Staff concludes that this criterion has been met.

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

The proposed rezoning does not relate to an unanticipated need.

Staff concludes that this criterion is not applicable.

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

V. PUBLIC NOTICING

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

A meeting for neighborhood input was held on October 11, 2018. Four members of the public attended the meeting in addition to the applicant and staff. In general, the attendees were supportive of the request and the proposed investments. (*Exhibit 6, Neighborhood Meeting Notes*).

As of the date of distribution of this staff report, November 9, 2018, the City has not received additional comments or inquiries from surrounding property owners.

VI. AGENCY REFERRAL

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

Wheat Ridge Public Works Department: No comments.

Wheat Ridge Building Division: No comments. All review of the proposed building renovations will take place at time of building permit submittal.

West Metro Fire Protection District: No concerns. Building permits are subject to review by West Metro.

Xcel Energy: No concerns.

Century Link: No concerns.

Comcast Cable: No comments.

Wheat Ridge Water District: No comments.

Wheat Ridge Sanitation District: No comments.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zone change promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area. Staff further concludes that utility infrastructure adequately serves the property, and the applicant will be responsible for upgrades, if needed in the future. Finally, Staff concludes that the zone change is consistent with the goals and objectives of the Comprehensive Plan by promoting a mix of uses along 38th Avenue.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-18-21.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-18-21, a request for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 W. 38th Avenue, for the following reasons:

1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
2. Utility infrastructure adequately services the property.
3. The proposed zone change is consistent with the goals and objectives of the City’s Comprehensive Plan and subarea plan and consistent with the character of 38th Avenue.
4. The zone change will provide additional opportunity for reinvestment in the area.
5. The criteria used to evaluate a zone change supports the request.
6. The mixed-use zoning will bring the existing mixed-use building into compliance with the zone district in which it is located.”

Option B:

“I move to recommend DENIAL of Case No. WZ-18-21, a request for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 W. 38th Avenue, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL

Note: Aerial distortions create the false impression that the building is outside of the property line.



EXHIBIT 2: ZONING MAP

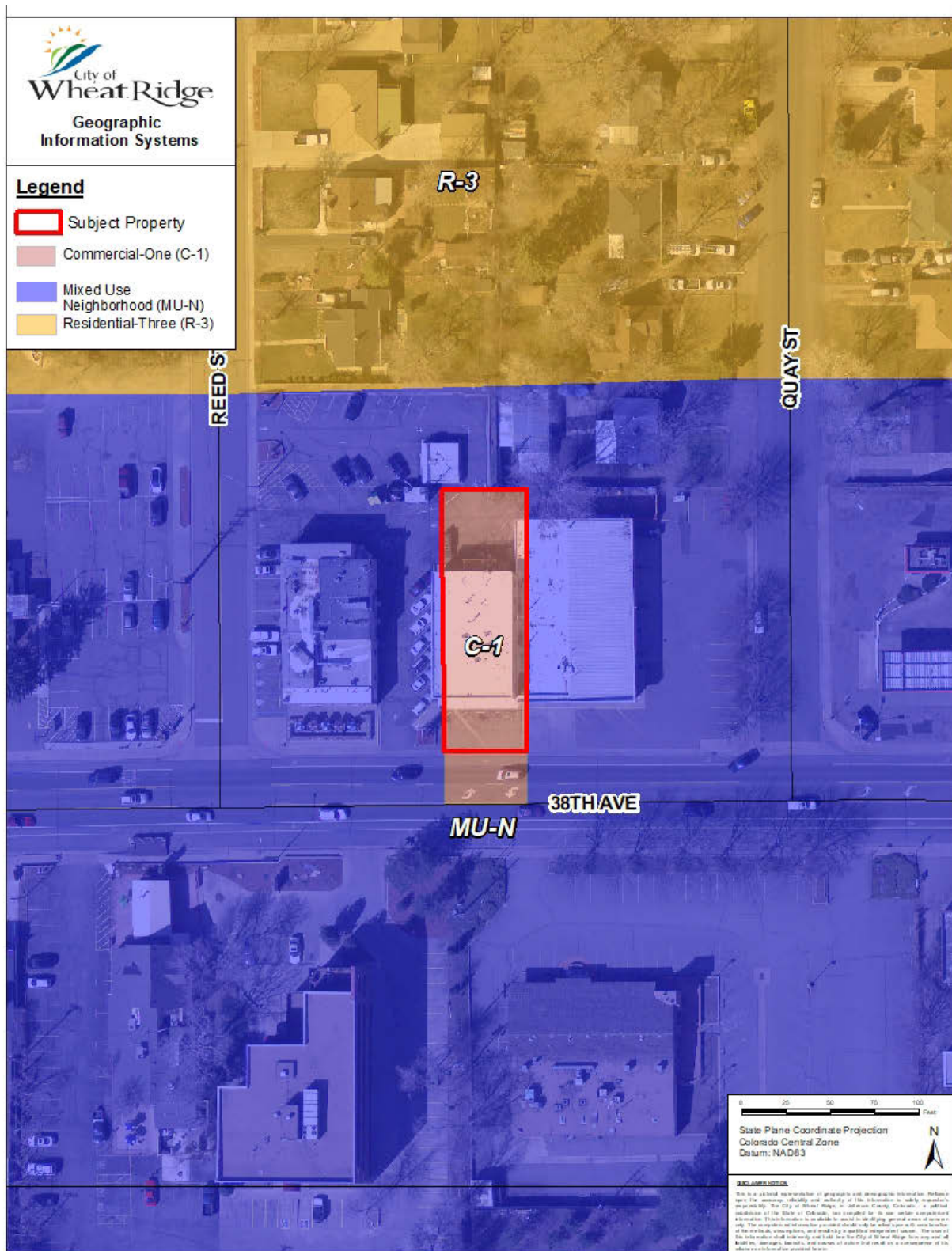


EXHIBIT 3: APPLICANT LETTER

Request and Description of Proposal for Zone Change at 6985 West 38th Avenue, Wheat Ridge, CO 80033-4965

Barta House LLLP, will close on and ow property located at 6985 W.38th Ave on October 18, 2018. With the permission of the current owner, Geraldine Eva Barta, we would like to request a zone change from C-1 to MU-N (see attached contract granting permission from current owner.)

The building at 6985 W.38th has been vacant in its commercial spaces on the first floor and have fallen into disrepair. The four apartments on the second floor, while maintaining tenants have also fallen into disrepair. Accordingly, the entire building needs updates and renovations. The intention of the Barta House, LLLP is to renovate all spaces in the building in order to attract retail/ commercial tenants that will contribute to both the economic and cultural revitalization of the W. 38th corridor as well as tenants for the apartments who ideally will also engage and further develop the community.

In order to facilitate the redevelopment and attract strong tenants, we would like to change the zoning of the property from C-1 to MU-N. Such a re-zone would bring the property up to date and into conformance with the major re-zone that occurred in 2011 for all adjacent properties as well as the City of Wheat Ridge's comprehensive 38th Corridor Plan. Additionally, the MU-N would alleviate the need for additional parking, facilitate any needed parking agreements with neighboring properties, as well as allow for more realistic permitted uses that are both germane to the building and the neighborhood.

Given a successful re-zoning, the change would in no way adversely affect the surrounding area and neighborhood nor significantly change the character or use of the building. Rather, it would facilitate bringing the building back to life and in line with the re-development occurring along the entire corridor, which is in the interest of both the citizenry and businesses in the neighborhood.

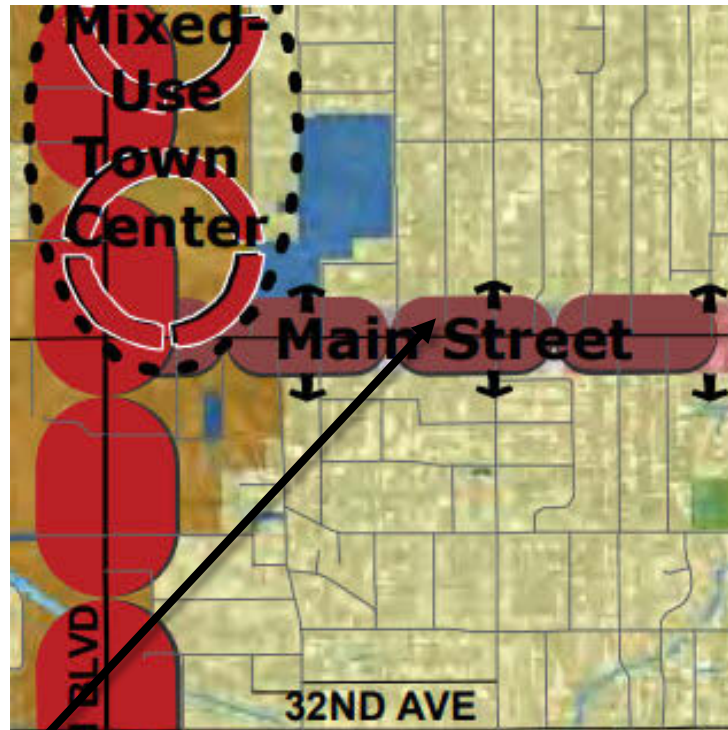
Sincerely,



Joshua Andert
General Partner of Barta House, LLLP.

EXHIBIT 4: COMPREHENSIVE PLAN

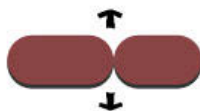
The following is an excerpt from the Structure Map within the Comprehensive Plan.



Subject Property

Neighborhoods

*see Chapter 3 Criteria for
different Neighborhood types*



**Main Street
Corridor** *with
Neighborhood Portals*

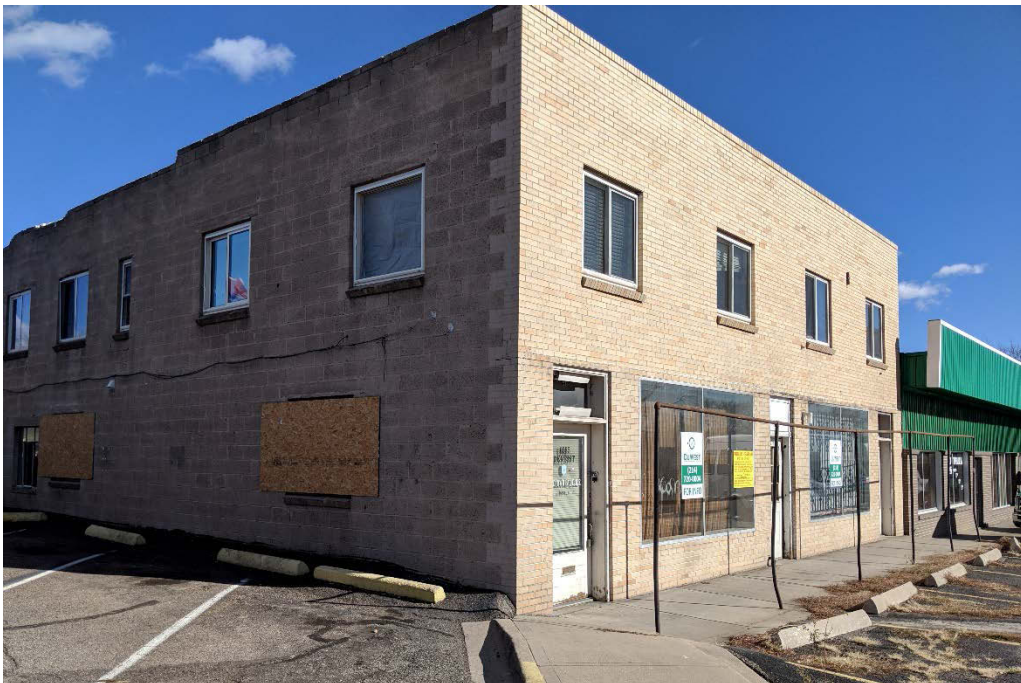


Main Street Corridor
(38th Avenue)

EXHIBIT 5: SITE PHOTOS



View of the subject property looking north across W. 38th Avenue. The yellow Public Notice sign can be seen in the window. The neighboring buildings can be seen to the left and right, which are on separate properties zoned MU-N.



View of the property looking northeast, showing the side of the building with the apartment windows on the second floor. The site is currently in disrepair but is proposed to be renovated by the applicant.

EXHIBIT 6: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	October 11, 2018
Attending Staff:	Scott Cutler, Planner I
Location of Meeting:	Wheat Ridge Municipal Building
Property Address:	6985 W. 38 th Avenue
Property Owner(s):	Barta Family (Applicant has property under contract)
Applicant:	Joshua Andert
Applicant Present?	Yes
Existing Zoning:	Commercial-One (C-1)
Existing Comp. Plan:	Main Street Corridor

Existing Site Conditions: The site is located on the north side of W. 38th Avenue between Reed Street and Quay Street. The property is approximately 6,900 square feet (0.158 acres) and contains a two-story mixed-use building from 1950, according to the Jefferson County Assessor. The building used to have a dentist office on the first floor, and four apartments on the second floor. It is currently mostly vacant.

The property is zoned Commercial-One (C-1). Most properties along 38th Avenue 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.

Applicant Preliminary Proposal: The applicant has proposed to rezone the property from C-1 to MU-N to bring it further into compliance with the zoning code (the number of apartments would not be allowed under C-1 standards today). They plan to renovate the apartments and refurbish the two commercial tenant spaces on the first floor. They also plan to upgrade the site with parking restriping, landscaping where possible, and façade upgrades. A patio may be built in the future.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 4 residents from the neighborhood attended the meeting; see attached sign-up sheets.

- Staff explained the purpose of the neighborhood meeting, and informed the members of the public of the rezoning process.
- Staff discussed the site, its zoning and land use, and history of the legislative rezoning.
- The applicant presented their proposal and answered further questions, with help from staff.
- The members of the public were informed of their opportunity to make comments during the process and at the required public hearings.

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

- Can you rezone just one parcel?
Staff explained that a rezoning of one parcel is possible. Because all of the surrounding properties are already zoned MU-N it would not be considered a spot zone.
- What are the plans for the building?
The plan is to keep the uses but to renovate them. There are two tenant spaces on the first floor that need work, and the existing apartments upstairs also need major repairs.
- What would the parking requirements be?
Parking requirements depend on the tenants and use. For example, a restaurant requires more parking than office use. Staff explained the requirement to add an ADA-accessible parking space at the front, and that a shared parking agreement with nearby properties may be necessary if a restaurant is added.
- Have tenants been selected?
None yet. The applicant was working on acquisitions and renovations before actively pursuing a tenant. They want an ice cream shop and have also talked to a nearby business owner to attempt to recruit other complementary small businesses.
- What will the arrangement of the apartment units upstairs be?
The units need to be renovated but will remain. The smallest unit is approximately 600 square feet and the largest is approximately 875 square feet. The applicant noted there were issues with bad tenants in the past. Units cannot be added because of density restrictions.
- What improvements will be made to the parking lot?
The parking lot must be re-striped to accommodate the ADA space, and the applicant believes they can re-stripe the rear parking lot to accommodate 6 spaces, up from the 4 that are currently there. They also plan to make some landscaping upgrades, perhaps through the use of planters or fencing.
- How will we know the status of the project?
Staff explained the noticing process for the required public hearings and that there would be a sign posted on the property. Members of the public can contact staff for updates on projects and permits.
- Since asbestos abatement is required, will the area be safe?
Yes, a state permit is required for asbestos abatement/removal. All dumpsters and windows will be covered and only authorized people are permitted on the site during the abatement.
- Staff explained the process specific to the zone change. Site design is not a component of the zone change process and will be handled through a building permit and/or site plan review.



PLANNING COMMISSION

Minutes of Meeting

November 15, 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
Amanda Weaver
Vivian Vos

Commission Members Absent: None

Staff Members Present: Lauren Mikulak, Planning Manager
Meredith Reckert, Senior Planner
Jordan Jeffries, Civil Engineer II
Tammy Odean, Recording Secretary

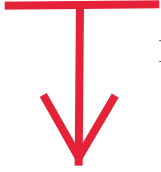
3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner OHM and seconded by Commissioner WEAVER to approve the order of the agenda. Motion carried 8-0.

5. APPROVAL OF MINUTES – October 18, 2018

It was moved by Commissioner OHM and seconded by Commissioner DORSEY to approve the minutes of October 18, 2018, as written. Motion carried 7-0-1 with Commissioner WEAVER abstaining.



B. Case No. WZ-18-21: An application filed by Joshua Andert for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) for property located at 6985 West 38th Avenue.

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

Commissioner OHM asked if Quality Auto is moving into the property to the west of the subject site.

Ms. Mikulak said she is not sure of the plans for the future, Quality Auto is currently occupying property on the north and south sides of 38th Avenue.

Commissioner LARSON asked why the previous owner opted out of the MU-N zone change in the past.

Ms. Mikulak said the owners that opted out of the zone change had to submit their opt-out request in writing but they were not required to give an explanation why. There could have been a variety of reasons.

Commissioner VOS asked about the current height of the building.

Ms. Mikulak said it is currently two stories and the building pre-dates the City's incorporation and so there are no blue prints on file to confirm its exact height.

Commissioner VOS inquired about how many residential units can be in the MU-N zone district.

Ms. Mikulak explained the City's density cap in MU-N is 21 units per acre. She explained that what currently exists can remain no matter what the zoning is and currently there are 4 units.

Weston Gallagher, applicant
3465 Newland Street, Wheat Ridge

Commissioner Leo asked Mr. Gallagher what the plans are for the 1st floor of the building.

Mr. Gallagher said they are under negotiations to have it be office space.

Commissioner VOS asked if the back of the property is strictly parking.

Mr. Gallagher said it is parking and it will continue to be parking. He added the height of the building is 22 feet in the front and 19 feet in the back.

Commissioner Larson asked if the 4 residential units will stay the same.

Mr. Gallagher said they will stay and once renovation are complete they will be rented out.

Commissioner Peterson and OHM said they are excited to see the building under renovation.

Commissioner LEO asked what the façade will be.

Mr. Gallagher said there will not be too much change but some touch up and rooftop access.

It was moved by Commissioner OHM and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WZ-18-21, a request for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood for property located at 6985 W. 38th Avenue, for the following reasons:

- 1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.**
- 2. Utility infrastructure adequately services the property.**
- 3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan and subarea plan and consistent with the character of 38th Avenue.**
- 4. The zone change will provide additional opportunity for reinvestment in the area.**
- 5. The criteria used to evaluate a zone change supports the request.**
- 6. The mixed-use zoning will bring the existing mixed-use building into compliance with the zone district in which it is located.**

Motion carried 8-0.

~~8. OLD BUSINESS~~

~~Ms. Mikulak thanked the Commissioners for attending the joint study session for the NRS. She also reminded all that there will be a public open house on Wednesday, December 12 at the Wheat Ridge Rec Center between 5:30 and 8:00 p.m. to provide input. The project website will be kept up to date and will include a monthly newsletter. The link is ci.wheatridge.co.us/nrs~~

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 are attached.

FINANCIAL IMPACT:

The proposed zone change is not expected to have a direct financial impact on the City. Fees in the amount of \$1,286.00 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.

The request appears to comply with the zone change criteria in Section 26-303 of the code, and staff makes the following findings based on the criteria:

- **The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect.** – The property has been vacant, underutilized, and the subject of code enforcement in the past. The development that will result from the zone change will add value and a positive aesthetic to the neighborhood while serving as an appropriate land use transition between the commercial, multifamily and single family uses in the vicinity. Existing densities range from 22 units per acre to the south to 2.5 units per acre to the north, and the proposed project density is 12.5 units per acre.
- **The development proposed on the subject property is not feasible under any other zone district.** – The proposed density 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 per code to be rezoned to R-3 or any other straight residential zone district. It is eligible only for a PRD or mixed use district, with the former being more appropriate for the subject property and proposed use.
- **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.** – Tabor Street can accommodate the new trips generated by the proposed project, and the developer will be responsible for dedicating and building pedestrian improvements. Service providers and utility districts have indicated no concerns with the proposal; they can serve the property with improvements installed at the developer’s expense.
- **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.** – Tabor Street is classified as a collector street and includes a mix of land uses. *Envision Wheat Ridge*, the City’s 2009 comprehensive plan, designates the east side of Tabor as a “neighborhood” (including the subject property) and the west side of Tabor as “mixed use commercial.” For “neighborhood” designations, the comprehensive plan calls for an increase in housing options and maintenance and enhancement of neighborhood character. The plan specifically defines areas for revitalization as those which are over one-half acre in size; may benefit from reinvestment; and require attention due to dilapidated structures, code enforcement issues, or incompatibly uses. The subject property fits the definition of an area for reinvestment, and the proposal meets the goal of promoting investment and stability in neighborhoods.

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 Sections 26-303). Ordinances require two readings, and by Charter, the public hearing takes place on second reading.

Per City Code, the City Council shall use the criteria in Section 26-303 of the code to evaluate the applicant's request for a zone change. A detailed Planning Commission staff report is enclosed with this criteria analysis, as well as additional information on the existing conditions and zone districts. Staff is ultimately recommending approval of this request.

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 for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-303 of the Code of Laws."

Or,

"I move to deny 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 for the following reason(s):

_____ 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:

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 33-2018
2. Planning Commission Staff Report
3. Planning Commission Draft Meeting Minutes

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
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 8 to 0 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: November 29, 2018
2nd publication:
Wheat Ridge Transcript:
Effective Date:



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

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

CASE MANAGER: Meredith Reckert, Senior Planner

CASE NO. & NAME: WZ-18-15/Clear Creek Terrace

ACTION REQUESTED: Approval of a zone change to Planned Residential Development with an Outline Development Plan

LOCATION OF REQUEST: 4440 Tabor Street

PROPERTY OWNER: Six Oak Limited Partnership

APPROXIMATE AREA: 2.07 acres

PRESENT ZONING: Agricultural-One (A-1)

PRESENT LAND USE: Vacant Land

COMPREHENSIVE PLAN: Neighborhood

ENTER INTO RECORD:

(X) CASE FILE & PACKET MATERIALS

(X) COMPREHENSIVE PLAN

(X) ZONING ORDINANCE

(X) DIGITAL PRESENTATION

LOCATION MAP



SITE

JURISDICTION:

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

I. REQUEST

This application is for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) on a parcel of land located at 4440 Tabor Street. The purpose of the zone change is to allow development of the property into 26 townhome units (referred to as single-family attached units in the PRD). Because the property exceeds one (1) acre in size, it is not eligible to be rezoned to a straight residential zone district and is required to request rezoning to either a Planned District or one of the City's Mixed Use districts.

Planned Development Approval

Rezoning to a planned development is a two-step process. The first step is the Outline Development Plan, which, if approved, changes the zoning designation on the land, establishes allowed uses and development standards for the property, and establishes access configurations for vehicles, 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 stormwater drainage, architecture, lot layouts, and specific building location and orientation. The SDP must be found to be compliant with the ODP in order to be approved.

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

The purpose of the proposal is to prepare the site is for construction of a 26-unit townhome community (*Exhibit 1, Applicant Letter*).

II. EXISTING CONDITIONS/PROPERTY HISTORY

The property is located mid-block on the east side of Tabor Street north of 44th Avenue and south of Interstate-70. According to the Jefferson County Assessor, the property is approximately 2.07 acres in size, is L-shaped, and is currently undeveloped (*Exhibit 2, Aerial Photo*).

Current Zoning

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 accommodate two single-family homes sites.

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. With these direct connections to the north and south, Tabor has experienced increased volumes over the last decade. Traffic counts taken in 2007 indicated a traffic volume of 2,800 vehicles per day on this stretch of Tabor Street. Volumes were measured at 4,496 vehicles per day in 2016.

Surrounding Land Uses

The site is currently zoned Agricultural-One (A-1), and it is surrounded by a variety of zoning designations and land uses (*Exhibit 3, Zoning Map*). 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. (*Exhibit 4, Site photos*)

III. OUTLINE DEVELOPMENT PLAN

Attached is a copy of the proposed Outline Development Plan (ODP), which contains two sheets (*Exhibit 5, ODP*). The ODP is a zoning document that establishes allowed uses and development standards for the property. The ODP also contains a general sketch plan, which includes a conceptual site layout.

Sheet 1 is the declaration sheet and contains certifications, legal description and signature blocks. The first page also contains a Character of Development paragraph, list of permitted uses and development standards.

Sheet 2 of the ODP is the sketch plan, which shows the conceptual layout of the property, including right-of-way, alleys and open space locations.

Proposed Uses

The applicant has proposed that the primary use on the property be single-family attached housing units (townhomes). Also allowed, as accessory uses are home occupations and the keeping of household pets. These accessory uses are in line with all residential zone districts in the City. Additionally the applicant has proposed not allowing detached accessory structures or RV and boat storage in the in the development. This is typical of some of the City's more recent Planned Residential Developments.

Site Configuration

The property is L-shaped with the larger portion on the north and smaller portion on the south. The ODP proposes 26 townhome units with 18 units on the northern portion and 8 on the south

grouped in four-plexes and six-plexes. The units will gain access from a private drive that extends east from Tabor Street. Access to all of the units is from alleys that extend off the main drive and providing direct access to two-car attached garages. Front doors all face Tabor, the interior street or open space. The front patio areas would be enclosed with low fencing.

Density

The applicant is proposing construction of 26 units on a 2.07-acre parcel. This calculates to 12.5 units per acre, which is considered to be in the medium density range and similar to the R-3 zone district which allows 12 units per acre. The maximum density allowed in the PRD zone district is 21 units per acre. Twenty-one units per acre on this parcel would be 43 units. This mid-range density serves as a buffer between the neighborhood to the east and Tabor Street, which is a collector and has some commercial uses.

Lot Size

Lot size is based on unit size and presumes that the property will be platted through a subsequent application to create townhome lots. To supplement this ODP, the plat would have a note prohibiting development of anything other than attached homes on the townhome lots.

Setbacks

As is typical with any attached townhome development, front, side and rear setbacks apply to the multi-unit building as a whole, not to the individual units. The homes facing Tabor Street are allowed a 15' front setback, which is appropriate for the proposed neo-traditional design and will help establish the character of the project. Side and rear building setbacks are generally consistent with the City's multi-family zone districts with 20' perimeter setbacks adjacent to existing low-density residential homes to the southwest and north. Internal rear setbacks from alleys are from 2' to 5'. Ten-foot front yard encroachments are allowed for fenced patios.

Height

The maximum height permitted within the development is 30' or two-stories, which is less than the current A-1 zoning and less than the maximum height permitted in the City's standard residential zone districts (35') which surround the property.

Open Space

The aggregate open space minimum for the development is 30%. This will be comprised primarily of common open space areas, which are viewable and usable by all residents within the project and located in tracts. A small amount of open space will consist of landscaping around patio areas on the individual lots. An open space amenity is proposed to traverse the site from north to south in Tract A. Another open space area is located in the southeast corner of the site in Tract C. This area may be appropriate for community garden plots, but the programming of the space is not limited by the ODP.

Architecture

Architectural treatment of the units will follow the requirements of the Architectural and Site Design Manual (ASDM) for multi-family development (Section 4.3). The ASDM includes requirements for a change in materials, minimum amounts of openings, façade details and

articulation. Proposed architectural designs are attached and show an example of the fenced patios that are proposed in the ODP (*Exhibit 6, Proposed Architectural Elevations*)

Access and Streetscape

Access into the site is from a single curb cut on Tabor Street. Tabor Street is classified as a collector and is currently substandard to the City's street width standards. A five-foot wide right-of-way dedication will be required at the time of the subdivision plat. Installation of curb, gutter and a separated sidewalk will be installed on Tabor with development of the project.

A potential future vehicular connection with the property to the east has been provided at the southeast corner of the site. The adjacent parcel to the southeast is underutilized and on the market.

Parking

The ODP requires that every townhome have a garage that accommodates two cars. Additionally, seven parallel parking spaces are provided on the south side of the private drive into the project. Six additional spaces are located adjacent to the open space area at the southeast corner of the property. There is very limited on-street parking in the surrounding neighborhood, given the fact that both Tabor and 44th are collector streets with no on-street parking. Because of this, provisions for on-site guest parking are an important aspect of site design.

Drainage

With an ODP, applicants are requested to provide preliminary drainage information that indicates a conceptual design for drainage facilities. A full drainage report and final design is not required until the subsequent SDP or plat applications.

The existing topography generally slopes from west to east at a gentle 1.5% slope. Currently, much of the runoff from the site infiltrates in low spots along the eastern boundary of the site. In extreme rainfall events, some of the runoff may flow across adjacent properties to the east whereupon it flows into the existing drainage system along Simms Court.

The proposed development is designed to mimic the existing drainage patterns with runoff flowing from west to east via curb and gutter along the proposed street system and area drains. Runoff from the site will be directed to a porous landscape detention (PLD) basin that is proposed along the eastern boundary of the site. Some runoff will infiltrate into the ground in this basin, and it will also have an outlet structure that is piped to the south through a drainage easement and connected to the existing storm sewer in 44th Avenue

Traffic Information

Per City policy, a traffic impact analysis is not required unless the site generates a peak hour traffic volume of 60 trips or more. Development that does not hit this threshold typically has a negligible impact on traffic in the area. Since the development is comprised of only 26 townhomes, the peak hour volume is anticipated to be much less than 60. Based on industry standard trip generation rates, the peak hour multiplier for townhomes is less than one peak hour trip per unit. Therefore, the peak hour volume would be less than 26.

IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-112.D.2. The Planning Commission shall base its recommendation in consideration of the extent to which the following criteria have been met:

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

The property has been underutilized, and has been the subject of Code Enforcement action in the past. The PRD zoning is expected to add value and have a positive aesthetic impact on the neighborhood. The subject site will serve as a transition from the 44th Avenue corridor and high-density residential development on it to the lower density land use to the north.

With regard to traffic impacts, based on trip generation information reviewed during the referral process, it has been determined that the area streets are adequate to support the rezoning request.

Staff concludes that this criterion has been met.

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

The applicant will be responsible for upgrades if the rezoning is approved and development occurs. All of the service providers and utility districts indicated that they had no concerns with the proposal and have indicated they can serve the property with improvements installed at the developer's expense. The width of Tabor Street in front of the property is currently substandard so a 5' right-of-way dedication is required.

Staff concludes that this criterion has been met.

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

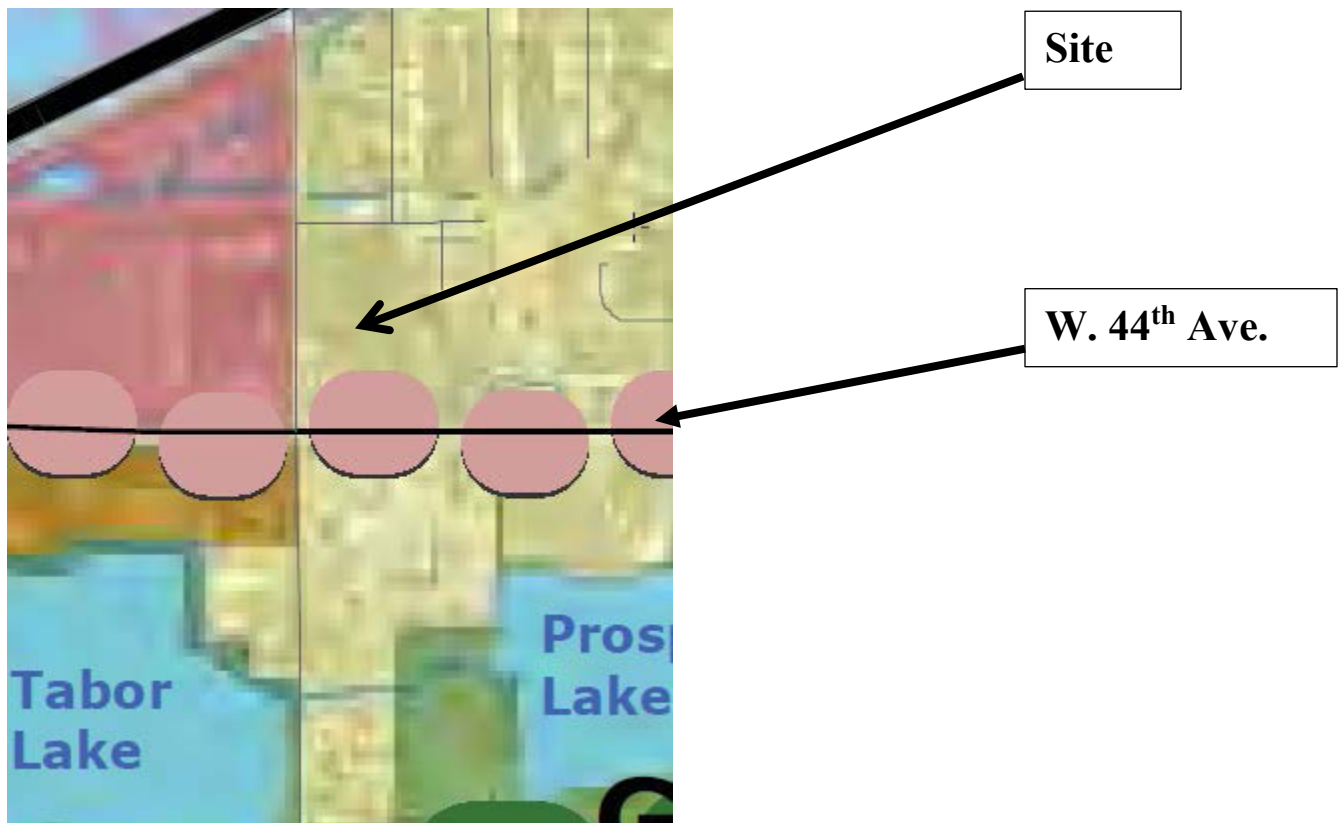
- a. The change of zone is in conformance, or will bring the property into conformance, with the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other related policies or plans for the area.**

Envision Wheat Ridge, the City's 2009 comprehensive plan, depicts W. 44th Avenue as a Neighborhood Commercial Corridor (shown as pink dots in the Structure Map excerpt below) transitioning into Neighborhood to the north (represented by yellow) which is the designation for the subject property. The Neighborhood designation calls for places for people to own homes and thrive and where residents of all ages can live safely and comfortably.

The category of Neighborhood areas are typically bounded by arterial and collector streets. Envision Wheat Ridge further breaks down the definition of Neighborhood to identify Established Neighborhoods and Areas for Revitalization. Revitalization areas are generally over one-half an acre in size and have pockets of property that might benefit from reinvestment. Many times these properties require special attention due to dilapidated structures, code enforcement issues, incompatible uses and safety.

The plan identifies the following goals for the Neighborhood designation associated with this location:

- To maintain and enhance the quality and character Wheat Ridge's established neighborhoods.
- To increase housing options.
- To increase investment and stability in Neighborhood Revisualization Areas.



Staff concludes that the proposal will provide increased housing options for the City and results in an investment in an underutilized property. The development is close to 44th

Avenue, which is serviced by a bus line and has easy access to I-70 and the proposed transit line to the north on Tabor.

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 zoning designation of A-1 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 western portion of Wheat Ridge is experiencing change with the development of Clear Creek Crossing to the west and the commuter rail station to the north. Tabor is one of only two primary connections between these two areas, and is a primary north-south route between 44th and 52nd Avenue. It is classified as a collector and has a mix of land uses abutting it. South of I-70, Tabor generally has residential development on the east side and commercial uses on the west. On the east side moving north from West 44th Avenue, are high density residential units along 44th (22 units per acre) transitioning to low-to-mid density residential (duplexes) at 46th Avenue (7 units per acre) to low density north of 46th (2.5 units per acre). The proposed townhomes at 12.5 units per acre will provide a logical transition from the high-density multi-family adjacent to 44th Avenue to the low-density duplexes on the south side of 46th Avenue.

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 is consistent with the Comprehensive Plan and other supporting documents; therefore, this criterion is not applicable.

Staff concludes that this criterion is not applicable.

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

V. NEIGHBORHOOD MEETING

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

A meeting for neighborhood input was held on May 30, 2018. In addition to Staff and the applicants, four persons attended the meeting. Discussion topics are addressed in the neighborhood meeting notes (*Exhibits 7 and 8, Neighborhood Meeting Notes and Sign-up sheets*). Two comment letters were submitted in response to the neighborhood meeting notice (*Exhibit 9, Letters submitted*).

VI. AGENCY REFERRAL

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

Arvada Fire: Can serve the property with improvements installed at the developer's expense.

CenturyLink: Will require additional easements at the time of platting.

Fruitdale Sanitation District: The property can be served from an 8" line in Tabor Street.

Valley Water District: Can serve the property with improvements installed at the developer's expense.

Wheat Ridge Parks Department: Fees in lieu of parkland dedication will be required in the amount of \$2497.29 per unit.

Wheat Ridge Police Department: Has no issues with the zone change.

Wheat Ridge Public Works: Has reviewed a preliminary drainage report. Will require 5' of right-of-way for Tabor Street. The construction of public improvements will be required with a curb, gutter and a 6' detached sidewalk with 6' amenity zone at the time of property development.

Xcel Energy: No objections.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zone change promotes the health, safety and general welfare of the community and provides a land use transition from 44th Avenue to the low-density neighborhoods to the north. Staff further concludes that the proposal is consistent with the goals and objectives of the Comprehensive Plan by providing a variety of housing types and investment in an underutilized parcel.

Staff further concludes that all requirements for an Outline Development Plan have been met. Because the evaluation criteria support the requests, staff recommends approval of Case No. WZ-18-15.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-18-15, a request for 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, for the following reasons:

1. The proposed zone change will promote the public health, safety, or 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 and the Wadsworth Subarea Plan.
4. The criteria used to evaluate a zone change support the request.”

Option B:

“I move to recommend DENIAL of Case No. WZ-18-15, a request for 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, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: APPLICANT LETTER

CLEAR CREEK TERRACE, LLC

June 12, 2018

Re: Clear Creek Terrace - 4440

Tabor Street Dear Public Works

and Development Staff:

Introduction

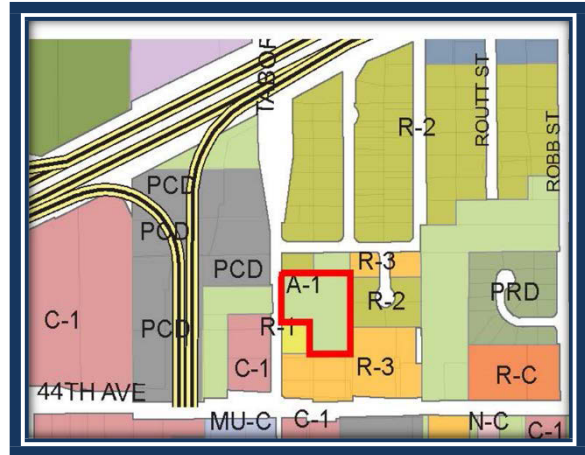
The subject parcel is located at 4440 Tabor Street, Wheat Ridge Colorado. The property encloses approximately 2.09 acres of vacant, cleared upland area, and is classified by parcel identification number (PIN) #39-201-04-015. The proposed development includes approximately thirty (30) townhome-style residential fee simple lots, with associated landscape and stormwater management. To accommodate this request, the property would be rezoned from Agricultural One (A-1) to a Planned Residential Development (PRD).

Existing Conditions

The subject parcel has a slight slope from the west with approximately four (4) feet of fall within the first twenty (20) feet, and mildly continues across the site from Tabor Street to the east. Access to the site would be provided from Tabor Street. The zoning classification is agricultural-one (A-1), is no longer consistent with the surrounding properties through the various redevelopments and ongoing mixed use design just west of Tabor. The soil classification onsite is almost entirely *Loveland variant gravelly sandy loam (#89)*, which associates a hydrologic soil group of B and a water table approximately eighty-inches (80") below existing grade. There are no flood plain or wetland impacts to consider onsite. Existing utilities to be utilized are readily available for connections, with an eight- inch (8") water main along the east side of Tabor, and an existing sanitary manhole along the frontage of the site within Tabor Street. An existing CDOT outparcel is located nearest the southeastern corner of the property. There is also a small "nuisance" type parcel located along the eastern boundary from Tabor to the mentioned southeastern corner. Aerial and zoning maps of the parcel can be found below,



- Aerial Map: 4440 Tabor Street Map



- City of Wheat Ridge Zoning Map

Proposed Improvements

On May 10, 2018 a pre-application meeting was held to discuss the potential for townhomes at the above referenced site. Through the coordination with the City of Wheat Ridge and content of the meeting, the determination was reached that to provide consistency with the surrounding homes and residential uses, the development would need to be rezoned to a Planned Residential Development (PRD).

Dimensional and design criteria will be outlined in the PRD and include larger homeowner maintenance areas, reduced setbacks for larger alleys and fire truck routing, as well as architectural and aesthetic details as seen from the public's perspective. New perimeter fencing will be provided as somewhat of an enhanced buffer for adjacent property owners, and 5' of the Tabor Street frontage will be dedicated to the City of Wheat Ridge for right-of-way improvements to include widening with full lanes, amenity zones, median and sidewalk additions, and enhanced landscaping. The above mentioned improvements will assist in the traffic flow along Tabor and improve pedestrian connectivity as well. Staff requested these improvements during the pre-application, which will be provided to enhance traffic to the development and through the City's public right-of-way.

Utility service providers for the site include Valley Water District and Denver Water for potable water, Fruitdale Sanitation for sanitary sewer service, and Xcel Energy for gas and electric services. An existing water main offsite provides a 6" main, to which a hydrant will be connected. Through coordination with Valley Water and Arvada Fire, the pressure in the line is more than sufficient for the one onsite hydrant and no fire sprinkler systems will be needed. Additional offsite hydrants are along the Tabor Street frontage of the subject parcel. An existing sanitary manhole is

located within the Tabor Street right of way, and through coordination with Fruitdale Sanitation will be a point of connection with sufficient capacity. There is an existing 5' utility easement for dry utilities around the perimeter of the property, and mirrored with an additional 5' on the opposite side.

To address storm water requirements, we propose an infiltration porous landscape retention pond on-site. Per coordination with Dave Brossman, Engineer with the City of Wheat Ridge, they are in general support of a porous landscape type retention facility.

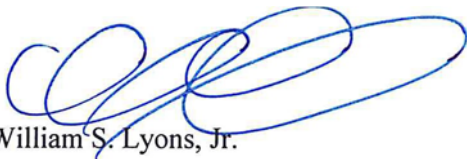
Per Section 26-303.D of the Wheat Ridge Municipal Code, the Planning Commission and City Council shall base their decision to approve, approve with conditions, or deny an ODP application in consideration of the following criteria:

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; and	The proposed construction will enhance existing landscaping and public rights of way. The 5' Tabor Street frontage dedication will include amenity and green space areas as well as provide for future widening; Perimeter fencing for existing homes will be installed/ restored.
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; and	The parcel of interest is one of two remaining parcels zoned A-1, while all others adjacent to the site are zoned Residential, with a new Mixed Use/Commercial variety to the west recently approved. To allow the residential use of townhomes and provide consistency with the surrounding uses, the Planned Residential Development (PRD) is required.
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; and	Existing water service is available and has been confirmed for sizing and pressure with the Denver Water, Valley Water District and Arvada Fire Protection District, prior to this submittal. An existing sanitary manhole connection is available and has capacity to serve the site per coordination with Fruitdale Sanitation, prior to this submittal. Existing power and gas connections are available and will be coordinated through Xcel Energy.

<p>4. At least one (1) of the following conditions exists:</p> <ul style="list-style-type: none"> a. The change of zone is in conformance, or will bring the property into conformance with, the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other city-approved policies or plans for the area. b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error. 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. 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. 	<p>The location of interest was once a relatively undeveloped agricultural area in the 1960's. It has since grown with multifamily apartment buildings and attached single-family type homes within the vicinity of Interstate-70 over the last 50+ years</p> <p>The property of interest is the remaining undeveloped lot within the residential block at Tabor and W 44th Avenue. An agricultural type setting would not be consistent with adjacent uses and heavier density which has started, and continued, since the early 1960's.</p>
---	--

Thank you for taking the time to review the project specifics of the Outline Development Plan (ODP). We look forward to working with you on this project.

;; gmk



William S. Lyons, Jr.

Owner
Clear Creek Terrace, LLC

EXHIBIT 2: AERIAL



Site

EXHIBIT 3: ZONING MAP

Site



EXHIBIT 4: SITE PHOTOS



Looking north on Tabor Street – subject property is on right side of image



Looking northwest across Tabor Street at the subject property



Looking southeast at the subject property – structures side of image are on the adjacent property



Looking south on Tabor

EXHIBIT 5: ODP

[see attached]

CLEAR CREEK TERRACE PLANNED RESIDENTIAL DEVELOPMENT AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO

A PART OF THE NE ¼ SECTION OF SECTION 20, TOWNSHIP 3 SOUTH, RNGE 69 WEST OF THE 6TH P.M.,
IN THE CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

STANDARD ODP NOTE:

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

CHARACTER OF NEIGHBORHOOD:

THIS PLANNED RESIDENTIAL DEVELOPMENT (PRD) WILL IMPROVE A CURRENTLY UNDEVELOPED SITE IN THE NORTHWEST NEIGHBORHOODS OF THE CITY OF WHEAT RIDGE. THE SITE IS SURROUNDED ON THREE SIDES BY RESIDENTIAL ZONING WITH A PORTION OF THE WESTERN PROPERTY BOUNDARY ACROSS THE STREET FROM MIXED USE ZONING. THE DEVELOPMENT WILL ENCOURAGE PEDESTRIAN CONNECTIVITY AND INTERACTION WITH THE SURROUNDING NEIGHBORHOODS. IT WILL PROVIDE ONE AND TWO STORY SINGLE FAMILY ATTACHED TOWNHOME DWELLINGS THAT MEET THE CITY OF WHEAT RIDGE CODE REQUIREMENTS OF SECTION 26-301C. THE PROPOSED DEVELOPMENT WILL ALLOW FOR TRANSITION BETWEEN LOWER DENSITY RESIDENTIAL TO THE NORTH, SOUTH AND EAST, AND MEDIUM DENSITY COMMERCIAL DIRECTLY ADJACENT TO THE WEST. THE COMMUNITY EXEMPLIFIES LOW MAINTENANCE, ENERGY EFFICIENT HOMES THAT ENHANCE AN URBAN MODERN AND CONTEMPORARY LIFESTYLE WITH THE FOLLOWING INTEGRATED ELEMENTS; INTERCONNECTIVITY TO INDOOR/OUTDOOR SPACES AND PATIO LIVING, OPEN INTERIOR FLOW BETWEEN SPACES UTILIZING A VARIETY OF FINISHED MATERIALS WHICH INCLUDE ENERGY EFFICIENT INTERIOR AND EXTERIOR "GREENSIDE" CONSTRUCTION, AND MULTIPLE MATERIAL FACADES USING BRICK, STUCCO, AND WOOD SIDING. THE DESIGN FEATURES DETERMINED BY THE ARCHITECT HOLD TRUE TO THE REGIONAL ARCHITECTURAL CHARACTER OF THE GREATER DENVER METROPOLITAN AREA. THE NEIGHBORHOOD WILL PROVIDE ENTRY SIGNAGE, STREETSCAPE PLANTINGS, ACCESSIBLE PEDESTRIAN ROUTES AND ACCESS TO PUBLIC TRANSPORTATION ROUTES. PARALLEL PARKING WILL BE PROVIDED ON THE MAIN ACCESS DRIVE.

CLEAR CREEK TERRACE PROPERTY DESCRIPTION - ZONING:

LOT 2, DAVISHER SUBDIVISION, COUNTY OF JEFFERSON, STATE OF COLORADO.

FLOODPLAIN:

THIS PROPERTY LIES WITHIN FLOOD ZONE 'X' AND IS OUTSIDE THE 100-YR FLOODPLAIN.

DRAINAGE CONSIDERATIONS:

AS REQUIRED BY THE CITY OF WHEAT RIDGE, WATER QUALITY FEATURES WILL BE LOCATED ON SITE. A POROUS LANDSCAPE DETENTION POND IS PROPOSED IN THE EASTERN PORTION OF THE SITE. A FINAL DRAINAGE REPORT, DESIGN, AND STORMWATER EASEMENT SHALL BE PROVIDED WITH THE FINAL SUBDIVISION PLAT. ALL STORMWATER FACILITY MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE ESTABLISHED CLEAR CREEK TERRACE HOA.

PHASING:

THE DEVELOPMENT OF CLEAR CREEK TERRACE IS ANTICIPATED TO HAVE ONLY ONE PHASE, HOWEVER, FUTURE PHASING, IF REQUIRED, SHALL NOT REQUIRE AMENDMENT TO THIS ODP PLAN.

CASE HISTORY:

CASE #: WZ-95-18, MS-95-5, WZ-18-15

ALLOWABLE USES:

INTENT:

THIS PLANNED RESIDENTIAL DEVELOPMENT (PRD) WILL PROVIDE A FEE SIMPLE RESIDENTIAL NEIGHBORHOOD OFFERING SINGLE FAMILY ATTACHED (SFA) TOWNHOMES WITHIN THE CITY OF WHEAT RIDGE THAT ARE COMPATIBLE WITH ADJACENT EXISTING RESIDENTIAL AND OPEN SPACE USES.

USES:

ALLOWABLE PRIMARY USES:

SINGLE FAMILY ATTACHED DWELLINGS
OPEN SPACE

ALLOWABLE ACCESSORY USES:

HOME OCCUPATIONS
KEEPING OF HOUSEHOLD PETS

PUBLIC UTILITY LINES, STORM DRAINAGE, SANITARY SEWER AND WATER SERVICES.

DETACHED ACCESSORY STRUCTURES ARE NOT ALLOWED.

RV, BOAT AND UTILITY VEHICLE STORAGE ARE NOT ALLOWED.

PROJECT TEAM:

DEVELOPER / OWNER:
CLEAR CREEK TERRACE, LLC.
6143 WILLOW DRIVE
GREENWOOD VILLAGE, CO 80111
CONTACT: STEPHEN SUNDBERG
PHONE: (720) 488-1600

SURVEYOR:
ALTURA LAND CONSULTANTS
6551 S. REVERE PARKWAY, SUITE 165
CENTENNIAL, CO 80111
CONTACT: JESSE LUGO, PLS
PHONE: (720) 488-1303
FAX: (720) 488-1306

ARCHITECT:
MNA, INC.
4521 E. VIRGINIA AVE.
DENVER, CO 80246
CONTACT: DENNIS THOMPSON
PHONE: (730) 635-3696

ENGINEER:
DEWBERRY | J3 ENGINEERING CONSULTANTS, INC.
8100 EAST MAPLEWOOD AVE., SUITE 150
GREENWOOD VILLAGE, CO 80111
CONTACT: DONNA BARRENTINE, PE
PHONE: (303) 368-5601
FAX: (303) 368-5603

LANDSCAPE ARCHITECT:
OUTDOOR DESIGN GROUP
3690 WEBSTER STREET
ARVADA, CO 80002
CONTACT: MATT CORRIEN, PLA, ASLA
PHONE: (303) 993-4811



SHEET INDEX:

1. COVER SHEET
2. SKETCH PLAN

DEVELOPMENT STANDARDS:

TOTAL PARCEL SIZE: 90,004 SF (2.07 AC, AFTER .02 AC R.O.W. DEDICATION)

MAXIMUM HEIGHT: 30' (TWO-STORY)

MINIMUM LOT AREA: 1,392 SF

MINIMUM LOT WIDTH: 22'

MAXIMUM BUILDING COVERAGE: 40%

MAXIMUM DENSITY: 12.5 DU/AC - 26 UNITS (MAXIMUM)

MINIMUM SETBACKS:

INDIVIDUAL SINGLE FAMILY ATTACHED LOTS SHALL BE EXEMPT FROM THE FOLLOWING STANDARDS, SO LONG AS THE ENTIRE MULTI-UNIT BUILDING MEETS ALL STANDARDS ESTABLISHED BELOW:

SUBDIVISION PROPERTY PERIMETER SETBACKS

AS NOTED BELOW AND SHOWN ON SHEET 2, NO BUILDING SHALL BE LOCATED WITHIN THESE PROPERTY PERIMETER SETBACKS AS MEASURED FROM THE OVERALL PROJECT BOUNDARY TO THE FOUNDATION WALLS.

NORTH WEST PROPERTY BOUNDARY:	15' MIN.
SOUTH WEST PROPERTY BOUNDARY:	20' MIN.
NORTHERN PROPERTY BOUNDARY:	20' MIN.
NORTH EAST PROPERTY BOUNDARY:	50' MIN.
SOUTH EAST PROPERTY BOUNDARY:	61' MIN.
SOUTHERN PROPERTY BOUNDARY:	12' MIN.

SINGLE FAMILY ATTACHED (SFA) MINIMUM SETBACKS

INDIVIDUAL UNITS SHALL HAVE THE FOLLOWING MINIMUM SETBACK FROM SFA LOT LINE TO FOUNDATION WALLS.

SETBACK FOR INDIVIDUAL LOTS:
FRONT: 4.5' MIN. - 10' MAX.
REAR: 2' MIN. - 5' MAX.
SIDE: 0' MIN.

BUILDING SEPARATION: BUILDINGS SHALL BE SEPARATED BY AT LEAST 20' ON ALL SIDES.

OPEN-TYPE PATIO SCREENS WITH HORIZONTAL WOODEN SLATS AT A MAXIMUM OF 4' IN HEIGHT SHALL BE ALLOWED TO ENCROACH INTO THE FRONT SETBACK MAXIMUM OF 10'.

PARKING:

OFF-STREET PARKING: 2 GARAGE SPACES/DWELLING UNIT

VISITOR PARKING (ON-STREET): 1 ON-STREET VISITOR SPACE FOR EVERY 10 OFF-STREET SPACES.
TOTAL OF 6 REQUIRED

BICYCLE PARKING: FIVE (5) PERCENT OF REQUIRED VEHICULAR PARKING SPACES, BUT NOT LESS THAN 2 SPACES SHALL BE PROVIDED IN THE FORM OF AN INVERTED U BICYCLE RACK, EACH INVERTED U BICYCLE RACK SHALL COUNT AS 2 SPACES.

LANDSCAPING:

MINIMUM OPEN SPACE: 30.0% (27,001.20 SF)

ALL LANDSCAPING SHALL BE IN CONFORMANCE WITH SECTION 26-502 LANDSCAPING REQUIREMENTS OF THE CITY OF WHEAT RIDGE CODE OF LAWS.

LANDSCAPING/OPENS SPACE REQUIREMENT WILL BE FULFILLED BY LANDSCAPING VIEWED AND USED BY THE PUBLIC BUT ALSO BY SMALL AMOUNTS ON PRIVATE PROPERTY.

EXTERIOR LIGHTING:

ALL LIGHTING SHALL BE IN CONFORMANCE WITH SECTION 26-503 EXTERIOR LIGHTING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.

SIGNAGE:

ALL SIGNAGE SHALL BE IN CONFORMANCE WITH ARTICLE VI SIGN CODE OF THE CITY OF WHEAT RIDGE CODE OF LAW, EXCEPT AS FOLLOWS FOR FREESTANDING SUBDIVISION SIGNAGE:

MAXIMUM NUMBER: 1
MAXIMUM AREA: 36 SF
MAXIMUM SETBACK: 0' (SHALL NOT INTERFERE WITH SIGHT DISTANCE TRIANGLE)
MAXIMUM HEIGHT: 5'

FENCING:

ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 26-603 FENCING OF THE CITY OF WHEAT RIDGE CODE OF LAWS AND BE CONSTRUCTED FROM ANY OF THE FOLLOWING APPROVED MATERIALS: APPROVED MATERIALS FOR THE PERIMETER FENCE INCLUDE MASONRY, ORNAMENTAL IRON, AND WOOD WITH A MAXIMUM HEIGHT OF 6'. APPROVED PATIO SCREENING MATERIALS INCLUDE HORIZONTAL WOODEN SLATS WITH A MAXIMUM OF 4'.

STREETSCAPE DESIGN:

STREETSCAPE DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF WHEAT RIDGE STREETSCAPE DESIGN MANUAL.

SINGLE FAMILY ATTACHED ARCHITECTURE:

WILL COMPLY WITH CHAPTER 4.3 OF THE ARCHITECTURAL AND SITE DESIGN MANUAL.

FRONT DOORS SHALL BE ORIENTED TOWARDS PUBLIC RIGHT-OF-WAY AND/OR OPEN SPACE.

OWNER'S CERTIFICATE

THE BELOW SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE TO 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 VESTED PROPERTY RIGHT. VESTED PROPERTY RIGHTS MAY ONLY ARISE AND ACCRUE PURSUANT TO THE PROVISIONS OF SECTIONS 26-121 OF THE WHEAT RIDGE CODE OF LAWS.

WILLIAM LYONS, JR., CLEAR CREEK TERRACE, LLC.

STATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, A.D. 20____ BY _____

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

SURVEYOR'S CERTIFICATE

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

(SURVEYOR'S SEAL) _____ JESSE LUGO
ALTURA LAND CONSULTANTS INC.

CITY CERTIFICATION

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

ATTEST

CITY CLERK _____ MAYOR _____

COMMUNITY DEVELOPMENT DIRECTOR _____

PLANNING COMMISSION CERTIFICATION

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

CHAIRPERSON _____

COUNTY CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)

I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT _____ O'CLOCK ____ M. ON THE ____ DAY OF _____, A.D. IN BOOK _____, PAGE _____, RECEPTION NO. _____

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____ DEPUTY

ENGINEERING
CONSULTANTS

Contact: Jason A. Monforton, PE
8100 B. Maplewood Ave., Suite 150 - Greenwood Village, CO 80111
(303) 368-5601 - FAX: (303) 368-5603
Email: jmonforton@j3engineering.com

CLEAR CREEK TERRACE
OUTLINE DEVELOPMENT PLAN

COVER SHEET

CLEAR CREEK
TERRACE, LLC.

6143 WILLOW DRIVE
SUITE 300
GREENWOOD VILLAGE, CO
80111

Tel: (720) 488-1600
Contact: STEPHEN SUNDBERG

No.	Date	Description
4	10-30-2018	ODP SUBMITTAL - 4TH
3	10-12-2018	ODP SUBMITTAL - 3RD
2	8-25-2018	ODP SUBMITTAL - 2ND
1	8-13-2018	ODP SUBMITTAL - 1ST

DOCUMENT AMENDMENTS

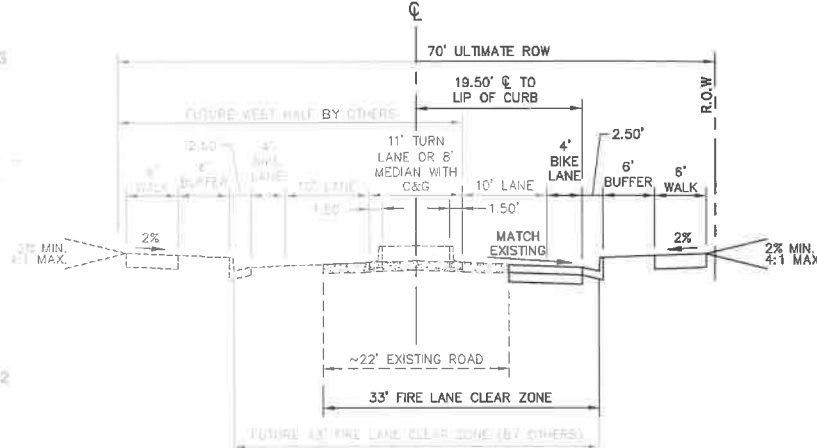
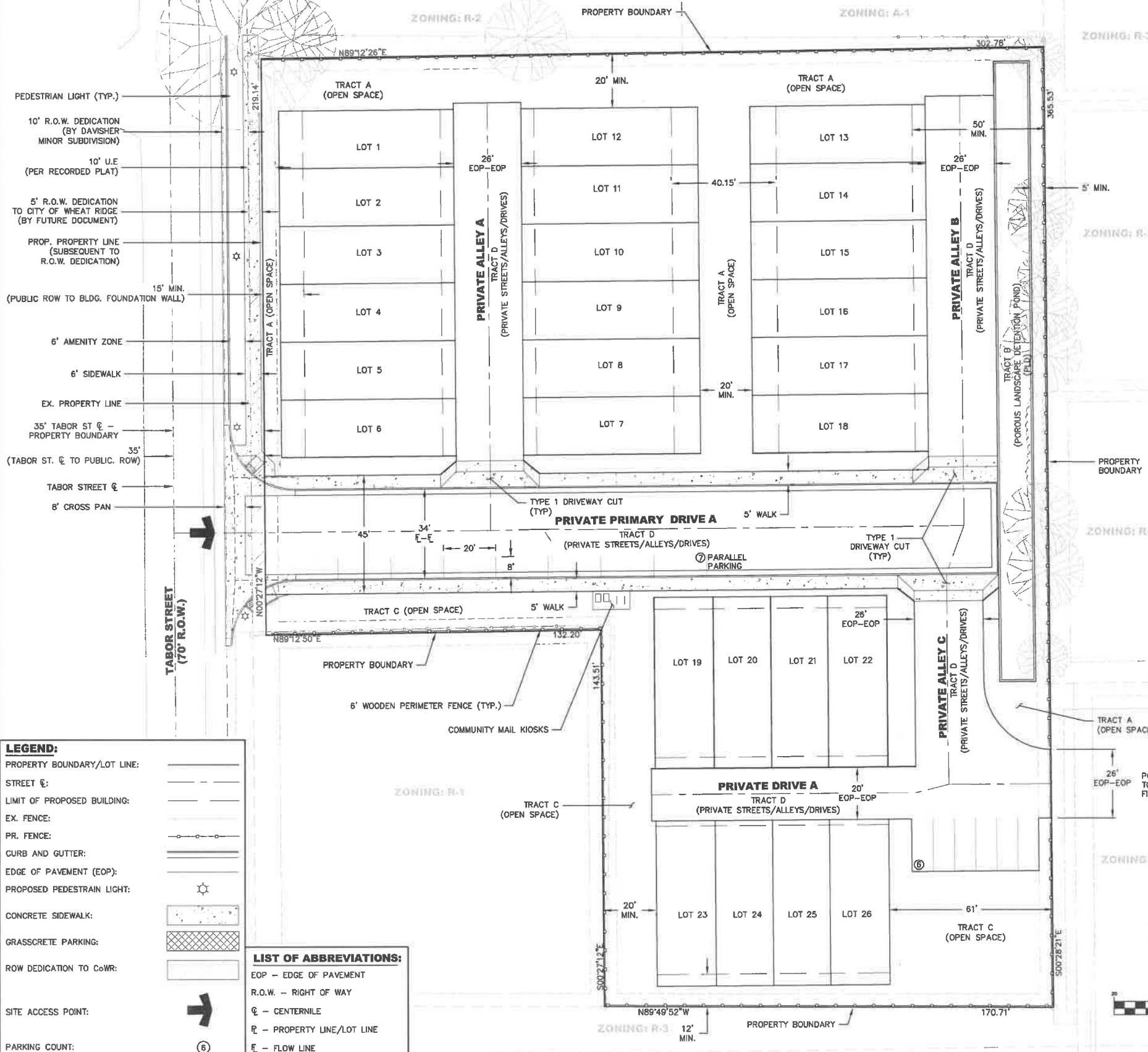
To request marking of underground facilities



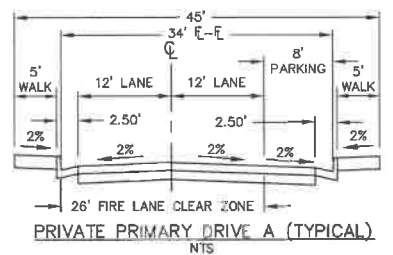
EXHIBIT 5

CLEAR CREEK TERRACE PLANNED RESIDENTIAL DEVELOPMENT AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO

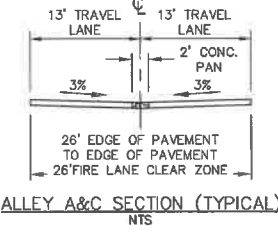
A PART OF THE NE 1/4 SECTION OF SECTION 20, TOWNSHIP 3 SOUTH, RNGE 69 WEST OF THE 6TH P.M.,
IN THE CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.



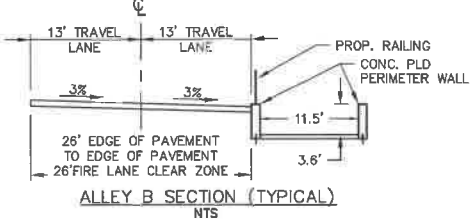
TABOR STREET: 3 LANE COLLECTOR WITH BIKE LANES
FULL SECTION (TYPICAL)
NTS



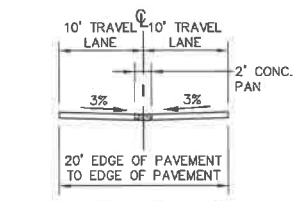
PRIVATE PRIMARY DRIVE A (TYPICAL)
NTS



ALLEY A & C SECTION (TYPICAL)
NTS



ALLEY B SECTION (TYPICAL)
NTS



PRIVATE DRIVE SECTION (TYPICAL)
NTS

received
11-2-18

To request marking of underground facilities
811
Know what's below.
Call before you dig.
Call 811 or visit call811.com
for more information
It is the contractor's responsibility to contact
UNCC a minimum of 2 days prior to the start
of construction operations.
J3 Engineering Consultants, Inc. claims no
responsibility for the underground facilities
depicted in this plan set.

- LEGEND:**
- PROPERTY BOUNDARY/LOT LINE: ———
 - STREET C: ———
 - LIMIT OF PROPOSED BUILDING: ———
 - EX. FENCE: ———
 - PR. FENCE: ———
 - CURB AND GUTTER: ———
 - EDGE OF PAVEMENT (EOP): ———
 - PROPOSED PEDESTRAIN LIGHT: ———
 - CONCRETE SIDEWALK: ———
 - GRASSCRETE PARKING: ———
 - ROW DEDICATION TO CoWR: ———
 - SITE ACCESS POINT: ———
 - PARKING COUNT: ———
- LIST OF ABBREVIATIONS:**
- EOP - EDGE OF PAVEMENT
 - R.O.W. - RIGHT OF WAY
 - C - CENTERNILE
 - P - PROPERTY LINE/LOT LINE
 - F - FLOW LINE

ENGINEERING CONSULTANTS

Contact: Jason A. Monforton, PE
8100 E. Maplewood Ave., Suite 150 - Greenwood Village, CO 80111
(303) 468-5601 - FAX: (303) 468-5603
Email: jmonforton@j3engineering.com

**CLEAR CREEK TERRACE
OUTLINE DEVELOPMENT PLAN**

SKETCH PLAN

**CLEAR CREEK
TERRACE, LLC.**
6143 WILLOW DRIVE
SUITE 300
GREENWOOD VILLAGE, CO
80111
Tel: (720) 488-1800
Contact: STEPHEN SUNDBERG

No.	Date	Description
1	10-30-2018	ODP SUBMITTAL - 4TH
2	10-30-2018	ODP SUBMITTAL - 3RD
3	10-12-2018	ODP SUBMITTAL - 2ND
4	8-23-2018	ODP SUBMITTAL - 1ST

Project Number: 152007
Designed By: Drawn By: DRB OCB
Checked By: DEB
Sheet Number: 2

EXHIBIT 6: Architectural Elevations



EXHIBIT 7: NEIGHBORHOOD MEETING NOTES

NEIGHBORHOOD MEETING NOTES

Meeting Date: May 30, 2018

Attending Staff: Zack Wallace Mendez, Planner II
Scott Cutler, Planner I
Natalie Knowles, Planning Intern

Location of Meeting: Wheat Ridge Municipal Building

Property Address: 4440 Tabor Street

Property Owner(s): Six Oak Limited Partnership

Applicant: Bill Lyons Jr., Creekside Homes
Stephen Sundberg, Creekside Homes
Donna Barrentine, J3 Engineering

Applicant Present? Yes

Existing Zoning: Agricultural-One (A-1)

Existing Comp. Plan: Neighborhood

Existing Site Conditions:

The property is located on Tabor Street north of 44th Avenue and south of Interstate-70. According to the Jefferson County Assessor, the property is approximately 2.09 acres in size (91,098 square feet), and is currently undeveloped.

The site is currently zoned Agricultural-One (A-1), and it 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.

Applicant Preliminary Proposal:

The applicant proposes to build approximately 30 townhomes on the property, with a mix of one-story and two-story units. The front patio areas would be defined with low fencing along the street. The central row of townhomes would be accessed from a landscaped “paseo” with a styled walkway.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 4 residents and property owners from the neighborhood attended the meeting; see attached sign-up sheets.
- Staff explained the purpose of the neighborhood meeting, and informed the members of the public of the process for a Planned Residential Development.
- Staff discussed the site, its zoning and surroundings.
- The applicant presented their proposal and answered further questions, with input from staff.
- The members of the public were informed of their opportunity to make comments during the process and at the required public hearings.

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

- There were concerns about drainage in the area, particularly in the context of issues caused by previous development.
Staff noted that drainage will be considered during the application review, and they are required to account for stormwater quality and detention. Staff acknowledged the drainage issues in the area, and that standards have changed since those developments were constructed. The developer noted their plans for the drainage.
- Will the units be owner-occupied?
The units will be individually platted and sold to homeowners. HOA documents will prohibit rentals.
- Does the applicant own the property?
They are currently under contract, pending the rezoning application.
- Who is the current owner of the property?
The applicant was unsure of the exact ownership.
- When did plans start regarding this development?
About two months ago, around March 30.
- A concern was voiced about Tabor Street getting busier due to development and the pending opening of the RTD commuter rail station to the north. Were traffic studies done?
The team is working on a traffic analysis which is submitted with the application. As part of the project, the applicant must widen the west side of Tabor Street along the frontage of the property to include additional pavement and a detached sidewalk.
- How many units are proposed?
30.
- How much parking is provided?

Each unit will have a two car garage, and 7 guest parking spaces will be provided on the main entrance drive in the form of parallel parking. The total number of parking spaces provided is 67. There is a guest parking requirement of 1 guest space per 10 required spaces, so the 7 guest spaces provided exceeds the code requirement of 6 guest spaces.

- What is the total land area?
Approximately 2.15 acres.
- What is the density proposed?
Approximately 13.9 units per acre. The maximum density allowed for planned developments is 21 units per acre, and the surrounding R-3 zoning allows 12 units per acre.
- When are the public comment opportunities for concerned citizens?
The public hearings at Planning Commission and City Council are the best opportunity. Staff gave their contact information in case the public has questions during the review process.
- How much was the purchase price for the land?
Approximately \$695,000.

EXHIBIT 8: NEIGHBORHOOD MEETING SIGN-IN

May 30, 2018 – 6 PM
Neighborhood Meeting

4440 Tabor Street

Rezoning from Agricultural-One (A-1) to
Planned Residential Development (PRD)

PLEASE PRINT

- | | <u>Name</u> | <u>Address</u> |
|----|------------------|--------------------|
| 1. | Brian Baillie | 10116 W. 44th Ave. |
| 2. | JOHN CARLIS | 4665 Sawdrey St |
| 3. | Diane Mattie | 4515 Rusk St |
| 4. | George Torgerson | " " |
| 5. | | |

EXHIBIT 9: LETTERS SUBMITTED

received
6-18-18

Marisha Manfre
Dan Lumont
4545 Simms Ct
June 1st, 2018

To whom it may concern:

I'm writing to urge you to not rezone

4440 Taber Street in Wheat Ridge. I recently moved

to Wheat Ridge and the selling point was how

green and sustainably conscious Wheat Ridge is.

Wheat Ridge would lose that charm if that lot is

rezoned from Agriculture to Residential. The

apartment/townhomes would damage the ecosystem

and be an eye sore. Wheat Ridge has been

sustainably conscious and is called "The Arbor City".

To maintain those, I believe it should be left

in the zone it is. More good can come from the lot

that way. Don't let Wheat Ridge become ^{like} the ever

crowded Denver area. Thank you for your time.

Sincerely,

Marisha Manfre

received
6-18-18

June 1, 2018

To Whom it may concern,

I am contacting you in regards to the proposed building at 4440 Tabor Street. I believe that these townhomes should NOT be built and the zoning on the property should remain the same. As I have learned from professional outdoor recreation classes; a healthy habitat and ecosystem has many birds both in variety and number. Upon moving here from Denver, I noticed a stark contrast because this location has a much healthier ecosystem in-part due to the

open plot at the aforementioned
address. Please do the right
thing for Mother Earth as she
is already hurting so badly.

Thank you for your time and
consideration.

Sincerely,

Daniel Lamont
Daniel Lamont



PLANNING COMMISSION

Minutes of Meeting

November 15, 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
Amanda Weaver
Vivian Vos

Commission Members Absent: None

Staff Members Present: Lauren Mikulak, Planning Manager
Meredith Reckert, Senior Planner
Jordan Jeffries, Civil Engineer II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner OHM and seconded by Commissioner WEAVER to approve the order of the agenda. Motion carried 8-0.

5. APPROVAL OF MINUTES – October 18, 2018

It was moved by Commissioner OHM and seconded by Commissioner DORSEY to approve the minutes of October 18, 2018, as written. Motion carried 7-0-1 with Commissioner WEAVER abstaining.

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

No one wished to speak at this time.

7. **PUBLIC HEARING**

- A. **Case No. WZ-18-15:** An application filed by Creekside Homes for approval of a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4440 Tabor Street.

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

Commissioner OHM wanted confirmation if the property will be served by an 8 inch or a 6 inch water main line.

Ms. Reckert said she believes it is an 8-inch water line, but will confirm.

Commissioner OHM asked about the City's standard parallel parking length and wondered if more spaces could be added as the parking spaces move east along the south side of the primary drive.

Ms. Reckert confirmed that the standard length for a parallel parking space is 20 feet and mentioned that more parallel spaces could be added.

Commissioner OHM was curious if the private Alley C is a through street currently and if the property to the east was all right with a proposed connection. He also asked if there is enough separation between the intersections

Ms. Reckert said that the property to the east which is addressed as 11681 W. 44th Avenue is currently up for sale and staff requested the alley connecting the two parcels if the property were to both be developed. She also mentioned that the alley would be more of private drive and not a public street so there does not need to the separation between alleys is acceptable.

Commissioner OHM would also like to see a sidewalk connection included with the private drive connection.

Ms. Mikulak noted that many of these site design details would be looked at closer during the Specific Development phase.

Commissioner Larson inquired about the previous code enforcement issues, a nuisance parcel close by and if the applicants own the property.

Ms. Reckert said the issues were primarily related to weed control and will let the applicants answer the other two questions.

Commissioner VOS wanted clarification about the 5-foot right-of-way dedication.

Ms. Reckert explained that Tabor Street is substandard so there would be improvements, such as sidewalk and curb and gutter, done in front of the property on Tabor Street and that 5 feet is necessary to accommodate the improvements.

Commissioner VOS asked for clarification on the open space requirements and fee in lieu of parkland dedication.

Ms. Reckert said there will be 30% open space on this property for the residents to enjoy such as an open garden area. The parkland fees is a City-wide requirement for new residential development.

Ms. Mikulak clarified that the parkland dedication and fee is independent from the open space requirements, and is often a fee for a property of this size.

Commissioner LEO asked how much permeable space must remain on this 2 acre lot.

Ms. Reckert said that is reviewed by Public Works during the final drainage report, and that only a preliminary review occurs at the ODP stage.

Commissioner BUCKNAM asked about the history of the zoning.

Ms. Reckert said the City inherited the zoning from the County when the City incorporated in 1969 and the zoning could have been in place before then.

Commissioner BUCKNAM also asked about the concrete paving standards related to permeability and the other materials that are being used. He also asked what the detention basin will look like for this property.

Ms. Reckert said the City is open to the use of permeable paving. Mr. Jefferies added the City is open to using creative designs and it permeable paving could be a good solution for drainage. He mentioned the detention basin is currently proposed to with an outlet structure with coarse/permeable material on the bottom.

Commissioner PETERSON asked for clarification on the potential connection to the east and the width.

Ms. Mikulak clarified that the 26-foot width is the minimum width that the Fire Department requires and there will be more detail in design documents at a later date. This potential connection will only happen if it makes sense in the future. Staff as requested it be shown on the ODP so it is not precluded from happening in the future.

**William Lyons, Jr., applicant
Creekside Communities**

Mr. Lyons showed a brief slide presentation to show his product which features a modern contemporary look. He is excited about the location in proximity to parks and biking trails. He has a plan for a common area and dog walking area on the property and added there will be 2 ½ parking spaces per unit. He also explained how the PRD will be a good transition between the other residential and commercial zoning in the area. Mr. Lyons added the power lines will all be undergrounded which will be a benefit and this property will be a good addition in meeting the goals of the Neighborhood Revitalization Strategy.

Commissioner VOS asked about the purpose of the applicant's inclusion of some of the slides and photographs. She also wanted confirmation on the Fire Department's turnaround needs.

Mr. Lyons said the goal of the images was to illustrate that the project represents a transition between commercial to residential zoning and between the high to low surrounding densities. Mr. Lyons also confirmed he has received full approval from the Fire Department for the layout of the drives.

Commissioner VOS asked if Mr. Lyons had thought about doing a couple of higher end single family homes instead of townhomes.

Mr. Lyons said it would not be cost effective and the price point will be lower for townhomes than a single family home.

Commissioner VOS also asked if there are requirements for permeable vs. non-permeable space on a property.

Mr. Jefferies said there is no requirement, what matters is that the water runoff for any impervious area is appropriately captured.

Commissioner LARSON asked about the nuisance property which is 15' in width and adjacent to the southeast portion of the site.

Mr. Lyons said that is usually called a spite strip and was a strategy used a long time ago to control access. The strip of land/easement will be acquired at closing and used for drainage.

Commissioner PETERSON asked about the possible land acquisition of the property to the south and Mr. Lyons' intentions for it.

Mr. Lyons said he would develop the same type of townhomes to keep it consistent.

Kelly Baillee
4825 Wadsworth Blvd.

Ms. Baillee said she and her husband own the property that is for sale to the southeast where the drive connection would be made. She indicated that they like Mr. Lyons' product, he has been successful in the past with the City of Wheat Ridge and they would like to work with him and have their parcel developed jointly with the subject property.

Commissioner WEAVER thanked staff and the applicant for their comments and presentations and said she is excited for the project to come to the City and positively enhance that corridor. She added the project will be better than the current vacant land and will do a good job with the water drainage.

Commissioner OHM said he would like to see staff work on the buffering of the private drives and maybe add some evergreen trees. His only concern is the direction that some of the townhomes face.

Commissioner BUCKNAM said it will be nice to see a mix of rental and ownership and commercial and residential and would also like to see some bike lanes along Tabor.

Commissioner LARSON commended the applicant for their vision. His only concern is the traffic that will increase on Tabor Street once the Ward Street Station opens.

It was moved by Commissioner WEAVER and seconded by Commissioner OHM to recommend APPROVAL of Case No. WZ-18-15, a request for 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, for the following reasons:

- 1. The proposed zone change will promote the public health, safety, or 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 criteria used to evaluate a zone change support the request.**

Motion carried 8-0.

REQUEST FOR CITY COUNCIL ACTION

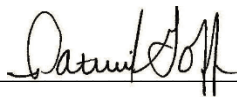
TITLE: COUNCIL BILL NO. 34-2018 – AN ORDINANCE APPROVING THE SALE OF DESIGNATED PARK LAND AT THE INTERSECTION OF WEST 38TH AVENUE AND JOHNSON STREET AND IN CONNECTION THEREWITH, AUTHORIZING EXECUTION OF AN AGREEMENT FOR SAID SALE

- | | |
|--|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING (11/26/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input checked="" type="checkbox"/> ORDINANCES FOR 2 ND READING (01/14/2019) |
| <input type="checkbox"/> RESOLUTIONS | (continued from 12/10/2018) |

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 0.85 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 0.5 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 since Discovery Park was constructed on property that originally had the potential for commercial development.

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 to develop the new CVS, 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 calculated 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 Prospect Park.
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 Applebridge 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 on second reading and that it takes effect fifteen (15) days after final publication.

Or,

"I move to postpone indefinitely Council Bill No. 34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street for the following reason(s) _____."

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 POND
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 a vote of 8 to 0 on 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., **postponed to January 14, 2019 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: November 29, 2018; December 13, 2018

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

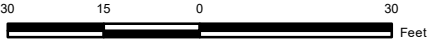
Legend

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

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

TABLE OF CONTENTS

FRONT SHEET	i
LETTER OF TRANSMITTAL	ii
TABLE OF CONTENTS	iv
IDENTIFICATION OF THE SUBJECT PROPERTY.	1
PROPERTY RIGHTS APPRAISED	1
OWNERSHIP AND SALES HISTORY	1
PURPOSE OF APPRAISAL.	1
EFFECTIVE DATE OF VALUATION	2
SCOPE OF THE APPRAISAL.	2
EXTRAORDINARY ASSUMPTIONS AND LIMITING CONDITIONS	3
DEFINITION OF MARKET VALUE.	3
TYPICAL MARKET FINANCING.	3
REASONABLE EXPOSURE TO THE MARKET	4
METROPOLITAN DENVER DATA.	4
NEIGHBORHOOD DESCRIPTION.	5
PROPERTY DESCRIPTION.	8
PERSONAL PROPERTY	10
TAXES AND ASSESSMENTS	10
HIGHEST AND BEST USE.	10
VALUATION OVERVIEW.	11
SALES COMPARISON APPROACH	11
PREMIUM FOR ASSEMBLAGE.	17
VALUATION SUMMARY	20
CERTIFICATION	21

EXHIBITS

Qualifications &	
Limiting Conditions	"A"

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

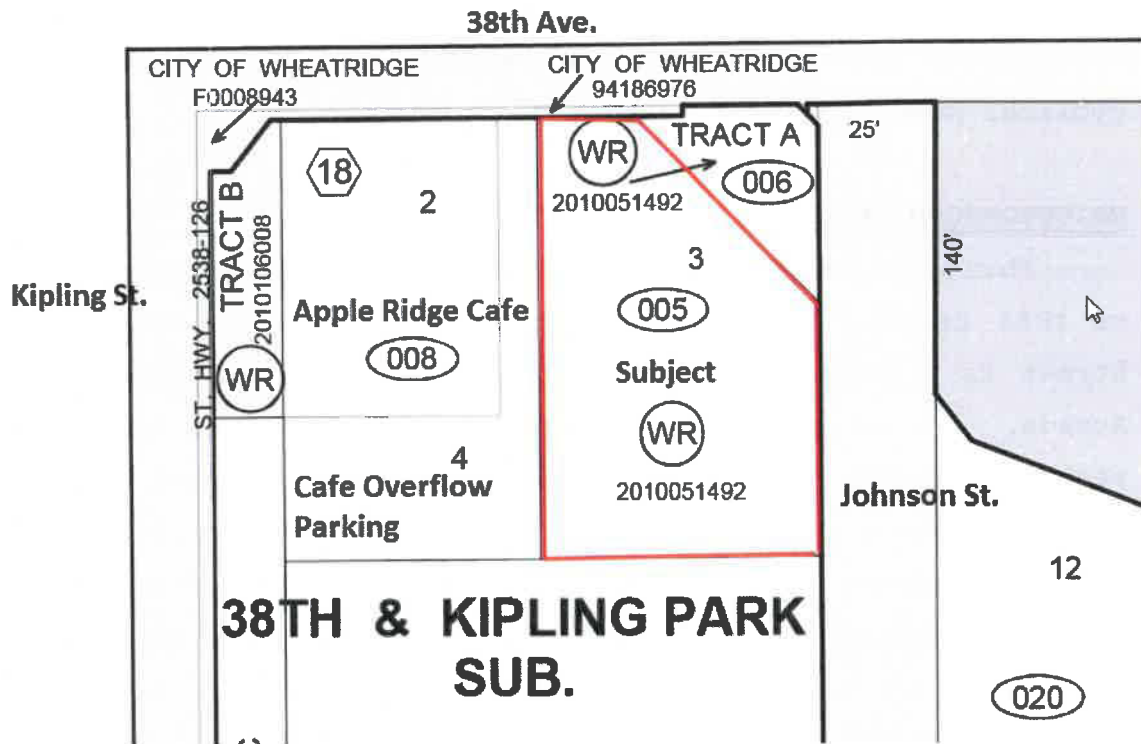
construction. Fueled by in-migration and exacerbated by a lack of condominiums for individual ownership (builder liability to homeowners and HOA's being a chief factor) the demand for apartments has escalated rents and occupancy to a point of imbalance. New apartments are being constructed to meet the 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

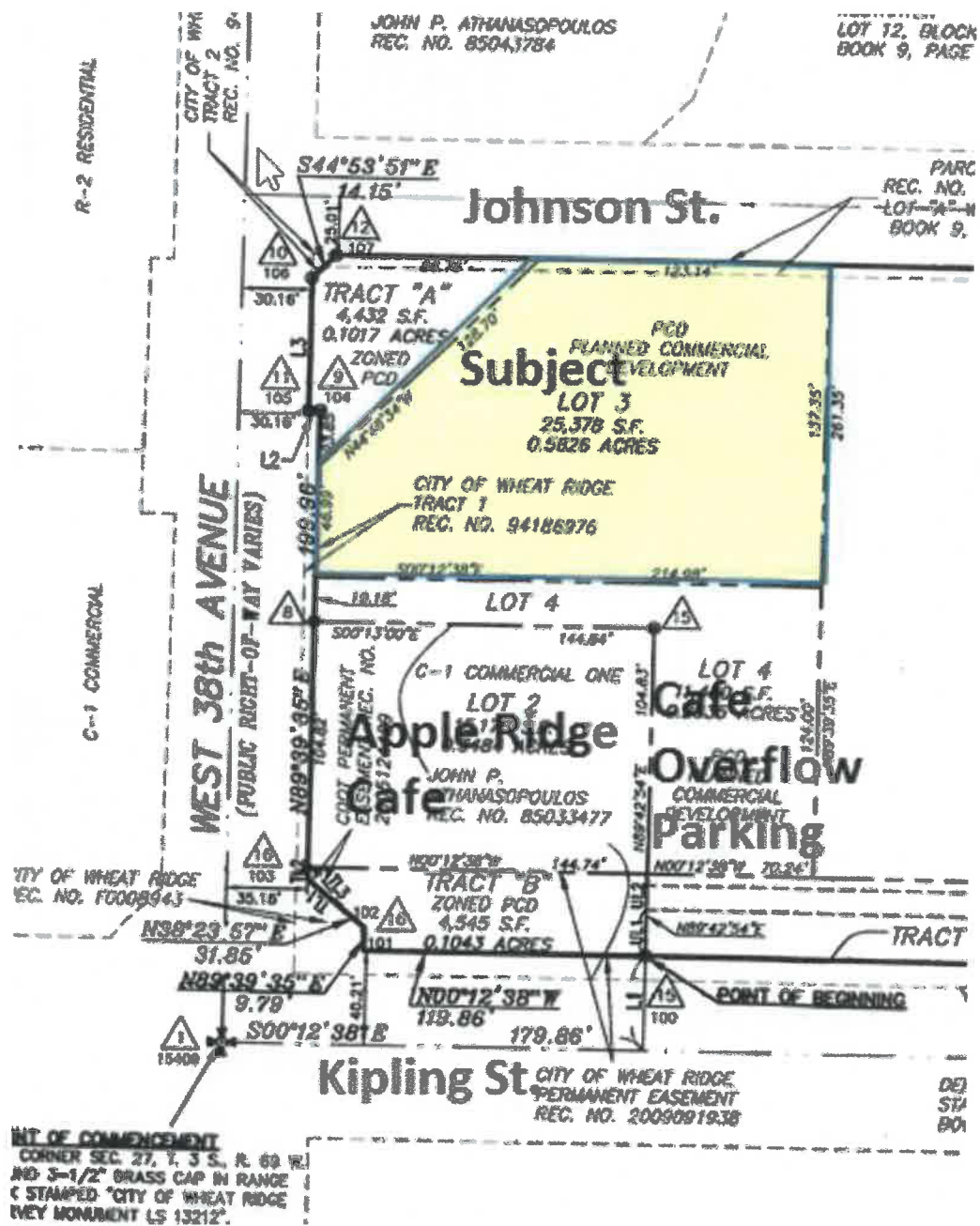
This section is omitted for the narrative restricted format of this report. It is, however, important to note that Kipling Street is a major thoroughfare through Wheat Ridge, Lakewood and Arvada. It is not an intensive commercial retail strip in the vicinity of the subject but is becoming more so with 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

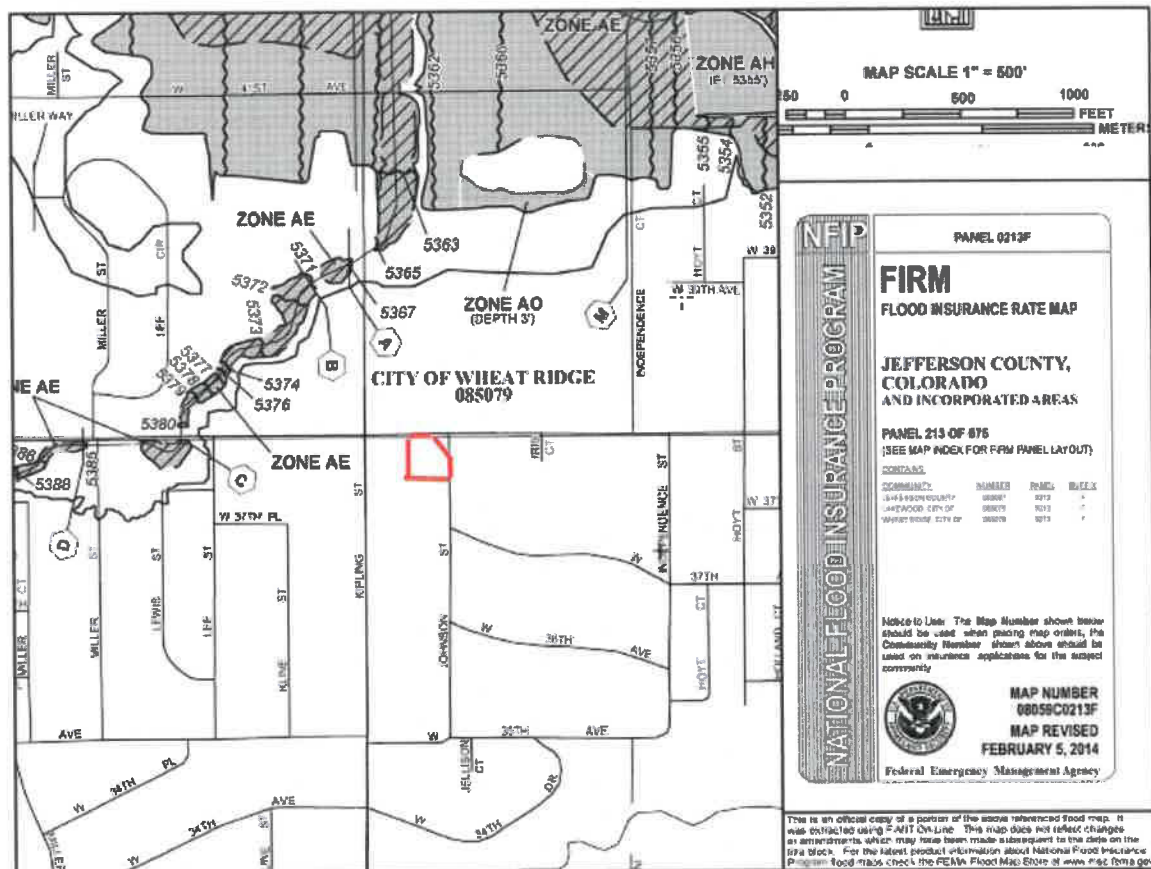
inquiring for the availability of the subject site to assemble to the corner.



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

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
Page 3

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

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
City of Wheat Ridge
August 15, 2018
Page 5

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:												45	\$767.54	
Weighted Average:													\$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.

Mr. Steve Art
City of Wheat Ridge
August 15, 2018
Page 7

	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						

Mr. Steve Art
City of Wheat Ridge
August 15, 2018
Page 8

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
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Certified General Appraiser in Colorado, #CG01313149
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BUSINESS AFFILIATIONS:

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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)**

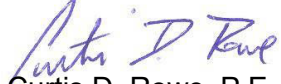
USE AND SIZE	DAILY VEHICLE TRIPS	WEEKDAY VEHICLE TRIPS					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing & Possible Uses – Apple Ridge Café and Adjacent Fast Food Restaurant							
Sit-Down Restaurant (932) 3,000 Square Feet	338	16	14	30	18	11	29
Fast Food Restaurant w/ DT (934) 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)

T = 54.86 (X)	Directional Distribution:	51% ent.	49% exit.
T = 54.86 * 3.000	T = 165	Average Vehicle Trip Ends	
	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: RESOLUTION NO. 05-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE PURPOSE OF ACCEPTING A DEPARTMENT OF JUSTICE GRANT AND AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF BODY WORN CAMERAS IN THE AMOUNT OF \$90,000

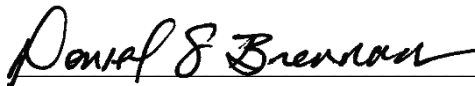
☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS


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

QUASI-JUDICIAL:

☐ YES

☒ NO


Chief of Police


City Manager

ISSUE:

The Wheat Ridge Police Department requests the approval of a supplemental budget appropriation in the amount of \$90,000 for the purchase of Body-Worn Cameras (BWC) for police and community services officers in FY 2019. Through this appropriation, the Police Department will purchase body-worn cameras, cloud storage, and redaction software that will allow department personnel to capture, store, and redact video and audio interactions with the community. The amount requested in this appropriation has been previously awarded to the Wheat Ridge Police Department, and accepted with the authorization of City Council, under a Bureau of Justice Assistance (BJA) Award. The appropriation requested in this action will be fully reimbursed by the BJA grant in the amount of \$90,000.

PRIOR ACTION:

On October 16, 2017, the Wheat Ridge Mayor and City Council received a staff report concerning the BWC Grant and subsequently authorized the Police Department to accept the

BJA Grant Award 2017-BC-BX-0079. On August 13, 2018, the City Council approved a Memorandum of Understanding between Wheat Ridge, Golden, and the First Judicial District Attorney's Office.

FINANCIAL IMPACT:

The supplemental budget appropriation will increase the Police Department's budget by \$90,000. Upon reimbursement by the BJA, funding will be returned to the General Fund.

The estimated direct costs for the purchase of Body-Worn Cameras over the first two-years of the program are now projected at \$89,802. The grant allows for up to \$1,500 per camera for the costs of cameras, docking stations, storage, and image redaction software. The total cost of the program over the five-years of the program, approved in Wheat Ridge Council Resolution No. 42-2018 are identified in the table below:

COSTS	2019	2020	2021	2022	2023
Hardware and Evidence.com	\$53,256	\$36,546	\$37,296	\$38,046	\$38,796
RMS Salary & Benefits (New Position)	\$56,000	\$57,680	\$59,410	\$61,193	\$63,028
Training	\$9,836	\$9,836	0	0	0
Workstation	\$4,000	0	0	0	0
TOTAL	\$123,092	\$97,226	\$96,706	\$99,239	\$101,824
Grant Pays	\$53,256	\$36,546	0	0	0
City Pays	\$69,836	\$57,680	\$96,706	\$99,239	\$101,824

At the conclusion of the two-year grant cycle, the department would be responsible for assuming the on-going cost for equipment, storage, licensing, and maintenance costs. Council previously approved the addition of a Management Specialist. Costs associated with the workstation and technology will be absorbed within the department's budget.

BACKGROUND:

The Wheat Ridge Police Department has a vested interest in promoting an environment of trust, cooperation, and transparency within the community. Throughout the implementation of the department's comprehensive BWC Program, the organization has established and validated interactions with the community that has helped to dissuade unprofessional, illegal, or inappropriate behaviors by both law enforcement and the public. Since the successful implementation of the department's pilot program in 2015, the Department has continued to move towards full deployment of BWCs, and in 2017 received BJA grant funding. With the approval and acceptance of this grant funding, by the Wheat Ridge City Council, the department has been able to continue work towards developing a comprehensive plan for full Patrol and Community Services deployment in 2019.

Over the past several months, managers for the Police Department have worked with different stakeholders from BJA, the First Judicial District Attorney's Office, and City staff to ensure full compliance with grant and City requirements. The funding of this budget appropriation will allow the department to continue with the implementation of the program and ensure full compliance with all elements and requirement of BJA grant.

As a condition of the grant, the department has attended training offered through the DOJ. Additionally, the department has worked with various community stakeholders in the development of a more comprehensive BWC policy. Pending approval, the department will begin training patrol officers and CSOs on the use of the cameras, policy and legal considerations. The department will continue to evaluate the program and needs once the program is implemented.

Lastly, the Golden Police Department has discontinued participation in this DOJ Grant award for various reasons. Their withdrawal does not affect our grant award.

RECOMMENDATIONS:

Staff recommends that City Council approve the acceptance of the BWC Grant, approve the supplemental budget appropriation in the amount of \$90,000, and give authorization to the department to purchase the body worn cameras in an amount not to exceed \$90,000.

RECOMMENDED MOTION:

“I move to approve Resolution No. 05-2019, a resolution amending the fiscal year 2019 General Fund budget to reflect the approval of a supplemental budget appropriation for the purpose of accepting a Department of Justice grant and authorizing expenditure of funds for the purchase of body worn cameras in the amount of \$90,000.”

Or,

“I move to postpone indefinitely Resolution No. 05-2019, a resolution amending the fiscal year 2019 General Fund budget to reflect the approval of a supplemental budget appropriation for the purpose of accepting a Department of Justice grant and authorizing expenditure of funds for the purchase of body worn cameras in the amount of \$90,000 for the following reason(s)

_____.”

REPORT PREPARED/REVIEWED BY:

Lucas Hunt, Police Commander
Jim Lorentz, Police Division Chief
Daniel Brennan, Chief of Police
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 05-2019
2. Staff Report BWC, October 16, 2017
3. Staff Report BWC, August 6, 2018

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 05
Series of 2019

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE PURPOSE OF ACCEPTING A DEPARTMENT OF JUSTICE GRANT AND AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF BODY WORN CAMERAS IN THE AMOUNT OF \$90,000

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

WHEREAS, the police Body-Worn Camera Program provides an important service to the community, schools, businesses, community members, and institutions within Wheat Ridge during the course of contacts with the members of the department for law enforcement services; and

WHEREAS, the United States Department of Justice approved grant funding and authorized the reimbursement in the amount of \$90,000 for the purchase and implementation of body worn cameras for the Wheat Ridge Police Department; and

WHEREAS, the requested funding is available in the City's reserves and will be reimbursed by the grant.

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

A transfer of \$90,000 is hereby approved from the General Fund budget undesignated reserves to account 01-202-600-660 and revenues are amended accordingly.

DONE AND RESOLVED this 14th day of January 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Memorandum

TO: Mayor Jay and City Council

VIA: Patrick Goff, City Manager

FROM: Daniel Brennan, Chief of Police

DATE: October 16, 2017

SUBJECT: Body Worn Camera Grant

ISSUE

In April 2017, the Wheat Ridge and Golden Police Departments submitted an application for the “2017 Body Worn Camera Policy and Implementation Program” grant through the U.S. Department of Justice, Office of Justice Programs. The grant announcement contained language expressing a desire for collaborative grant submissions, or grants with more than one agency. The announcement indicated collaborative grants would be given stronger consideration. Staff reached out to the Jefferson County Sheriff’s Office (JCSO), and the Lakewood and Golden Police Departments to determine their interest in pursuing a collaborative grant. The Golden Police Department was the only agency that expressed interest in the grant at that time.

On September 30, 2017, the department received official notification from the Department of Justice, Office of Justice Programs that the Wheat Ridge and Golden Police Departments had received a grant award.

FINANCIAL IMPACT

The estimated funding for this two-year collaborative grant is \$458,130. This amount includes \$172,500 in direct costs (grant funding) from the federal government and \$285,630 in indirect costs paid for by the grant applicants (Golden and Wheat Ridge). The direct costs will pay for the equipment (115 cameras, storage costs, and licenses) for both agencies. The grant pays for the first two years of costs, including storage costs and licenses. This equates to \$105,000 for Wheat Ridge (70 cameras @\$1,500 each).

Indirect costs include the costs for positions necessary to operate and manage a body-worn camera program, training on grant reporting procedures and a workstation for a Records Management Specialist position. For Wheat Ridge, these indirect costs include the costs (salary and benefits) for one Records Management Specialist (a new position), and five-percent of the salary and benefit costs of a command level position to oversee the project.

At the conclusion of the two-year grant cycle, the department would be responsible for assuming the equipment, storage, licensing and maintenance costs; and the continued costs associated with the positions necessary to manage the program. The table below identifies the funding sources and totals for the next five years:

COSTS	2018	2019	2020	2021	2022
Hardware and Evidence.com	\$62,729	\$37,992	\$37,992	\$37,992	\$37,992
RMS Salary & Benefits (New Position)	\$56,000	\$57,680	\$59,410	\$61,193	\$63,028
Training	\$9,836	\$9,836	0	0	0
Workstation	\$4,000	0	0	0	0
TOTAL	\$132,565	\$105,508	\$97,402	\$99,185	\$101,020
Grant Pays	\$62,729	\$37,992	0	0	0
City Cost	\$69,836	\$67,516	\$97,402	\$99,185	\$101,020

The hardware and Evidence.com include the costs associated with purchasing the cameras, docking stations for the devices, the assurance plan, licensing and a storage plan. The Taser Assurance Plan allows the department to upgrade BWCs every 2.5 years, and provides a warranty for the cameras if they discontinue functioning due to wear or breakage for five years. Staff is proposing utilizing the Evidence.com storage ten-terabyte plan versus purchasing a standalone server to handle media storage or the unlimited data storage plan. The unlimited storage plan would cost approximately \$66,000 per year.

The Records Management Specialist is a non-exempt position found in Salary Grade 50, which has a salary range of \$38,000 to \$55,000. Benefit costs are approximately 40% of the employee salary. The table above includes salary and benefits with a 3% increase factored in annually.

Costs for training, a workstation and associated technology will be absorbed within the current department budget.

BACKGROUND

The department began a pilot BWC program in 2015 to evaluate body-worn cameras. A limited number of cameras were purchased for use by the Crash and Traffic Team (CATT), patrol officers and Community Service Officers (CSOs). During the course of the pilot program, the scope of the program was narrowed to the CATT team. Based on our analysis of the program and feedback from participants, the department's Management Team was in favor of moving forward with a BWC program.

During the 2016 Budget Preparation discussion, the Police Department presented information to city council on the costs for body-worn cameras. At the end of the staff presentation, city council directed staff to explore any opportunities for federal grants specific to body-worn cameras and submit a grant.

In 2016, the department submitted a grant application to the Department of Justice, Office of Justice Programs for the "Body Worn Camera Policy and Implementation Program" to acquire body worn cameras for uniformed police officers. The department was not selected for the grant; however, staff was provided with feedback from its grant application that would make a subsequent grant request stronger.

In 2017, the grant announcement contained language encouraging the submission of collaborative grant applications. The department reached out to the Jefferson County Sheriff's Office and the Lakewood and Golden Police Departments. The Arvada Police Department had already decided to not pursue BWC's at this time. The Golden Police Department was the only

agency interested in pursuing a federal grant. The grant application was submitted in April 2017.

The department received notification from the Department of Justice, Office of Justice Programs that our joint grant application had been accepted and a grant award was forthcoming. The next step in the process is to officially accept the grant award.

The Golden Police Department has advised staff of their desire to move forward with the BWC grant. Staff is requesting direction from City Council on whether to accept this grant or not. Accepting the grant comes with the acknowledgement that the city and police department will commit funding to maintain a BWC program for the foreseeable future.

Both department's recognized the need for additional personnel to manage and operate the BWC program. This includes needed research and training at startup, maintaining and inventorying BWC equipment, managing video downloads, handling open records requests and preparing video evidence for release to the District Attorney's Office and other entities who request evidentiary items, and responding to public records requests. The records management specialist position will also prepare reports, submit grant deliverables and coordinate the grant with Bureau of Justice personnel.

While the department has an existing policy on BWCs, the grant requires both departments to work with community stakeholders on the development of a policy. The challenges with policy development center around privacy issues such as when the camera is turned on or off, establishing storage guidelines for recorded video, having processes in place to redact video to protect the privacy of victims and others, and having a process in place to notify the public when they are being recorded. The department's current policy addresses all of these issues. The department keeps all recordings in accordance with the Colorado Municipal Records Retention Schedule.

RECOMMENDATION

Impartiality, fairness, voice and transparency are important factors for law enforcement agencies to have in order to be successful in building trusting relationships within the community and providing quality public safety services to their communities. While BWCs are not the entire answer in addressing community concerns about the fair enforcement of the law, these cameras do provide additional information that can be used to address community concerns. The department's current pilot program has been successful in clearing patrol officers from allegations of misconduct, provided enhanced documentation of evidentiary value in certain cases, and has also identified deficiencies in training that have been used to increase the competencies and skills of all officers.

Staff recommends City Council consensus to accept this federal grant to purchase body-worn cameras and to continue to provide funding to maintain this program.

Memorandum

TO: Mayor Bud Starker and City Council

FROM: Daniel Brennan, Chief of Police

DATE: July 30, 2018

SUBJECT: Staff Report: Body-Worn Cameras

The purpose of this staff report is to update City Council on the body-worn camera (BWC) grant. In October 2017, City Council directed the police department to accept federal grant funding and move forward with the implementation of a body-worn camera (BWC) program. A number of conditions were attached to the award by the Bureau of Justice Assistance (BJA), each of which was required prior to the release of federal funds:

- Approval of department policy governing the use of BWC
- Approval of the submitted budget narrative
- A memorandum disclosing any pending applications
- Attendance at a national and regional training conference
- A current System for Award Management registration
- A signed Memorandum Of Understanding (MOU) between the cities of Wheat Ridge, Golden, and the 1st Judicial District Attorney's Office

Since that time, police department personnel tasked with the implementation of this project have worked diligently to satisfy each of these requirements. All have been completed and approved by the BJA, with the exception of the signed MOU, the final item on the list.

In addition, the police department has taken the following steps to prepare for the impending implementation of the BWC project:

- An additional Records Management Specialist has been hired to alleviate the anticipated increased workload of managing digital images.
- The assigned Program Manager and Records Management Specialist from both the Wheat Ridge and Golden police departments, as well as a representative from the District Attorney's Office, attended a national Body-Worn Camera conference in Washington, D.C.
- The Training and Technical Assistance group of the BJA traveled to the District Attorney's Office and presented additional training on the implementation and management of BWC programs.

Ongoing communications between the city Purchasing Department and Axon, the preferred distributor, have also taken place. Both the cities of Wheat Ridge and Golden are members of NPP.org, a nationwide government purchasing agency that compiles RFPs from prospective vendors. Axon currently has the award for governmental purchasing agreements for Body-Worn

Staff Report Body Worn Cameras

July 30, 2018

Page 2 of 2

Cameras, and it is anticipated that, upon the release of funds, the equipment may be purchased without further delay.

I anticipate implementing the BWC program no later than the first quarter of 2019. Staff is in the process of developing a curriculum to train officers on the BWC policy, case law, Colorado Open Record Laws, and training on the use of the cameras, downloading and storing video, and requirements to access BWC video.

DB

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 03-2019 - A RESOLUTION CONCERNING THE ACQUISITION AND ACCEPTANCE OF PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, AND USING PUBLIC IMPROVEMENTS FOR IMPROVING RIDGE ROAD BY EITHER NEGOTIATION AND VOLUNTARY PURCHASE OR, IF NECESSARY, THROUGH THE UTILIZATION OF THE CITY'S POWER OF EMINENT DOMAIN, AND AUTHORIZING SUCH ACTION AS NECESSARY TO ACCOMPLISH SAID PURPOSES

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS


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

QUASI-JUDICIAL: ☐ YES

☒ NO



Engineering Manager



City Manager

ISSUE:

The Wheat Ridge · Ward Station planning area is one of four projects in the City's *Investing 4 the Future* bond program which is benefitting from \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. The proposed improvements for Ridge Road east of Tabor Street require that additional right-of-way (ROW) be purchased. The City has retained HDR as a third party right-of-way consultant since the roadway widening and addition of bicycle and pedestrian facilities requires both permanent and temporary acquisitions.

In order for staff and HDR to proceed with the acquisitions, City Council must approve a resolution authorizing the acquisition and acceptance of the necessary property.

PRIOR ACTION:

For several years, the City has lead extensive visioning and planning efforts focused on the Wheat Ridge · Ward Station planning area. Numerous Council updates and actions have occurred at various stages in these processes. Council was most recently updated on January 7, 2019 on the status of the Wheat Ridge · Ward Station planning area and on private developments in the area.

On August 27, 2018, Council approved a contract for design services with Short Elliot Hendrickson, Inc. (SEH) to design and prepare construction drawings for the first three task orders. These task orders covered 52nd Avenue east of Ward Road, Tabor Street between Ridge Road and 52nd Avenue, and Ridge Road east of Tabor Street.

Then, on November 19, 2018, Council directed staff not to pursue improvements at this time to the segment of 52nd Avenue east of Tabor Street that would have provided a connection to the proposed Haskins Station development in Arvada.

Lastly, on December 10, 2018, Council approved a contract for ROW acquisition services with HDR, Inc. to prepare deeds and acquire ROW for the first task order for Ridge Road east of Tabor Street.

FINANCIAL IMPACT:

Acquisition costs in the amount of \$140,000 are budgeted for Ridge Road and are available in the Wheat Ridge · Ward Road Station 2E Bond Fund.

Staff is currently working with the City of Arvada and Jefferson County to prepare an Intergovernmental Agreement that establishes a cost sharing arrangement for the design and construction of 52nd Avenue. The most recent version of the IGA also includes cost sharing for Ridge Road east of Tabor Street with the City of Arvada.

BACKGROUND:

Earlier this year, the City Managers of Arvada and Wheat Ridge along with the County Manager of Jefferson County signed a memorandum of understanding (MOU) agreeing to coordinate and cooperate on designing and funding mutually beneficial road improvements in the area surrounding the Wheat Ridge · Ward station area. Discussions between the staffs of the jurisdictions have been ongoing concerning an intergovernmental agreement (IGA) that outlines cost-sharing and other arrangements for the shared infrastructure improvements.

The following potential projects have long been identified as infrastructure priorities in the station area:

- Improvements to 52nd Avenue from Ward Road to Tabor Street including improvements to multimodal facilities and to the intersection at Ward Road
- Improvements to Ridge Road from Tabor Street to the City boundary east of Simms Street including improvements to multimodal facilities

- Improvements to Tabor Street between Ridge Road and 52nd Avenue including improvements to multimodal facilities
- Improvements to Ridge Road between Ward Road and the station including improvements to multimodal facilities
- A pedestrian bridge from the station over the rail lines to the south to 49th Place
- A linear park with multimodal facilities connecting the station via the pedestrian bridge to the I-70 Frontage Road South

In August 2018, Council approved a contract with Short Elliot Hendrickson, Inc. (SEH) to prepare construction drawings for the above projects. Staff has since authorized the first three task orders for the following projects:

- Task Order #1 – 52nd Avenue (from Ward Road to Tabor Street)
- Task Order #2 – Ridge Road (from Tabor Street to the City boundary east of Simms Street)
- Task Order #3 – Tabor Street between Ridge Road and 52nd Avenue

SEH submitted conceptual plans for the three streets for review on November 21, 2018. Based on the direction received from the Council on November 19, 2018, the portion of 52nd Avenue east of Tabor Street will be excluded from the remainder of the design contract.

As noted earlier, the segment of Ridge Road east of Tabor Street to the City boundary east of Simms Street is one of the projects being designed. The center turn lane has been reinstated in the design due to the higher levels of traffic without the 52nd Avenue connection east of Simms Street. In order to minimize the additional ROW required, the proposed amenity zone has been eliminated since the bike lane provides a buffer from the traffic. The additional ROW that was anticipated to be required was between 15 and 20 feet.

On December 10, 2018, Council approved a contract for ROW acquisition services with HDR, Inc. to prepare deeds and acquire ROW for the first task order for Ridge Road east of Tabor Street.

The tasks and services will be billed on an hourly basis, and only for the services actually completed. Additional task orders, including the expected tasks and estimated fees, will be negotiated and brought back to Council for approval as additional acquisition needs are identified.

In order for staff and the consultant to proceed with the five acquisitions that are necessary along the north side of Ridge Road, City Council needs to approve a resolution authorizing the acquisition of ROW on Council's behalf. The resolution also authorizes the Mayor and City Clerk to accept the ROW on behalf of the Council.

Construction is planned to start this summer, so to keep the ROW acquisition process moving forward as quickly as possible, the resolution includes the authorization to condemn property if negotiations to acquire the property voluntarily are unsuccessful.

RECOMMENDATIONS:

Staff recommends that City Council approve the attached resolution authorizing acquisition and acceptance of certain properties for the purposes of improving Ridge Road east of Tabor Street.

RECOMMENDED MOTION:

“I move to approve Resolution No. 03-2019 a resolution concerning the acquisition and acceptance of private property for the purpose of constructing, installing, maintaining and using public improvements for improving Ridge Road by either negotiation and voluntary purchase or, if necessary, through the utilization of the City’s power of eminent domain, and authorizing such action as necessary to accomplish said purposes.”

Or,

“I move to postpone indefinitely Resolution No. 03-2019, a resolution concerning the acquisition and acceptance of private property for the purpose of constructing, installing, maintaining and using public improvements for improving Ridge Road by either negotiation and voluntary purchase or, if necessary, through the utilization of the City’s power of eminent domain, and authorizing such action as necessary to accomplish said purposes, for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Mark Westberg, Project Manager

Steve Nguyen, Engineering Division Manager

Kenneth Johnstone, Director of Community Development

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 03-2019

Exhibit A – Conceptual Plans

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 03
Series of 2019

TITLE: A RESOLUTION CONCERNING THE ACQUISITION AND ACCEPTANCE OF PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, AND USING PUBLIC IMPROVEMENTS FOR IMPROVING RIDGE ROAD BY EITHER NEGOTIATION AND VOLUNTARY PURCHASE OR, IF NECESSARY, THROUGH THE UTILIZATION OF THE CITY'S POWER OF EMINENT DOMAIN, AND AUTHORIZING SUCH ACTION AS NECESSARY TO ACCOMPLISH SAID PURPOSES

WHEREAS, the City of Wheat Ridge, Colorado possesses the power of eminent domain pursuant to Article XX, §§1 and 6 of the Colorado Constitution, Section 16.4 and 1.3 of the City of Wheat Ridge Home Rule Charter, C.R.S. §38-1-101, *et seq.*, and C.R.S. § 38-6-101, *et seq.*; and

WHEREAS, the City Council for the City of Wheat Ridge seeks to acquire certain property rights more particularly described on the attached **Exhibit A** for the purposes of constructing, installing, maintaining and using public improvements for improving Ridge Road in Wheat Ridge, Colorado; and

WHEREAS, the City of Wheat Ridge has complied and intends to continue to comply with all applicable provisions of C.R.S. § 38-1-101, *et seq.*, including, but not limited to, the notice and good faith negotiation requirements and provisions thereof.

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

Section 1. The term "Subject Property" means the interest in the real property more particularly described in attached **Exhibit A**.

Section 2. The City Council hereby finds that the acquisition of the Subject Property for the construction, installation, maintenance and use of the public improvements for improving Ridge Road will serve a proper, public and municipal purpose and use, and that such acquisition is necessary and essential to this public purpose and use. The City Council hereby declares its intent to acquire the Subject Property for the purposes stated herein.

Section 3. The City Manager or his designee, in consultation with the City Attorney, is directed to provide notice of the City's intent to acquire the Subject Property to the various owners of said property, and to thereafter conduct good faith negotiations with the owners for the acquisition of the property rights sought. The City Manager is authorized to make offers for all or portions of the Subject

Property based upon the appraisal or fair market valuation of the same, and is further authorized to execute agreements for the acquisition of all or portions of the Subject Property as described on the attached **Exhibit A: Ridge Road Reconstruction plans.**

Section 4. If, after making good faith offers to acquire the Subject Property, the City is unable to acquire the necessary property rights by negotiation and/or voluntary purchase, the City Attorney is hereby authorized to institute and prosecute eminent domain proceedings in the name of the City so as to acquire the Subject Property by condemnation. In the prosecution of any eminent domain actions to acquire the Subject Property, the City shall have and retain all rights and powers lawfully delegated to it by the Colorado Constitution, the City of Wheat Ridge Home Rule Charter, and C.R.S. § 38-1-101, *et seq.* and C.R.S. § 38-6-101, *et seq.*

Section 5. The City Manager or his designee, in consultation with the City Attorney, is authorized to seek and to take immediate possession of the Subject Property as may be necessary for constructing, installing, maintaining and using public improvements for improving Ridge Road, and to make such deposits or other payments as may be necessary in connection therewith. If eminent domain proceedings are instituted, the City Manager or his designee, in consultation with the City Attorney, is authorized to retain such expert witnesses, including appraisers, as the City determines are necessary for the condemnation proceedings.

Section 6. The City Manager or his designee, in consultation with the City Attorney, are hereby specifically authorized to make such reasonable or necessary amendments and corrections to the terms and/or legal descriptions of the Subject Property to be acquired, including authorization to include such additional or other property rights necessary or desirable for the City to acquire so as to construct, install, maintain and use the public improvements for multi modal improvements. The Mayor and City Clerk are hereby authorized and directed to execute an acceptance of the interests in real property when acquired.

Section 7. The City Council hereby finds, determines and declares that this Resolution is promulgated under the general police power of the City of Wheat Ridge, that it is adopted for the health, safety and welfare of the public, and that this Resolution 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 Resolution bears a rational relation to the proper legislative object sought to be obtained.

Section 8. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 9. This Resolution shall become effective immediately upon adoption.

DONE AND RESOLVED this 14th day of January 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Exhibit A



60% SUBMITTAL
NOT FOR CONSTRUCTION

NO.	REVISIONS	DATE	INIT.

DRAWN BY <u>EE</u>	11/21/18
DESIGN BY <u>EO</u>	11/21/18
CHK'D BY <u>RC</u>	11/21/18
APPROVED <u>SJ</u>	11/21/18

City of Wheat Ridge
DEPARTMENT OF PUBLIC WORKS

7500 WEST 29TH AVENUE
WHEAT RIDGE, COLORADO 80033

TELEPHONE: (303) 235-2861
FAX: (303) 235-2857

City of Wheat Ridge
DEPARTMENT OF PUBLIC WORKS

7500 WEST 29TH AVENUE
WHEAT RIDGE, COLORADO 80033

TELEPHONE: (303) 235-2861
FAX: (303) 235-2857

PROJECT # JN-18-09 RIDGE RD RECONSTRUCTION

ROADWAY PLAN

9
SHEETS
13

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 04-2018 - A RESOLUTION CONCERNING THE ACQUISITION AND ACCEPTANCE OF PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, AND USING PUBLIC IMPROVEMENTS FOR IMPROVING WADSWORTH BOULEVARD BY EITHER NEGOTIATION AND VOLUNTARY PURCHASE OR, IF NECESSARY, THROUGH THE UTILIZATION OF THE CITY'S POWER OF EMINENT DOMAIN, AND AUTHORIZING SUCH ACTION AS NECESSARY TO ACCOMPLISH SAID PURPOSES

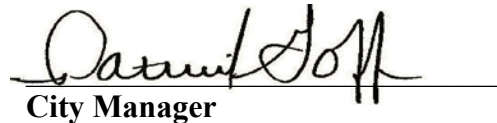
☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES

☒ NO


Engineering Manager


City Manager

ISSUE:

In April 2015 the City was awarded funding through the Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) to improve Wadsworth Boulevard from 35th Avenue to 48th Avenue. The Environmental Assessment (EA) is currently being reviewed and is expected to be finalized in early 2019. Preliminary and final design has begun and is expected to be completed in early 2020.

The proposed improvements to Wadsworth Boulevard require that additional right-of-way (ROW) be purchased. In order for staff and HDR to proceed with the acquisitions of ROW, City Council must approve a resolution authorizing the acquisition and acceptance of the necessary property.

PRIOR ACTION:

On October 12, 2015, the Council adopted the Planning and Environmental Linkage Study (PEL) that identified traffic congestion and safety issues, developed multi-modal solutions, and identified related environmental issues and mitigation measures that needed further assessment. Also on October 12, 2015, an Intergovernmental Agreement (IGA) with CDOT was approved by Council, authorizing the environmental, design, and ROW acquisition phases.

On March 28, 2016, Council approved a contract with HDR to complete Phase I, the survey, conceptual (30%) design and plans, and prepare the Environmental Assessment (EA). In 2017, additional work was identified involving the historical status of several properties along the Wadsworth Corridor. Amendments to the HDR contract were approved by Council on May 22, 2017 and November 13, 2017.

On August 27, 2018, Council approved a contract with HDR to continue to work on the project to complete the preliminary and final design, including the preparation of construction plans and obtaining necessary state and federal approvals.

Lastly, on December 10, 2018, Council approved a contract for ROW acquisition services with HDR, Inc. to prepare ROW plans and acquire ROW necessary to construct project.

FINANCIAL IMPACT:

In April 2015, the City was awarded a grant in the amount \$31.6 million through the DRCOG Transportation Improvement Program. The City's required local match for that grant is \$6,320,000. In early 2017, the City was awarded a Highway Safety Improvement Program (HSIP) grant for \$2,600,000 to construct the medians with a federal share of \$2,340,000. CDOT is covering the local match of \$260,000 because Wadsworth Boulevard is a state highway. CDOT has also committed to providing \$4,100,000 in additional funding that was previously programed for maintenance on this portion of Wadsworth Boulevard.

In late November 2018, City staff administratively approved an early action scope and fee of \$72,600 with HDR to order the required 66 title commitments. On December 10, 2018, an additional \$1,344,394.91 was approved by City Council for the ROW acquisition work for a total HDR contract for ROW acquisitions services of \$1,416,994.91.

Proposed funding, that is estimated at \$13 million, for ROW acquisition is budgeted in 2019 and 2020 in both the Capital Improvement Program (CIP) and 2E funding.

BACKGROUND:

In October 2014, the City applied to DRCOG for federal transportation funds available for fiscal years 2016 through 2021 to help fund a widening and improvement project on Wadsworth Boulevard from 35th Avenue to 48th Avenue. DRCOG awarded a Transportation Improvement Program (TIP) grant in October 2014.

The improvement of this segment of Wadsworth Boulevard has been a high priority for both CDOT and the City of Wheat Ridge for more than 20 years. Lack of available funding has been

the primary reason for postponing improvements. With an earlier grant, a Planning and Environmental Linkage Study (PEL) was completed and adopted by Council on October 12, 2015. That study identified traffic congestion and safety issues, developed multi-modal solutions, and identified related environmental issues and mitigation measures that needed further assessment. The Final Recommended Alternative (FRA) from the PEL study identified the improvements needed to widen Wadsworth Boulevard between 35th and 48th Avenues to six travel lanes, to provide additional turning capacity at the key congested intersections at 38th and 44th Avenues, and install medians to better manage access. Bicycle and pedestrian facilities were also included to add facilities for additional modes of transportation.

On March 28, 2016, Council approved a contract with HDR to complete the survey, conceptual (30%) design and plans, and prepare the Environmental Assessment (EA), which is the federally required process to approve a final roadway design. The consultant team, City staff, and CDOT started working to investigate and resolve issues identified in the PEL. In particular, the need to improve the traffic capacity at the major intersections of 38th Avenue and 44th Avenues was addressed further.

Most of the elements from the FRA were kept and have moved forward through the EA process; however, a couple of major items were changed or added. In response to needing additional capacity at the 38th and 44th Avenue intersections, the design of those intersections was changed from a traditional signalized design with double left turn lanes on all four legs of the intersection, to continuous flow intersections (CFIs). The CFI designs were determined to be a better solution to increase capacity and have the least impact to adjacent parcels. Also a pedestrian connection was added to the Clear Creek Trail on the east side. These changes were included in the update to Council at the March 20, 2017 Study Session.

An update on the environmental process was provided to the Council at the April 16, 2018 Study Session. The results of the value engineering (VE) workshop were then discussed with Council at the June 4, 2018 Study Session. The VE workshop outcomes that were accepted to move forward were to replace the sidewalk/2-way cycle track with a combined wide multi-use path, reduce the median and amenity zone widths, revise the access at 47th/48th Avenues, and revise the retaining wall design at the north end of the project. The VE workshop is required for projects that receive federal funding that have a total cost exceeding \$40 million.

The draft EA has been reviewed by CDOT staff and was reviewed by the Federal Highway Administration (FHWA) in December 2018. CDOT is currently reviewing the revisions to address FHWA's comments. The EA is expected to be finalized in early 2019, with a public meeting being held in April 2019. The decision document, which is expected to be a Finding of No Significant Impact (FONSI), will follow soon after with approval expected in June 2019.

The preliminary design has started with an internal kick-off meeting being held with City and consultant staff on November 9, 2018. The official kick-off with CDOT staff was held on December 11, 2018.

Award of the third and final phase of the project, construction assistance, will be presented to Council for approval at a later date. The City retains the option to continue working with the awarded firm, HDR, Inc., for Phase III with the scope and fee being negotiated at that time.

On December 10, 2018, Council approved a contract for ROW acquisition services with HDR, Inc. to prepare ROW plans and acquire ROW necessary to construct project.

In order for staff and the consultant to proceed with the acquisitions that are necessary along Wadsworth Boulevard, City Council needs to approve a resolution authorizing the acquisition of ROW on Council's behalf. The resolution also authorizes the Mayor and City Clerk to accept the ROW on behalf of the Council.

The ROW acquisition must follow the lengthy federal process, since federal funding is involved. This will likely take more than 12 months to complete, so to keep the ROW acquisition process moving forward as quickly as possible, the resolution includes the authorization to condemn property if negotiations to acquire the property voluntarily are unsuccessful.

RECOMMENDATIONS:

Staff recommends that City Council approve the attached resolution authorizing acquisition and acceptance of certain properties for the purposes of improving Wadsworth Boulevard.

RECOMMENDED MOTION:

"I move to approve Resolution No. 04-2019 a resolution concerning the acquisition and acceptance of private property for the purpose of constructing, installing, maintaining and using public improvements for improving Wadsworth Boulevard by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's power of eminent domain, and authorizing such action as necessary to accomplish said purposes."

Or,

"I move to postpone indefinitely Resolution No. 04-2019, a resolution concerning the acquisition and acceptance of private property for the purpose of constructing, installing, maintaining and using public improvements for improving Wadsworth Boulevard by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's power of eminent domain, and authorizing such action as necessary to accomplish said purposes, for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Mark Westberg, Project Manager

Steve Nguyen, Engineering Division Manager

Kenneth Johnstone, Director of Community Development

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 04-2019
Exhibit A – Conceptual Plans

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 04
Series of 2019

TITLE: A RESOLUTION CONCERNING THE ACQUISITION AND ACCEPTANCE OF PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING, AND USING PUBLIC IMPROVEMENTS FOR IMPROVING WADSWORTH BOULEVARD BY EITHER NEGOTIATION AND VOLUNTARY PURCHASE OR, IF NECESSARY, THROUGH THE UTILIZATION OF THE CITY'S POWER OF EMINENT DOMAIN, AND AUTHORIZING SUCH ACTION AS NECESSARY TO ACCOMPLISH SAID PURPOSES

WHEREAS, the City of Wheat Ridge, Colorado possesses the power of eminent domain pursuant to Article XX, §§1 and 6 of the Colorado Constitution, Section 16.4 and 1.3 of the City of Wheat Ridge Home Rule Charter, C.R.S. §38-1-101, *et seq.*, and C.R.S. § 38-6-101, *et seq.*; and

WHEREAS, the City Council for the City of Wheat Ridge seeks to acquire certain property rights more particularly described on the attached **Exhibit A** for the purposes of constructing, installing, maintaining and using public improvements for improving Wadsworth Boulevard in Wheat Ridge, Colorado; and

WHEREAS, the City of Wheat Ridge has complied and intends to continue to comply with all applicable provisions of C.R.S. § 38-1-101, *et seq.*, including, but not limited to, the notice and good faith negotiation requirements and provisions thereof.

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

Section 1. The term "Subject Property" means the interest in the real property more particularly described in attached **Exhibit A**.

Section 2. The City Council hereby finds that the acquisition of the Subject Property for the construction, installation, maintenance and use of the public improvements for improving Wadsworth Boulevard will serve a proper, public and municipal purpose and use, and that such acquisition is necessary and essential to this public purpose and use. The City Council hereby declares its intent to acquire the Subject Property for the purposes stated herein.

Section 3. The City Manager or his designee, in consultation with the City Attorney, is directed to provide notice of the City's intent to acquire the Subject Property to the various owners of said property, and to thereafter conduct good faith negotiations with the owners for the acquisition of the property rights sought.

The City Manager is authorized to make offers for all or portions of the Subject Property based upon the appraisal or fair market valuation of the same, and is further authorized to execute agreements for the acquisition of all or portions of the Subject Property as described on the attached **Exhibit A: Wadsworth Boulevard Widening plans**.

Section 4. If, after making good faith offers to acquire the Subject Property, the City is unable to acquire the necessary property rights by negotiation and/or voluntary purchase, the City Attorney is hereby authorized to institute and prosecute eminent domain proceedings in the name of the City so as to acquire the Subject Property by condemnation. In the prosecution of any eminent domain actions to acquire the Subject Property, the City shall have and retain all rights and powers lawfully delegated to it by the Colorado Constitution, the City of Wheat Ridge Home Rule Charter, and C.R.S. § 38-1-101, *et seq.* and C.R.S. § 38-6-101, *et seq.*

Section 5. The City Manager or his designee, in consultation with the City Attorney, is authorized to seek and to take immediate possession of the Subject Property as may be necessary for constructing, installing, maintaining and using public improvements for improving Wadsworth Boulevard, and to make such deposits or other payments as may be necessary in connection therewith. If eminent domain proceedings are instituted, the City Manager or his designee, in consultation with the City Attorney, is authorized to retain such expert witnesses, including appraisers, as the City determines are necessary for the condemnation proceedings.

Section 6. The City Manager or his designee, in consultation with the City Attorney, are hereby specifically authorized to make such reasonable or necessary amendments and corrections to the terms and/or legal descriptions of the Subject Property to be acquired, including authorization to include such additional or other property rights necessary or desirable for the City to acquire so as to construct, install, maintain and use the public improvements for multi modal improvements. The Mayor and City Clerk are hereby authorized and directed to execute an acceptance of the interests in real property when acquired.

Section 7. The City Council hereby finds, determines and declares that this Resolution is promulgated under the general police power of the City of Wheat Ridge, that it is adopted for the health, safety and welfare of the public, and that this Resolution 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 Resolution bears a rational relation to the proper legislative object sought to be obtained.

Section 8. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 9. This Resolution shall become effective immediately upon adoption.

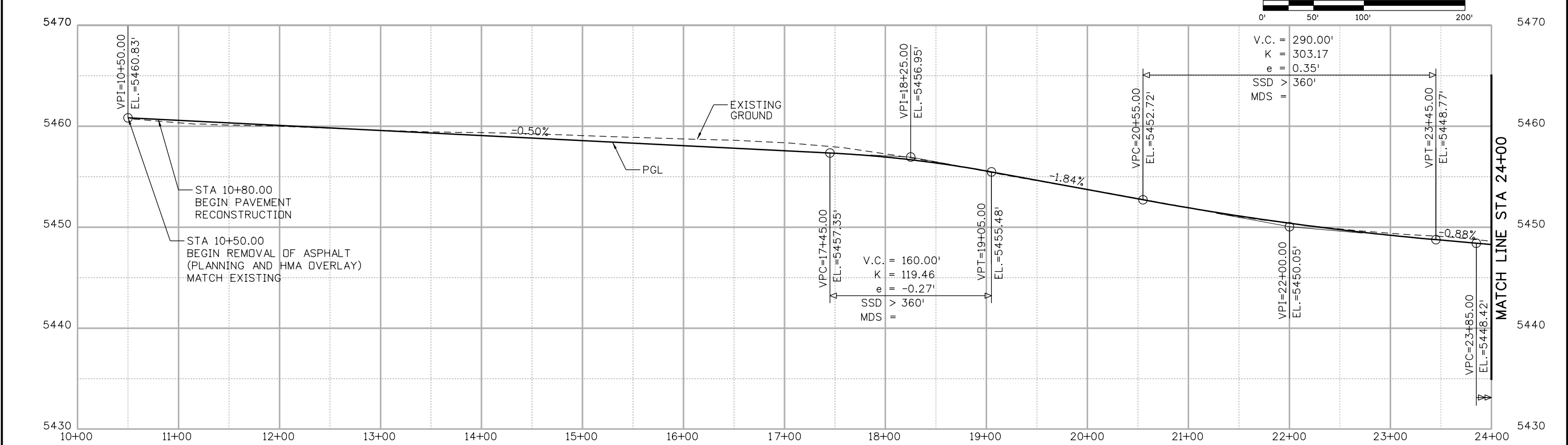
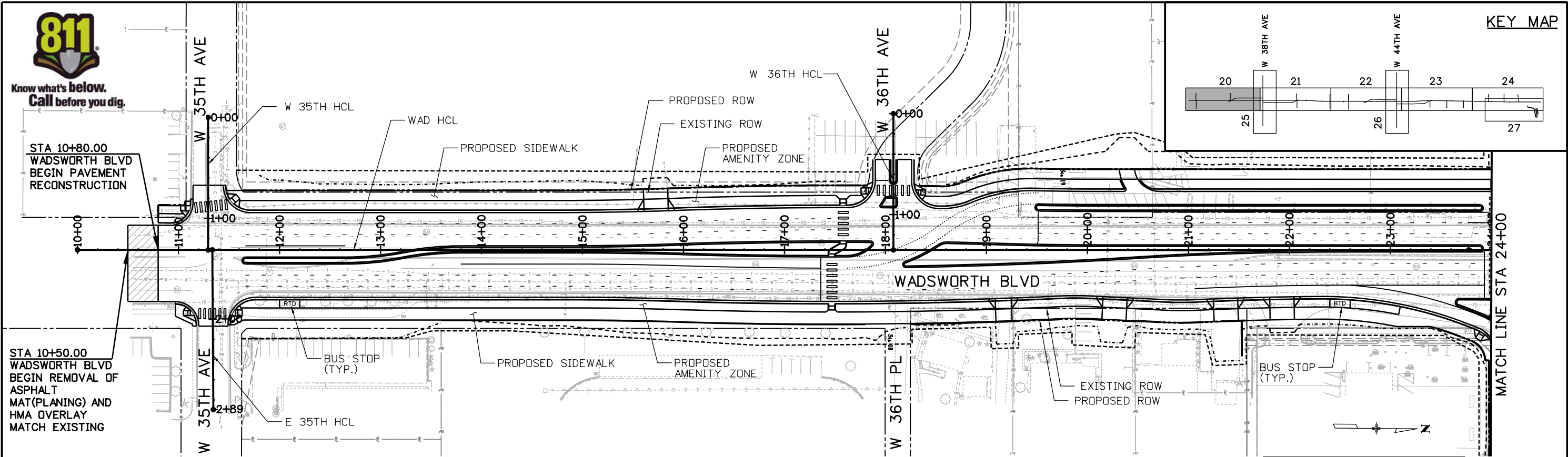
DONE AND RESOLVED this 14th day of January 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

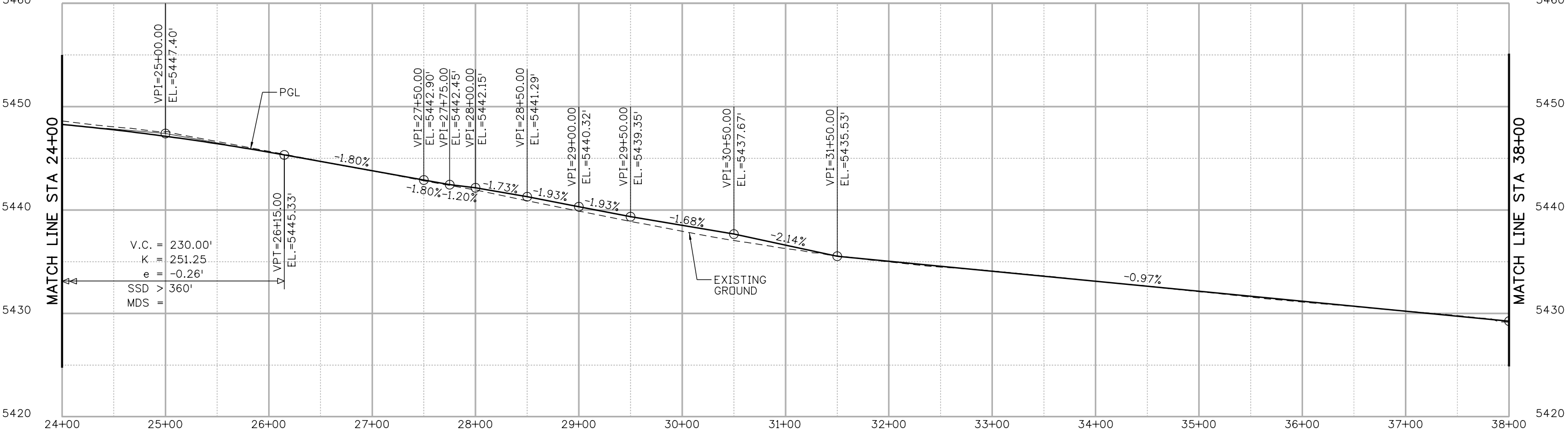
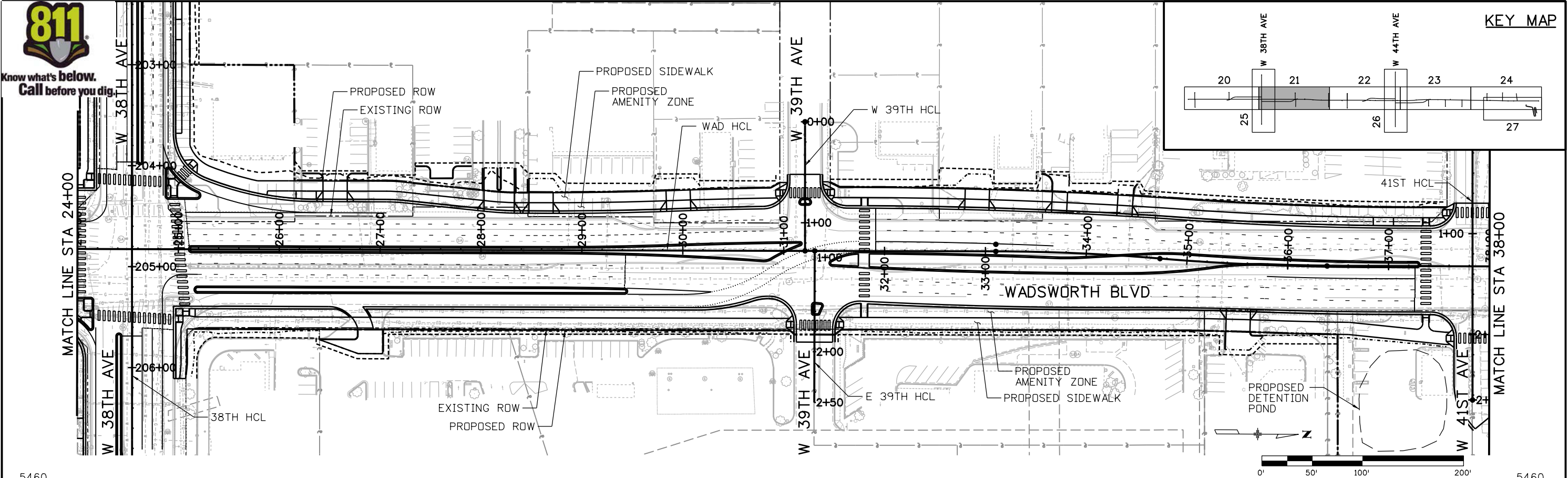
EXHIBIT A



Print Date: 8/8/2018		<div><div></div><div></div><div></div><div></div><div></div></div>	Sheet Revisions			<div><div><div><div></div><div></div><div></div></div><div><div></div><div></div><div></div></div></div><div>Colorado Department of Transportation</div><div>425 B Corporate Circle Golden, CO 80401 Phone: 720-497-6954 FAX: 720-497-6951</div><div>Region 1</div><div>KPB</div></div>	As Constructed		WADSWORTH BLVD PLAN AND PROFILE STA 10+50 TO STA 24+00			Project No./Code	
File Name: Wadsworth_EA_DES_Plan 01 STA 10+00 to 24+00			Date:	Comments	Init.		No Revisions:		NHPP 1211-086				
Horiz. Scale: 1"=100' Vert. Scale: 1"=10'							Revised:		Designer: E. Guinard	Structure Numbers	21006		
Unit Information: Region 1 Unit Leader: JF							Void:		Detailer: K. Harrison-Hixson		Sheet Number 22		
<div><div><div></div><div></div><div></div></div><div>1600 Broadway, Suite 1100 Denver, Colorado 80202-4922 Phone: 303-832-9091 Fax: 303-832-9096</div></div>									Subset: RDWY	Subset Sheets: 1 of 9			

Guinard 8:45:17 AM pw:\PWP\PM01\NorthCentral\Documents\Colorado\Dept_of_Transportation_R1\Wheat_Ridge_Wadsworth_EA\Wheat_Ridge_Wadsworth_EA_DES_Plan 01 STA 10+00 to 24+00 Scale: Wadsworth_EA_DES_Plan 01 STA 10+00 to 24+00

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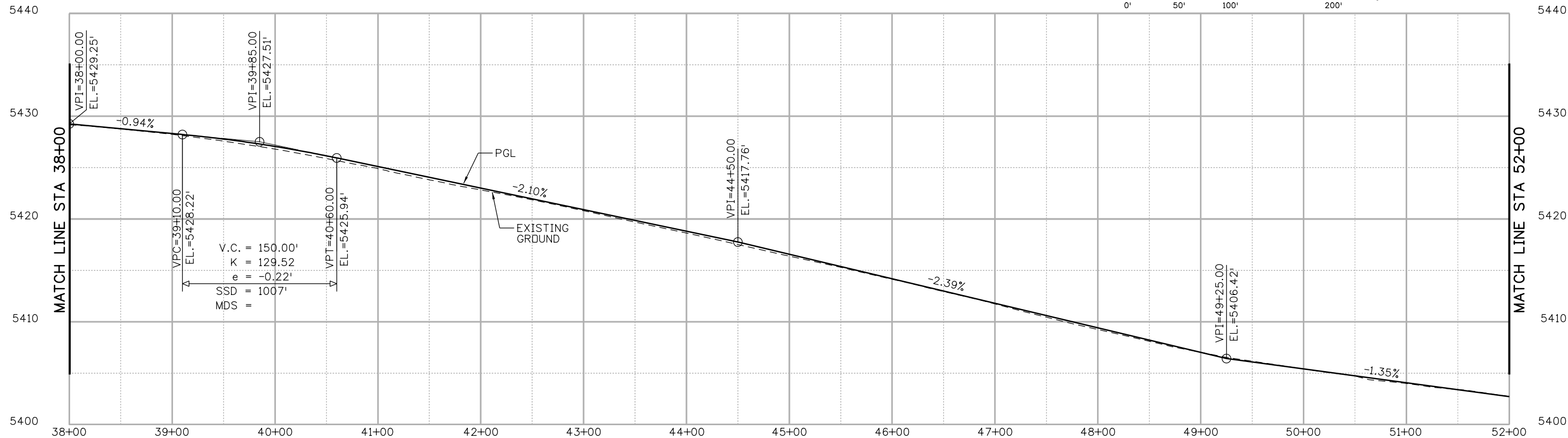
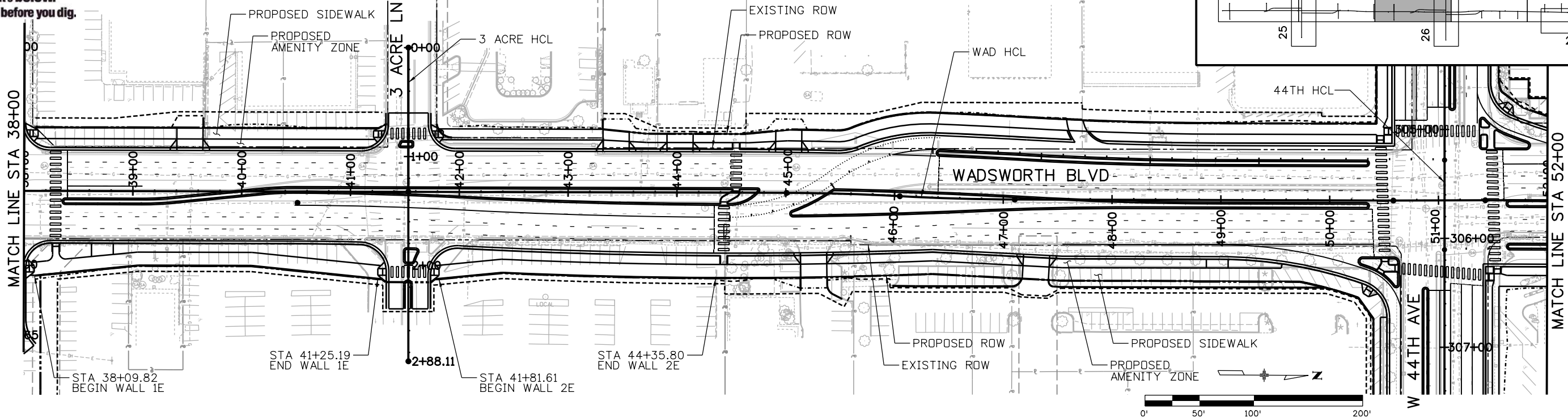


Print Date: 8/8/2018		<div>0000</div>	Sheet Revisions			<div><div><div><div><div></div><div>CDOT</div></div><div><div>CO</div><div></div></div></div><div>Region 1</div></div><div>425 B Corporate Circle Golden, CO 80401 Phone: 720-497-6954 FAX: 720-497-6951 KPB</div></div>	As Constructed		WADSWORTH BLVD PLAN AND PROFILE STA 24+00 TO STA 38+00			Project No./Code	
File Name: Wadsworth_EA_DES_Plan 02 STA 24+00 to 38+00			Date:	Comments	Init.		No Revisions:		NHPP 1211-086				
Horiz. Scale: 1"=100' Vert. Scale: 1"=10'							Revised:		Designer: E. Guinard	Structure Numbers	21006		
Unit Information: Region 1 Unit Leader: JF							Void:		Detailer: K. Harrison-Hixson		Sheet Number 23		
<div><div><div></div><div></div><div></div></div><div>1600 Broadway, Suite 1100 Denver, Colorado 80202-4922 Phone: 303-832-9091 Fax: 303-832-9096</div></div>									Subset: RDWY	Subset Sheets: 2 of 9			

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Print Date: 8/8/2018
File Name: Wadsworth_EA_DES_Plan 03 STA 38+00 to 52+00
Horiz. Scale: 1"=100' Vert. Scale: 1"=10'
Unit Information: Region 1 Unit Leader: JF
1600 Broadway, Suite 1100
Denver, Colorado 80202-4922
Phone: 303-832-9091 Fax: 303-832-9096

Sheet Revisions		
Date:	Comments	Init.

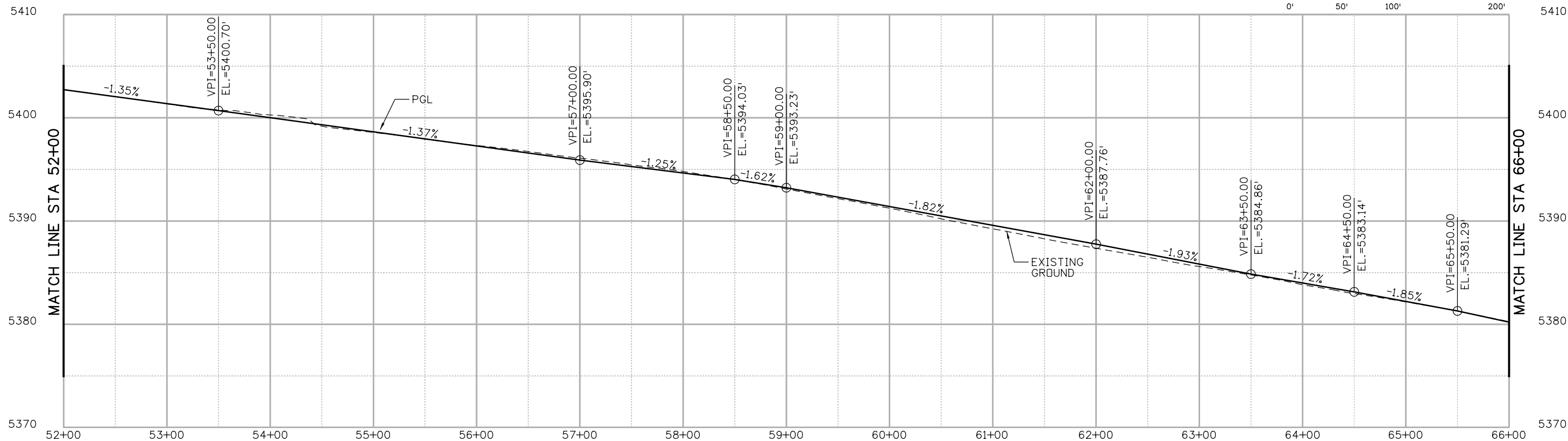
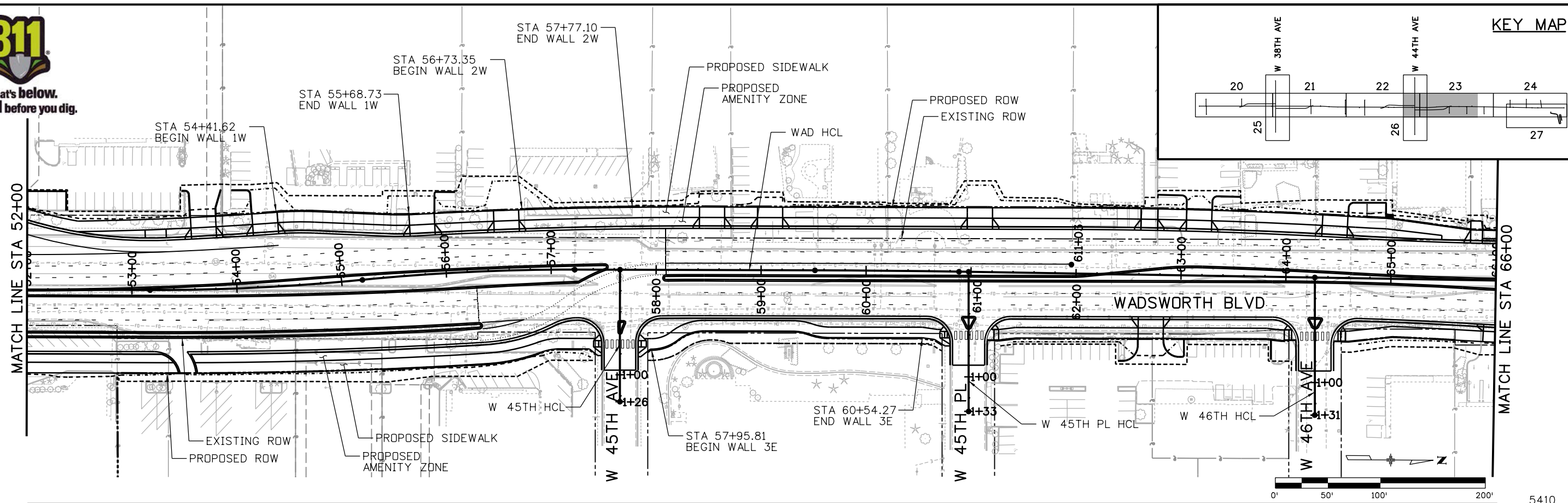
Colorado Department of Transportation
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Region 1 KP

As Constructed		WADSWORTH BLVD PLAN AND PROFILE STA 38+00 TO STA 52+00		Project No./Code	
No Revisions:		Designer: E. Guinard		NHPP 1211-086	
Revised:		Detailer: K. Harrison-Hixson		21006	
Void:		Subset: RDWY		Sheet Number 24	
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Print Date: 8/8/2018
File Name: Wadsworth_EA_DES_Plan 04 STA 52+00 to 66+00
Horiz. Scale: 1"=100' Vert. Scale: 1"=10'
Unit Information: Region 1 Unit Leader: JF
1600 Broadway, Suite 1100
Denver, Colorado 80202-4922
Phone: 303-832-9091 Fax: 303-832-9096

Sheet Revisions		
Date:	Comments	Init.

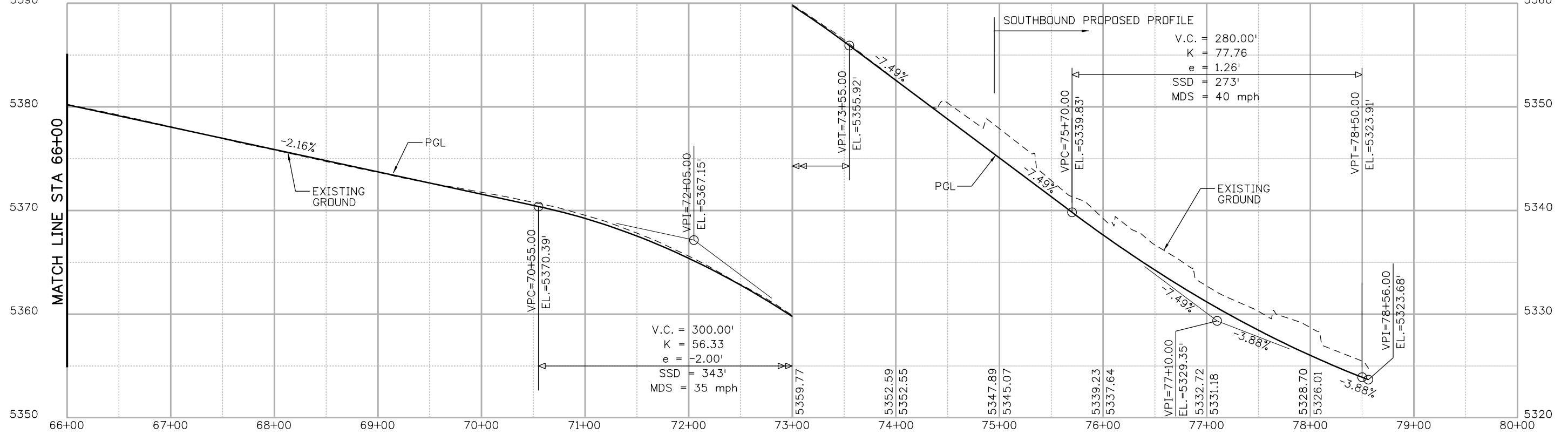
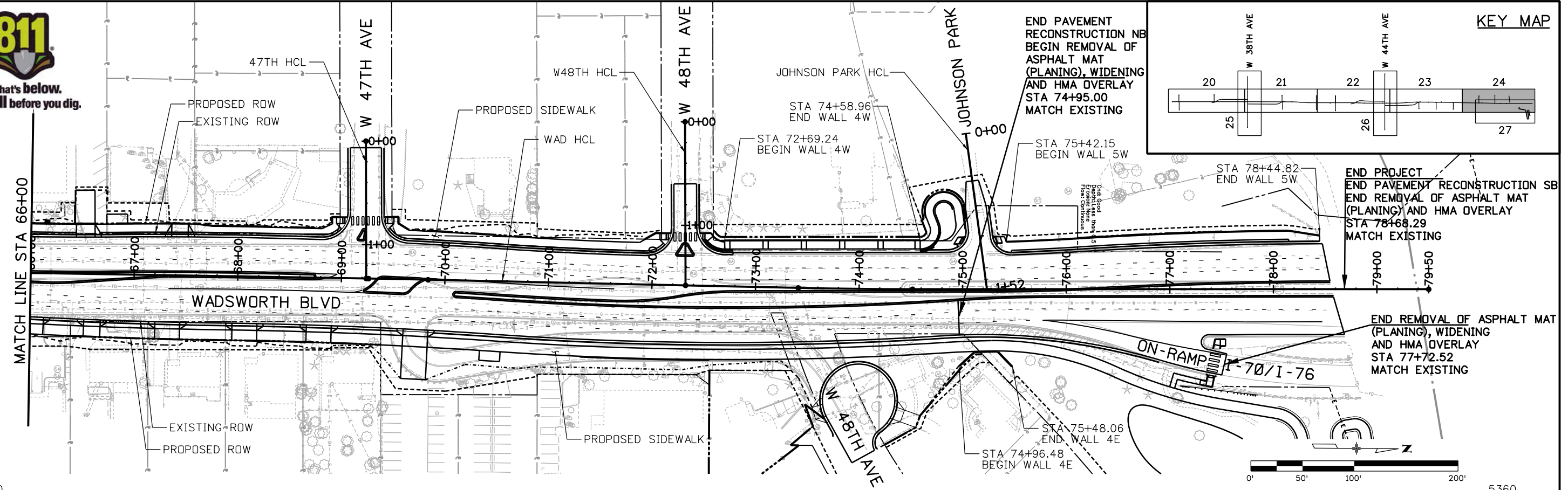
Colorado Department of Transportation
425 B Corporate Circle
Golden, CO 80401
Phone: 720-497-6954 FAX: 720-497-6951
Region 1 KP

As Constructed		WADSWORTH BLVD PLAN AND PROFILE STA 52+00 TO STA 66+00		Project No./Code	
No Revisions:		Designer: E. Guinard		NHPP 1211-086	
Revised:		Detailer: K. Harrison-Hixson		21006	
Void:		Subset: RDWY		Sheet Number 25	
		Structure Numbers		4 of 9	

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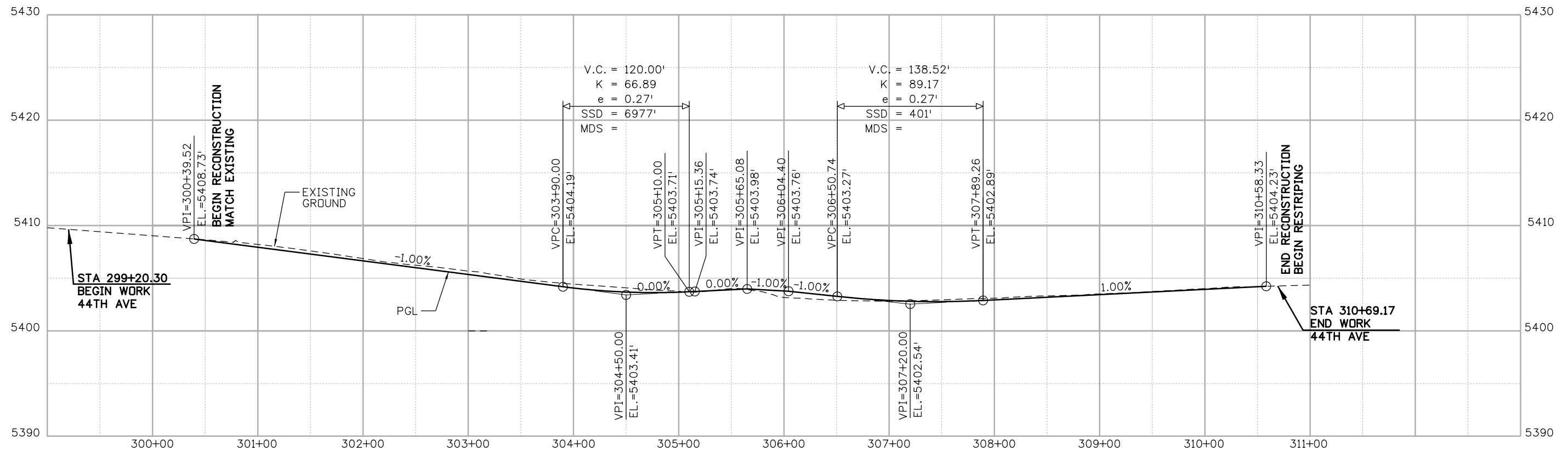
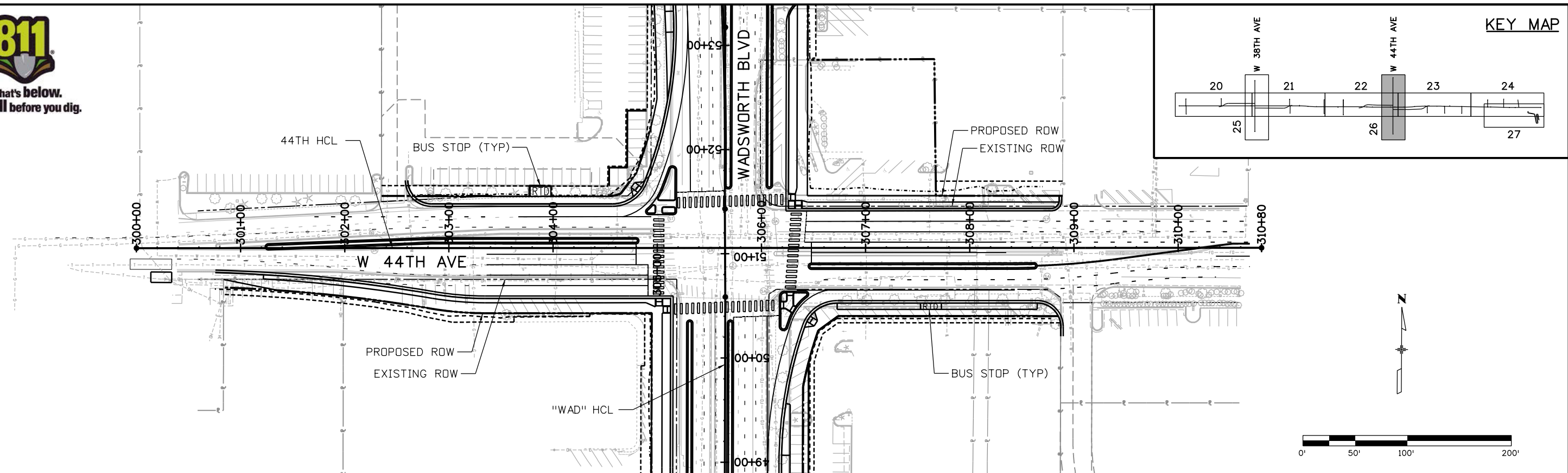


Print Date: 8/8/2018		<div><div></div><div></div><div></div><div></div><div></div></div>	Sheet Revisions			<div><div><div><div></div><div>CDOT</div></div><div><div>CO</div><div></div></div></div><div>425 B Corporate Circle Golden, CO 80401 Phone: 720-497-6954 FAX: 720-497-6951</div><div>Region 1</div><div>KPB</div></div>	As Constructed		WADSWORTH BLVD PLAN AND PROFILE STA 66+00 TO STA 79+50			Project No./Code		
File Name: Wadsworth_EA_DES_Plan 05 STA 66+00 to 79+50 (EOP)			Date:	Comments	Init.		No Revisions:					NHPP 1211-086		
Horiz. Scale: 1"=100' Vert. Scale: 1"=10'							Revised:		Designer: E. Guinard		Structure		21006	
Unit Information: Region 1 Unit Leader: JF							Void:		Detailer: K. Harrison-Hixson		Numbers			
<div><div><div>WSP</div><div>1600 Broadway, Suite 1100 Denver, Colorado 80202-4922 Phone: 303-832-9091 Fax: 303-832-9096</div></div></div>									Subset: RDWY		Subset Sheets:	5 of 6	Sheet Number 26	

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Print Date: 8/8/2018	
File Name: Wadsworth_EA_DES_Plan 07 44th Avenue	
Horiz. Scale: 1"=100'	Vert. Scale: 1"=10'
Unit Information: Region 1	Unit Leader: JF
1600 Broadway, Suite 1100 Denver, Colorado 80202-4922 Phone: 303-832-9091 Fax: 303-832-9096	

Sheet Revisions		
Date:	Comments	Init.

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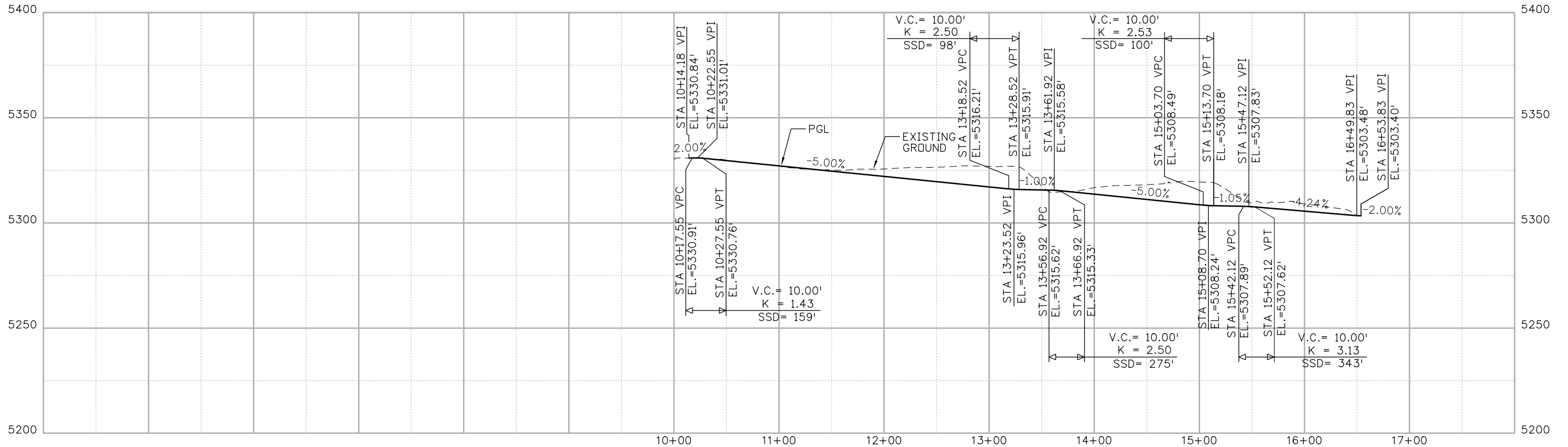
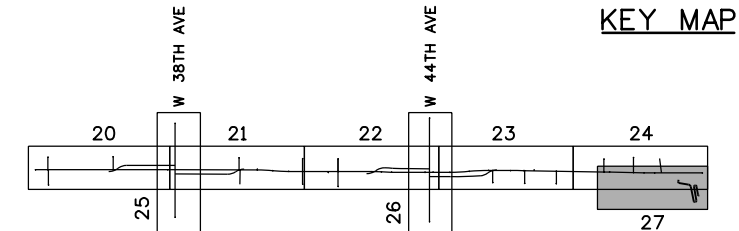
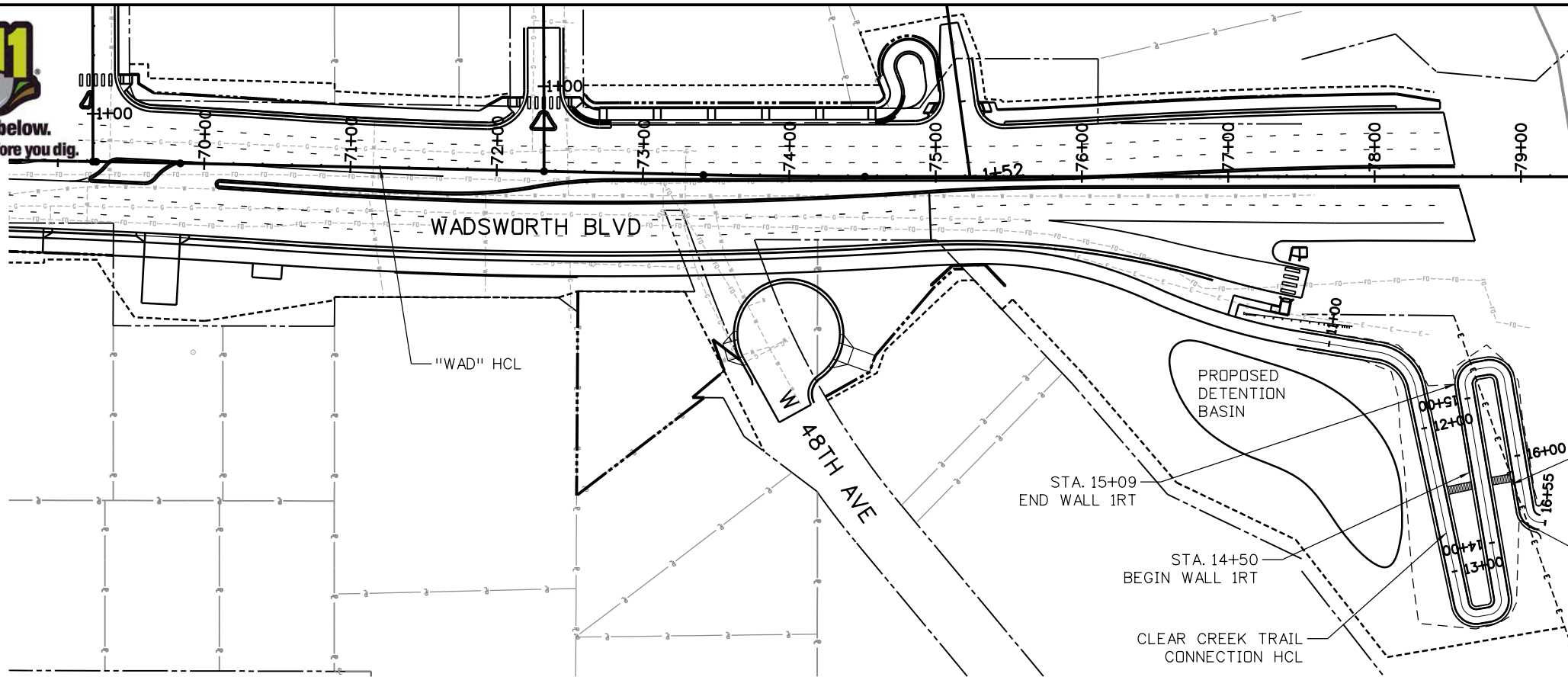
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As Constructed		W 44TH AVENUE PLAN AND PROFILE STA 300+00 TO STA 310+80		Project No./Code	
No Revisions:		Designer: E. Guinard		NHPP 1211-086	
Revised:		Detailer: K. Harrison-Hixson		21006	
Void:		Subset: RDWY		Sheet Number 28	
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Print Date: 8/8/2018	
File Name: Wadsworth_EA_DES_Plan 08_100 Trail & Pond Design	
Horiz. Scale: 1"=100'	Vert. Scale: 1"=10'
Unit Information: Region 1	Unit Leader: JF
 1600 Broadway, Suite 1100 Denver, Colorado 80202-4922 Phone: 303-832-9091 Fax: 303-832-9096	

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As Constructed		CLEAR CREEK TRAIL CONNECTION PLAN AND PROFILE STA 10+00 TO STA 16+55		Project No./Code	
No Revisions:		Designer: E. Guinard		NHPP 1211-086	
Revised:		Detailer: K. Harrison-Hixson		21006	
Void:		Subset: RDWY		Sheet Number 29	
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