

AGENDA

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

February 11, 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 Council Minutes of January 14, 2019

PROCLAMATIONS AND CEREMONIES

Appointment of City Treasurer
Random Acts of Kindness Week
Love Letters from Wheat Ridge – 50th Anniversary Celebration

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 award Janitorial Services to American Facility Services Group, Lakewood, CO, and approve payments not to exceed \$99,586.22
- b. Motion to approve payments to Charles Abbott Associates, Inc. for ongoing building permit, plan review and inspection services in the amount of \$802,400 as approved in the City's 2019 Budget and authorizing all subsequent payments
- c. Resolution 10-2019 – amending the Fiscal Year 2019 Budget to reflect the approval of a Supplemental Budget Appropriation for the Re-Appropriation and Re-Encumbrance of 2018 Fiscal Year Encumbered Funds in the amount of \$9,789,009.05
- d. Resolution 12-2019 – granting an Easement to Metro Wastewater Reclamation District for the purpose of providing a sewer line metering station in City owned Open Space

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 34-2018: Ordinance 1664 – 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 (continued from January 14, 2019 for Council Action)
3. Resolution 11-2019 – approving an Eighty-Nine Lot Subdivision Replat for Property Zoned Mixed Use-Neighborhood (NU-N) and Planned Residential Development (PRD) at the Northwest Corner of Yarrow Street and 42nd Avenue (Case No. WS-18-07/Yarrow Gardens Filing No. 3)
4. Council Bill 01-2019 – amending the Wheat Ridge Code of Laws to regulate the creation of Flag Lots (Case NO. ZOA-18-05)
5. Council Bill 33-2018: Ordinance 1663 – 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) (continued from January 14, 2019 for Council Action)

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

January 14, 2019

Mayor Pro-Tem Hoppe called the Regular City Council Meeting to order at 7:00 p.m.

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

ROLL CALL OF MEMBERS

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

Absent: Mayor Starker (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Parks & Recreation Director, Joyce Manwaring; other staff, guests and interested citizens.

APPROVAL OF CITY COUNCIL MINUTES of November 26, 2018 and December 10, 2018 and Study Session Notes of December 3, 2018 and December 17, 2018

There being no objections, the City Council minutes of November 26, 2018 and December 10, 2018 and Study Session Notes of December 3, 2018 and December 17, 2018 were approved as published

PROCLAMATIONS AND CEREMONIES

National Radon Action Month

Mayor Pro-Tem Hoppe read a proclamation designating January 1-31 as National Radon Action Month. **Mitchell Brown**, Environmental Health supervisor for Jefferson County, was present to receive the award. Mr. Brown explained the dangers of radon and announced that free radon test kits are available to homeowners.

50th Anniversary of the City of Wheat Ridge

Mayor Pro-Tem Hoppe read the proclamation recognizing 2019 as the 50th Anniversary of the City of Wheat Ridge and presenting the Wheat Ridge Police Department Anniversary Badge to be worn by sworn officers beginning on January 1, 2019. **Chief Daniel Brennan** and **Division Chief Jim Lorentz** were present to receive the proclamation. Officer Lorentz showed pictures of the badge of Jack Bramble, the City's first Police Chief, and how that badge has been incorporated into the commemorative badge. He showed a picture of the City's first police car; it is being restored for the anniversary. Chief Brennan thanked Division Chief Lorentz for his idea of the commemorative badge and all the work he has put into it.

CITIZENS RIGHT TO SPEAK

Margaret Nelson (WR) pointed out there is a drainage ditch in the property on the SE corner of 38th & Johnson. She proposed the ditch and the land to the south be removed from the area that can be developed and be preserved as open space.

Lisa Griffin (WR) asked the Council for donations for the WR High School after-Prom efforts. She provided a letter.

John Clark (WR) spoke about the stock show. He noted that 11 Jeffco kids will be participating this year and encouraged support for them.

Garrett Lukken introduced himself. He works for Congressman Perlmutter and has been assigned the Wheat Ridge area.

Millie Nadler (WR) presented **Sharon Heinlen** who has been chosen by the Cultural Commission as Poet in Residence for the year. The Poet in Residence program was instituted this year in conjunction with the 50th anniversary of the City. Ms. Heinlen will be writing and reading her poetry at a number of celebratory events during the year. Ms. Heinlen spoke; she is honored to represent the City. She read her poem entitled "Neighborly Inspiration" that she submitted for her application for the position.

Odarka Figlus asked if on City Council nights the door between the main lobby and the police department could be left open. It is uncomfortable for women and for some seniors to park in the back and have to walk around to the front door to get in. Lighting is not the best and in the winter it can be icy as well.

APPROVAL OF AGENDA

Patrick Goff noted that an amendment was needed for Item 2b on the Agenda.

CONSENT 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 *[budgeted; city share is 6.1% of Jeffcom costs]*
- 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 *[budgeted]*
- 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 *[budgeted]*

Councilmember Pond introduced the Consent Agenda.

Motion by Councilmember Pond to approve the Consent Agenda items a), and c); seconded by Councilmember Urban; motion carried 7-0

Motion by Councilmember Pond to approve Consent Agenda Item b); seconded by Councilmember Urban.

Chief Brennan reported that the fee for the training course for police recruits has been raised from \$6,000 per recruit to \$6,500. The training budget has money to cover this.

Motion by Councilmember Mathews to amend Item 2b as recommended by Chief Brennan; seconded by Councilmember Urban; carried 7-0.

The main motion carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. 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)

The 1/6 acre parcel has an existing building with four apartments on the second floor and commercial space on the first floor. This historic condition is considered legally non-conforming under the C-1 zoning. The rezone to MU-N would legalize the existing configuration.

Councilmember Urban introduced Council Bill 32-2018.

City Clerk Shaver assigned Ordinance 1662.

Mayor Pro-Tem Hoppe opened the public hearing and swore in the speakers.

Staff presentation

Planner Scott Cutler entered into the record the case file and packet material and testified that all notice and posting requirements had been met.

- The property is zoned C-1 and is surrounded by MU-N zoned properties.
- It was one of seven properties that opted out of a mass rezoning to MU-N in 2010.
- Only one residential unit is allowed in C-1 zoning.
- MU-N will allow the property to become conforming.
- Neighbors have been generally supportive of the zone change.
- All outside agencies can serve the property and have no concerns.
- Planning Commission recommends approval.

Council Questions

Councilmember Mathews asked if any other zonings would apply to this property. He was told that C-1 does not allow residential. A Planned Development is possible but

staff believes that is more appropriate for new construction. If denied, the current use of the property would remain grandfathered in.

No one from the public spoke.

Mayor Pro-Tem Hoppe closed the public hearing.

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) 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.

seconded by Councilmember Dozeman. Clerk Shaver noted the very first dentist she visited as a child was Dr. Barta in this building.

The motion carried 7-0.

3. Council Bill 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)

The applicant is requesting the zone change to prepare the property for development of a twenty-six unit townhome project.

Councilmember Dozeman introduced Council Bill 33-2018.

City Clerk Shaver assigned Ordinance 1663.

Mayor Pro-Tem Hoppe opened the public hearing and swore in the speakers.

Staff presentation – Lauren Mikulak

Planner Lauren Mikulak entered into the record the zoning ordinance, the Comprehensive Plan, the case file and packet material, and testified that all notice and posting requirements had been met.

- The vacant property faces Tabor Street and is surrounded by a variety of zonings.
- Staff determines this is a transitional property between commercial and residential.
- A-1 allows one single family house per acre or agricultural related uses..
- The proposed zoning is for 26 attached, single family homes.
- She presented the Outline Development Plan.
- The density is 12.4 units per acre, which is similar to R-3. This is considered "mid-point" of the surrounding densities.
- The setbacks will vary depending on the location.

- Access will come from a single access point on Tabor Street.
- The development will have groups of 6 and 4 units.
- The HOA will require cars to be parked in the garages. 13 guest parking spaces will be provided around the development. No parking will be allowed on Tabor.
- No waivers for architectural standards have been requested.
- This use is consistent with the Comprehensive Plan.
- All public agencies can serve the property
- Planning Commission recommends approval.

Bill Lyons (Englewood) gave a power point presentation about his company and the Clear Creek Terrace Development that is planned. His company built Quail Hollow. Onsite amenities include some raised garden planters and a park shelter with 2 tables. The power lines will be underground.

Council Questions

Councilmember Mathews noted the documentation before Council says the ownership of the property is unclear at this time. Mr. Lyons said the property is under contract.

Mr. Dahl addressed the legal protests that had been filed by adjacent property owners. He advised that the protest requirements have been met, so it will require 6 votes of Council for approval.

Public Comment

John Clark (WR) presented to the councilmembers packets of letters of protest from adjacent and nearby property owners.

His concerns from the neighborhood meeting include:

- He suggested there are faults in the HOA document that was presented at the neighborhood meeting. He doesn't believe these units will remain owner-occupied.
- Who owns the property? The applicant doesn't own the property. No answer was given at the neighborhood meeting and there is still no answer.
- Were traffic studies done? At the neighborhood meeting they were told a traffic analysis is being worked on and which is submitted with the application
- Tabor is and will be busier due to the TOD. Were traffic studies done?
- The purchase price \$695K. That is \$350K acre!

His concerns from the Planning Commission hearing include:

- The current zoning is A-1. It could be subdivided to provide for 2 upscale houses on 1 acre each.
- Tabor is a collector street. Traffic counts in 2007 were 2,800 cars a day; by 2016 it had risen to 4,496 per day. This data is now three years old. He lives there and he can attest that traffic has increased dramatically. With all the development that will happen at the top end of Tabor (including Arvada's) and the rail coming in, he thinks not doing a traffic study is wrong.
- A development on Tabor was approved by Council last April; it hasn't even been developed yet.

- Density of 12.5 units per acre is labeled 'medium'; he considers it high density and referenced the density of nearby properties to show this is definitely not a buffer in density.
- Regarding open space - aggregate open space is lost. You can't take 2 acres of open space, put 26 housing units on it, and then say you are creating open space.
- Access and streetscape? All traffic from this development will flow onto Tabor – a 2-lane road. There will be no turn lanes into this development, and there are already long lines of cars on eastbound 44th wanting to turn left onto Tabor.
- A traffic study not required? City policy requires a traffic study if impact is 60 trips or more during peak hours. But at the neighborhood meeting folks were assured that a traffic analysis was on its way, and if a signal light was necessary it would be added. The 2016 traffic study is no longer valid.
- Regarding the claim that the land has been underutilized: Who decides that?
- Code enforcement action from the past are weed issues. The current owner should be cited for that – not the person who might buy the property.
- Bringing the property into conformance with the Comp Plan? "Maintain quality and character of neighborhoods": This doesn't do that. "Increasing housing options": They will turn into rentals. "Increase stability": How are 26 units more stable than 1?
- Change in the area is occurring? Yes, the neighborhood is changing and these 26 townhomes are not positive changes for the neighbors.
- Point #2 from the neighborhood meeting states this parcel is one of two remaining parcels zoned A-1. Must we develop every piece of grass? Can we have no Ag land in Wheat Ridge?

He asked Council to please read the letters. The neighbors and the area don't want or need this. If it must be developed, why not subdivide it into 2 lots or four ½ acre plots? He urged Council to deny this request for rezoning.

Ihor Figlus (WR) noted the pictures shown by the developer look like slot homes – which have been banned in Denver. He suggested the development to the east, Simms Court, is more reminiscent of single family homes. He doesn't think we should be encouraging this type of development. He asked Council to deny this proposal based on the ODP.

Susanna Coates (WR) said this is not in her neighborhood, but she thinks open land does contribute to the character of the neighborhood. She supports denial

Odarka Figlus (WR) doesn't live near this area, but believes this is a city-wide concern. She made several points.

- Staff compares this to R-3, but it is surrounded mostly by duplexes.
- She illustrated how the setbacks are not adequate and in some cases non-existent. A 4 ½ -10 foot setback that allows a 10 foot encroachment is not a setback.
- You want to attract families, but be honest: There is no greenery, no open space, no place for kids to play. Calling a strip of grass along the perimeter of the development "open space" is insulting.
- Where are the bulk plane requirements?
- She doesn't think the Comp Plan designates this as an area for higher density. We have an enormous amount of high density housing.

- Minimum lot area is 13,092 sq feet – for the lots! - not the houses.
- The density is not compatible with the surrounding area and does not promote stability.
- Our code says the purpose of the planned development process may not be used to circumvent the intent and spirit of the protections afforded by this chapter. This proposal does exactly that.
- Parking is inadequate.
- Rezoning is a gift of increased value, and that value doesn't come out of thin air for free. Are you transferring value to this developer at the expense of the neighbors and surrounding community?

Zoriana Morozewych (WR) thinks this evening is open season on open space. She asked Council to vote against this. This isn't her neighborhood, but she supports her neighbors. This rezoning will just add to the mess on the west end of town.

Applicant response

Mr. Lyons presented the contract to buy the property. The property is owned by an LLC and signed by Kirby Kunz. Mr. Dahl advised that staff has the required release from the owner to rezone the property.

- Mr. Lyons noted no one objected at the neighborhood meeting or the Planning Commission hearing.
- He testified that there are no zero setbacks.
- Parking meets requirements. Six guest spaces were required; they're providing 13.
- Units cannot be rented until one year has passed.
- Residents who park in guest spots will be given a letter, then fined.
- A traffic study was not required, but they did get a traffic letter done by a consultant they hired. It indicates the traffic impact will be minimal.

Council Questions

Councilmember Pond asked Ms. Mikulak to repeat the setback requirements.

- The Tabor setbacks are 15 feet. The fence around the front patio can encroach into that area, but not the building.
- North side setbacks are 20 feet. East side setback is 50 feet.
- South setbacks are 12 feet. Setback to the SW next to a single family is 20 feet.
- Ms. Mikulak confirmed that architectural standard will have to be met.
- HOA documents are required to assure there's a provision for common areas to be maintained and that adequate parking is built. She noted that the City can't enforce HOA requirements.

Councilmember Davis received confirmation that the height of these buildings is lower than code allowance. Per Mr. Lyons, after one year owners can sell. There are no requirements that a certain percentage of the units remain owner-occupied.

Councilmember Dozeman asked why 26 units. Mr. Lyons said it is the same as a development they did in Lakewood, and suggested million dollar homes wouldn't sell here.

Councilmember Urban expressed concerns about the setbacks. Testimony was given that the developer originally wanted 30 units, but staff cut them back to 26 for setbacks. Councilmember Urban noted the amenity zone and sidewalk will be in the City ROW.

Councilmember Mathews noted the neighbors were told the HOA would prohibit rentals, but that is not the case. Ms. Mikulak said that report was in error. She also said the number of units would have to stay the same.

Councilmember Davis inquired of Mr. Dahl about options for proceeding. He addressed the issue of postponing the vote until an eighth councilmember is seated.

Councilmember Urban was told a metropolitan district is not planned.

Mr. Westberg testified that maximum capacity for a 2-lane collector street is 10K cars. Tabor is approaching half capacity. He thinks most people north of the tracks will go to the west toward Ward Road or east to Kipling, and then come south. Current traffic studies are focused on north of the tracks.

Councilmember Urban noted a recent rezoning on Tabor has not been developed, so that future traffic is not included yet. He exchanged thoughts with Mr. Westberg about traffic.

Mayor Pro-Tem Hoppe closed the public hearing.

Motion by Councilmember Dozeman to approve Council Bill 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.

seconded by Councilmember Pond;

Councilmember Mathews is disappointed that developments keep coming to Council with inadequate parking, no places for children to play, and maximized density. We say we want to attract families, but there's no place for kids to play and no place for teenagers to park.

Councilmember Pond favors this development. He thinks the proposal aligns with the Comprehensive Plan and recent strategies for 44th Avenue. He'd like to see a study of area traffic. He thinks utilization is the prerogative of the land owner.

Councilmember Urban addressed neighboring densities and suggests a lower density would be more appropriate at this location.

Councilmember Davis suggested we aren't being consistent with parking requirements and defended folks who don't need a place for children to play or more parking, and want to be renters. If these units become renters, it won't be a bad thing. She noted that since this rezoning requires 6 votes to pass, she will be asking for this vote to be continued until we have a full Council.

Councilmember Dozeman like the plan. She appreciates renters, but wishes it was fewer units and could be something that attracts families. She shared personal frustration with the light at I-70 and 44th and the ridiculous congestion. She would like to have staff provide more traffic analysis with these developments. She is concerned about the lack of parking spaces and driveways for this proposal and suggested fewer units would solve those issues. She remains committed to efforts to attract more families.

Councilmember Hoppe shared her personal experience with town homes; she had no problems with them. She also likes the way these houses look.

Motion A substitute motion was made by Councilmember Davis to continue the case for action to February 11 when we have 8 councilmembers; seconded by Councilmember Dozeman; carried 5-2, with Councilmembers Mathews and Fitzgerald voting no.

Mayor pro tem Hoppe called for a recess at 9:32pm.
The meeting resumed at 9:42pm.

There was unanimous consent to suspend the rules to allow one of the councilmembers to speak.

Councilmember Fitzgerald informed the assembly that he has a progressive disease and has reached the point where he can no longer do this job. He will be resigning, effective at the end of the next Council meeting.

Another 5 minute break was taken, at which time Councilmember Fitzgerald left the Chambers.

The meeting resumed at 9:52pm.

Mayor pro tem Hoppe made two announcements related to Item 4.

1. Because this item requires a vote of eight seated councilmembers, the public hearing would be opened, the staff presentation heard, public testimony taken, and the public hearing closed. A motion will then be entertained to continue.
2. Because several people are signed up to speak on this, with the lateness of the hour and the amount of business left to be done, she is limiting public testimony on this item to 3 minutes per person.

4. 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 parkland located on the southwest corner of 38th Avenue & Johnson Street for the development of a CVS Pharmacy. This parcel was not originally developed with Discovery Park. The City Charter Section 16.5 requires a unanimous vote of City Council to dispose of park property.

Councilmember Davis introduced Council Bill 34-2018.

City Clerk Shaver assigned Ordinance 1664.

Mayor pro-tem Hoppe opened the public hearing.

Staff presentation - Joyce Manwaring

- The property was purchased in 2000 with Jefferson County Open Space bond funds.
- The historic zoning is Planned Commercial Development. The diagram shows:
 - Lot 1 is Discovery Park built in 2010.
 - Lot 2 is existing Apple Ridge Café.
 - Lot 3 is the lot in question on the southwest corner of 38th & Johnson.
 - Lot 4 is an L shaped parcel deeded to Apple Ridge Café in exchange for land for ROW dedicated to the City for Kipling improvements.
- Community needs are met with the existing park, and there is adequate parking.
- The 2018 appraisal is \$650K. The money will be used for Prospect Park Phase 2.
- Future plans:
 - Apple Ridge Café moves to the vacant lot north of 38th & Kipling and south of the Rec Center. This parcel has been hard to develop due to access issues.
 - CVS would build in the former Apple Ridge site – combined with the added lot
- Per Charter Section 16.5, a unanimous vote of the entire Council is required to approve the sale of park land.

Council Questions

Councilmember Mathews asked if we have adequate parkland in the City. Ms. Manwaring responded that there is not a need for parkland in this area.

Public Comment

Douglas Linder (WR) suggested that this issue should be postponed until all the Council is available. He suggested \$650K is inadequate. He noted that CVS will be merging with Aetna, so it is questionable what will be built on this property. Is this what we want in Wheat Ridge? He doesn't think we need a CVS.

Becky Lewthwaite (WR) asked if we are short of park land. If we are - why sell this land? Since Council represents the citizens, why would you consider selling this to CVS without pursuing other competitive buyers? Is Council aware there are at least 6 pharmacies within a two mile radius of this property? This land was purchased to be a

park; she'd like to see it developed creatively as part of Discovery Park – perhaps as a community garden.

Kelly Ehrmann (WR) expressed her unhappiness with the proposal. She explained how we have enough pharmacies. Will it be a 24-hour pharmacy? She likes the idea of a community or school garden to link to our root. She suggested that a large CVS building would result in icy sidewalks in winter where junior high kids walk

Don MacDougall (WR) spoke against turning Wheat Ridge into Denver with all the blacktop and traffic. Traffic has already become bad at 38th & Johnson.

Margaret Nelson (WR) suspects this is a pre-decided, done-deal. She objects to this because of the traffic it will create for the area. She pointed out that a drug store is not even allowed in the current zoning; it will have to be rezoned. She hopes if this does pass, the architecture will resemble Sprouts - not the ugly concrete box at 38th & Sheridan. Also, we don't need another drug store.

Susanna Coates (WR) was happy when the Einersen property was purchased for a park. She would like to see this parcel remain as parkland. She noted no actual traffic data has been collected. All the numbers presented are based on scenarios that do not exist; the numbers are imaginary. She agrees we don't need another pharmacy, and suggested a parking lot for the park, a dog park or a community garden.

Ihor Figlus (WR) pointed out that no alternate options are presented and the traffic estimate is hypothetical. The proposal is skewed. Council should require a full range of choices. He believes Discovery Park is a jewel with spectacular views and should be preserved. A 50 foot structure with added rooftop equipment on that corner will severely impact the view, while greenery on that corner would enhance the park. He believes citizens should be presented with other options like that.

Fran Singer (WR) reminded Council that before any of them were elected the community planned that this space was envisioned as a park. She spoke about the need for green space, now and for the future, and referenced a series of Denver Post articles about the need for green space to make cities livable and citizens healthier and happier. Commercialization of this property will impact the health of residents, create major traffic congestion at 38th & Johnson and 38th & Kipling, impact safety for walking school children and dramatically change the dynamics of the neighborhood.

Lynda Ibach (WR) has lived on 38th for 29 years. She is concerned that a CVS pharmacy will compound the traffic problems that already exist. She would like to see something that fits better with the demographic of the neighborhood.

Guy Nahmiach (WR) is chair of the Parks Commission. He said we already have a community garden and a dog park. He believes this parcel is not, and never will be, part of Discovery Park. He thinks the money from its sale would be better spent on Prospect Park. He's on the NRS committee and the biggest comment they have heard is that citizens want to preserve the rural feel. He believes people want their neighborhoods preserved, and they want corridors developed.

Guy Stanfield (WR) reported attending a Parks Board meeting in October. He recalls the Parks Board voted to deny the sale of this property, so he wonders why we are here. He also expressed concerns about added traffic.

Alan Wulf (WR) said he is opposed to development of this parcel for three reasons: Traffic, Traffic and Traffic. We can't handle 4 times the current traffic from that space; we don't need any more tall buildings to block out view; it would ruin the flavor of the neighborhood.

Odarka Figlus (WR) gave several reason why she feels this parkland shouldn't be sold:

- She reminded Council that when this property was first purchased for a park, CVS came to the City with a substantial offer for some of the land. That proposal was flatly denied as a bad idea. Now they are back and she suggested the difference is this time they will eventually come to us for a subsidy.
- This entire property was purchased for park use; it was not purchased to land bank and sell off later. Are we really in the business of selling off our valuable park land without a thorough study to see if there is a good park use - just to make some money? Has this been analyzed to see if this is where we're getting the biggest bang for our buck per acre? Maybe there's some other parkland we should be selling instead.
- This reminds her of what happened in eastern Europe countries when the Soviet Union fell – park land being converted to private use.
- The Parks Masterplan shows we have a deficit of 30 acres of parkland.
- Discovery Park is beautiful and oriented to children. What about older residents? A quick google search will reveal lots of ideas for senior parks.
- It took 30 years of work by neighbors and the community to get this parcel for a park. Now there has been no public process about selling it, no neighborhood meetings – and now we can't speak for more than 3 minutes. This should be postponed.
- There isn't even a full Council to vote on this. You're having this hearing tonight and you knew you wouldn't be voting on it.
- Many citizens stayed home tonight because they knew there weren't 8 votes, and now you are going to close the public hearing. What about those people who didn't come?
- What about WR Pharmacy, a locally owned pharmacy? The owner left her a phone message saying she is aghast by this proposal. CVS is on our eastern border and now they want to do this? She said of all the big chain pharmacies CVS is the worst.
- She respects Mr. Nahmiach's opinion, but he doesn't represent the entire Parks Commission. Their vote was to not sell the property and keep it as parkland.

John Clark (WR) read from the council rules about time allowances for Public Comment on agenda items. He is against selling open space park land to be developed when we are a landlocked city. He asked where the children are going to play. He reminded Council this land belongs to the citizens.

Roy Jones (owner of Apple Ridge Café; no address given) explained how CVS approaching him with the idea of moving. His building is 50 years old and he said he

doesn't have enough parking. He has given this a lot of thought and wants to make the move. He sees this as an opportunity to grow with the community.

Scott Jones (son of the owner of Apple Ridge Café, no address given) He has grown up at the restaurant and told of the hard work it takes. Their restaurant has a good reputation. People come back from out of state when they are here. The customers and employees are their family; some of the employees have been here since the beginning. His Dad has thought of everyone on this. They could be in the same neighborhood and provide the same homey food and atmosphere. Traffic is a part of life in Denver, and changing the entrance would be safer for children.

Ron Benson (WR) spoke in support of Roy Jones. Mr. Jones has supported the City with tax revenue for 33 years; moving to a larger place will give him ability to grow. He said rooftops don't pay for everything a city needs. The Optimists meet there on Wednesdays.

Henry Lewthwaite (WR) said he likes Apple Ridge Café and would like to see them be able to move, but is still concerned about a CVS there and the added traffic it will bring. West 35th already brings cars into the neighborhood; he believes a CVS would lure even more cars to use that path onto Johnson Street.

John McMillin (WR) noted spending time on the Planning Commission and is concerned that so little information has been provided about such a big change. He had an open mind and came to learn tonight, but he's learned nothing new. CVS wants to buy the land and build something. There are no details about Aetna (Will this be a clinic?); the building height (Will it be five stories?); building style, lot coverage or setbacks. He believes this is oversized, too urban and out of place. By accepting \$650K, are you giving up the right to tell them what they can build? This feels like a behind-the-scenes deal? He thinks this should be put on the open market to see what it would bring, and that citizens deserve proof why this can't be used as a park facility.

Motion by Councilmember Urban to suspend Council Rules and continue past 11:00pm; second by Councilmember Dozeman; carried 6-0.

Amy Adams (Westminster) is a long timer customer of Apple Ridge Cafe. She believes it is the kitchen of Wheat Ridge. It needs renovation. Many of the customers are elderly and a new building would make them more comfortable.

Brynne Jorgensen (unincorporated Jefferson County) spoke in support of letting this parcel go. Apple Ridge is an institution in the community; they feed the homeless and customers who can't come in. By not approving this, we run the risk of losing Apple Ridge. She doesn't support saving a ½ acre of land to put a business out of business.

Barbara Palaze (WR) is a big fan of CVS and Apple Ridge Café. She would welcome a 24-hour pharmacy.

George Palaze (WR) said that Apple Ridge is an icon of Wheat Ridge, a landmark. He saw customers last week from the stock show. He named Roy Jones a rugged individual who has invested his saving into a business – the American way. The

surrounding land uses are commercial. We should let this business expand and let the traffic engineers handle the traffic.

Zoriana Morozewych (WR) distributed an article and a packet to councilmembers.

- There is nothing preventing Apple Ridge from moving.
- CVS's annual revenue is \$188.1 billion. \$650K is a drop in the bucket for them.
- There are 17 pharmacies located within a 3-mile radius of this park.
- The jobs CVS will create are mostly minimum wage and entry level jobs.
- She referenced the article she distributed explaining how Amazon will kill the Walgreens and CVS business model.
- Wheat Ridge Pharmacy, locally owned for 30 years, would be threatened by this.
- Is CVS the best we could do here? There should be some forward thinking.
- Discovery Park is wonderful for kids, but what about seniors?
- She is galled the most by the non-competitive sale of this property.
- Land is scarce and non-renewable; citizens worked 30 years to get this land for a park.

Mr. Dahl advised that this would require a unanimous vote of the sitting Council, whether it is 7 or 8 members. There was some debate.

Mayor Pro-Tem Hoppe closed the public hearing.

Motion by Councilmember Davis to continue this case for action until February 11th; seconded by Councilmember Urban; carried 5-0.

DECISIONS, RESOLUTIONS AND MOTIONS

5. 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

This \$90K grant, combined with a City share of \$127K, will cover hardware, a new staff position, training and workstation for two years. Upon expiration of the grant the City will assume the cost of the program beginning at \$96.7K in 2021

Councilmember Mathews introduced Item 5:

Staff presentation – Chief Brennan

Chief Brennan gave a brief history of our body camera program, which started in 2015. In 2017 we received a joint grant with Golden. From the Department of Justice we will be reimbursed up to \$1,500 per camera; 60 cameras are needed. This appropriation of \$90K, plus City costs 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.

There were no questions from Council

Motion by Councilmember Mathews 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; seconded by Councilmember Dozeman; carried 5-0.

6. Resolution 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.

The proposed improvements for Ridge Road east of Tabor Street require that additional right-of-way 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.

Councilmember Dozeman introduced Item 6.

Staff Presentation

As Council received several prior presentations on this topic, none was given.

Councilmember Dozeman asked Mr. Dahl if Council could divide the question and approve only "negotiation" and require Council action for "eminent domain". Mr. Dahl advised that could be done and explained how.

Councilmember Mathews suggested eminent domain was best done by the Council – not the staff.

Mr. Dahl advised on the wording for the resolution to require Council action for eminent domain.

Motion by Councilmember Dozeman 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 negotiation and voluntary purchase, with changes to the title and the deletion of Section 4; seconded by Councilmember Urban; carried 5-0.

7. 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]

The Environmental Assessment for the widening of Wadsworth Boulevard 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.

Councilmember Urban introduced Item 7. In reading the title he eliminated all wording after “voluntary purchase”.

Motion by Councilmember Urban to approve Resolution No. 04-2019 minus Section 4 of the resolution; seconded by Councilmember Davis; carried 5-0.

CITY MANAGER'S MATTERS

Patrick Goff noted the promotional Wheat Ridge Passports are now available for sale from the City for \$25. They include deals and special discounts from over 30 local businesses. The money that is raised from their sale will be used to restore Unit 1, the City's first police car.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Leah Dozeman reported she has been contacted by citizens to study safe injection sites and discounted rate for the Victorian Society and others. Janeece Hoppe said the discounted rates are already on a future agenda. Zachary Urban said he would be willing to discuss safe injection sites. The mayor pro tem will schedule it for future study.

Kristi Davis thanked Tim Fitzgerald for his service on the Council and told Janeece Hoppe she did a good job conducting the meeting.

Zachary Urban thanked Tim Fitzgerald for his commitment and level of service; his willingness to come in and serve the citizens tonight took an impressive amount of courage.

Janeece Hoppe also thanked Mr. Fitzgerald; she has enjoyed working with him. ~ She reminded Council there will be no meeting next week due to the holiday and on January 28 a District 1 councilmember will be appointed. ~ She wanted to be sure of the upcoming process for filling the vacancies for Treasurer, and now District 3. She had some questions of Mr. Dahl. He advised that case law dictates that no secret ballots

are allowed. Discussion and voting for a replacement must be in public. He advised this is not quasi-judicial.

Discussion followed.

There was unanimous consent to appoint someone to fill the District 1 Council vacancy at the beginning of the meeting on January 28.

Janelle Shaver reported to Council that due to a resignation in the middle of a term and some folks who are not going to reapply, there is a dire need for people to serve on the Liquor Authority. People are encouraged to apply for this and the other boards and commissions as well.

ADJOURNMENT

The City Council Meeting adjourned at 11:46 pm.

Janelle Shaver, City Clerk


APPROVED BY CITY COUNCIL ON FEBRUARY 11, 2019

Janece 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.

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPOINT CITY TREASURER, TERM ENDING
NOVEMBER 25, 2019**☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO
City Manager**ISSUE:**

City Treasurer Jerry DiTullio was elected to the office of Jefferson County Treasurer on November 6, 2018. Mr. DiTullio resigned as City Treasurer effective midnight, January 7, 2019, creating a vacancy in the City Treasurer seat. Section 3.11 of the Wheat Ridge City Charter requires that "if a vacancy occurs in the office of the city clerk or city treasurer, no special election shall be called but such vacancy shall be filled by appointment by the council for the remainder of the term."

PRIOR ACTION:

On December 3, 2018, City Council discussed the process for filling the vacancy created by the resignation of Jerry DiTullio.

On December 21, 2018, the application period for City Treasurer was opened, and it was closed on January 25, 2019. Two candidates presented verbal resumes to City Council on February 4, 2019.

FINANCIAL IMPACT:

None

BACKGROUND:

The Wheat Ridge City Charter addresses vacancies of elected officials as stated below:

Sec. 3.11. Vacancies in elective offices.

- (a) An elected official shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, refuses to serve, ceases to be a resident of the city, or is convicted of a felony.
- (b) ...
- (c) If a vacancy occurs in the office of the city clerk or city treasurer, no special election shall be called but such vacancy shall be filled by appointment by the council for the remainder of the term.

Sec. 4.4. Qualifications.

- (a) No person shall be eligible to hold the office of a councilmember unless, at the time of his election, he is a registered elector, as defined by Colorado Revised Statutes, and is a resident of the district from which he is elected for a period of at least twelve (12) consecutive months immediately preceding the date of the election.

Note: City Treasurer shall have the same qualifications as members of the council.

RECOMMENDATIONS:

None

RECOMMENDED MOTION:

“I move to appoint _____ as City Treasurer, term to expire November 25, 2019.”

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

ATTACHMENTS:

- 1. Christopher Miller – Application and Resume
- 2. Korey Stites – Application and Resume



City Treasurer Application

Contact Information

Last Name

Miller

First Name

Christopher

Address

3581 Ward Road, Wheat Ridge, CO 80033

Email Address

Chris.Miller@Denvergov.org

Phone

720-933-3110

Occupation

Accountant/Agency Controller

Employer

City and County of Denver-Arts and Venues

City Treasurer Duties & Requirements

Duties:

The duties of the Treasurer can be found in [Sec. 3.10 of the Wheat Ridge City Charter](#). The salary for this position will be \$29,000 annually. *City Council will be undergoing a review of the duties and salary of the City Treasurer for the term beginning in November 2019.*

Requirements:

The City Treasurer is required to be a registered elector of the city for a period of twelve (12) consecutive months immediately preceding appointment, and must remain a resident of Wheat Ridge throughout his or her entire appointment.

Do you live in Wheat Ridge?

☒ Yes ☐ No

Are you registered to vote at your current address?

☒ Yes ☐ No

Have you lived at your current address for the past 12 consecutive months?

☒ Yes ☐ No

Community Involvement & Experience

If you need more space to respond to the questions, you may include one (1) additional, separate page of responses (total, not per question) and include it as an attachment when you submit your application.

Have you ever, or do you currently serve in any appointed position on a Board, Committee or Commission?

☒ Yes ☐ No

If yes, please describe:

I currently serve on the board of the Wheat Ridge Carnation Festival as the Treasurer.

Please describe any other community involvement, experience or interests:

In various positions during my career at the City and County of Denver I have advocated for Denver's public art program. Specifically, I've worked in various capacities to secure funding for Denver's "percent for public art" program which funds the procurement of public art with a portion of the budget from qualifying construction projects. Recently, I lead an effort to establish a \$424,000 budget for public art projects supported by Denver's Platte to Park Hill stormwater conveyance program. These projects had been overlooked for public art because traditionally, wastewater projects are not in the public view and therefore do not qualify public art. The effort I lead provided budget for portions of the project which were above ground and met the criteria of Denver's public art ordinance.

Why would you like to serve as City Treasurer?

I would like to serve as City Treasurer because I enjoy giving back to the community by volunteering my time to organizations that make a positive difference in the community. I am a longtime public sector employee and I have found my career public service extremely rewarding because local municipalities are able to provide service to the community without the profitability requirements of organizations in the private sector. The Treasurer position serves an important role in ensuring that city assets are properly safeguarded and efficiently managed such that the municipality can continue to effectively serve its citizens and fulfill its purpose.

Please describe your experience with accounting, auditing, cash receivables and the investment of monies:

I have worked for the City and County of Denver for 13 years and during this time I spent over 6 years working in different positions as an Accountant, Analyst and Accounting Supervisor for the Department of Finance supporting Denver's Treasury Division. My duties included preparing the accounting transaction for the investment activity of the city's over \$2.2 Billion portfolio, reviewing and auditing investment purchases for compliance with the city's investment policy, distribution of interest earnings to citywide funds, financial reporting of investment earnings to city management, sales and property tax accounting, recording inter-fund cash transactions, reconciling all city bank accounts, and bank account management. I am currently the agency Controller for Denver Arts and Venues. This agency operates all city owned venues through a special revenue fund and I am responsible for recording and collecting over \$55 million in annual revenue along with developing and expending an approximate \$40 million annual operating budget.

What qualities do you possess that will make you an effective City Treasurer?

The positions I have held while working for the City and County of Denver have provided me not only with work experience, but also the opportunities to be exposed to the systems, process and procedures necessary to administer the financial transactions and operations of a large municipal government at various levels. These qualities include relevant experience working in a municipal treasury division and the developing and executing both operating and capital budgets of city departments. This experience would be invaluable to my effectiveness in this position, provides the skills and background necessary to quickly assume the Treasurer's duties, adds value to the city team, and provide the transparency and citizen oversight assigned by the City Charter.

Additional Information

If there anything that would adversely affect your ability to serve as City Treasurer?

☐ Yes ☒ No

If yes, please explain:

Verification

(Please check box)

☒ I am requesting appointment as the Wheat Ridge City Treasurer. If appointed, I hereby commit to the best of my ability to fulfill the duties of that office for the full remainder of the present term, which ends at the November, 2019 general election.

Full name

Date:

Christopher William Miller

01/16/2019

Please submit your application, along with any other relevant information (resume, references, additional response page, etc.) to Deputy City Clerk Robin Eaton at reaton@ci.wheatridge.co.us

All qualified candidates will be confirmed by email and asked to provide a 3-5 minute presentation to City Council on Monday, February 4, 2019 at 6:30p.m.

Applications are due by Friday, January 25, 2019 at 5:00p.m.

Christopher Miller
3581 Ward Road, Wheat Ridge, CO
Chris.Miller@Denvergov.org 720-933-3110

Summary of Qualifications:

- Five years' experience working in the City and County of Denver's Department of Finance in both the Treasury and Department of Finance.
- Six years' experience working for Denver's Department of Public Works Capital Project Management Office.
- Currently I am the Controller for Denver's Arts and Venues agency.
- Strong accounting and analytical background including general ledger accounting, account reconciliation, banking, investment accounting and financial reporting.
- Strong ability to analyze and interpret financial data, identify problems, recommend and implement efficient solutions.
- Highly proficient in capital program/project analysis and reporting, including forecasting project expenses and associated cash flows to facilitate municipal debt issuance.
- Experienced in developing annual Capital Improvement Program and operating budgets for a large department in a municipal government setting.
- Innovative attitude, willing to identify opportunities for efficiency, create and implement effective process improvements.

Education

University of Colorado at Denver, 2009

Master of Science-Finance

University of Colorado at Denver, 2009

Master of Science-Accounting

University of Colorado at Denver, 2004

Bachelors of Science, Business Administration, Double Major: Accounting and Finance

Professional Experience

City and County of Denver, Arts and Venues—Finance

Fiscal Administrator/Agency Controller, 05/2017-Present

- Responsible for developing \$40 Million annual agency budget for appropriation by City Council.
- Administer agency expenditures for compliance with city fiscal rules, GAAP, and the city's procurement guidelines.
- Supervise a team of 4 Associate Accountants.
- Successfully transitioned agency to a new accounts receivable system which utilizes the city official financial system from QuickBooks.
- Reconcile financial activity to financial system to ensure accuracy and compliance with applicable regulations.
- Developed new financial reports which streamline reporting for management and decision makers.

City and County of Denver, Department of Public Works—Program Resource Office

Management Analyst Supervisor, 05/2011-05/2017

- Maintained project schedules utilizing Primavera P6 for a citywide \$550M Better Denver Bond program consisting of 300+ projects and the city's capital program of approximately 200 capital projects of various complexities.
- Prepared project performance and financial reports for several portfolios of projects for citywide management monthly.
- Administered Project Management Plans to include all required milestones and schedule activities to ensure complete project schedules and financial information to facilitate internal and external stakeholder reporting.
- Prepared cash flow analysis to facilitate capital project programming for multiple programs and individual projects
- Designed and built various ad-hoc reports and using financial data and Microsoft Excel, Access to facilitate decision-making and support management initiatives.
- Collaborated with consultants to design and build a citywide project tracking system that incorporated schedule data, financial data and other project information in order to collect project status, schedule updates, report project financial data and prepare performance reports for multiple stakeholders from internal management to City Council and the community.

City and County of Denver, Department of Finance—City Controller's Office**Accounting Supervisor, 01/2008-04/2011**

- Supervised the general ledger accounting and financial support teams in the citywide Controller's Office.
- Responsible for accounting of city's investment portfolio, distribution of investment earning and citywide investment reporting.
- Prepared accounting transactions and reconciliations related to the bank accounts, citywide banking transactions, property tax receipts, sales tax receipts, debt transactions, various balance sheet accounts, Treasury cash and revenue accounts, and citywide fixed assets.
- Reviewed citywide accounting transactions to verify transaction accuracy, proper authorization and compliance with city fiscal rules and Generally Accepted Accounting Principles (GAAP).
- Entered or uploaded citywide accounting transactions in the city's financial system.
- Developed many procedures to automate accounting transaction using both Microsoft Access and Excel that facilitated reconciliation of general ledger accounts and created journal entries for upload to the city's financial system which eliminated the need for manually data entry.

City and County of Denver, Department of Finance—Treasury**Senior Financial Management Analyst, 05/2007-01/2008**

- Supported the city's Cash Management section that manages all banking activities.
- Performed analysis and prepared reports of bank service costs and benefits.
- Worked as a liaison between city departments and banks to identify and resolve issues.
- Reviewed all bank account activity and positive pay expectations on a daily basis for fraudulent activity and bank errors.
- Collected financial data to facilitate reporting and develop cash forecasting models.

City and County of Denver, Department of Finance—Treasury**Staff Accountant, 12/2005-5/2007**

- Responsible for reconciling all city managed bank accounts against the city's general ledger.
- Duties included identifying general ledger errors, making correcting entries, recording fees, and maintaining the overall accuracy of the general ledger related to bank transactions.
- Worked as a liaison between other city agencies and the Treasury to assist in properly recording cash-related items.
- Reviewed journal entries of the Accounting Technician who recorded Treasury activities such as debt service payments, account transfers, investment transaction, and wire/ACH distributions.
- Analyzed bank transactions for accuracy and worked with the bank to make corrections.
- Supported Accounting Section management with external independent audits.
- Developed and implemented new procedures to improve accounting processes.

Volunteer Experience**Wheat Ridge Carnation Festival—Treasurer, 2017-Present**

- Participated in monthly board meetings.
- Prepared reports of financial activity
- Entered Festival financial activity into QuickBooks.
- Supported the board in developing the annual budget

Good Shepard Church and School Annual Fish Fry—Volunteer, 2013-Present

- The profits from this event support community organizations.

Denver Employees Volunteer Opportunities—Annual Paint-a-Thon**Volunteer, 2015-2017**

- This event helps local seniors in need paint the exterior of their homes that would otherwise not be maintained.

Additional Training/Education

I am currently studying for the Certified Government Financial Manager (CGFM) certification. This is a professional certification awarded by Association of Government Accountants to those who demonstrate competency in governmental accounting, auditing, financial reporting, internal controls and budgeting at the federal, state and local levels. CGFM candidates must have at least two years of professional-level experience in government financial management and a bachelor's degree in an associated field.

References

- Frank Delmonte, Chief Financial Officer, Denver Arts and Venues
 - Frank.Delmonte@Denvergov.org 303-865-4233
- Kent Rice, Executive Director (*Retired Dec. 2018*), Denver Arts and Venues
 - kentrice44@gmail.com
- Caroline Hendrickson, Director of Cash and Investments, City and County of Denver Cash, Risk & Capital Funding
 - Caroline.Hendrickson@Denvergov.org 720-913-9335
- Bill Franz, Investment Manager (Retired), City and County of Denver Treasury/Department of Finance
 - wsfranz@gmail.com 714-474-6810
- Lesley Thomas, City Engineer, Denver Public Works
 - Lesley.Thomas@Denvergov.org 720-865-8719
- Matt Bryner, Director of Right of Way, Denver Public Works
 - Matt.Bryner@Denvergov.org 720-913-3034



City Treasurer Application

RECEIVED

2019 JAN 15 P 1:27

CITY OF WHEAT RIDGE

Contact Information

Last Name

Stites

First Name

Korey

Address

11885 W. 35th Ave.

Email Address

staff@wheatridgema.com

Phone

303-961-1801

Occupation

Owner

Employer

Personal Achievement Martial Arts

City Treasurer Duties & Requirements

Duties:

The duties of the Treasurer can be found in [Sec. 3.10 of the Wheat Ridge City Charter](#). The salary for this position will be \$29,000 annually. *City Council will be undergoing a review of the duties and salary of the City Treasurer for the term beginning in November 2019.*

Requirements:

The City Treasurer is required to be a registered elector of the city for a period of twelve (12) consecutive months immediately preceding appointment, and must remain a resident of Wheat Ridge throughout his or her entire appointment.

Do you live in Wheat Ridge?

☒ Yes ☐ No

Are you registered to vote at your current address?

☒ Yes ☐ No

Have you lived at your current address for the past 12 consecutive months?

☐ Yes ☒ No

Community Involvement & Experience

If you need more space to respond to the questions, you may include one (1) additional, separate page of responses (total, not per question) and include it as an attachment when you submit your application.

Have you ever, or do you currently serve in any appointed position on a Board, Committee or Commission?

☒ Yes ☐ No

If yes, please describe:

See Attached Sheet

Please describe any other community involvement, experience or interests:

I own and operate Personal Achievement Martial Arts, a successful Wheat Ridge small business. Over the past 9 years, this has allowed me the opportunity to be involved in the community in various ways. Personal Achievement has raised thousands of dollars a year for local elementary schools. We consistently participate in local events such as the Wheat Ridge Carnation Festival, RidgeFest, Criterium, and the Localworks fitness series. We were also the 2017 Localworks award winner for Community Builder of the Year. In 2018 Personal Achievement Martial Arts was honored as Wheat Ridge's Business of the Year.

I am the administrator of many community-oriented Facebook pages in Wheat Ridge;

Wheat Ridge Neighbors- 5,700 members

Wheat Ridge Politics-419 members

Buy Sell Swap Wheat Ridge-3,797 members

Wheat Ridge Community-334 members

Shop Local Wheat Ridge-786 members

Through these groups, I have been able to connect and work with so many in our community. Many times, needing to make rulings and decisions for the greater group independent of my own personal thoughts or feelings.

Why would you like to serve as City Treasurer?

I have been involved in the city of Wheat Ridge in some capacity for 35 years. Wheat Ridge is simply my home. I have been fortunate enough to have benefitted from all that this city has to offer. I went to great schools, had wonderful friends, neighbors, and family, and now have a growing and thriving community first business. All this comes in large part because of the city of Wheat Ridge and the amazing people who live here.

Public service in Wheat Ridge is a tradition in my family. I remember going to city council meetings as a child or being the only kid in class excited for the Monday night city council meetings on TV. Growing up I have been fortunate to observe many of the members of my family stepping up to serve the community that has been so great to us. The level of commitment and passion for the community my family has passed down is something I take seriously and believe I can add my years of experience as a successful business owner, and involvement in this community, to be an effective treasurer.

Please describe your experience with accounting, auditing, cash receivables and the investment of monies:

With the requirements of earning a minor in general business, and a master's degree in organizational leadership, I have taken both general and managerial accounting, and finance classes.

As a business owner, I oversee its finances; bookkeeping and accounting. I watch and keep track of the accounting reports on a weekly basis. I also audit our receivables reports, that our program director generates. Consistently finding the right places to invest our capital is critical for a small business.

While a member of the Wheat Ridge Water District board of directors, I voted on the approval of moving of money from one investment to another. The city, like the water district can only invest in certain types of accounts and investments. I gained experience in those processes and many of the products that are available for investment.

What qualities do you possess that will make you an effective City Treasurer?

See Attached Sheet

Additional Information

If there anything that would adversely affect your ability to serve as City Treasurer?

☐ Yes ☒ No

If yes, please explain:

Verification

(Please check box)

☒ I am requesting appointment as the Wheat Ridge City Treasurer. If appointed, I hereby commit to the best of my ability to fulfill the duties of that office for the full remainder of the present term, which ends at the November, 2019 general election.

Full name

Date:

Korey Michael Stites

1/14/2019

Please submit your application, along with any other relevant information (resume, references, additional response page, etc.) to Deputy City Clerk Robin Eaton at reaton@ci.wheatridge.co.us

All qualified candidates will be confirmed by email and asked to provide a 3-5 minute presentation to City Council on Monday, February 4, 2019 at 6:30p.m.

Applications are due by Friday, January 25, 2019 at 5:00p.m.

Have You Served On Boards or Commissions?

*Neighborhood Revitalization Strategy Committee (August 2018-Present) - As a co-chair, I am working with a council appointed steering committee comprised of 26 community members to guide a year-long update to the Neighborhood Revitalization Strategy. The resulting recommendations will have significant impact on the prioritization of city resources and economic development for the next decade.

*Wheat Ridge Business District (October 2018-Present) - We review applications of local businesses to award grants for signage, facades, and other upgrades. These grants allow our local community businesses to invest back into their businesses and the community as a whole.

*Jefferson County Public Schools Wheat Ridge Area Futures Funding Committee (November 2017-Present) - My involvement with Jeffco Schools in Wheat Ridge and districtwide resulted in being selected to serve on the committee as both a community partner and business owner. The primary purpose of the committee was to review and advise on funding and create a long-term vision for the Wheat Ridge articulation area. I also served on the sub-committee focused on financing the many outcomes.

*Wheat Ridge Water District (October 2017-October 2018) - While serving on the Wheat Ridge Water District, I was able to get a firsthand view of operations of a public utility. I was a part of making strategic and financial decisions for the greater good of the residents that the water district serves.

*Mayor Joyce Jay's Citizen Outreach Committee - Helped to clarify the City of Wheat Ridge's communication with its citizens.

What qualities do you possess that will make you an effective City Treasurer?

My history and involvement in the city of Wheat Ridge makes me uniquely qualified for this position. The many boards I have and currently sit on as well as my success as a small businessowner, allows me to bring a needed skillset to the treasurer position. I have an already established relationship with the community. As a business owner, board and commissions member, Facebook page moderator, and resident; I have served in many public rolls and believe that familiarity and history is an asset stepping into a normally elected position.

Accounting and exercising control over finances is something I have experience with as a business owner. With this experience I can quickly and efficiently utilize the data given by staff and reports to make the best sound financial decisions for the city.

The position of treasurer requires a time commitment that has been estimated at 20 hours a week. I have opened my schedule to be able to accommodate any time commitment needed by the position. Perhaps most importantly, I am someone who takes a lot of pride in what I do, I am a quick learner, and self-motivated. Treasurer DiTullio has offered to help train his replacement. Treasurer DiTullio and myself have partnered in the past and have an excellent working relationship that allows me to be, confident that within the allotted training period, I will be able to learn the existing systems and be able to keep them running seamlessly. He has worked to increase the transparency from his office, and that is something I would continue. I have met with former Treasurer DiTullio and have a good understanding of the position. The elected treasurer manages and invests taxpayer funds, works with staff on ordinance changes, as needed, communicates with the public about taxpayer funds, is the administrative hearing officer on sales and use tax protests, and is a check and balance at City Hall. Two issues that need to be addressed in 2019 is a change in direction with regards to using a currently very expensive lockbox system and addressing the lodging tax for Airbnb type properties in Wheat Ridge. The treasurer would be involved in both of these projects.

Korey M. Stites
WRKorey13@aol.com
11885 W. 35th Ave.
Wheat Ridge, CO 80033
(303) 961-1801

EDUCATION **Masters of Science in Leadership**

Grand Canyon University
Graduation: August 2010

Bachelor of Arts; History **Minor: Business**

Metropolitan State College of Denver
Graduation: May 2009

AUTHOR Stites, Korey. *How to Raise Your Child For Success*. Los Angeles: Ocean View Publishing, LLC, 2009.

RELEVANT EXPERIENCE

Owner, Personal Achievement Martial Arts (July 2010-Present)

- Implemented QuickBooks and other bookkeeping software to manage all income, expenses, and taxes for the business
- Trained and supervised all employees in both martial arts instruction and business systems
- Created marketing campaigns to recruit new students using various types of media including direct mail, newspaper, business to business, lead generation activities, and various social networking activities
- Worked directly with local schools to raise money for PTA and PE programs
- Created and implemented curriculum to a variety of students ages 3 ½ and up
- Developed and implemented lesson plans in both Martial Arts curriculum and a robust Character Development curriculum
- Gave direct and constant feedback to all students on a weekly basis
- Helped retain students and worked to set goals for all everyone

Master Instructor/ Branch Manager, The Center Mixed Martial Arts (May 2011-August 2011)

Master Instructor/ Branch Manager, Success Martial Arts (June 2009- May 2011)

- Implemented curriculum directed by a corporate office
- Completed all bookkeeping, including income, expenses, and taxes
- Helped retain clients through helpful, friendly service
- Took a school from 20 students to over 200 in less than a year
- Created curriculum for a ten year program, taking a student from beginner to expert level

Head Instructor/ Branch Manager/ Owner Operator/ Franchise Representative, Mile High Karate (May 2004-May 2009)

- Hired and trained all employees, oversaw activities, gave guidance and advice, set and developed goals, and refocused when necessary
- Trained and developed new staff and school owners at various locations in the areas of teaching, marketing, management, sales, and martial arts school operation
- Facilitated Grand Opening of Barnegat Mile High Karate
- Implemented sales and marketing systems to sustain and grow a successful business
- Closed new enrollments, renewals, and all sales

- Presented and sold goods as a part of the overall sales functions of the business operation i.e. sparring pads, martial arts weapons, and uniforms
- Took a failing school and turned it into a profitable school in 6 months

COMMITTEES

- **Neighborhood Revitalization Strategy Committee** (August 2018-Present)
As a co-chair, I am working with a council appointed steering committee comprised of 26 community members to guide a year-long update to the Neighborhood Revitalization Strategy. The resulting recommendations will have significant impact on the prioritization of city resources and economic development for the next decade.
- **Wheat Ridge Business District** (October 2018-Present)
As part of the committee, we review applications of local businesses to award grants for signage, facades, and other upgrades. These grants allow our local community businesses to invest back into their businesses and the community as a whole.
- **Jefferson County Public Schools Wheat Ridge Area Futures Funding Committee** (November 2017-Present)
My involvement with Jeffco Schools in Wheat Ridge and districtwide resulted in being selected to serve on the committee as both a community partner and business owner. The primary purpose of the committee was to review and advise on funding and create a long-term vision for the Wheat Ridge articulation area. I also served on the sub-committee for the financing the many outcomes of that process.
- **Wheat Ridge Water District** (October 2017-October 2018)
While serving on the Wheat Ridge Water District, I was able to get a firsthand view of operations of a public utility. I was a part of making strategic and financial decisions for the greater good of the residents that the water district serves.
- **Mayor Joyce Jay's Citizen Outreach Committee**
Helped to clarify the City of Wheat Ridge's communication with its citizens.

TRAINING

- Proficient in Microsoft Word, Excel, and Power Point
- Extensive Sales and Marketing training through Mile High Karate (Tom Hopkins, Dan Kennedy, Zig Zigler, Brian Tracy, Jay Abraham and Bill Glazer)
- Motivational and Leadership training through Mile High Karate (Dennis Waitly, Anthony Robbins, Chuck Norris and John C. Maxwell)
- Member of Glazer Kennedy Inner Circle, concentrating on marketing and other business systems
- 6th Degree Black Belt in Tae Kwon Do. I have over 30 years of experience training in the martial arts. Through martial arts I have learned a high level of self discipline and have the confidence to take on any challenge

ADDITIONAL EXPERIENCE

Property Manager for Neil Rubano, Greeley, Colorado

- Rented out apartments and houses
- Collected rent and posted eviction notices
- Made minor repairs and maintenance of properties

Property Manager for Lee Kunz Development Company, Wheat Ridge, Colorado

- Made repairs and maintained properties
- Organized materials and labor at the job sites

REQUEST FOR CITY COUNCIL ACTION

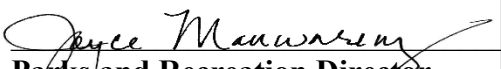
TITLE: MOTION TO AWARD JANITORIAL SERVICES TO AMERICAN FACILITY SERVICES GROUP, LAKEWOOD, CO, AND APPROVE PAYMENTS NOT TO EXCEED \$99,586.22


☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO


Parks and Recreation Director


City Manager

ISSUE:

Janitorial services are needed in order to provide for the ongoing maintenance and sanitary conditions of eight (8) City facilities. This contract award for janitorial services is for one year beginning 5/1/19, with the option to administratively renew up to four additional one-year terms, subject to the approved annual budget and satisfactory vendor performance. Based on bid requirements and cost analysis, staff recommends awarding the contract to American Facility Services Group of Lakewood, CO.

PRIOR ACTION:

Council approved the previous contract award on September 26, 2016. The current contract expires April 30, 2019.

FINANCIAL IMPACT:

Funding for these services is budgeted within various department budgets. Invoices are approved monthly.

BACKGROUND:

On Thursday, Dec. 20, 2018, seven (7) bids were received for the janitorial services bid. Two bids were disqualified for failing to provide all of the required documents. The scope of work is for janitorial services at eight city-owned facilities, divided into two groups for bid response

purposes and possibly award basis. Facilities in Group 1 include the scope of work for daily, including Saturday and Sunday, cleaning of the Recreation Center locker rooms, seasonal cleaning of the Anderson pool bath house, and cleaning of the Richard-Hart Estate on a per event basis. Group 2 includes five daily cleaning schedules for the Municipal Building, Active Adult Center, Parks, Forestry and Open Space offices, Parks Shops and Public Works Shops.

Proposals were evaluated and interviews were conducted. Based on the cost evaluation, American Facility Services Group was the low bid for both groups. The cost for Group 1 is \$43,539.60 and the cost for Group 2 is \$56,046.62 totaling \$99,586.22 for all facilities.

RECOMMENDATIONS:

Staff recommends approval of award for both Group 1 and Group 2 to American Facility Services Group.

RECOMMENDED MOTION:

“I move to award Janitorial Services to American Facility Services Group, Lakewood, CO, and approve payments not to exceed \$99,586.22.”

Or,

I move to deny the award of Janitorial Services to American Facility Services Group, Lakewood, CO, and approve payments not to exceed \$99,586.22 for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Stephen Clyde, Recreation Supervisor
Susan Anderson, Recreation and Facilities Manager
Joyce Manwaring, Parks and Recreation Director
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Bid Tab Sheet for all bids
2. American Facility Services Group Fee Schedule

Subject to review for completeness and accuracy.



**PROJECT: RFB-18-28
JANITORIAL SERVICES**

DUE DATE/TIME: THURSDAY, DECEMBER 20, 2018 BY 2:00 PM LOCAL TIME

REQUESTED BY: FACILITIES MANAGEMENT

OPENED BY: KIRBY HOLLUMS, BUYER II

WITNESSED BY: JENNIFER NELLIS, PURCHASING AGENT

VENDOR	AFL Maintenance Group dba - American Facilities Services Group	Carnation Building Services, Inc.	S&B Confluence-CO LLC dba JaniKing of Colorado	KG Clean, Inc.	Pristine Mountain Cleaning LLC
LOCATION	Lakewood, CO	Denver, CO	Centennial, CO	Broomfield, CO	Evergreen, CO
BIDDER INFORMATION FORM	Y	Y	Y	Y	Y
ACKNOWLEDGEMENT OF ADDENDA (3)	Y	Y	Y	Y	Y
ILLEGAL ALIEN COMPLIANCE	Y	Y	Y	Y	Y
NON-DISCRIMINATION FORM	Y	N - DQ	Y	Y	Y
NON-COLLUSION AFFIDAVIT	Y	Y	Y	Y	Y
VENDOR QUALIFICATION FORM	Y	Y	Y	Y	Y
REFERENCES, AT LEAST 3	Y	Y	Y	Y	Only 1 - DQ
INSURANCE STATEMENT	Y	Y	Y	N	
ATTACHMENT B FEE SCHEDULE	Y		Y	Y	
GROUP 1 SITE VISIT	Y		Y	Y	
GROUP 2 SITE VISIT	Y		Y	Y	
GROUP 1 TOTAL COST	43,539.60		63,212.00	No Bid	
GROUP 2 TOTAL COST	56,046.62		153,304.00	205,787.25	

Non-Responsive

Non-Responsive

Subject to review for completeness and accuracy.



PROJECT: RFB-18-28
JANITORIAL SERVICES

DUE DATE/TIME: THURSDAY, DECEMBER 20, 2018 BY 2:00 PM LOCAL TIME

REQUESTED BY: FACILITIES MANAGEMENT
OPENED BY: KIRBY HOLLUMS, BUYER II

WITNESSED BY: JENNIFER NELLIS, PURCHASING AGENT

VENDOR	RBR Cleaning Solutions LLC - dba ServiceMaster	Professional Solution Source - dba Service Solutions			
LOCATION	Denver, CO	Denver, CO			
BIDDER INFORMATION FORM	Y	Y			
ACKNOWLEDGEMENT OF ADDENDA (3)	Y	Y			
ILLEGAL ALIEN COMPLIANCE	Y	Y			
NON-DISCRIMINATION FORM	Y	Y			
NON-COLLUSION AFFADAVIT	Y	Y			
VENDOR QUALIFICATION FORM	Y	Y			
REFERENCES, AT LEAST 3	Y	Y			
INSURANCE STATEMENT	Y	Y			
ATTACHMENT B FEE SCHEDULE	Y	Y			
GROUP 1 SITE VISIT	Y	Y			
GROUP 2 SITE VISIT	Y	Y			
GROUP 1 TOTAL COST	10,500.00 **	51,901.84			
GROUP 2 TOTAL COST	131,699.00	139,689.87			

**** Math Error - should be \$47,152.00**

**ATTACHMENT B
RFB-18-28
JANITORIAL SERVICES - FEE SCHEDULE**

GROUP 1

Recreation Center, daily cleaning, 51 weeks per year:

\$/week \$702.03 \$/year \$35,803.74

Anderson Building, daily cleaning, +/- 14 weeks/year

\$/week \$502.50 \$/year \$7035.86

Richards-Hart Estate, as booked, +/- 20 times per year

\$/event \$35.00 \$/year \$700.00

Group 1 total annual cost \$43,539.60

GROUP 2

Municipal Building, Admin, daily cleaning 52 weeks/year:

\$/week \$295.83 \$/year \$15,383.26

Municipal Building, Admin, strip and wax floors, two times/year:

\$/event \$357.00 \$/year \$714.00

Municipal Building, PD, daily cleaning, 52 weeks/year:

\$/week \$326.29 \$/year \$16,967.27

Municipal Building, PD, strip and wax floors, two times/year:

\$/event \$68.00 \$/year \$300.00

Active Adult Center, daily cleaning, 51 weeks per year:

\$/week \$191.68 \$/year \$9,776.43

Active Adult Center, machine scrub restroom floors, once/month:

\$/month \$100.00 \$/year \$1,200.00

Parks & Forestry Office, daily cleaning, 52 weeks/year:

\$/week \$100.28 \$/year \$5,214.81

Parks & Forestry Office, strip and wax floors two times/year:

\$/event \$102.00 \$/year \$204.00

Parks Shop, daily cleaning, 52 weeks/year

\$/week \$80.73 \$/year \$4197.96

Parks Shop, strip and wax floors, two times per year:

\$/event \$34.00 \$/year \$100.00

Public Works, daily cleaning, 52 weeks/year

\$/week \$86.67 \$/year \$4,506.89

Public Works, strip and wax floors, two times per year:

\$/event \$136.00 \$/year \$272.00

Group 2 total annual cost \$56,046.62


REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE PAYMENTS TO CHARLES ABBOTT ASSOCIATES, INC. FOR ONGOING BUILDING PERMIT, PLAN REVIEW AND INSPECTION SERVICES IN THE AMOUNT OF \$802,400 AS APPROVED IN THE CITY'S 2019 BUDGET AND AUTHORIZING ALL SUBSEQUENT PAYMENTS

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

QUASI-JUDICIAL: ☐ YES ☒ NO


Director of Community Development


City Manager

ISSUE:

In February 2018, the City entered into a contract with Charles Abbott Associates, Inc. (CAA) to provide full service building division services. Said services include contractor licensing, building permit issuance, plan review, inspections and business license processing. The contract also provides chief building official services, which oversees the staff, resolves code disputes and in 2019 will be initiating an ordinance for Council to consider adopting the 2018 International Building Codes. In approving the 2019 budget, Council authorized \$802,400 in estimated expenses for the provision of those services.

PRIOR ACTION:

As noted above, the City Council approved the full service building division service contract with CAA on February 12, 2018. The contract is for an initial term of three years, with options for two, two-year extensions, as mutually agreed by the parties. Approving the full service building division contract with CAA represented a new business model for the City. Prior to that, only a portion of the building division workload was accomplished through contract services. CAA was originally awarded the contract for part-time building division services in March 2017 after a competitive bidding process.

FINANCIAL IMPACT:

The fee structure in the contract is such that CAA receives the majority of the building permit fees paid to the City, exclusive of use tax. Those fees include building permit fees, plan review fees and contractor licensing fees. The contract provides that CAA receives a maximum of 68% of said fees, meaning that the City still receives a minimum of 32% of the fees, which covers staff administrative costs for other Community Development staff who are involved in a smaller way in processing building permits and conducting inspections.

The contract is also structured in a manner whereby when building permit revenues exceed certain thresholds in any given month, the percentage portion of what is shared back with CAA is reduced slightly (from 68% to 60% when revenues exceed \$60,001/month and from 60% to 55% when monthly revenues exceed \$100,000). This is in recognition of some efficiencies they are able to achieve as work volume increases. During 2018, in a typical month, our effective rate was 61% based on the volume of revenues and this tiered payment structure.

CAA also plays a role in reviewing and approving all business licenses, which are processed through the City's Administrative Services Department. CAA assigns all business license applications to an inspector for review and then schedules a field inspection. When corrective work is required to comply with applicable building codes, a re-inspection also occurs before final license approval. CAA charges a flat fee of \$95 per application for those services.

CAA also provides 24-hour coverage for after-hours emergency inspections that are needed for situations where the integrity of a building is affected by instances such as fires or vehicles crashes that cause structural damage. No additional fee is assessed for those responses.

BACKGROUND:

As noted, the City has always had a need to maintain a contract based professional services firm to provide a portion of the City's customer service functions of the building division within the Community Development Department. The building division provides four (4) core functions: contractor licensing, building permitting and associated plan review, building inspections and hotel/motel inspections. The building division also provides support to other departments/divisions in regards to business licensing and code enforcement.

Historically, the amount of work outsourced to our contract firm has ebbed and flowed based on our work volume and level of internal staffing. When internal staff positions have been vacant or specialty technical skill sets have been absent in our internal staffing, we have relied more heavily on our contract inspection firm to provide building division services.

As City Council may be aware, it has been challenging to keep our building division fully staffed over the last several years. The pool of qualified candidates for building inspector positions is limited and the profession has not generally been adequately replacing itself with the number of new professionals entering the field. Similarly, the pool of qualified Chief Building Official candidates is extremely limited and as a result, it has been challenging to recruit and retain individuals in that position. These were some of the reasons staff recommended to Council in

late 2017 to change our business model and as noted, City Council approved the contract with CAA in early 2018.

Staff believes the outsourced building division staffing model has improved customer service, for the following reasons:

- CAA has a strong customer service ethos and provides regular training for their employees in that regard
- CAA has a depth of well-trained staff resources who are able to deliver high quality professional services from the first day they are assigned to the City; no training is required as would otherwise be the case when the City hires new team members.
- CAA has an ability to rapidly adjust the amount of staffing as work volumes ebb and flow, ensuring the City always has adequate inspectors and permit techs to meet changing demands.

RECOMMENDATIONS:

The initial contract term with CAA is 3 years, ending March 2021. City Council approved \$802,400 for these contract services within the 2019 budget. Staff recommends approval of the motion to authorize monthly payments for 2019.

RECOMMENDED MOTION:

“I move to approve payments to Charles Abbott Associates, Inc. for ongoing building permit, plan review and inspection services in the amount of \$802,400 as approved in the City’s 2019 budget and authorizing all subsequent payments.”

Or,

“I move to deny a motion to approve payments to Charles Abbott Associates, Inc. for ongoing building permit, plan review and inspection services in the amount of \$802,400 as approved in the City’s 2019 budget and authorizing all subsequent payments.”

REPORT PREPARED/REVIEWED BY:

Kenneth Johnstone, Director of Community Development
Patrick Goff, City Manager

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 10-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE RE-APPROPRIATION AND RE-ENCUMBRANCE OF 2018 FISCAL YEAR ENCUMBERED FUNDS IN THE AMOUNT OF \$9,789,009.05

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

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

There are 63 open purchase orders from the 2018 budget that need to be carried over to the 2019 budget. Each purchase order is associated with a specific project that was not fully completed in the 2018 fiscal year. The funds which were encumbered for these purchase orders were transferred to the unreserved fund balance of the relevant fund when the purchase orders were closed. To continue or close out these projects in 2019, a supplemental budget appropriation in the amount of \$9,789,009.05 is necessary to allow transfer of these funds into specific budget line items in the 2019 Budget.

PRIOR ACTION:

None

FINANCIAL IMPACT:

A supplemental budget appropriation is requested in the amount of \$9,789,009.05. When the purchase orders were closed on December 31, 2018, the funds encumbered for those purchase orders are transferred to the unreserved fund balance in each of the funds listed below. Therefore, there are adequate funds in the various unreserved fund balances to meet this request and there will

not be a net negative effect to the unreserved fund balances. A detailed list of open purchase orders for 2018 is attached. The funds will be distributed as follows:

General Fund	\$ 731,237.16
Police Investigations Fund	\$ 24,800.00
Capital Investment Program Fund (CIP)	\$ 3,951,785.94
2E Bond Fund	\$ 3,515,752.27
Open Space Fund	\$ 1,508,148.68
Equipment Replacement Fund	<u>\$ 57,285.00</u>
Total:	\$ 9,789,009.05

BACKGROUND:

Per the direction of City Council in 2005, the City utilizes generally accepted accounting principles (GAAP) which requires all encumbrances expire at year-end.

RECOMMENDATIONS:

Staff recommends approval of the supplemental budget appropriations.

RECOMMENDED MOTION:

“I move to approve Resolution No. 10-2019 – A resolution amending the Fiscal Year 2019 Budget to reflect the approval of a supplemental budget appropriation for the re-appropriation and re-encumbrance of the 2018 fiscal year encumbered funds in the amount of \$9,789,009.05.”

Or,

“I move to postpone indefinitely Resolution No. 10-2019, a resolution amending the Fiscal Year 2019 Budget to reflect the approval of a supplemental budget appropriation for the re-appropriation and re-encumbrance of the 2018 fiscal year encumbered funds in the amount of \$9,789,009.05 for the following reason(s) _____.”

REPORT PREPARED AND REVIEWED BY:

Jennifer Nellis, Purchasing and Contracting Agent

Allison Scheck, Administrative Services Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 10-2019
2. Open Purchase Order Report for 2018

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 10
Series of 2019

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2019 BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE RE-APPROPRIATION AND RE-ENCUMBRANCE OF 2018 FISCAL YEAR ENCUMBERED FUNDS IN THE AMOUNT OF \$9,789,009.05

WHEREAS, the City's independent auditor has recommended that the City utilize generally accepted accounting principles (GAAP) for its budgeting basis which requires all encumbrances to expire at year end; and

WHEREAS, 63 purchase orders remained open on December 31, 2018; and

WHEREAS, to continue these projects in 2019 a supplemental budget appropriation is necessary to transfer the funds from unreserved fund balances to specific 2019 budget line items:

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

The City of Wheat Ridge fiscal year 2019 Budget be amended accordingly, specifically transferring a total of \$9,789,009.05 from the following unreserved fund balances to specific 2019 Budget line items as detailed in the attached spreadsheets:

General Fund	\$ 731,237.16
Police Investigations Fund	\$ 24,800.00
Capital Investment Program Fund (CIP)	\$ 3,951,785.94
2E Bond Fund	\$ 3,515,752.27
Open Space Fund	\$ 1,508,148.68
Equipment Replacement Fund	\$ 57,285.00
Total:	\$ 9,789,009.05

DONE AND RESOLVED this 11th day of February 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Fund / Vendor	Description	Original \$	Open Amount	Reason for carry-over approval
01 - General Fund				
<i>Various Vendors</i>	Community Outreach Funds	\$ 1,800.00	\$ 1,550.00	For community engagement expenses per Mayor Starker's approval.
<i>Revenue Recovery Group</i>	Audit Services for Private Development Projects - Construction	\$ 26,400.00	\$ 615.00	This is a continuing engagement that s expected to generate sales/use tax revenue in 2019.
<i>Various Vendors</i>	G-line Grand Opening Party	\$ 20,000.00	\$ 14,208.50	The opening of the G-line has been postponed to 2019.
<i>Various Vendors</i>	HRIS software and support	\$ 50,000.00	\$ 50,000.00	Postponed to 2019 due to staffing changes.
<i>Data Transfer Solutions</i>	Implementing VueWorks for Parks & Facilities	\$ 13,000.00	\$ 13,000.00	Work is expected to be complete by April 30, 2019.
<i>The Ballard Group</i>	Plumbing Design & Const. Services	\$ 7,054.00	\$ 674.20	The hot water circulation project at City Hall is underway in 2019, and construction oversight services are anticipated from The Ballard Group.
<i>RMH Group</i>	Electrical Engineering Services	\$ 4,240.00	\$ 2,260.00	Additional design work is needed for City Hall electrical improvements.
<i>Westco Systems, Inc.</i>	Hot water circulation system	\$ 52,489.68	\$ 52,489.68	The replacement of this system is just getting started at City Hall. The project was awarded in December, 2018.
<i>Various Vendors</i>	Contingency for the hot water system	\$ 24,000.00	\$ 10,000.00	Contingency - Additional drywall and repairs are anticipated.
<i>CZB LLC</i>	Neighborhood Revitalization Study	\$ 213,310.00	\$ 153,767.00	Scheduled for completion in May, 2019.
<i>David Evans and Associate:</i>	I-70 / Kipling Visioning Services	\$ 25,000.00	\$ 594.33	Professional A/E services continue for this entry to the City.
<i>The Architerra Group Inc.</i>	The Green at 38th Master Plan	\$ 40,550.00	\$ 17,728.50	Conceptual design and construction plan work for The Green at 38th is underway.
<i>Various Vendors</i>	50th Anniversary Challenge Coins	\$ 3,000.00	\$ 3,000.00	Challenge coins will be created and implemented in 2019.
<i>Contract Furnishings, Inc.</i>	12 SitOnIt chairs for the Chief's conference room	\$ 4,473.18	\$ 4,473.18	These chairs were ordered in late December. Delivery is expected in mid-February.
<i>Various Vendors</i>	Unit 1 repairs / restoration work	\$ 8,461.39	\$ 8,461.39	Work is ongoing to prepare Unit 1 for display at 50th anniversary events.
<i>Flatirons, Inc.</i>	Land surveying for ROW at 10580 W. 34th Ave.	\$ 4,870.00	\$ 4,870.00	Project on hold at this time.
<i>Various Vendors</i>	Road salt and deicer	\$ 175,000.00	\$ 17,391.11	The City is expecting invoices for two deliveries made in December 2018. PO will be closed when payment is made..
<i>Gordon Sign - Denver</i>	38th & Sheridan clock repairs	\$ 3,237.47	\$ 3,237.47	Repairs to the two-sided clock are underway.
<i>Various Vendors</i>	Public Works prep for 50th anniversary	\$ 38,000.00	\$ 32,000.00	Encumbering 2018 funds for work to be completed in 2019.
<i>Various Vendors</i>	Auxiliary equipment for BMW police motorcycle	\$ 9,500.00	\$ 6,000.00	Remaining upfit work has been authorized.
<i>Art Management & Planning</i>	Public art consultant for Clear Creek Trail	\$ 4,745.00	\$ 4,485.00	Contract awarded in December, with work continuing in 2019.
<i>KC Painting LLC</i>	Paint exterior of PFOS building	\$ 3,298.00	\$ 3,298.00	Exterior painting will be done following repairs to the roof, expect work to be completed in the Spring of 2019.
<i>ICON Shelter Systems Inc.</i>	Message board for Lewis Meadows park	\$ 5,250.00	\$ 5,250.00	Shelters are in place, but roofing materials received were incorrect and have been reordered.
<i>Jordan's Building Center</i>	Bridge decking for Lewis Meadows park	\$ 4,216.00	\$ 4,216.00	Ordered in 2018, with delivery scheduled for Spring 2019.
<i>Gerald H Phipps Inc.</i>	Anderson Park roofing	\$ 171,330.00	\$ 171,330.00	Hail storm damage at the Anderson Park building / complex will be repaired as part of the renovation project.
<i>Independent Roofing Specialists</i>	Active Adult Center roof repairs	\$ 115,153.75	\$ 115,153.75	Hail storm repairs for the Active Adult Center were bid in 2018. Work is scheduled to begin in February, 2019.
Fund / Vendor	Description	Original \$	Open Amount	Reason for carry-over approval

<i>Various Vendors</i>	Contingency for AAC roof repairs	\$	11,515.00	\$	11,515.00	As needed for project completion in 2019.
<i>Safe Slide Restoration</i>	Gelcoat restoration of outdoor water slide at Anderson Park	\$	17,500.00	\$	17,500.00	Work will be completed in Spring of 2019.
<i>OfficeScapes</i>	7 chairs for the Active Adult Center	\$	2,169.05	\$	2,169.05	Ordered, but not received in 2018.
01 - General Fund Total				\$	731,237.16	
17 - Police Investigations Fund						
<i>Various Vendors</i>	Police Department Equipment	\$	24,800.00	\$	24,800.00	Awaiting confirmation of potential grant reimbursement prior to purchase.
17 - Police Investigations Fund Total				\$	24,800.00	
30 - Capital Project Fund						
<i>Bayou Ditch Association</i>	Legal & Professional Services	\$	25,000.00	\$	14,247.35	Ongoing legal and design fees for the 50th & Miller St. irrigation crossing.
<i>Various Vendors</i>	Miscellaneous Drainage Projects	\$	184,160.51	\$	184,160.51	Projects will be bid out in 2019.
<i>Various Vendors</i>	29th Avenue street improvements	\$	1,559,145.00	\$	1,559,145.00	The realignment project was bid and rebid in 2018, with the award approved by Council on 1/28/2019. This PO will be closed and the carryover balance will be applied to the specific vendor and project PO.
<i>WSP USA, Inc.</i>	Clear Creek Crossing development	\$	183,509.09	\$	4,440.48	Project is close to completion.
<i>AECOM Technical Services</i>	Project Management for CCC - non 2E scope - Task A	\$	10,000.00	\$	3,661.65	Work continues on the project.
	Additional tasks/scope for CCC - Task B	\$	15,000.00	\$	11,555.00	Phase 2 development continues, not 2E funded.
<i>Various Vendors</i>	Youngfield sidewalk connection	\$	164,893.07	\$	164,893.07	Bids were received on 1/ 8/19 and are being evaluated.
<i>Various Vendors</i>	Bike/pedestrian path improvements	\$	24,630.00	\$	24,630.00	Funds are intended for improvements to Garrison St, which will be bid in early 2019 as a bid alternate to the Overlay
<i>Various Vendors</i>	Landscaping at the RTD station area	\$	13,559.12	\$	11,809.12	As this area develops landscaping services will be needed.
<i>Alfred Benesch & Co.</i>	ADA transition plan consulting	\$	46,176.63	\$	5,127.30	Consultant remains engaged as the ADA plan is rolled out across the City.
<i>HDR Engineering</i>	Wadsworth Widening Phase II	\$	1,715,944.10	\$	1,712,336.67	This recently awarded work will continue in 2019.
<i>AECOM Technical Services</i>	Professional services for the Wadsworth Widening project - Task C	\$	53,050.40	\$	0.01	Work continues on the project. (80% CIP 20% 2E) PO number will be the same throughout the project.
<i>EST, Inc.</i>	Structural engineering services for (3) bridge analysis, design and constructed repairs	\$	85,750.00	\$	42,785.04	44th Ave. bridge plans and construction will continue in 2019.
<i>Martin Marietta Materials</i>	2018 Overlay project	\$	1,443,150.02	\$	69,777.46	The open amount reflects the balance of project and contingency funds to be paid to the vendor based on the retainage amount due. Notice of Final Settlement is currently being advertised, with settlement due in mid-February.
<i>Various Vendors</i>	Court remodel	\$	63,000.00	\$	63,000.00	Work to be completed as part of security improvements at City Hall in 2019.
<i>Barker Rinker Seacat Architects</i>	Construction documents / design	\$	55,187.00	\$	35,372.80	Security improvements at City Hall.
<i>Flatirons, Inc.</i>	Land surveying for ROW for Sections 20, 29 and 30	\$	24,960.00	\$	12,015.00	Work is currently delayed at the request of the City.
Fund / Vendor	Description	Original \$	Open Amount	Reason for carry-over approval		

<i>OZ Architecture of Denver</i>	A / E plans for PD Evidence building addition	\$	11,723.00	\$	404.98	Fire suppression system needs have now been approved and construction bids will be solicited in 2019. Architect to provide bidding support.
<i>Various Vendors</i>	Funds intended for PD Evidence building construction	\$	38,277.00	\$	32,424.50	Contingency funds allocated to construction.
30 - Capital Project Fund Total				\$	3,951,785.94	
31 - Ballot Issue 2E Fund						
<i>AECOM Technical Services</i>	Task A Program Management Investing 4 The Future Projects specific to Clear Creek Crossing	\$	74,806.00	\$	13,281.12	PM fees as apply to Phase I work at the site, continuing into 2019.
	Task B Professional Engineering services specific to Clear Creek Crossing	\$	498,007.00	\$	40,000.00	2018 construction delays are expected to ramp up in 2019.
	Task A Program Management Investing 4 The Future Projects specific to Ward TOD station area projects	\$	40,337.00	\$	5,069.75	PM fees apply as specific tasks are performed for the site, continuing into 2019.
	Task E Professional Engineering services specific to the Ward TOD station area projects	\$	249,883.02	\$	40,000.00	Tasks assigned late in 2018 are underway with completion expected in the first quarter of 2019.
	Task A and Task C Program Management Investing 4 The Future Projects specific to Wadsworth widening	\$	23,462.60	\$	0.02	PM fees and work performed for this project, continuing into 2019 using the same PO number.
<i>Citiventure Associates</i>	Ward Station area economic development support services	\$	20,000.00	\$	15,681.25	Research and land use options are being explored as ongoing efforts.
<i>Short Elliott Hendricks</i>	3 tasks to design and provide construction documents for streets surrounding the Ward station area	\$	643,635.45	\$	384,117.68	SEH work continues on plans for 52nd Avenue, Tabor Street and Ridge Road improvements.
<i>HDR Engineering</i>	Professional Engineering Services	\$	114,967.88	\$	41,590.20	20 % 2E portion of Wadsworth Widening Phase I nearing completion
	Phase II professional engineering services and development of construction documents for the Wadsworth widening project	\$	428,986.02	\$	428,986.02	Awarded in October 2018, this work continues.
<i>Art Management & Planning</i>	Anderson Park Public Art Consultant services	\$	4,485.00	\$	3,185.00	Art to be installed following the park renovation work.
<i>Barker Rinker Seacat Architects</i>	Construction administration services for the Anderson Park renovation project	\$	165,717.00	\$	115,964.23	Site work is underway, and is expected to be completed by early summer 2019.
<i>Gerald H Phipps Inc.</i>	Anderson Park Renovation project including park and building construction improvements	\$	3,736,160.00	\$	2,427,877.00	Construction is underway at the site, and is expected to be complete by early summer 2019.
31 - Ballot Issue 2E Fund Total				\$	3,515,752.27	
32 - Open Space Fund						
<i>Ground Engineering</i>	Material testing and inspections for Anderson Park	\$	24,818.00	\$	18,848.50	Services may be needed as work continues in 2019.
<i>Various Vendors</i>	Anderson Park construction contingency	\$	300,000.00	\$	275,363.83	As needed for use in 2019.
<i>Interface Communication</i>	Labor to remove and later install Cat cables at the Anderson Park building	\$	7,954.85	\$	7,954.85	Installation work to be completed in 2019.

Open Purchase Order Report for End of Year - 2018

Fund / Vendor	Description	Original \$	Open Amount	Reason for carry-over approval
<i>Gerald H Phipps Inc.</i>	Anderson Park Renovation project including park and building construction improvements	\$ 1,162,489.00	\$ 1,162,489.00	Portion of project allocated to Open Space funding. Construction is underway at the site, and is expected to be complete by early summer 2019.
<i>Icon Shelter Systems Inc.</i>	Kiosks for Lewis Meadows and Johnson Park Trail locations	\$ 11,900.00	\$ 11,900.00	Kiosks were ordered in 2018, but were not received or installed until 2019.
<i>Design Concepts Inc.</i>	Prospect Park renovation design and construction documents for 2 phases	\$ 175,695.00	\$ 31,592.50	Phase I is complete, Phase II work is incomplete and project has been delayed.
32 - Open Space Fund Total			\$ 1,508,148.68	
57 - Equipment Replacement Fund				
<i>Logistic Systems, Inc.</i>	RMS Data conversion services	\$ 13,570.00	\$ 6,785.00	Converting old Niche data to new RMS system for PD and total conversion work is ongoing. Project stalled in 2018 due to key staff at RMSC leaving the organization.
<i>Various Vendors</i>	RMS Data conversion		\$ 50,500.00	Funds are intended to supplement data conversion services.
57 - Equipment Replacement Fund Total			\$ 57,285.00	
2018 Open Purchase Orders Total			\$ 9,789,009.05	


REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 12-2019 – A RESOLUTION GRANTING AN EASEMENT TO METRO WASTEWATER RECLAMATION DISTRICT FOR THE PURPOSE OF PROVIDING A SEWER LINE METERING STATION IN CITY OWNED OPEN SPACE

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

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

Metro Wastewater Reclamation District is requesting an easement in the Wheat Ridge Greenbelt for the purpose of installing a metering station. This easement is located north of 44th Avenue and east of Field Street.

PRIOR ACTION:

No prior action has been taken related to this easement.

FINANCIAL IMPACT:

There is no financial impact to the City.

BACKGROUND:

The City has several easements located in parks and open space. This specific easement is on City owned property and does not have a reverter clause encumbrance and therefore does not require Jefferson County Open Space approval. The City is not required to grant this easement and the District is not paying the City for this request. Nevertheless, the City and the District have and will continue to cooperate on public infrastructure projects, and this cooperative relationship is important to the City. The City Attorney has reviewed this easement agreement and has requested several changes, which are reflected in the attached form.

RECOMMENDED MOTION:

“I move to approve Resolution No. 12-2019, a resolution granting an easement to Metro Wastewater Reclamation District for the purpose of providing a sewer line metering station in city owned open space.”

Or,

“I move to postpone indefinitely Resolution No. 12-2019, a resolution granting an easement to Metro Wastewater Reclamation District for the purpose of providing a sewer line metering station in city owned open space, for the following reasons(s): _____.”

REPORT PREPARED/REVIEWED BY:

Dave Brossman, Development Review Engineer

Joyce Manwaring, Parks and Recreation Director

Gerald Dahl, City Attorney

ATTACHMENTS:

1. Resolution No. 12-2019
2. Non-Exclusive Easement Agreement

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 12
Series of 2019

TITLE: A RESOLUTION GRANTING AN EASEMENT TO METRO WASTEWATER RECLAMATION DISTRICT FOR THE PURPOSE OF PROVIDING A SEWER LINE METERING STATION IN CITY OWNED OPEN SPACE

WHEREAS, the Metro Wastewater Reclamation District provides services to Wheat Ridge residents; and

WHEREAS, the District requires a metering station within a certain distance of wastewater lines; and

WHEREAS, the required location is within the boundaries of the City's ownership of the Wheat Ridge Greenbelt/Open Space; and

WHEREAS, the District has requested, and the City Council is willing to approve, an easement across the City's property for that purpose.

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

Section 1. The City Council hereby approves the conveyance of an easement across greenbelt lands owned by the City, to Metro Wastewater Reclamation District substantially in the form attached as **Exhibit A**, subject to approval as to final form by the City Attorney, for the purpose of installing a sewer line metering station, and authorizes and directs the Mayor and City Clerk to execute the same.

Section 2. This Resolution shall be effective upon approval.

DONE AND RESOLVED this 11th day of February, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

ATTACHMENT 1

Exhibit A

Form of Non Exclusive Easement Agreement
[Attached]

**NON-EXCLUSIVE
EASEMENT AGREEMENT**

THIS AGREEMENT, made effective as of _____, 2019, between the **CITY OF WHEAT RIDGE, COLORADO** a home rule municipal corporation, (the "Grantor"), and **METRO WASTEWATER RECLAMATION DISTRICT**, a public body politic and corporate and a quasi-municipal corporation and political subdivision of the State of Colorado (the "District"), whose legal address is 6450 York Street, Denver, Colorado 80229.

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are acknowledged, Grantor hereby grants to the District, its successors and assigns, the permanent right to enter, reenter, occupy and use the property situate in the County of Jefferson, State of Colorado, and more fully described on **Exhibit A** attached hereto and incorporated herein by reference (the "Property"), to construct, lay, install, inspect, monitor, maintain, repair, renew, substitute, change the size of, replace, remove, operate and use a single underground sanitary sewer pipeline, and an associated metering station,, as described on **Exhibit A**, of such size and capacity as necessary or required by the District and other reasonably necessary or desirable facilities or equipment, in, through, over and across the Property.

The land parcels owned by Grantor that are affected by this grant of easement are located in the City of Wheat Ridge, County of Jefferson, State of Colorado, and are more particularly described in the two (2) deeds contained in **Exhibit B** also attached hereto and incorporated herein by reference.

THE PARTIES MUTUALLY COVENANT AND AGREE as follows:

1. The District shall have and may exercise the right of ingress and egress in, to, over, above, through and across the Property for any purpose needful for the full enjoyment of any right of occupancy or use provided for herein. Grantor further grants to the District the right of ingress to and egress from the Property over and across adjacent lands of Grantor by means of roads and lanes thereon if such there be; otherwise only by such route or routes as Grantor shall approve in writing following the District's request for the same

2. Grantor shall neither cause nor permit the construction or placement of any structure or building, street light, power pole, yard light, mailbox, well, reservoir, or any other improvement, or the planting of any tree of any kind, on any part of the Property without prior written approval from the District, which approval shall not be unreasonably withheld, conditioned or delayed. Fences existing as of the date hereof which do not impair access for vehicles, personnel and equipment through the length of the Property which are disturbed or destroyed by the District in the exercise of its rights hereunder shall be replaced by the District to their original condition as nearly as may reasonably be done. Grantor shall not, however, construct or install new fencing that would impair access for vehicles, personnel and equipment through the length of the Property without the written approval of the District. Grantor will, at Grantor's expense, move any vehicles, equipment or other personal property stored on the Property as reasonably directed by the District. Any prohibited use or installation located on the

Property as of, or after the date of this Agreement, including new utility installations not conforming to Paragraph 7 hereof, may be removed by the District without liability to the District for damages arising therefrom.

3. The Grantor shall provide to the District all information within its possession about past and currently existing environmental contamination on the Property. Such information shall include but not be limited to environmental studies, reports, samples, agreements, liens, citations, notices, letters as well as information related to remediation work that has been done, is ongoing, or is planned to occur for the Property. Grantor does not warrant the environmental condition of the Property, and District assumes all risk of the presence of any hazardous materials or environmental contamination on the Property.

4. After any construction or other operations by the District which disturb the surface of the Property, the District will restore the general surface of the ground as nearly as may reasonably be done to the grade and condition it was in immediately prior to construction, except as necessarily modified to accommodate District facilities and use permitted hereby. Topsoil shall be replaced and all disturbed areas reseeded with plants approved in advance by Grantor, and any excess earth resulting from installations by the District shall be removed from the Property at the sole expense of the District. For a period of one year following disturbance of the surface of the Property by the District, the District will maintain the surface elevation and quality of the soil by correcting any settling or subsidence that may occur as a result of the work done by the District.

5. The District shall have the right of subjacent and lateral support to whatever extent is necessary or desirable for the full, complete and unmolested enjoyment of the rights herein granted. Grantor shall neither take nor permit any action which would impair the lateral or subjacent support for the facilities permitted by this Agreement. Grantor shall not materially modify the earth cover over District facilities without advance written authorization from the District, which shall provide for full payment or reimbursement to the District of all costs of adjusting District facilities made necessary by such modification.

6. Grantor retains the right to the undisturbed use and occupancy of the Property insofar as such use and occupancy are subject to the restrictions of paragraph 2 and are consistent with and do not impair the grant herein contained.

7. Grantor may authorize other public utilities such as water, storm sewer, gas, electric, and telephone, to be installed in the Property, provided that they do not interfere with the District's rights herein granted, that public utilities crossing the Property cross at approximately right angles, and that no utilities be permitted to parallel the District's facilities within ten feet thereof. Except for surface facilities consistent with Grantor's use of the Property as an open space and greenbelt park (by way of example and not limitation: soft and hard surface trails, signage and park markers), utilities as herein authorized, and roadways, all other surface and subsurface uses of the Property must be approved in writing by the District before installation. Unauthorized or non-conforming utility installations may be removed by the District without liability for damages arising therefrom.

8. If the District by written instrument abandons or releases its rights herein granted

and ceases to use the same, all right, title and interest of the District hereunder shall cease and terminate, and the Grantor shall hold the Property, as the same may then be, free from the rights so abandoned or released and shall own all material and structures of the District so abandoned or released, but nothing herein shall be construed as working a forfeiture or abandonment of any interest derived hereunder and not owned by the District at the time of the abandonment or release of the District's rights. In the absence of such express written abandonment as provided for herein, abandonment or cessation of the use of its facilities located on or under the Property by the District shall not constitute an abandonment of its rights under this Agreement.

9. Grantor warrants that it has full right and lawful authority to make the grant herein contained.

10. The benefits and burdens of this Agreement shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the parties hereto. Jurisdiction and venue for any action concerning this Agreement is proper and exclusive in the District Court for Jefferson County, Colorado.

11. Should any one or more provisions of this Agreement be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Agreement, the intent being that the various sections and provisions hereof are severable.

12. The District, for its officers and employees, and within the limitations of the Colorado Constitution and statutes, hereby indemnifies and covenants to hold harmless the Grantor and its officers and employees from and against all claims and causes of action, including damages of any kind, attorney fees and court costs, arising in any way from the District's use and occupation of the easement hereby granted. Neither party hereto waives any of the immunities, limitations of liability and defenses of the Colorado Governmental Immunity Act, CRS §24-10-101 et seq, or the common law.

13. The above and foregoing constitutes the whole agreement between the parties and no additional or different oral representation, promise or agreement shall be binding on any of the parties hereto with respect to the subject matter of this instrument.

IN WITNESS WHEREOF the parties have executed this instrument as of the day and year first above written.

GRANTOR:
CITY OF WHEAT RIDGE, COLORADO, a
home rule municipal corporation

By: _____

Bud Starker, Mayor

ATTEST:

Janelle Shave, City Clerk

Approved as to Form:

Gerald Dahl, City Attorney

METRO WASTEWATER RECLAMATION
DISTRICT

By: _____

William J. Conway, District Manager

Approved as to Form:

By: _____

_____, District General Counsel

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by William J. Conway as District Manager of Metro Wastewater Reclamation District.

Notary Public

(S E A L)

My commission expires: _____

Exhibit A
(2 Pages)

Exhibit B
(2 Pages)

- 1) Quit Claim Deed recorded August 30, 1972 in Book 2416 at Page 375, Reception No. 514340.
- 2) Warranty Deed recorded November 20, 1972 in Book 2447 at Page 796, Reception No. 532582.

REQUEST FOR CITY COUNCIL ACTION

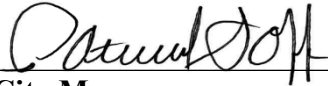
TITLE: COUNCIL BILL NO. 34-2018 – AN ORDINANCE APPROVING THE SALE OF DESIGNATED PARK LAND AT THE INTERSECTION OF WEST 38TH AVENUE AND JOHNSON STREET AND IN CONNECTION THEREWITH, AUTHORIZING EXECUTION OF AN AGREEMENT FOR SAID SALE

- | | |
|--|---|
| <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 (02/11/2019) |
| <input type="checkbox"/> RESOLUTIONS | (continued from 12/10/2018, 01/14/2019) |

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.”

The City Attorney has concluded that Charter 16.5 requires eight (8) votes in favor of the ordinance in order to approve this sale. On February 11, due to Councilmember Fitzgerald's resignation, there will only be 7 sitting Council members. Staff suggests Council postpone the second reading vote until April 8, 2019 when 8 Councilmembers are expected to be present.

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:

Terms and conditions of sale: 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 Appleridge Café desires the relocation of the restaurant.
5. The development of a CVS Pharmacy will provide additional sales tax revenues.
6. Traffic patterns indicate that vehicular movement will exit onto 38th Avenue from Johnson Street.

RECOMMENDED MOTION:

"I move to postpone second reading consideration of Council Bill No. 34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street to the Council's regular meeting on April 8, 2019."

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., continued for Council Action on February 11, 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; January 17, 2019

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

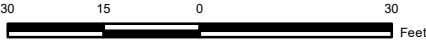
Legend

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.



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

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Lakewood, CO 80226

Ph: 303-399-5615

Fx: 303-399-5617

email: rcmosier@aol.com

March 31, 2017

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

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

Dear Mr. Art:

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

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

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

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

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

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

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

Respectfully submitted,

Richard C.
Mosier

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

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

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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

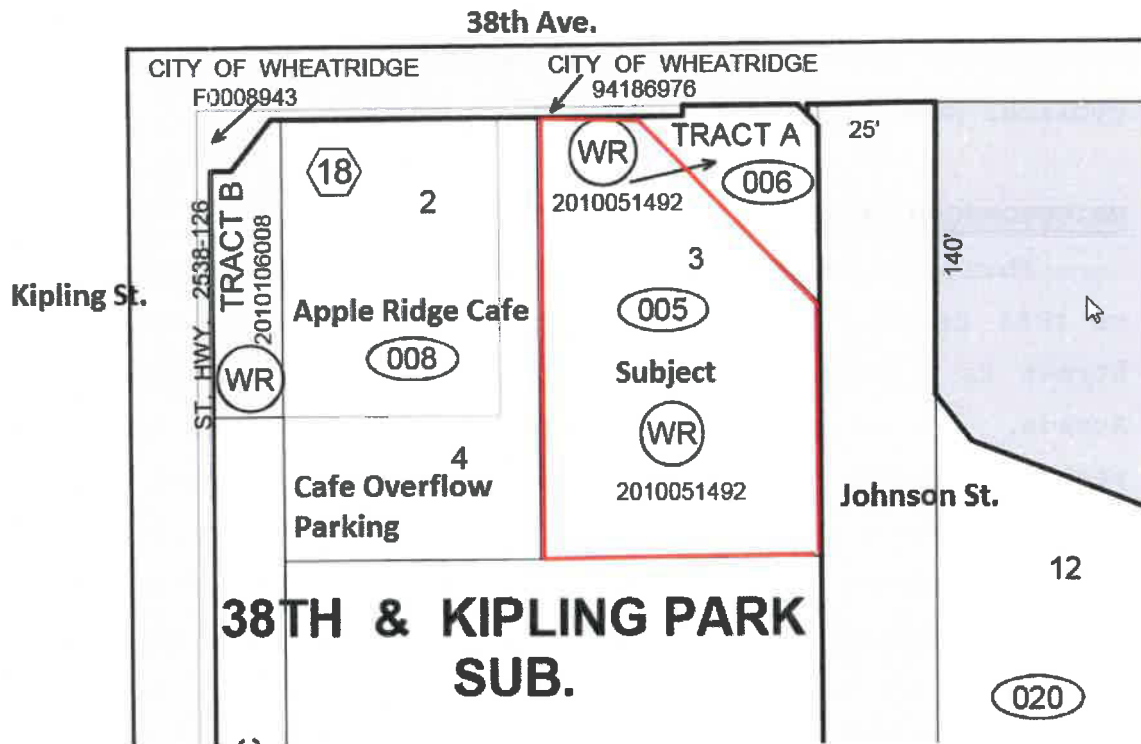
construction. Fueled by in-migration and exacerbated by a lack of condominiums for individual ownership (builder liability to homeowners and HOA's being a chief factor) the demand for apartments has escalated rents and occupancy to a point of imbalance. New apartments are being constructed to meet the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

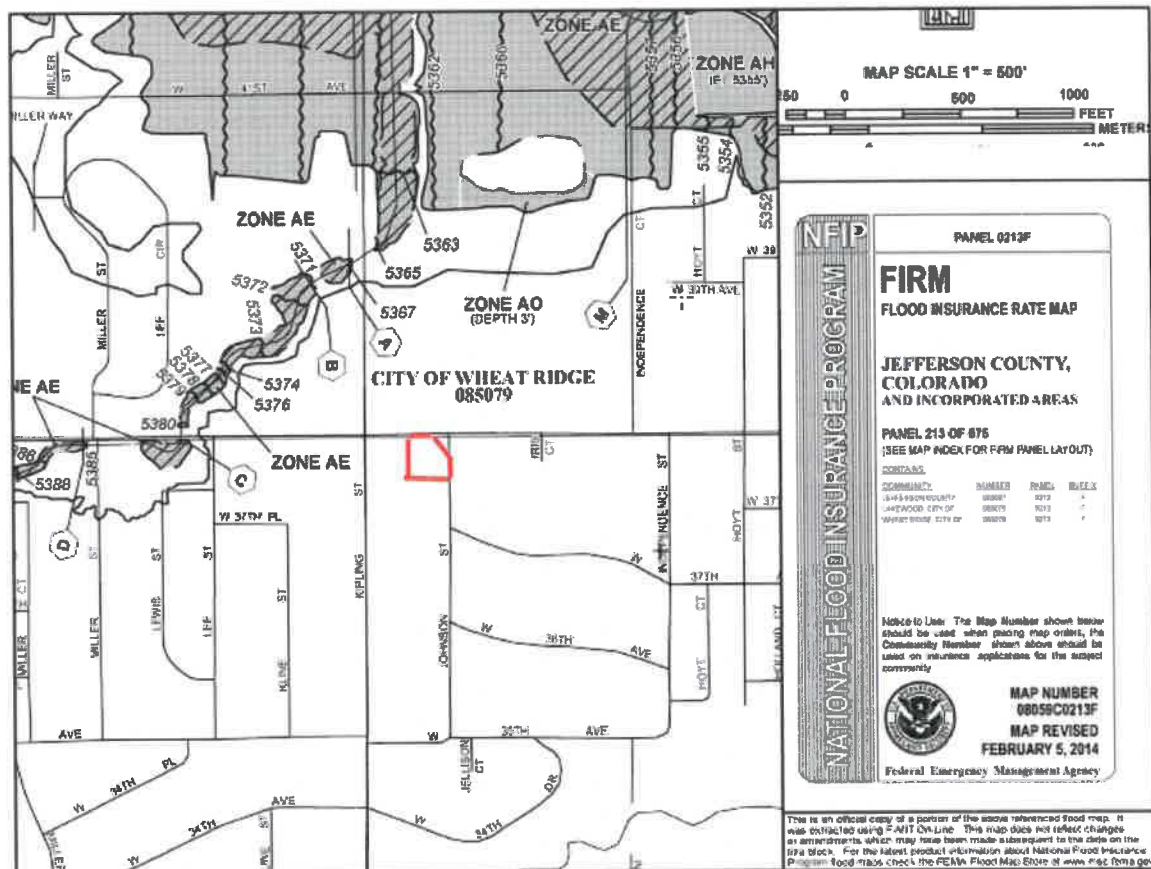
This section is omitted for the narrative restricted format of this report. It is, however, important to note that Kipling Street is a major thoroughfare through Wheat Ridge, Lakewood and Arvada. It is not an intensive commercial retail strip in the vicinity of the subject but is becoming more so with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



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	28,335	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. Tepper Partners/ BTS Sheridan VZ, LLC	Aug-17	\$480,000	24,829	Zoned PUD, Westminster, Lot in a Commercial Subdivision. New Verizon Store, Sold as Net Leased Investment Jun-18.	\$19.33	Cash to Seller.
2	9890 W. 44th Ave. Cluck Estate/ Sheard Family Trust	Jul-15	\$532,000	43,516	Zoned C-1 Wheat Ridge; Residential Improvements. Demo'd After Sale; Actual Price \$507,000, Plus Demo. \$25K = \$532,000	\$12.23	Cash to Seller.
3	7960 Wadsworth Blvd. Edgemark Development Services, LLC/ Mountain Dental Specialties, LLC	May-15	\$500,000	51,836	Zoned B-2 Arvada; Vacant Pad w/o Wadsworth Frontage. Purchased for Dental Clinic.	\$9.65	Cash to Seller.
4	N of NWC Bowles Avenue @ Simms St. Market Development Corporation/ CBH Properties Ken Caryl, LLC	Nov-15	\$450,000	30,000	Zoned PD, Jefferson County; Lot in Commercial Subdivision. Purchased for Christian Brothers Automotive.	\$15.00	Cash to Seller.
5	6230 W. 38th Ave. Johnson/ Sophium Real Estate, LLC	Oct-15 41 dom	\$432,000	30,056	Zoned MU-N Wheat Ridge Vacant Lot; For Sale	\$14.37	Cash to Seller.
6	NW of NWC 64th Avenue at Indiana St. Acorn 4 Arvada Marketplace/ Doud BTS, Inc.	Sep-16	\$425,000	27,007	Zoned PUD-BP, Arvada; Vacant Site.	\$15.74	Cash to Seller
7	5290 W. Arizona Ave. Guzman/ HM Rental I, LLC	Aug-17 102 dom	\$375,000	27,878	Zoned M-G-S, Lakewood. Previous Sale Sep-16 \$220,000, or \$7.89/SF.	\$13.45	Cash to Seller.
8	1825-1975 Kipling St. Listing	Listing	\$341,000	22,651	Zoned M-E-U, Lakewood Previous Sale May-17 \$165,000, or \$7.28/SF	\$15.05	Cash to Seller.
9	8399 Ralston Rd. BB Holdings Colorado, LLC/ McClafflin Real Estate, LLC	Feb-17	\$160,600	10,500	Zoned P-1, Arvada Purchased by investor to sell to adjacent owner for parking 2 days later Feb-17 for \$200,000 or \$19.05/SF. 25% increase over normal price for assemblage.	\$15.30	Cash to Seller.

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

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

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

Mr. Steve Art
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
Appraisal Institute, National Board of Directors 2006-2007

APPRAISAL INSTITUTE CLASSROOM INSTRUCTOR:

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

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

BUSINESS AFFILIATIONS:

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

APPRAISAL EXPERIENCE:

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

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

REPRESENTATIVE LIST OF APPRAISAL CLIENTS:

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

LIMITING CONDITIONS AND ASSUMPTIONS

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

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

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

END OF APPRAISAL REPORT AND EXHIBITS

T.M.

C R O W L E Y

& ASSOCIATES

October 3, 2018

Steve Art
Executive Director
Wheat Ridge Urban Renewal Authority
7500 West 29th Avenue
Wheat Ridge, Colorado 80033

Steve –

Please accept this letter as confirmation of TMC Colorado 2, LLC's agreement with the appraisal price of \$650,000 contained in the updated August 15, 2018 appraisal from MacTaggart and Mosier to the City of Wheat Ridge.

TMC Colorado 2, LLC is currently under contract with the other parcels necessary to complete the development of a CVS Pharmacy and the relocation and development of the AppleRidge Café. The above price would be subject to further contingencies regarding the development timeline and permitting of the aforementioned developments and assistance from the Wheat Ridge Urban Renewal Authority.

Please let me know if you have any further questions.

Thank you,



AJ Barbato
Executive Vice President of Real Estate Development
T.M. Crowley and Associates



October 9, 2018

Wheat Ridge Urban Renewal Authority
7500 West 29th Avenue
Wheat Ridge, Colorado 80033

Attn: Mr. Steve Art
Executive Director

Re: SEC 38th & Kipling Redevelopment
Trip Generation Comparison Letter

Dear Mr. Art:

This letter documents a comparison of trip generation of a proposed redevelopment to occur on the southeast corner of the 38th Avenue and Kipling Street intersection in Wheat Ridge, Colorado. Apple Ridge Café exists directly on this corner, and a vacant parcel is located to the east of this existing restaurant. A redevelopment is proposed which would include replacing the existing restaurant and vacant parcel with a proposed approximate 13,111 square foot pharmacy with drive-through window.

Apple Ridge Café is approximately 3,000 square feet. It is believed that the existing vacant parcel to the east could and would likely otherwise develop into a 3,000-square foot fast food restaurant with drive through if this redevelopment project were not to occur. Therefore, a trip generation comparison between the existing 3,000 square foot Apple Ridge Café sit down restaurant and possible adjacent 3,000 square foot fast food restaurant with drive through was compared to a pharmacy with drive through use.

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the existing and proposed land uses to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual*¹ published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. Trip generation was based on the ITE Trip Generation, 10th Edition (most current edition) average rate equations for high-turnover sit-down restaurant (ITE Code 932) for the Apple Ridge Café restaurant, fast-food restaurant with drive-through (ITE Code 934) for the adjacent vacant parcel to represent development potential, and Pharmacy/Drugstore with Drive-Through Window (ITE Code 881) for this proposed redevelopment project to provide a comparative analysis.

The following table summarizes the anticipated trip generation for the proposed 13,111 square foot pharmacy with drive through window compared with the existing 3,000 square foot Apple Ridge Café restaurant and possible adjacent 3,000 square foot fast food restaurant with drive-through window (trip generation calculations are attached).

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Tenth Edition, Washington DC, 2017.

**Trip Generation Comparison
Apple Ridge Café and Adjacent Fast Food Restaurant
to Pharmacy with Drive Through (proposed restaurant)**

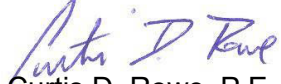
USE AND SIZE	DAILY VEHICLE TRIPS	WEEKDAY VEHICLE TRIPS					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing & Possible Uses – Apple Ridge Café and Adjacent Fast Food Restaurant							
Sit-Down Restaurant (932) 3,000 Square Feet	338	16	14	30	18	11	29
Fast Food Restaurant w/ DT (934) 3,000 Square Feet	1,414	62	59	121	51	47	98
Total	1,752	78	73	151	69	58	127
Proposed Use – Pharmacy with Drive Through							
Pharmacy/Drugstore W DT (881) 13,111 Square Feet	1,432	26	24	50	68	68	136
Net Difference in Trips	-320	-52	-49	-101	-1	+10	+9

As summarized in the table, the currently proposed redevelopment of the southeast corner of the 38th Avenue and Kipling Street intersection to a pharmacy with drive through would be anticipated to generate 1,432 daily weekday trips with 50 trips occurring during morning peak hour, and 136 trips occurring during the afternoon peak hour based on ITE equations and data. Based on the ITE equations for the existing Apple Ridge Café sit-down restaurant and a possible adjacent fast food restaurant with drive through, the proposed pharmacy redevelopment is anticipated to generate less traffic over an average weekday and during the morning peak hour, with slightly more traffic generated during the afternoon peak hour. The change in use is anticipated to account for a decrease of approximately 320 daily trips, a decrease of 101 trips in the morning peak hour, and an increase of 9 trips during the afternoon peak hour. Important to note, it is believed that the traffic generated by the existing Apple Ridge Café may be greater than the volumes predicted from the ITE equations due to the known busyness of the restaurant and the amount of parking provided on site.

In summary, this traffic study letter provides a trip generation comparison for a proposed pharmacy with drive through redevelopment to be located on the southeast corner of the 38th Avenue and Kipling Street intersection in Wheat Ridge, Colorado. The redevelopment is anticipated to decrease daily and morning peak hour traffic, but only slightly increase traffic to the project site during the afternoon peak hour. If you have any questions or require anything further, please feel free to call me at (303) 228-2304.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Curtis D. Rowe, P.E., PTOE
Vice President



Project Apple Ridge Café
 Subject Trip Generation for High-Turnover (Sit-Down) Restaurant
 Designed by Curtis Rowe Date September 26, 2018 Job No. _____
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - High Turnover Sit-Down Restaurant (932)

Independant Variable - 1000 Square Feet Gross Floor Area (X)

Gross Floor Area = 3,000 Square Feet

X = 3.000

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (900 Series Page 97)

Average Weekday	Directional Distribution: 55% ent. 45% exit.
T = 9.94 (X)	T = 30 Average Vehicle Trip Ends
T = 9.94 * 3.000	16 entering 14 exiting

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (900 Series Page 98)

Average Weekday	Directional Distribution: 62% ent. 38% exit.
T = 9.77 (X)	T = 29 Average Vehicle Trip Ends
T = 9.77 * 3.000	18 entering 11 exiting

Weekday (900 Series Page 96)

Average Weekday	Directional Distribution: 50% entering, 50% exiting
T = 112.18 (X)	T = 338 Average Vehicle Trip Ends
T = 112.18 * 3.000	169 entering 169 exiting

P.M. Peak Hour of Generator (900 Series Page 100)

Average Weekday	Directional Distribution: 52% ent. 48% exit.
T = 17.41 (X)	T = 52 Average Vehicle Trip Ends
T = 17.41 * 3.000	27 entering 25 exiting

Saturday Peak Hour of Generator (900 Series Page 105)

Average Saturday	Directional Distribution: 51% ent. 49% exit.
T = 11.19 (X)	T = 34 Average Vehicle Trip Ends
T = 11.19 * 3.000	17 entering 17 exiting

Non Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017-Page 207)

AM Peak Hour = 57% Non-Pass By	PM Peak Hour = 57% Non-Pass By
IN Out Total	
AM Peak 9 8 18	
PM Peak 10 6 17	
Daily 96 96 192	PM Peak Hour Rate Applied to Daily

Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017 -Page 207)

AM Peak Hour = 43% Pass By	PM Peak Hour = 43% Pass By
IN Out Total	
AM Peak 7 6 14	
PM Peak 8 5 13	
Daily 73 73 146	PM Peak Hour Rate Applied to Daily

Project SEC 38th & Kipling
 Subject Trip Generation for Fast-Food Restaurant with Drive-Through Window
 Designed by CDR Date October 09, 2018 Job No. _____
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - Fast Food Restaurant With Drive-Through Window (934)

Independant Variable - 1000 Square Feet Gross Floor Area (X)

Gross Floor Area = 3,000 Square Feet

X = 3.000

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (900 Series page 158)

Average Weekday	Directional Distribution:	51% ent.	49% exit.
T = 40.19 (X)	T = 121	Average Vehicle Trip Ends	
T = 40.19 * 3.000	62 entering	59 exiting	
	62 + 59 (*) =	121	

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (900 Series page 159)

Average Weekday	Directional Distribution:	52% ent.	48% exit.
T = 32.67 (X)	T = 98	Average Vehicle Trip Ends	
T = 32.67 * 3.000	51 entering	47 exiting	
	51 + 47 =	98	

Weekday (900 Series page 157)

Average Weekday	Directional Distribution:	50% entering, 50% exiting
T = 470.95 (X)	T = 1414	Average Vehicle Trip Ends
T = 470.95 * 3.000	707 entering	707 exiting
	707 + 707 =	1414

Saturday Peak Hour of Generator (900 Series page 163)

	Directional Distribution:	51% ent.	49% exit.
T = 54.86 (X)	T = 165	Average Vehicle Trip Ends	
T = 54.86 * 3.000	84 entering	81 exiting	
	84 + 81 =	165	

Non Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017)

AM Peak Hour =	51%	Non-Pass By	PM Peak Hour =	50%	Non-Pass By
	IN	Out	Total		
AM Peak	32	30	62		
PM Peak	26	24	49		
Daily	354	354	708	PM Peak Hour Rate Applied to Daily	

Pass-By Trip Volumes (Per ITE Trip Generation Handbook, 3rd Edition September 2017)

AM Peak Hour =	49%	Pass By	PM Peak Hour =	50%	Pass By
	IN	Out	Total		
AM Peak	30	29	59		
PM Peak	26	24	49		
Daily	353	353	706	PM Peak Hour Rate Applied to Daily	

Project SEC 38th & Kipling
 Subject Trip Generation for Pharmacy/Drugstore with Drive-Through Window
 Designed by _____ Date _____ Job No. _____
 Checked by _____ Sheet No. _____ of _____

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - Pharmacy/Drugstore with Drive-Through Window (881)

Independant Variable - 1000 Sq. Feet Gross Floor Area (X)

SF= 13111

X = 13.111

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (page Series 800 Page 562)

Average Weekday	Directional Distribution:	53% ent.	47% exit.
T = 3.84 (X)	T = 50	Average Vehicle Trip Ends	
(T) = 3.84* (13.1)	26 entering	24 exiting	
	26 + 24 = 50		

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (Series 800 page 563)

Average Weekday	Directional Distribution:	50% ent.	50% exit.
T = 10.29 (X)	T = 136	Average Vehicle Trip Ends	
(T) = 10.29 * (13.1)	68 entering	68 exiting	
	68 + 68 = 136		

Weekday (Series 800 page 561)

Average Weekday	Directional Distribution:	50% entering, 50% exiting
T = 109.16 (X)	T = 1432	Average Vehicle Trip Ends
(T) = 109.16 * (13.1)	716 entering	716 exiting
	716 + 716 = 1432	

Saturday Peak Hour of Generator (page 1807)

T = 8.20 (X)	Directional Distribution:	49% ent.	51% exit.
(T) = 8.20 * (13.1)	T = 108	Average Vehicle Trip Ends	
	53 entering	55 exiting	
	53 + 55 = 108		

Non-Pass-by Trip Volumes (page 63, ITE Trip Generation Handbook, December 2012)

PM Average Pass By Percentage:	51%	Pass By
	IN	Out
AM Peak	13	12
PM Peak	35	35
Daily	365	365
Saturday	27	28
	Total	
	25	
	69	
	732	
	55	

PM Rate Applied to AM Peak
 PM Rate Applied to Daily
 PM Rate Applied to Saturday

Pass-by Trip Volumes (page 63, ITE Trip Generation Handbook, December 2012)

PM Average Pass By Percentage:	49%	Pass By
	IN	Out
AM Peak	13	12
PM Peak	33	33
Daily	351	351
Saturday	26	27
	Total	
	24	
	67	
	702	
	53	

PM Rate Applied to AM Peak
 PM Rate Applied to Daily
 PM Rate Applied to Saturday

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 11-2019 – A RESOLUTION APPROVING AN EIGHTY-NINE LOT SUBDIVISION REPLAT FOR PROPERTY ZONED MIXED USE-NEIGHBORHOOD (MU-N) AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) AT THE NORTHWEST CORNER OF YARROW STREET AND 42ND AVENUE (CASE NO. WS-18-07/YARROW GARDENS FILING NO. 3)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☒ YES

☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of an eighty-nine lot subdivision replat for property zoned PRD and MU-N and located at the northwest corner of Yarrow Street and 42nd Avenue. The subdivision replat does not alter the previously approved number of townhomes, nor the internal private street network, it simply allows for a slightly different mix of building types, which range from 3-plexes to 6-plexes. The purpose of the subdivision is to prepare the property for development of an eighty-nine-unit townhome project.

PRIOR ACTION:

Planning Commission reviewed this request at a public hearing held on January 17, 2019 and gave a recommendation of approval for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.

With the following condition:

1. The revisions requested by the Public Works Department related to labels, notes, and typos shall be addressed prior to the City Council public hearing.

Attached are the staff report and draft minutes from the January 17, 2019, Planning Commission public hearing. The above condition has been met.

FINANCIAL IMPACT:

Fees in the amount of \$2,305 were collected for the review and processing of Case No. WS-18-07. Parkland dedication is required for all new residential subdivisions, and in this case, a fee in lieu of land dedication will be collected in the amount of \$222,258.

BACKGROUND:

This application constitutes a re-subdivision of the Yarrow Gardens project, which is comprised of an existing single-family home and 89 new townhomes. Planning Commission and City Council previously reviewed and approved subdivision plats for the subject project in June 2018. However, after the prior applicant sold the property to a homebuilder, it became apparent that several of the previously platted lot lines would need to be adjusted. Based on the number of lots affected, the application is being processed as a major subdivision.

The property is located at the northwest corner of Yarrow Street and W. 42nd Avenue at approximately 4255 Yarrow. It is surrounded by a variety of land uses and zoning districts. To the south and west are properties zoned Residential-Two (R-2) including a residential neighborhood and Happiness Gardens—the City-owned community garden—as well as the Wilmore-Davis Elementary School whose playfields immediately abut the subject property. To the east is an apartment development zoned Residential-Three (R-3); and to the north are properties zoned Commercial-One (C-1) including a recently constructed assisted living facility, a dental complex, vision office, and carwash. Historically, the site contained large greenhouses. They were demolished in late 2017, and the soil on the property was remediated to clean up pesticide and fuel contamination. At the southwest corner of the subject property is an existing single family home that will remain.

The property has been the subject of several land use cases over the last two years in preparation for a townhome development.

- In April 2017, three-quarters of the site was rezoned to Mixed Use-Neighborhood (MU-N).
- Subsequent to the MU-N zone change, the adjacent property at 7944 W. 42nd Avenue was purchased for the project and a rezoning to Planned Residential Development (PRD) was approved for this parcel in June 2018.
- Also in June 2018, a site plan, specific development plan, and two subdivision plats were approved for development of 89 new townhomes.

The current applicant is Thrive Homebuilders who purchased the property in July 2018. Subsequent to their purchase, it became apparent that several of the site details would need

to be modified to accommodate their townhome product, particularly in the southern half of the project. The southern portion of the project is approved to include an arrangement of triplexes, five-plexes, and six-plexes. The applicant is proposing to eliminate the triplexes from this portion of the project and redistribute the units among four-, five-, and six-plex structures.

RECOMMENDED MOTION:

“I move to approve Resolution No. 11-2019, a resolution approving an eighty-nine lot subdivision plat for property zoned Mixed Use Neighborhood (MU-N) and Planned Residential Development (PRD) at the northwest corner of 42nd Avenue and Yarrow Street (Case No. WS-18-07/Yarrow Gardens Townhomes), for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation for approval.
3. All requirements of the zoning code and subdivision regulations have been met.
4. Utility districts can serve the property with improvements installed at the developer’s expense.

With the following condition:

1. The developer shall pay parks fees at the time of plat recording in the amount of \$222,258.”

Or,

“I move to postpone indefinitely Resolution No. 11-2019, a resolution approving an eighty-nine lot subdivision plat for property zoned Mixed Use Neighborhood (MU-N) and Planned Residential Development (PRD) at the northwest corner of 42nd Avenue and Yarrow Street (Case No. WS-18-07/Yarrow Gardens Townhomes), for the following reasons:

- 1.
- 2.
- 3.

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

REPORT PREPARED/REVIEWED BY:

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 11-2019
2. Planning Commission staff report
3. Planning Commission minutes

CITY OF WHEAT RIDGE, COLORADO
Resolution No. 11
Series 2019

TITLE: RESOLUTION NO. 11-2019 – A RESOLUTION APPROVING AN EIGHTY-NINE LOT SUBDIVISION REPLAT FOR PROPERTY ZONED MIXED USE-NEIGHBORHOOD (MU-N) AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) AT THE NORTHWEST CORNER OF YARROW STREET AND 42ND AVENUE (CASE NO. WS-18-07/YARROW GARDENS FILING NO. 3)

WHEREAS, Chapter 26, Article I of the Wheat Ridge Code of Laws establishes the procedures for the City's review and approval of Subdivision Plats; and,

WHEREAS, an application for an eighty-nine lot subdivision plat was received from Thrive Homebuilders to subdivide property located at the northwest corner of 42nd Avenue and Yarrow Street in a MU-N and PRD zone district; and,

WHEREAS, all referral agencies have reviewed the request and have no objections to said subdivision of land; and,

WHEREAS, all requirements of the Zoning Code and Subdivision Regulations have been met; and,

WHEREAS, all required publishing, posting and notification requirements for the February 11, 2019 City Council public hearing have been met.

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

A RESOLUTION APPROVING AN EIGHTY-NINE LOT SUBDIVISION REPLAT FOR PROPERTY ZONED MIXED USE-NEIGHBORHOOD (MU-N) AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) AT THE NORTHWEST CORNER OF 42ND AVENUE AND YARROW STREET (CASE NO. WS-18-07/YARROW GARDENS FILING NO. 3) IS HEREBY APPROVED FOR THE FOLLOWING REASONS:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation for approval.
3. All requirements of the zoning code and subdivision regulations have been met.
4. Utility districts can serve the property with improvements installed at the developer's expense.

With the following condition:

1. The developer shall pay parks fees at the time of plat recording in the amount of \$222,258.”

DONE AND RESOLVED this 11th day of February, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

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

TO: Planning Commission **MEETING DATE:** January 17, 2019

CASE MANAGER: Ken Johnstone

CASE NO. & NAME: WS-18-07 / Yarrow Gardens Replat

ACTION REQUESTED: Request for approval of a 89-lot subdivision replatting the Yarrow Gardens townhome project

LOCATION OF REQUEST: NW corner of Yarrow Street and W. 42nd Avenue (approximately 4255 Yarrow)

APPLICANT (S): TH Yarrow Gardens, LLC

OWNER (S): TH Yarrow Gardens, LLC

APPROXIMATE AREA: 230,107 square feet (5.2825 acres)

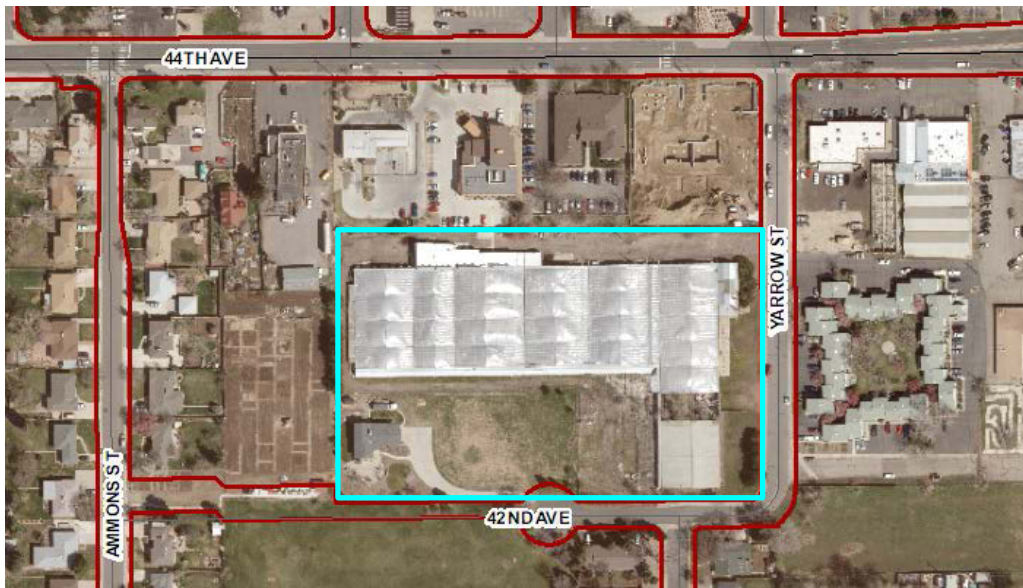
PRESENT ZONING: Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD)

PRESENT LAND USE: One (1) existing single-family home and 89 townhomes pending construction

ENTER INTO RECORD:

(X) CASE FILE & PACKET MATERIALS	(X) SUBDIVISION REGULATIONS
(X) ZONING ORDINANCE	(X) DIGITAL PRESENTATION

Location Map



ATTACHMENT 2

JURISDICTION:

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

I. REQUEST

The applicant is requesting approval of an 89-lot subdivision zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) and located at the northwest corner of Yarrow Street and W. 42nd Avenue (approximately 4255 Yarrow).

This application constitutes a re-subdivision of the Yarrow Gardens project, which is comprised of an existing single-family home and 89 new townhomes. Planning Commission and City Council previously reviewed and approved subdivision plats for the subject project in June 2018. However, after the prior applicant sold the property to a homebuilder, it became apparent that several of the previously platted lot lines would need to be adjusted.

Based on the number of lots affected, the application is being processed as a major subdivision. This requires Planning Commission to make a recommendation to City Council who is the final authority for approval.

II. EXISTING CONDITIONS / PROPERTY HISTORY

The property is located at the northwest corner of Yarrow Street and W. 42nd Avenue at approximately 4255 Yarrow (*Exhibit 1, Aerial*). It is surrounded by a variety of land uses and zoning districts (*Exhibit 2, Zoning*). To the south and west are properties zoned Residential-Two (R-2) including a residential neighborhood and Happiness Gardens—the City-owned community garden—as well as the Wilmore-Davis Elementary School whose playfields immediately abut the subject property. To the east is an apartment development zoned Residential-Three (R-3); and to the north are properties zoned Commercial-One (C-1) including a recently constructed assisted living facility, a dental complex, vision office, and carwash. Historically, the site contained large greenhouses. They were demolished in late 2017, and the soil on the property was remediated to clean up pesticide and fuel contamination. At the southwest corner of the subject property is an existing single family home that will remain.

The property has been the subject of several land use cases over the last two years in preparation for a townhome development.

- In April 2017, three-quarters of the site was rezoned to Mixed Use-Neighborhood (MU-N).
- Subsequent to the MU-N zone change, the adjacent property at 7944 W. 42nd Avenue was purchased for the project and a rezoning to Planned Residential Development (PRD) was approved for this parcel in June 2018.
- Also in June 2018, a site plan, specific development plan, and two subdivision plats were approved for development of 89 new townhomes.

The current applicant is associated with Thrive Homebuilders who purchased the property in July 2018. Subsequent to their purchase, it became apparent that several of the site details would need to be modified to accommodate their townhome product, particularly in the southern half of the project. The southern portion of the project is approved to include an arrangement of triplexes, five-plexes, and six-

plexes. The applicant is proposing to eliminate the triplexes from this portion of the project and redistribute the units among four-, five-, and six-plex structures. A visual comparison of the approved and proposed unit configuration is shown in *Exhibit 3, Unit Configuration*.

III. PROPOSED SUBDIVISION PLAT

Plat Document

The current application is called Yarrow Gardens Filing No. 3 and includes the entirety of the property except the single family home lot at the southwest corner. While only the southern half of the project is affected by the reconfiguration of units, staff requested that the replat show the entire townhome portion for improved clarity.

The proposed plat document consists of two sheets. The first sheet includes a legal description of the property; signature blocks for the owner, City, surveyor and County; and standard declarations and notes. The second sheet includes the proposed lot layout, including lot lines, tracts, and easements (*Exhibit 4, Proposed Plat - Yarrow Gardens Filing No. 3*).

Note 1 on the cover sheet clarifies the relationship of Filing No. 3 relative to the previous two plats for the subject property. Notably, the right-of-way was already dedicated, all lot lines are being replatted by Filing No. 3, and previously vacated easements are not being vacated again.

Lot Configuration

There is no change to the total number of units in the project, which includes 89 new townhomes and the existing single family home at the southwest corner. The lots and tracts within Blocks 5 and 6 have been redrawn to accommodate the proposed reconfiguration of units.

Public Improvements & Drainage

There is no change to the design of the perimeter or internal public improvements or to the drainage system. As noted above, perimeter right-of-way was previously dedicated, and a subdivision improvement agreement was previously executed which obligates the developer to construct all perimeter and interior improvements. This include curb, gutter, and sidewalk along Yarrow and W. 42nd Avenue and a series of sidewalks, drives, alleys and storm sewer lines within the site. This application does not modify the design of the drainage system, in which stormwater will be detained at the north boundary of the site within Tract A.

Easements

The only easements that are modified by the proposed subdivision are those which are modified by their underlying tracts:

- Tracts I and J within Block 6 have been relocated as compared with the previous plat, and both are encumbered by utility, drainage, emergency access, and private access easements. Because the location of the tracts shifted, the location of the overarching easements also shifted.
- Due to the reconfiguration, the width of Tract G in Block 6 is six inches narrower than previously platted. Likewise, the access and drainage easements that encumber Tract G are slightly narrower, but still acceptable in size.
- The north-south portion of Tract H in Block 5 is also six inches narrower than previously platted. This tract includes utility, emergency access, and private access easements, which are also slightly narrower, but still acceptable in size.

No other easements for the project have changed as part of this application.

IV. AGENCY REFERRALS

As part of the preceding land use case applications, the project had been referred to all affected service agencies and the applicant is actively working with all agencies. Because the lot line adjustments do not represent a fundamental change in the nature of the development or agencies' ability to serve the project, the updated plat was sent on a limited referral. Referral responses include the following:

Wheat Ridge Public Works: The plat has been reviewed and requested a few minor revisions related to labels, notes, and typos.

West Metro Fire Protection District: No objections to proposed subdivision modifications. Noted requirements for continued coordination during plan review and development.

Xcel Energy: No objections to proposed subdivision modifications. Noted requirements for continued coordination during utility design and easement vacation processes.

Century Link: No objections to proposed subdivision modifications.

Wheat Ridge Sanitation District: No objections to proposed subdivision modifications. Noted requirements for continued coordination during utility design and development.

No comments were received from Comcast Cable or the Wheat Ridge Water District. Referral recipients are advised that no comment received indicates having no objections or concerns regarding the proposal.

V. STAFF CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the proposed subdivision plat results in a logical lot layout for the proposed future development. Staff further concludes that the subdivision plat complies with the standards in Article IV of the zoning and development code (subdivision regulations) and that all utility agencies can serve the property with improvements installed at the developer's expense. For these reasons, staff recommends approval of the subdivision plat with the conditions listed below.

VI. SUGGESTED MOTIONS

Option A: "I move to recommend APPROVAL of Case No. WS-18-07, a request for approval of an 89-lot subdivision on property zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) and located at the northwest corner of Yarrow Street and W. 42nd Avenue (approximately 4255 Yarrow), for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.

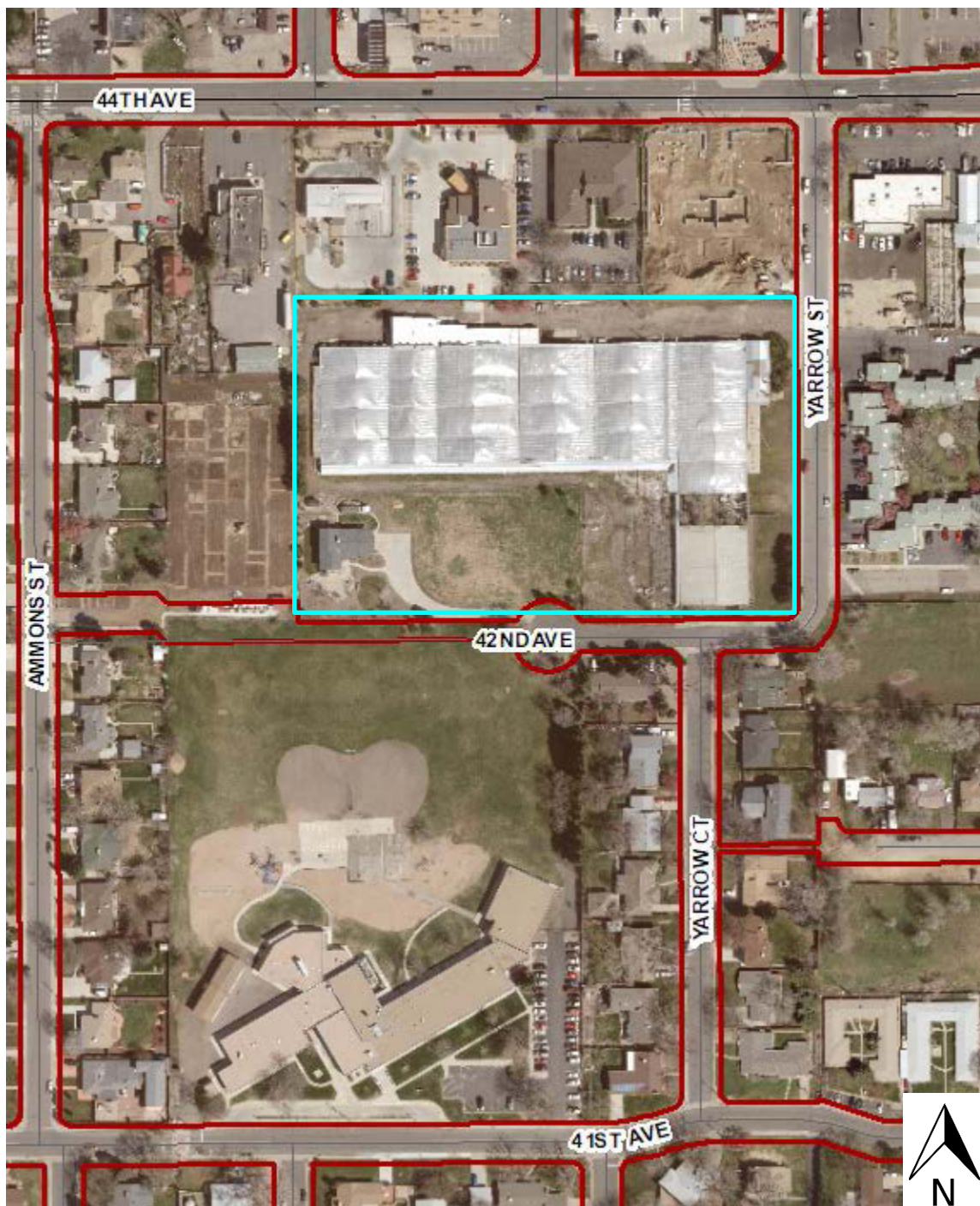
With the following condition:

1. The revisions requested by the Public Works Department related to labels, notes, and typos shall be addressed prior to the City Council public hearing.

Option B: “I move to recommend DENIAL of Case No. WS-18-07, a request for approval of an 89-lot subdivision on property zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) and located at the northwest corner of Yarrow Street and W. 42nd Avenue (approximately 4255 Yarrow), for the following reasons:

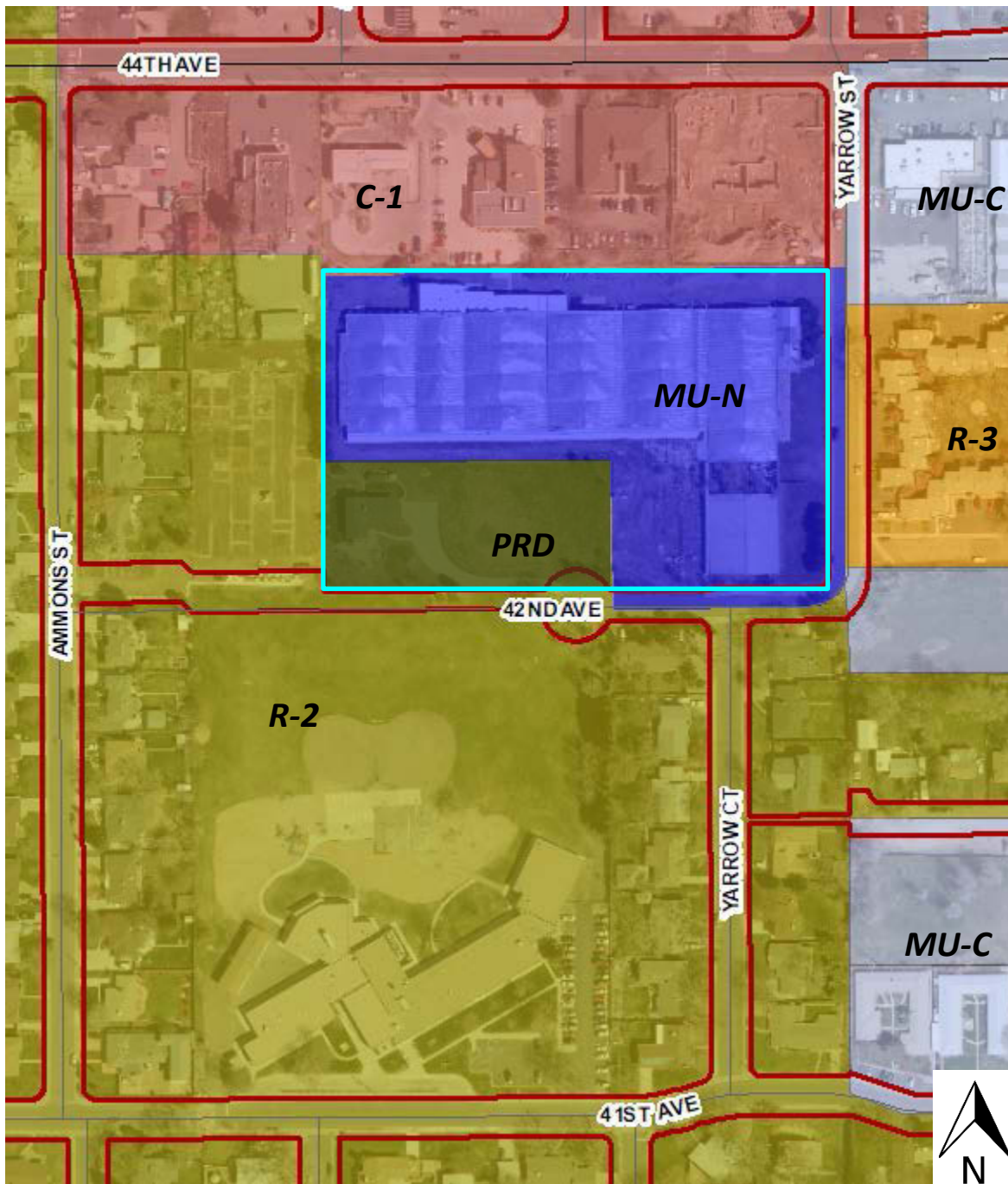
- 1.
2. ...”

EXHIBIT 1: AERIAL



The subject site is outlined in blue. This aerial image is from 2016, and the greenhouses have since been removed from the site.

EXHIBIT 2: ZONING MAP



The subject site is outlined in blue. This aerial image is from 2016, and the greenhouses have since been removed from the site.

EXHIBIT 3: UNIT CONFIGURATION

The blue shading highlights the original and proposed unit configuration. The approved plan includes triplexes, five-plexes, and six-plexes. The applicant is proposing to eliminate the triplexes from this portion of the project and redistribute the units among four-, five-, and six-plex structures.



EXHIBIT 4: PROPOSED PLAT

[see attached]

No one wished to speak at this time.


7. PUBLIC HEARING

- A. **Case No. WS-18-01 & WZ-18-13:** An application filed by Wonderland Homes for approval of a 56-lot subdivision and for approval of a Specific Development Plan for property zoned Planned Residential Development (PRD) and located at 5372-5392 Quail Street.

Mr. Johnstone explained that for The City of Wheat Ridge to move forward with public hearings on these two cases a portion of Quail Street's right of way (ROW) on the City of Arvada's side will need to be in place. The ROW acceptance was scheduled for a City Council meeting on January 7, however it did not occur. Mr. Johnstone explained there are some title issues which need to be resolved so staff recommends postponing the public hearing indefinitely.

It was moved by Commissioner DORSEY and seconded by Commissioner WEAVER to indefinitely postpone the public hearings for Case NO's. WS-18-01 and WZ-18-03, Quail Run Subdivision Plat and Specific Development Plan, with full new public notice being provided for future Planning Commission public hearing.

Motion approved 7-0.

- 
- B. **Case No. WS-18-07:** An application filed by TH Yarrow Gardens, LLC for approval of a 89-lot subdivision for property zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) located at 4255 Yarrow Street and 7955 West 42nd Avenue.

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

Commissioner OHM mentioned he still has concerns regarding the traffic in the area on Yarrow Street which is one lane and if one car wants to turn left on 44th Avenue all traffic backs up. He asked if there could be a designated right turn lane only and no straight or left turn option.

Mr. Jefferies said there has been a traffic study and there is a plan to add a signal light at 41st and Wadsworth Blvd. when the Wadsworth project is finished. This will be another way to exit the neighborhood, not just Yarrow Street. He also mentioned there is a potential for adding a light at 44th Avenue and Yarrow, but at this time it is not being looked at due to the widening of Wadsworth.

Roger Loecher
Wheat Ridge Resident

Mr. Loecher noted he does not have a problem with the townhomes going in at Yarrow Gardens, just the traffic it is going to create. He noted that the property owners (he being one of them) will not allow 41st to be extended out to Wadsworth and if there is a light put at 44th and Yarrow, he feels it will take away from the business parking lot. He feels putting a light at Ammons is a much better idea.

Authur Brenner
Evergreen Resident, Wheat Ridge Property Owner

He asked if the townhomes will be for rent or sale.

Commissioner BUCKNAM said it is not pertinent to this case.

Commissioner VOS asked if the subdivision development can be reversed until the roads and the flow of traffic get figured out.

Ms. Mikulak explained that this case is regarding the lot line adjustment and the traffic study was not re opened and there is no way to unwind the zoning or the plat that is in place. She said that staff shares the concern for traffic but the street is not going to be expanded before the development.

It was moved by Commissioner DORSEY and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WS-18-07, a request for approval of an 89-lot subdivision on property zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) and located at the northwest corner of Yarrow Street and W. 42nd Avenue (approximately 4255 Yarrow), for the following reasons.

- 1. All agencies can provide services to the property with improvements installed at the developer's expense.**
- 2. The requirements of Article IV of the zoning and development code have been met.**

With the following condition:

- 1. The revisions requested by the Public Works Department related to labels, notes, and typos shall be addressed prior to the City Council public hearing.**

Motion carried 7-0.

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 01-2019 – AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO REGULATE THE CREATION OF FLAG LOTS (CASE NO. ZOA-18-05)**

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (01/28/19)
☒ ORDINANCES FOR 2ND READING (02/11/19)

QUASI-JUDICIAL:

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

Article IV of Chapter 26 regulates the procedures for and the manner in which land can be subdivided. Those regulations allow flag lots, but they are not encouraged. Procedurally, subdivisions of three or fewer lots are permitted to be approved administratively, without a public hearing. These two topics have been points of discussion at several recent City Council meetings in late 2018. Based on Council direction, the proposed ordinance, if approved, would not allow a subdivision containing a flag lot to be approved administratively, requiring, at a minimum, a Planning Commission public hearing.

PRIOR ACTION:

City Council discussed the City's subdivision regulations at several recent meetings in the latter part of 2018. Those discussions were precipitated in large part based on comments from members of the public regarding the October 2018 approval of an administrative subdivision in the Bel-Aire subdivision, which created a flag lot. Those discussions related principally to 1) the appropriateness of flag lots and 2) the extent to which subdivisions should be reviewed and approved administratively.

The result of those discussions and actions are two-fold: 1) City Council adopted a temporary 90-day moratorium on the acceptance, processing and approval of any administrative subdivision in the Bel-Aire Subdivision, for the purpose of evaluating code sections relative to administrative

subdivision approvals; and 2) Council provided direction at their December 3, 2018 study session to draft an ordinance that would require a minor subdivision be processed (Planning Commission public hearing) for any subdivision that includes a flag lot.

FINANCIAL IMPACT:

The proposed ordinance is not expected to have a direct financial impact on the City.

BACKGROUND:

Article IV of Chapter 26 (Subdivisions) was most recently amended in 2014, with an ordinance that repealed and replaced the entire Article. During that process, the code was amended to allow subdivisions of up to three lots, to be approved administratively, provided no new public streets are being dedicated. Four and five-lot subdivisions require a Planning Commission public hearing and subdivisions of more than five lots require both a Planning Commission and City Council public hearing. Prior to 2014, administrative approval of subdivisions could be granted only for consolidation of two lots and for lot line adjustments.

Section 26-411 (subdivision design) discusses flag lots. Section 26-411.C.7 states the following:

Flag lots are not encouraged but are permitted when they are the most appropriate development option, as determined by the community development director. Use of a flag lot design shall meet the following criteria:

- *The minimum width of the pole portion abutting a public street is twenty-five (25) feet.*
- *Use of a flag lot design is necessary for effective development of the land.*
- *The proposed design does not adversely affect public safety and includes clearly defined access for private use and for emergency service.*

Based on City Council preliminary direction at the December 3, 2018 study session, staff has drafted an ordinance that would amend the code to require that any subdivision that includes a flag lot, which would otherwise be eligible for administrative consideration, be processed as a minor subdivision, requiring a Planning Commission public hearing.

The only other minor substantive change proposed in the ordinance relates to the language noted above in 26-411.C.7. Staff has proposed striking the following phrase: “Flag lots are not encouraged, but are permitted when they ~~are the most appropriate development option as determined by the community development director.~~ Use of a flag lots design shall meet all of the following criteria.” Staff felt this language implied some discretion for the community development director subjectively to deny a subdivision containing a flag lot, when in practice, subdivisions containing a flag lot have generally been approved so long as they comply with the three criteria.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 01-2019, an ordinance amending the Wheat Ridge Code of Laws to regulate flag lots, on second reading, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 01-2019, an ordinance amending the Wheat Ridge Code of Laws to regulate flag lots, for the following reason(s)

_____.”

REPORT PREPARED BY:

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 01-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 01
ORDINANCE NO. _____
Series 2019

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO REGULATE THE CREATION OF FLAG LOTS

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

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

WHEREAS, in the exercise of this authority the City Council has previously enacted Article IV of Chapter 26 of the Wheat Ridge Code of Laws, entitled "Subdivision Regulations"; and

WHEREAS, the City Council finds that it is appropriate to require review of the creation of flag lots as minor subdivisions subject to Planning Commission review at a public hearing.

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

Section 1. Section 26-404 of the Wheat Ridge Code of Laws is amended by the revision of the definition of *Subdivision, administrative*, and the addition of a new definition of *flag lot*, to read:

Sec. 26-404. - Definitions.

Lot, flag. A lot which is situated such that the front lot line does not abut a public street. Primary access is by a private or privately shared drive leading to a street. The front lot line of a flag lot is that property line most parallel to the street from which access is gained.

Subdivision, administrative: Any subdivision, consolidation, or lot line adjustment that involves three (3) or fewer lots or parcels, conforms to all subdivision and zoning regulations, and does not include the dedication of a public street **or creation of a flag lot**. See section 26-405.

Section 2. Section 26-405, Subsections A and B of the Wheat Ridge Code of Laws is amended to require review of the creation of flag lots by the Planning Commission at a public hearing, as follows:

Sec. 26-405. - Types of plats.

These regulations recognize a variety of platting circumstances and provide specific requirements and procedures for each. These types of plats are set forth below.

A. Administrative plat.

1. Any subdivision, consolidation, or lot line adjustment meeting all of the following criteria:
 - a. Involves three (3) or fewer lots or parcels;
 - b. Conforms to all subdivision and zoning regulations, includes no waiver or variance; and
 - c. Does not include the dedication of a full-width ("full") public street right-of-way, but may include a partial, less than full dedication of right-of-way adjacent to an existing public street or for other purposes. See section 26-415.
2. Review and approval of this type of subdivision plat is an administrative process that does not require a public hearing; the review procedure is outlined in section 26-406.B.
3. **Creation of a new flag lot cannot be processed as an administrative plat.**

B. Minor plat.

1. **Any subdivision, consolidation, or lot line adjustment creating a new flag lot.**
2. Any **other** subdivision, consolidation, or lot line adjustment meeting all of the following criteria:
 - a. Involves four (4) or five (5) lots or parcels;
 - b. Conforms to all subdivision and zoning regulations, includes no waiver or variance; and
 - c. Does not include the dedication of a full-width public street right-of-way, but may include a partial, less than full-width dedication of right-of-way adjacent to an existing public street or for other purposes. See section 26-415.
3. Review and approval of a minor subdivision plat requires one (1) public hearing; the review procedure is outlined in section 26-406.C.

Section 3. Section 26-411. C.7 of the Wheat Ridge Code of Laws is amended to require review of the creation of flag lots by the Planning Commission at a public hearing, as follows:

Sec. 26-411. - Subdivision design.

C. *Lots.*

7. **Flag lots are not encouraged but are permitted when they meet all** of the following criteria:

- a. The minimum width of the pole portion abutting a public street is twenty-five (25) feet.
- b. Use of a flag lot design is necessary for effective development of land.
- c. The proposed design does not negatively affect public safety and includes clearly defined access for private use and for emergency service.

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 7 to 0 on this 28th day of January 2019, ordered published with Public Hearing and consideration on final passage set for February 11, 2019 at 7:00 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 11th day of February, 2019.

SIGNED by the Mayor on this 11th day of February 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: January 31, 2019

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

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

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 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 (02/11/2019)
(continued from 01/14/2019)

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.

This request was heard at a public hearing at City Council on January 14, 2019. A legal protest was entered into the record. After the presentation and testimony, the public hearing was closed and a motion was approved to continue the case to February 11, 2019.

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 p.m., continue for Council Action on Monday, February 11, 2019 at 7:00 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 11th day of February 2019.

SIGNED by the Mayor on this 11th day of February 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: November 29, 2018; January 17, 2019

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:**

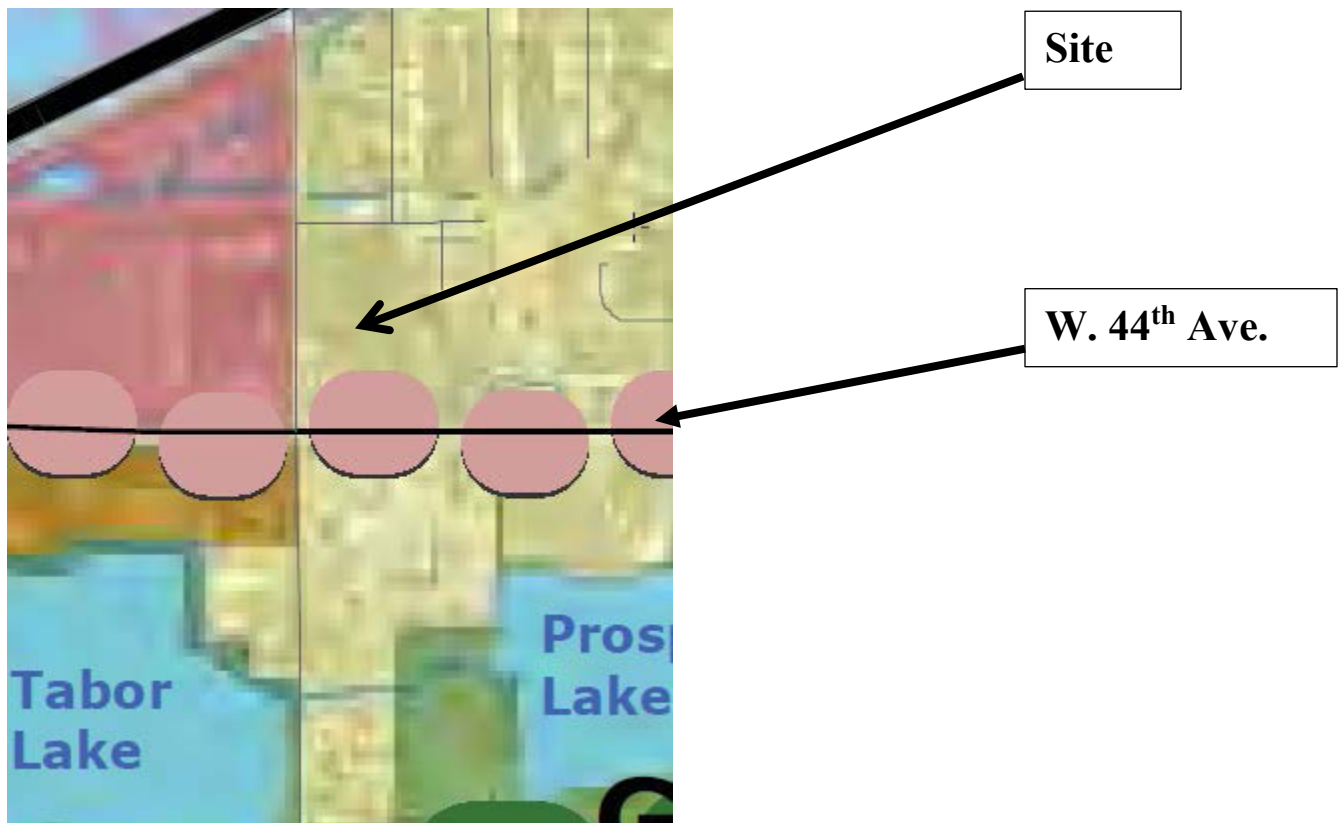
- a. The change of zone is in conformance, or will bring the property into conformance, with the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other related policies or plans for the area.**

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

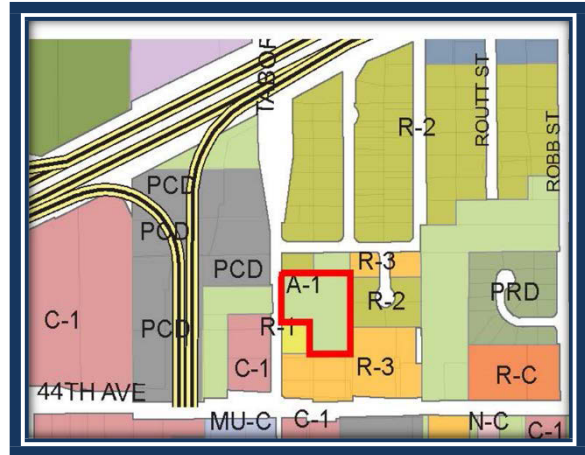
The subject parcel is located at 4440 Tabor Street, Wheat Ridge Colorado. The property encloses approximately 2.09 acres of vacant, cleared upland area, and is classified by parcel identification number (PIN) #39-201-04-015. The proposed development includes approximately thirty (30) townhome-style residential 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.

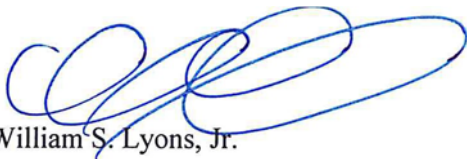
Per Section 26-303.D of the Wheat Ridge Municipal Code, the Planning Commission and City Council shall base their decision to approve, approve with conditions, or deny an ODP application in consideration of the following criteria:

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>
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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 EMPHIZES 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: jasonmon@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

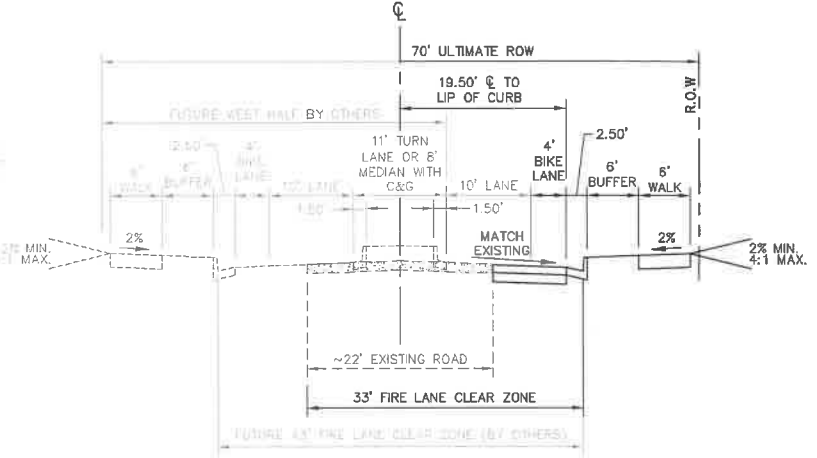
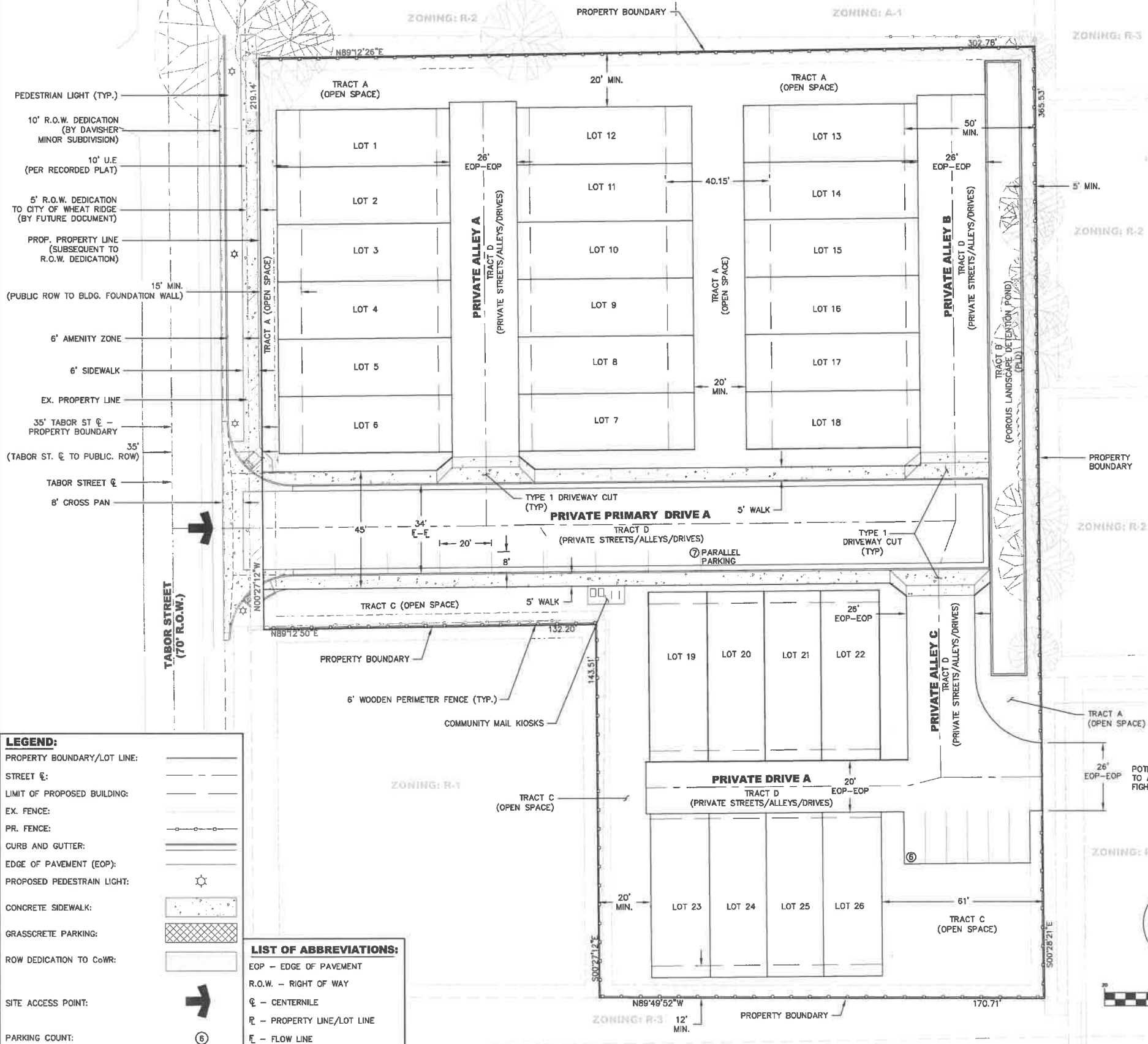


Know what's below.
Call 811 before you dig.

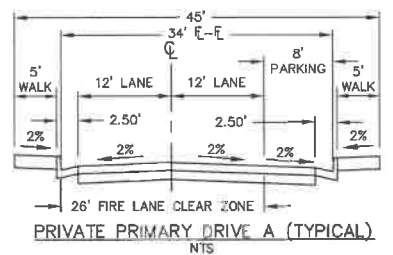
EXHIBIT 5

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

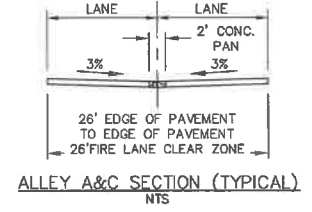
A PART OF THE NE 1/4 SECTION OF SECTION 20, TOWNSHIP 3 SOUTH, RNGE 69 WEST OF THE 6TH P.M.,
IN THE CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.



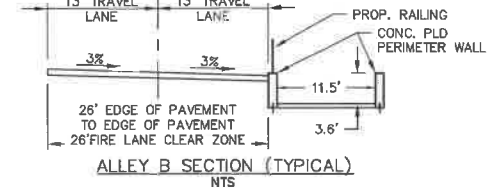
TABOR STREET: 3 LANE COLLECTOR WITH BIKE LANES
FULL SECTION (TYPICAL)
NTS



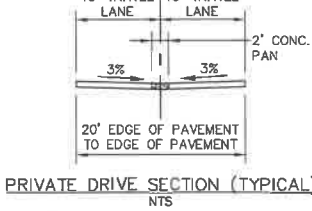
PRIVATE PRIMARY DRIVE A (TYPICAL)
NTS



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

DOCUMENT AMENDMENTS

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 Mattice	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. Baille 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.