

AGENDA

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

April 8, 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

PROCLAMATIONS AND CEREMONIES

Wheat Ridge Boys Basketball Jeffco League Champions
National Crime Victims' Rights Week
2019 National Telecommunicators Week

APPROVAL OF MINUTES Council Minutes of January 28, 2019; Study Session Notes of February 4, 2019 and Special Study Session Notes of January 28, 2019 and February 25, 2019

APPROVAL OF AGENDA

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 for a maximum of 3 minutes and sign the STUDY SESSION AGENDA ROSTER.

1. CONSENT AGENDA

- a. Motion to award and approve payment to Centerpoint Energy Services, Inc., Denver, CO, for Natural Gas Services provided to the City's Municipal Building, Anderson Park Building, and the Recreation Center
- b. Motion to award a contract and approve subsequent payments to A-1 Chipseal/Rocky Mountain Pavement, Denver, Colorado, for the 2019 Crack Seal Project, in the amount of \$134,750, and a Contingency amount of \$6,750 for a total not to exceed amount of \$141,500
- c. Resolution 22-2019 – approving a Memorandum of Understanding between Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) and the City of Wheat Ridge
- d. Resolution 23-2019 – approving the Second Amended and Restated Intergovernmental Agreement establishing the Juvenile Assessment Center
- e. Motion to approve payment to LL Johnson Distributing Company, Denver, Colorado in the amount of \$94,711.36 for purchase of a new 2019 Toro Groundsmaster 5900-D Mower
- f. Motion to award a contract and approve subsequent payments to J.F. Sato & Associates, Littleton, CO, in an amount not to exceed \$134,120 for Engineering Consulting Services for 38th Avenue and Kipling Intersection Improvements
- g. Resolution 21-2019 – amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$18,000 to support Porchlight, a Family Justice Center

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 33-2018 – approving a Zone Change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4440 Tabor Street (Case NO. WA-18-15/Clear Creek Terrace)(Continued for Council Action from February 11, 2019)
3. Council Bill 34-2018 – approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street and, in connection therewith, authorizing execution of an agreement for said sale(Continued for Council Action from February 11, 2019)
4. Council Bill 02-2019 – approving a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for Property located at 4000-4066 Upham Street (Case No. WZ-18-17/Ridgetop Village)
5. Resolution 19-2019 – approving a Specific Development Plan (SDP) for property located at 4000-4066 Upham Street (Case NO. WZ-18-18/Ridgetop Village)
6. Resolution 20-2019 – approving a Major Subdivision for property located at 4000-4066 Upham Street (Case No. WS-18-02/Ridgetop Village)

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING cont.

7. Council Bill 03-2019 – amending Sections 2-53 and 11-52.5 of the Wheat Ridge Code of Laws concerning appointees to the Boards and Commissions and the Liquor Licensing Authority
8. Council Bill 04-2019 – amending Sections 11-51, 11-52, 11-53, 11-56, 11-63, 11-64 and 17-27 of the Wheat Ridge Code of Laws concerning the licensing and use of alcohol beverages and making additional housekeeping revisions to said code updating statutory citations to conform to recent legislative changes

ORDINANCES ON FIRST READING

9. Council Bill 05-2019 – amending Section 16-132 and Subsection 16-133(H) of the Wheat Ridge Code of Laws to Exempt Needle-Stick Prevention and Syringe Exchange Program participants from criminal prosecution

DECISIONS, RESOLUTIONS AND MOTIONS

10. Appointment of Board & Commission Members
11. Housing Authority Mayoral Appointment

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 28, 2019

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

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

ROLL CALL OF MEMBERS

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

Absent: Tim Fitzgerald

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 Study Session Notes of January 7, 2019
There being no objections, the Study Session Notes of January 7, 2019 were approved as published.

PROCLAMATIONS AND CEREMONIES

Appointment of District I City Council Seat

Councilmember Monica Duran, having been elected to the Colorado House of Representatives on November 6, 2018 to represent House District 24, has resigned her Council seat. Section 4.5 of the Wheat Ridge City Charter requires that the remaining councilmembers appoint by majority vote a duly qualified person to fill the vacancy within thirty (30) days of the resignation. At a recent study session applicants for the position presented themselves to the Council and took questions.

Motion by Councilmember Hoppe to appoint David Kueter to District I City Council seat, term to expire November 5, 2019, seconded by Councilmember Pond; carried 4-2, with Councilmembers Mathews and Dozeman voting no.

Judge Randall administered the oath of office to Mr. Kueter. He signed appropriate documents and took his place on the dais.

Outgoing Elected Official Recognition

Councilmember Hoppe read a resolution accepting the resignation of Jerry DiTullio from the office of Wheat Ridge City Treasurer, expressing gratitude for his significant contributions to the City and community, and wishing him good luck in his new position. Mr. DiTullio spoke briefly.

Mayor Starker read a resolution accepting the resignation of Monica Duran from the Wheat Ridge City Council, expressing gratitude for her significant contributions to the City and community, and wishing her good luck in her new position. Ms. Duran was not present.

Mayor Starker read a resolution accepting the resignation of Tim Fitzgerald from the Wheat Ridge City Council, expressing gratitude for his significant contributions to the City and community. Mr. Fitzgerald was not present.

Gifts and flowers were presented for the outgoing officials.

Heart Healthy Month

Mayor Starker read a resolution naming February as Heart Healthy Month. Lindsay Reinhart, Robin Baker, and Janece Hoppe were present to receive the proclamation. Ms. Reinhart, from Lutheran Hospital and member of the Healthy Eating Active Living team spoke briefly about related activities and information that is available. Janece Hoppe directed folks to the HEAL website for more information

CITIZENS RIGHT TO SPEAK

Sunny Garcia (WR) thanked Tim Fitzgerald and Jerry DiTullio for the help they have given her and looks forward to working with Monica Duran and supporting each other in a new path Ms. Garcia will be taking next Saturday.

Roxanne Runkel (unincorporated Jefferson County) lives adjacent to the Clear Creek Crossing development. She told of several old trees on the property that Evergreen Development assured everyone would be saved because they provide important shade for her animals. The trees were cut down and Evergreen sent her a fruit basket as an apology.

Shirley Coen (unincorporated Jefferson County) lives adjacent to a wall that was knocked down by Evergreen Development. She was told the wall would be put back in three weeks. It has been three months, the wall is still not replaced, and she has received no communication about it. She would like Evergreen to have better communication with the neighbors.

John Butler (WR) referenced several articles by medical professionals outlining the negative affects of marijuana.

Chris Chidley (WR) spoke about the proposed ordinance discontinuing administrative variances for flag lots and requiring a public hearing. He suggested that plats of three lots and under also require a public hearing, and urged that be added to the ordinance.

Liz Veeder (WR) made the point that when people move into an area that is zoned R-1 for single family dwellings, they have an expectation that will remain. If there is to be a change, or an entertainment of change, she would like to have a public hearing. This would provide transparency and relieve people from holding their breath.

Ihor Figlus (WR) expressed disappointment that other subdivisions are not included in the flag lot ordinance. He thinks all subdivision should be subject to public hearing and require City Council approval.

Odarka Figlus asked that all subdivisions be brought to the City Council. Staff should not be forced to make those decisions that can change the character of a neighborhood. That is the Council's job.

Greg Veeder (WR) told how a single lot in his neighborhood was subdivided and it changed the nature of the neighborhood. When people buy into a neighborhood, they count on the zoning of a neighborhood to be that neighborhood. He understands the City Council gave away their authority to change the nature of neighborhoods to a small group of administrators, with no public hearing. In his neighborhood the discussion happened after the subdivision was already granted. Behavior like that reduces transparency and harms neighborhoods.

PUBLIC COMMENT ON STUDY SESSION AGENDA ITEMS

Ihor Figlus suggested a couple changes to the Policies and Procedures. 1) People should be allowed to speak for 5 minutes if they need to. 2) The lights should be set up to let folks know their time is running out.

Odarka Figlus noted that it is hard for people to come and speak to Council; it's intimidating. We should encourage people to come; the more participation, the better for the City. When issues are heartfelt by people, it's fair for people to have as much time as the presenter/applicant. Cutting people off before the public hearing should only be done in very exceptional circumstances.

Chris Chidley believes the First Amendment should apply to people's free speech and citizens' time.

Councilmember Mathews asked how many subdivisions were currently in progress, and how people could find out what's in the queue. Mr. Johnstone said none are pending, but five had done the pre-app meeting and could be allowed to submit applications. To find out what's in the hopper, folks can contact the Community Development office.

APPROVAL OF AGENDA

Mayor Starker requested that Item 3, an Ordinance on First Reading, be taken before Item 2.

CONSENT AGENDA

1. CONSENT AGENDA

- a) Motion to approve the purchase and payment of 2019 vehicle replacements and the purchase and payment for installation of lighting and auxiliary and communications equipment in a total amount not to exceed \$740,356 [*\$598K for 16 vehicles; \$142K for auxiliary equipment, lighting, etc.; budgeted*]
- b) Motion to approve payment to Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2019 Workers' Compensation Premium in the amount of \$294,030 and 2019 Property/Casualty Premium in the amount of \$263,529.55 [*budgeted*]

Councilmember Kueter introduced the Consent Agenda.

Motion by Councilmember Kueter to approve the Consent Agenda items a) and b); seconded by Councilmember Dozeman; motion carried 7-0

ORDINANCES ON FIRST READING

- 3. Council Bill 01-2019 – An Ordinance amending the Wheat Ridge Code of Laws to regulate the creation of Flag Lots (Case No. ZOA-18-05)

The proposed ordinance would end the allowance for administrative approval of a subdivision containing a flag lot, and require, at a minimum, a Planning Commission public hearing.

Councilmember Urban introduced Council Bill 03-2019.

Motion by Councilmember Urban to approve Council Bill 03-2019 - an ordinance amending the Wheat Ridge Code of Laws to regulate the creation of Flag Lots, on first reading for the sole purpose of ordering it published and public hearing set for Monday, February 11 at 7 p.m. in City Council Chambers, seconded by Councilmember Dozeman; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Resolution 06-2019 – A Resolution authorizing the execution of an agreement allowing Rocky Mountain Bottle Company to participate in the Wheat Ridge Business Development Zone Program for the rebate of Building Use Tax equal to twenty five percent (25%) of total Use Tax paid in association with renovations to the company's facility through 2021

The Rocky Mountain Bottle Company (RMBC) has requested a rebate of use tax associated with a multi-phase, multi-million dollar renovation project, totaling approximately \$120 million, at their plant located at 10619 W. 50th Avenue.

Councilmember Dozeman introduced Resolution 06-2019. She read.....

Total use tax generated from all phases of the RMBC project is estimated at \$2,520,000. RMBC is currently investing \$56.2 million for Phase I of the project and has paid a total of \$1,180,200 in use tax at the rate of 3.5%, of which, 0.5% is restricted to the 2E Fund. Future phases of the project are valued at approximately \$63.8 million, which will generate an additional \$1,339,800 in use tax at the rate of 3.5%.

Staff presentation

Steve Art, Economic Development Coordinator, explained that RMBC would like to be included in the Business Development Zone Program (BDZ).

- Eligible city fees, charges and taxes are limited to use tax on furniture, fixtures associated with the development, building materials, building permit fees, and zoning fees.
- The program allows for up to 75% based upon the investment of the company.
- Project costs are estimated to be \$92M, plus \$25M of lease equipment that improves energy efficiency and reduces emissions.
- Phase 2 would begin in 2019. It would add additional capacity for a new product at a cost of \$6M.
- Phase 3 would begin in 2020 to allow new technology for production monitoring and quality inspection at a cost of \$5M.
- Phase 4 to start in 2021 would include the rebuilding of the third furnace and cost about \$10.5M.
- Total investment would be between \$114-120M
- Staff recommends approval of a use tax rebate equal to 25% of the use tax, at the rate of 3.0%, for all phases of the project. (0.5% is held back for 2E funds.)
- The use tax rebate for Phase I (already completed) will total \$252,900 and the use tax rebate for all future phases will total \$287,100 for a total use tax rebate of \$540,000, but not to exceed \$900,000, for the following reasons:

Bill Dillaman (Arvada), the plant manager for RMBC, gave a presentation about the history of the company and plans for the project.

- RMBC is a 400K sq ft plant on 17 ½ acres. This includes the recycling plant.
- They produce about 3.5M beer bottles a day and have 226 full time employees.
- Annual payroll is about \$23M, averaging a little over \$100K including ample benefits.
- There has been no major investment at the facility since 2011.
- The project will last 15 years, but the agreement with the City is for four years.
- The project will retain jobs and may increase employment. Construction will employ local trades.

Meegan Spicer, tax consultant for RMBC, explained that all along they had been calculating 25% of 3.5% tax. Only last week they learned that 0.5% would not be eligible due to 2E. They have been counting on a certain dollar amount. They are requesting 30% of the 3% tax, which will be about the same amount they had planned on.

Mayor Starker was advised that a public hearing is necessary. The public hearing continued.

Public Comment

Leigh Seeger (Denver), vice president of Jefferson County Economic Development Corporation, expressed support for the project.

Robert Robinson (WR) expressed concern about deceipts on the part of RMBC regarding EPA violations. He urged Council to deny the request.

Council Questions

Councilmember Dozeman inquired about the EPA ruling. Mr. Dillaman explained that part of the agreement with the EPA is that RMBC is being held to more stringent emission standards than Title 5 allows. This project includes \$8M worth of state of the art abatement and monitoring equipment and control technology.

Councilmember Dozeman was told RMBC had been in negotiations with the City since last April. They just found out last Thursday that .5% was not available for the incentive rebate. Had they known, they would have asked for 30% sooner. Mr. Art added that he didn't realize the use tax was also included in 3E.

Councilmember Mathews was told that the new furnaces would result in less yearly production, but energy efficiency would be better and no jobs would be lost. **Tom Boese** (Littleton) from RMBC explained their financial practices for depreciation of the furnaces and replacement planning.

Mr. Goff told Councilmember Hoppe this was not factored into the 2019 budget.

Councilmember Urban was informed that RMBC uses 200 tons of recycled glass per day; they purchase about 80K tons of post-consumer recycled glass a year; and no, the EPA did not factor the carbon emissions this saves into the consent decree.

Mr. Goff and Ms. Spicer explained to Councilmember Pond how use tax is calculated/projected.

Mr. Goff explained that if Council approves the change from 25% to 30% only the range of the figures would change: from \$540K - \$900K (at 25%) up to \$648K - \$1.08M (at 30%). Staff recommends the change due to the inadvertent calculations.

Mr. Dillaman explained for Councilmember Mathews further details about the EPA.

Mr. Goff verified some figures for Councilmember Pond.

Mayor Starker closed the public hearing.

Motion by Councilmember Dozeman to approve Resolution No. 06-2019, a resolution authorizing the execution of an agreement allowing Rocky Mountain Bottle Company to participate in the Wheat Ridge Business Development Zone Program for the rebate of Building Use Tax equal to thirty percent (30%) of total Use Tax paid in association with renovations to the company's facility through 2021; seconded by Councilmember Mathews; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution No. 07-2019 – A Resolution approving a Supplemental Budget Appropriation in the amount of \$1,309,906.04 and award and subsequent payments to Goodland Construction, Inc., of Golden, Colorado for the West 29th Avenue Realignment Project in the amount of \$2,618,096.40 with a 10% Contingency of \$261,809.64 for a total of \$2,879,906.04

The City has been working for several years on reconstruction plans for 29th Avenue between Kendall and Fenton Streets. To simplify design and construction coordination, the City negotiated agreements with Denver Water, the City of Edgewater, and the Wheat Ridge Sanitation District to have them reimburse the City for their shares.

Councilmember Hoppe introduced Item 4.

Staff presentation ~ Mark Westberg

- Goodland Construction, Inc., was the lowest responsive bidder.
- Mark Westberg used a map to indicate the various areas of responsibility of the parties.
- The City of Wheat Ridge's portion of the project is \$1,368,603.
- The remaining \$1,511,302 will be reimbursed by
 - Denver Water - \$540,434
 - City of Edgewater - \$688,123
 - Wheat Ridge Sanitation District - \$282,744
- Construction is planned to start this spring.

Council Questions

- There was discussion about the budget aspects of our share for 2018 and 2019.
- Mr. Westberg and Mr. Goff reviewed how we negotiated with Denver Water to reduce their portion because they preserved the old pump house.
- Mr. Westberg explained the changes in the scope of the project and how rebidding the project resulted in higher costs in some cases and lower costs for others.

Motion by Councilmember Hoppe to approve Resolution No. 07-2019, a resolution approving a Supplemental Budget Appropriation in the amount of \$1,309,906.04 and

award and subsequent payments to Goodland Construction, Inc., of Golden, Colorado for the West 29th Avenue Realignment Project in the amount of \$2,618,096.40 with a 10% Contingency of \$261,809.64 for a total of \$2,879,906.04, seconded by Councilmember Kueter; carried 7-0.

5. Resolution No. 08-2019 – A Resolution approving an Intergovernmental Agreement with the City of Arvada regarding Street Improvements at the Wheat Ridge Ward Station Area

Improvements include 52nd Avenue, Tabor Street and Ward Road.

Councilmember Mathews introduced Item 5.

Staff presentation ~ Mark Westberg

The Ward Station area is one of the four 2E projects funded by ½ cent sales tax.

- Following the City Council's decision not to open 52nd Avenue east of Ward Road, Arvada staff agreed to help fund a portion of the Ridge Road reconstruction.
- A proposed development north of 52nd Avenue was denied by Jefferson County. Consequently the County has withdrawn its partial funding of 52nd Avenue.
- Arvada has agreed to share 50/50 with Wheat Ridge for 52nd Avenue.
- The City share is expected to remain about \$3M for 52nd, Ridge and Tabor.
- Public outreach
 - Block by block meetings were held January 23. Good attendance/discussions.
 - Staff will have an open house on Feb 6 at the Rec Center for a much larger audience, including a couple HOA's and folks from Arvada.
- Next steps
 - Street width designation will come to Council in February.
 - Construction plans will continue through April.
 - ROW acquisition will be done in Mar - May. Bidding and award in Jun-Jul.
 - Construction is planned for Aug 2019 thru Summer 2020.

Questions followed.

- The County will not be a funding partner and we will not have to annex the north side of 52nd Avenue
- Waiver of County fees has not been discussed yet.

Motion by Councilmember Mathews to approve Resolution No. 08-2019, a resolution approving an Intergovernmental Agreement with the City of Arvada regarding Street Improvements at the Wheat Ridge Ward Station Area, seconded by Councilmember Dozeman; carried 7-0.

6. Resolution No. 09-2019 – A Resolution approving a Memorandum of Agreement with the Federal Highway Administration, the Colorado State Historic Preservation Officer, and the Colorado Department of Transportation for the Wadsworth Boulevard Widening Project for Environmental Assessment

The Colorado Department of Transportation (CDOT) and the State Historic Preservation Officer (SHPO) have determined that the widening of Wadsworth may have an adverse effect on three historically significant properties, so a memorandum of agreement (MOA) is necessary between the Federal Highway Administration (FHWA), SHPO, CDOT, and the City.

Councilmember Davis introduced Item 6.

Staff presentation ~ Mark Westberg

- The three properties adversely affected are the Plumb House (Dacko Fleet Maintenance), the CM Dunn building (former Arapahoe House), and the mid-century modern house at 47th & Wadsworth.
- Mitigation will be done with Interpretive Signs on the side panels of the bus shelters at the 38th & 44th stops.
- Signage topics will include 1) Early Agricultural History of the Butters-Plumb & Bacher houses, and Wardle Feed & Wilmore Nursery; and 2) Post War Expansion on the Davis house, Holy Cross Lutheran Church, the CM Dunn Building, and the Fordland dealership.

Motion by Councilmember Davis to approve Resolution No. 09-2019, a resolution approving a Memorandum of Agreement with the Federal Highway Administration, the Colorado State Historic Preservation Officer, and the Colorado Department of Transportation for the Wadsworth Boulevard Widening Project for Environmental Assessment, seconded by Councilmember Urban; carried 7-0.

7. Motion to amend the contract for Professional Services to AECOM Technical Services, Inc., Greenwood Village, CO, for the period of January 1, 2019 – December 3, 2019 in an amount not to exceed \$1,466,966 and approve payments for ongoing Program Management Services for the Investing 4 The Future Program

Existing staff resources and capacities are not sufficient to plan, review and manage construction of the 2E infrastructure improvements. AECOM was hired in November, 2017 to provide those services.

Councilmember Pond introduced Item 7.

Staff presentation ~ Steve Nguyen

The original contract for services to manage the 2E projects was approved in November, 2017. According to the terms of the contract, the contract must be renewed each year. This is because the need for different types of services changes from year to year. Services provided at this time include:

- Deliver specific 2E related public improvements
- Serve as staff extension
- Review design and construction plans

- Construction project oversight and inspection
- Assistance in coordinating public and private improvements

The breakdown of contract costs are

- Overall 2E Program Management - \$119,054
- Clear Creek Crossing - \$945,366
- Wadsworth Boulevard - \$75,163
- Wheat Ridge - Ward Station - \$327,382
- Total - \$1,466,966

A wide variety of services includes

- Manage design consultants and review construction plans for public infrastructure projects
- Manage land use cases and review development plans for private development
- Project management and inspection services for construction
- Miscellaneous: grant management, public/private assistance and public outreach

Where the money will come from

- 2E Program - \$1,362,066
- Public Works CIP - \$54,900
- Community Development Budget - \$50,000

Councilmember Mathews asked what time frame would be covered by this. Mr. Goff said it was for this calendar year of 2019. Approving payment for ongoing services means each bill will not have to come to Council for approval.

Motion by Councilmember Pond to amend the contract for Professional Services to AECOM Technical Services, Inc., Greenwood Village, CO, for the period of January 1, 2019 – December 3, 2019 in an amount not to exceed \$1,466,966 and approve payments for ongoing Program Management Services for the Investing 4 The Future Program, seconded by Councilmember Dozeman; carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff informed Council they need to appoint a replacement for the vacated District 3 Council seat by March 12. He recommends hearing candidate presentations on Feb 25 and approving a replacement at a special meeting on March 4. Discussion followed. There was consensus to hear the candidates on February 25 and make the appointment on March 4.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver asked when 29th Avenue is straightened at Fenton Street if the property owners on the south side of 29th will receive a little extra property to work with. Mr. Nguyen said those properties should be getting some extra depth.

Larry Mathews had four items.

- He appreciates the City's effort to put timely information on the City website.

- We currently need 15 volunteers for positions on 7 boards/commissions. He urged people to get involved. Applications are due February 1.
- The Environmental Assessment (EA) for I-70/Kipling interchange will be available for public view Jan 25 – Feb 24th. CDOT will host an open house on Feb 12. It's important for people to come and provide input.
- The Police Dept is forming an advisory committee. It will meet every two months to discuss issues related to delivery of services. Anyone interested can find more details on the City website.

Zachary Urban brought to Council's attention HB 1086 which would require all governments that conduct public inspections to employ journeyman plumbing inspectors. Most cities use ICC certified inspectors or state inspectors. CML opposes this bill as an unfunded mandate. There will be a hearing on this bill this Wednesday at the Capitol. If anyone is interesting in testifying, please do.

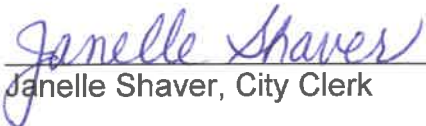
David Kueter thanked the Council for the opportunity. He looks forward to it and hopes to justify their faith in him by appointing him to the Council.

Mayor Starker congratulated Mr. Kueter on his appointment and thanked Mr. Simbai for applying. He thanked Mr. DiTullio, Ms. Duran and Mr. Fitzgerald for their service to the City.

Zachary Urban excused himself from the Study Session.

ADJOURN TO SPECIAL STUDY SESSION

The meeting adjourned at 9:35pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON March 25, 2019

Janeece Hoppe, Mayor Pro tem

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

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
February 4, 2019

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

Council members present: George Pond, Zachary Urban, Kristi Davis, Larry Mathews, Leah Dozeman, and David Kueter

Absent: Janeece Hoppe, Tim Fitzgerald

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

None

1. City Treasurer Candidate Presentations – Patrick Goff

City Treasurer DiTullio was elected to the office of Jefferson County Treasurer on November 6, 2018 and subsequently reigned, thereby creating a vacancy that City Council must fill by appointment. The application period was open Friday, December 21, 2018 through Friday, January 25, 2019. Two qualified candidates applied for the position and were invited to prepare a brief presentation to City Council.

Korey Stites

Mr. Stites related he was born and raised in Wheat Ridge. He has a degree in business from Metro State. He has owned a martial arts business in Wheat Ridge for 9 years. He gave examples of how his business routinely gives back to the community. He has been involved with and/or managed local Facebook groups related to the community. He was on the WR Water District Board for one year and learned how government invests its money. He has been on School Board committees. He belongs to the WR Business District and serves on the NRS committee. He shared his experience at age 20 of making a failing martial arts business thrive and grow.

He gave his thoughts on the treasurer's position. He believes it provides a check and balance for the citizens and helps ensure citizens have a voice in the finances of the City. He spoke about the Treasurer being a hearing officer for tax issues and his ability to stand by rulings and implement them. He shared that Mr. DiTullio reached out to him to pursue this position and spoke to him about streamlining the Lock Box systems for online sales tax collection, creating parameters for collecting Lodging Tax from Airbnb's,. He also is committed to continuing the transparency of the office and availability of information to citizens.

Questions from Councilmembers followed.

Chris Miller

Mr. Miller grew up in Commerce City. He has master's degrees in Accounting and Finance from UC Denver. He moved to Wheat Ridge with his partner in 2006.

His professional experience has been with the State and the City and County of Denver. He has been Treasurer for the Carnation Festival since 2017.

He elaborated on the various relevant positions he has held with the City and County of Denver: staff accountant and Senior Financial Management Analyst for the Treasurer's Division; Accounting Supervisor for the Finance Controller's Office; Management Analyst Supervisor for the Program Resource Office of the Denver Department of Public Works. Since May 2017 he has been the Agency Controller for Denver's Arts and Venues division.

He wants to be treasurer because he is a long time financial public sector employee and enjoys it; he has relevant experience and background and feels he can provide oversight; he enjoys giving back to the community. He has goals to familiarize himself with the finance culture, procedures and policies of the City. He has spoken with Mr. DiTullio about the Lock Box issue and a process for Short Term Lodgers Tax. He would continue the website reports from the Treasurer, and believes there is opportunity to expand that.

Questions from Councilmembers followed.

The applicants were thanked for coming in to talk with the Council.

2. Art Space Feasibility Study – Diane Robb

Diane Robb reported the Cultural Commission had met with an organization called Art Space and is interested in contracting with them to do their feasibility study process for the City about creating live/work, multi-use, or other arts facility development in the City. She noted several member of the Cultural Commission who were in attendance, as well as Krista Lewis of Localworks. She introduced **Shannon Jern** of Art Space who explained the concept and the process.

Art Space is a 35 year old non-profit organization based in the Twin Cities, Minnesota. They help communities identify, create and promote art space. They have 50 projects around the county and 15 in the pipeline. Many are real estate projects; they are well known for live/work projects, and work force and affordable housing. They also counsel on non-housing art space. They wait to be invited and they conduct a patient community development process. The Cultural Commission is interested in taking the first step -- a 2-day feasibility study. It may lead to a project, but can be a stand along fact finding exercise.

Art Space Consulting helps communities identify effective, affordable ways to incorporate the arts into their civic agendas. They help communities revitalize downtown areas and inner city neighborhoods, reanimate historic properties, develop arts districts, and create and preserve affordable spaces for artists. They can focus on:

- Project concepts
- Who is the creative sector in WR? And what is their demand for space?
- How much local leadership is interested in meeting needs of local creative sector
- Looking for sites for real estate development
- Can include public spaces, historic preservation, general support of the arts
- If agreeable to all, this can go on to an Arts Market Study.
- The Feasibility Study is a fact-finding first step.

Questions and discussion followed.

- She explained the feasibility study process which includes a broad range of focus groups and public outreach. It is an intense 2-day project.
- They are flexible about what the best strategic process is for Wheat Ridge.
- The Feasibility Study is \$25,000. A report is provided. They will help strategize on the results.
- There are more artists in Wheat Ridge than people realize. It is likely 100-150 (professional and part-time).
- There is a need for affordable housing for artists.
- There is a need for a public space for theater and meeting places.
- Fruitdale would have been a perfect project for this. We should meet with potential partners about this. Artspace can help with that.
- We could search for donors and develop a broader base of support.
- Would like to know all the options that are available for acquiring this information.

Councilmember Mathews received unanimous consent to have the Cultural Commission pursue this further and return to Council with a preliminary report and concrete details.

Mayor Starker declared a break at 8:19. The meeting resumed at 8:29.

3. Discussion of Procedures for Appointments to Boards and Commissions

City Attorney Jerry Dahl highlighted a number of points from the Charter and Code.

- Equal representations from the four districts is required by the Charter for some boards/commissions.
- For other boards and authorities equal representation is encouraged.
- The Urban Renewal Authority and Housing Authority are statutory and are not governed by Charter requirements.

There are fourteen Board and Commission seats with terms ending March 2, and one open seat on the Election Commission. The City Clerk's Office advertised these open

seats on the City's website, in the Wheat Ridge Transcript and other City social media sites. Applications were due on February 1. City Council appointments are scheduled for February 25.

Questions and discussion followed.

- The deadline for application was February 1.
- At this time a number of Board and Commissions still have no applicants.
- Provision exists for out-of-district appointments if the position has been advertised for a reasonable amount of time. The Liquor Authority is not included in this provision.

There was consensus to

- 1) Close applications for the boards and commissions for which there are qualified applicants now, and
- 2) Extend the application deadline to February 15 at 5:00pm for those boards that currently have no applicants.

Councilmember Urban received unanimous consent to have the City Attorney draft an ordinance to treat the Liquor Authority like the other boards and commissions, to provide for out-of-district placements.

Mr. Dahl asked for direction on the chart for boards, commissions, authorities and ad hoc committees. Following some clarification Mr. Dahl was directed to create that chart.

4. Staff Report(s)

- A) Mr. Goff advised a new report has been issued on the G Line and the A Line. It indicates that December and January have been the most productive months. Progress is being made.
- B) Mr. Dahl refreshed Council's memory about Amendment 41 passed by the Colorado voters in 2006. It created an ethics commission and a set of ethics. A recent case involving former Governor Hickenlooper has brought up this issue for municipalities. Amendment 41 does not apply to home rule cities that have their own ethics code.

Wheat Ridge doesn't have an ethics code for its elected officials. There are two related provisions in the Charter, but that does not rise to the level of being considered a code of ethics.


Discussion followed.

There was unanimous consent to have Mr. Dahl draft a Code of Ethics for Council's review.

5. Elected Officials' Report(s)

Mayor Starker announced there will be Coffee with the Mayor this Saturday at Vinnola's at 9am.

ADJOURNMENT: The Study Session adjourned at 9:25 p.m.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 8, 2019

Janeece Hoppe, Mayor pro tem

SPECIAL STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

January 28, 2019

Upon adjournment of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 9:44 p.m.

Council members present: George Pond, Janeece Hoppe, Kristi Davis, Larry Mathews, Leah Dozeman

Absent: Tim Fitzgerald (excused), Zachary Urban (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; City attorney, Jerry Dahl; interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS none

1. Finalize amendments to Council Rules and Procedures


Mr. Dahl began the discussion. Having taken detailed notes the last time the Council Rules were discussed, he highlighted where those changes have been incorporated into the text. He believes they represent Council's wishes.

There was considerable discussion about Citizens Right to Speak and having written comments read into the record.

Other substantive issues were addressed. Mr. Dahl took notes on changes that were agreed upon.

Janeece Hoppe received unanimous consent to have the City Attorney prepare the Council Rules and Procedures with the agreed-upon changes.

ADJOURNMENT The Special Study Session adjourned at 10:30 p.m.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 8, 2019

Janeece Hoppe, Mayor pro tem

SPECIAL STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

February 25, 2019

Upon adjournment of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 8:15 p.m.

Council members present: George Pond, Janeece Hoppe, Kristi Davis, Zachary Urban, Larry Mathews, Leah Dozeman, and David Kueter

Also present: City Manager, Patrick Goff; Deputy City Clerk, Robin Eaton; City attorney, Jerry Dahl; Assistant City Attorney Jane Greenfield, interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Janice Thompson WR told of listening to a radio program about safe injection sites in Vancouver, and is concerned that the City should be proactive on this issue rather than reactive. Denver is wanting to pass a pilot program, the Colorado attorney's office published a statement against it, and possibly the state legislature might take it up. With some of the issues that these injection sights have, she suggests that the Mayor and Chief of Police go to those areas to look for themselves, to see if they should be allowed here.

1. City Council District III candidate presentation

District III Councilmember Tim Fitzgerald resigned from his City Council seat effective February 10, 2019. In order to fill the District III vacancy, prospective candidates have been invited to present to City Council during the February 25, 2019 special study session. City Council is required to appoint the District III replacement within thirty days of resignation or by March 12, 2019.

Mayor Starker invited the sole applicant in District III Amanda Weaver, to give a brief presentation and to answer questions from the Council.

Amanda Weaver who currently sits on the Planning Commission, thanked the City Council for letting her speak tonight as she had decided to submit her application for District III. Many people know her as the Farmer on 38th. She came to Colorado in 2001 and has been at DU since 2004. In 2010 she bought the farm from Louise Turner and she had a wonderful apprenticeship under her. The farm became a very pivot-able place to help in her studies as well as to help her students.

She applied for this position because she is really committed, not only to the City of Wheat Ridge but is very much invested that the forum and personality of the city continues. She loves doing things hands on, like seeing how participatory democracy works by having people come in, sharing their stories and then being able to make the decisions was very compelling.

Council questions included

Councilmember Urban asked what she garnered from her apprenticeship with Ms. Turner. Ms. Weaver responded that she was the perfect person that she didn't know. Her dissertation was actually to show how food production land was disappearing along the metro corridor. She was the perfect person not only to understand farming but also to understand the structure of Wheat Ridge as she was an urban planner by heart.

Councilmember Urban also asked what the City of Wheat Ridge could do better at with its GIS or mapping systems. Ms. Weaver responded that the city has done a great job getting into the maps. Along with the NRS and Activate 38, it helps to create a story or strategy, including the on-line survey to help show how they want that forum to look. We have an opportunity with Clear Creek Crossing to create connectivity between one side of the city to the other.

Councilmember Mathews thought it very interesting to have an actual farmer on the city council. He is also interested in common sense values and appreciates the local air space with the urban-rural atmosphere that the city has.

Councilmember Dozeman thanked Ms. Weaver for stepping up and applying for the position and is interested in hearing more on her perspectives on how we will be honoring more of the agricultural roots of the community.

Mayor Starker announced that there will be a special meeting called on March 4 where a vote will be taken on her application

2. Liquor Code Amendments

Mr. Dahl reminded that in its last session, the Colorado legislature adopted a number of bills amending its liquor and beer codes and other related statutes, including the creation of a new Title 44 – Revenue – Regulation of Activities. This new Title contains the state's revised liquor and beer codes, formerly located in Title 12, and necessitates updating and making conforming changes to the Wheat Ridge Code. Non-substantive and other uncontroversial revisions and the updating of new statutory references adopted over the last few years have been included in the attached ordinance, which will be placed on your agenda in the near future.

Staff presentation

Ms. Greenfield stated that the following four issues require discussion and direction of Council regarding whether/where these additional changes should be made to the code.

1. Prior to the passage of SB18-243, state law prohibited a retail liquor license holder to employ a person under twenty-one years old to sell or dispense alcohol beverages, other than 3.2% beer, unless that employee was supervised by another person, on-site, who was at least twenty-one years old. An employee over eighteen but under twenty-one was permitted to sell 3.2% beer. With the 2016 changes to the state's Beer Code that eliminated the maximum alcohol content of beer, employees under twenty-one became permitted to sell these beverages, some of which contain higher alcohol content than wine and other liquor.

Discussion followed on what specifically is considered an off premises consumption type of license, whether they are Retail Liquor stores or Fermented Malt beverage (FMB) locations.

2. Wheat Ridge's Code currently eliminates the 500-foot distance separation from schools for hotel and restaurant, beer and wine, brew pub, arts, and vintner's restaurant licenses. The issue has been raised whether Lodging and Entertainment licenses should be added to this list. Because this type of license covers two different categories of use that may have very different impacts and operational characteristics, the Council may wish to consider adding lodging establishments to the exemption but keeping the 500-foot separation requirement for entertainment venues.

Discussion on this item pertained to whether it's allowed to separate these two retail liquor licensing distinctions, allowing either of those specific types to be within 500 ft. of school property and what types of entertainment businesses might possibly be allowed.

3. The next issue for discussion would be whether or not to prohibit alcohol beverage manufacturers from moving in next to a school. Because these types of liquor licensees receive their licenses from the state, not from the Wheat Ridge Liquor Licensing Authority, they do not fall under the statutory 500-foot separation requirement. Also, the state does not require public hearings or notices to be given prior to granting these types of licenses.

Discussion included the types of schools that might be involved, food requirements between State issued licensee and retail establishments along with the amount of alcohol beverages breweries and brewpubs are allowed to manufacture and wholesale. Lastly whether to require manufacturers to go through a special use review which includes public hearings.

4. The final issue is should owners of a Lodging and Entertainment license be added to Class G or Class T for the purpose of collecting the local occupation tax. Under current code, hotel and restaurant licensees are Class G operators, subject to a \$900.00 annual tax. The ordinance as proposed adds brew pubs, distillery pubs, and vintner's restaurants to this category. Tavern licensees and other businesses with similar operating characteristics fall into the Class T category, subject to a \$1300.00 annual tax.

Discussion included the differences between hotels and restaurants versus the lodging type of establishments which do not have restaurants.

Discussion concluded and Councilmember Hoppe asks for consensus on the four items.

Motion for a Consensus requested by Councilmember Pond to separate the consensus items passes.

Ms. Greenfield wanted to reiterate that even though they were being separated that everyone knew that the liquor license would still read Lodging and Entertainment, even though they are being treated differently.

Motion for a Consensus by Councilmember Hoppe to separate the Lodging and Entertainment types for tax purposes passes unanimously.

Motion for a Consensus by Councilmember Hoppe to consider lodging types as a Class G operator passes unanimously.

Motion for a Consensus by Councilmember Hoppe to consider Entertainment types as a class T passes unanimously.

Councilmember Davis asks for clarification that if there is protest against an application being within 500ft. of a school, that the Liquor Authority could still deny the application.

Deputy Clerk responded that yes the Liquor Authority can deny the application for needs and desires of the neighborhood but that denial can be appealed to a higher court.

Motion for a Consensus by Councilmember Hoppe to direct staff to draft an ordinance to bring the city in-line with the state liquor codification passes unanimously.

Discussion on Item number three included to discuss further on what specific types of manufacturers would need to apply for a special use permit, how that would take place possibly through a zoning code change and what type of policy concerns would be put in place for them.

Motion for a Consensus by Councilmember Hoppe for more information to be given at study session in the future passes unanimously.

Discussion on item number one included to specify which types of retail liquor sales the manager registration would be required, are family members excluded from this registration, are lotto tickets being sold at these facilities and what would the penalties be, if there are any.

Motion for a Consensus by Councilmember Hoppe to direct city staff to contact off-premises liquor licensees concerning the manager registration requirement for their input as well as alcohol manufacturers concerning special use permits at future study sessions passes unanimously.

3. Opioid Crisis in Wheat Ridge

Councilmember Zach Urban introduced agenda item 3 and stated as a member of the Colorado Consortium for Prescription Drug Abuse Prevention he has closely followed Colorado's response to the opioid crisis for the past several years. While the bulk of the response to this crisis needs to be handled at the State level, there are several steps we as a city can and should take. He outlined the background, evidence, current resources, and next steps the City of Wheat Ridge should take to help alleviate the impacts from the current opioid crisis within the City of Wheat Ridge.

He also spoke on issues like a drug take back programs, needle stick information and paraphernalia that Wheat Ridge does not have. One issue would give a person who has a needle on their person, the availability to alert first responders of it, to help them better interact with law enforcement officials.

Staff reports

Council Discussion

Items included question and concerns by Councilmembers Hoppe and Dozeman asking what is the current charge for possessing a needle, and would this charge still be applicable if the bills passes. Councilmember Dozeman also noted that the Safe site injection bill has been pulled from this year's legislation docket. Both members expressed their thanks to Councilmember Urban for his efforts with this crisis.

Commander Lorentz gave a brief description and statistics of overdoses, accidental needle sticks and the likely causes of them, including two deaths where one was attributed to the use of fentanyl.

Motion for a Consensus by Councilmember Urban to promote the public awareness campaign and resources for treatment and drug take back programs, passes unanimously.

Motion for a Consensus by Councilmember Urban supporting House Bill 19-1009, passes unanimously.

Motion for a Consensus by Councilmember Urban supporting Senate Bill 19-008, passes unanimously.

Motion for a Consensus by Councilmember Urban to amend Sec. 16-132- 133 of our City Code to conform to State law, passes unanimously.

Motion for a Consensus by Councilmember Urban to work and discuss further how to increase access to meloxin, and increase access to safe syringe disposal sites. To investigate how it might be done, safely and effectively, passes unanimously.

Councilmember Davis wants to make sure that the city would be very clear how and where we would place those receptacles. Along with what methods that we would take if we do. Those containers should be strictly monitored, just as they are in the health industry.

ADJOURNMENT The Special Study Session adjourned at 10:21 p.m.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON March 25, 2019

Janeece Hoppe, Mayor pro tem

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO AWARD AND APPROVE PAYMENT TO CENTERPOINT ENERGY SERVICES, INC., DENVER, CO, FOR NATURAL GAS SERVICES PROVIDED TO THE CITY'S MUNICIPAL BUILDING, ANDERSON PARK BUILDING, AND THE RECREATION CENTER

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES ☒ NO


Parks and Recreation Director


City Manager

ISSUE:

The City purchases natural gas directly from natural gas suppliers for three facilities; the Municipal Building, the Anderson Building, and the Recreation Center. Purchasing directly from these suppliers provides a cost saving to the City as opposed to purchasing natural gas from Xcel Energy. The current agreement with CenterPoint Energy expires on April 31, 2019.

PRIOR ACTION:

Council approved the previous contract award in 2014.

FINANCIAL IMPACT:

In 2018, the City expended \$80,376 for natural gas. Purchasing natural gas through direct suppliers provides a cost savings to the City. In 2018, the City Pricing is based on the first of the month, Colorado Interstate Gas Rocky Mountain index plus a negotiated upcharge of \$0.035/dekatherm. Pricing includes all charges up to the City gate including upstream transport supply charges. There is also flexibility to lock a fixed rate at any time throughout the contract.

BACKGROUND:

On February 28, 2019, the City received three (3) submittals in response to a formal solicitation. The selection committee evaluated and ranked the qualifications and proposals. Based on experience, firm capabilities, customer service approach and pricing, CenterPoint Energy Services was the top ranked firm and the apparent low bidder. This award is for a one-year term beginning May 1, 2019, with the option to renew automatically for up to four additional one-year periods should the quality and customer service remain satisfactory.

RECOMMENDATIONS:

Staff recommends approval of this award to CenterPoint Energy Services, Inc.

RECOMMENDED MOTION:

“I move to award and approve payment to CenterPoint Energy Services, Inc., Denver, CO, for Natural Gas Services provided to the City’s Municipal Building, Anderson Park Building, and the Recreation Center.

Or,

“I move to deny award and payment to CenterPoint Energy Services, Inc., Denver, CO, for Natural Gas Services provided to the City’s Municipal Building, Anderson Park Building, and the Recreation Center for the following reasons(s): _____.”

REPORT PREPARED/REVIEWED BY:

Stephen Clyde, Recreation Supervisor
Joyce Manwaring, Parks and Recreation Director
Jennifer Nellis, Purchasing & Contracting Agent

ATTACHMENTS:

1. Bid Tabulation Sheet



PROJECT: RFP-19-03

PROJECT NAME: NATURAL GAS SERVICES

DUE DATE/TIME: THURSDAY, Feb 28, 2019 BY TIME 4:00 P.M. LOCAL TIME

REQUESTED BY: STEPHEN CLYDE - PARKS & REC FACILITIES

OPENED BY: JENNIFER NELLIS, PURCHASING AGENT

WITNESSED BY: KIRBY HOLUMS, BUYER II

VENDOR	CenterPoint Energy	nTherm llc	Tiger Natural Gas, Inc		
LOCATION	Denver, CO	Denver, CO	Boulder, CO		
PROPOSER ACKNOWLEDGMENT FORM	Yes	Yes	Yes		
ACKNOWLEDGEMENT OF ADDENDA (0)	n/a	n/a	n/a		
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes		
NON-DISCRIMINATION ASSURANCE	Yes	Yes	Yes		
NON-COLLUSION AFFADAVIT	Yes	Yes	Yes		
STATE LICENSE	Yes	Yes	No		
4 SAMPLE INVOICES	Yes	Yes	Yes		
REFERENCES	Yes	Yes	No		
FEE SCHEDULE	Yes	Yes	Yes		
OTHER ITEMS or OPTIONS	Yes	Yes	Yes		

ATTACHMENT 1

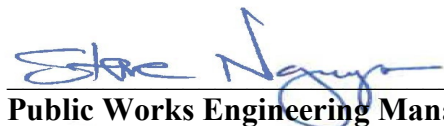
REQUEST FOR CITY COUNCIL ACTION


TITLE: MOTION TO AWARD A CONTRACT AND APPROVE SUBSEQUENT PAYMENTS TO A-1 CHIPSEAL / ROCKY MOUNTAIN PAVEMENT, DENVER, COLORADO, FOR THE 2019 CRACK SEAL PROJECT, IN THE AMOUNT OF \$134,750, AND A CONTINGENCY AMOUNT OF \$6,750 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$141,500

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES ☒ NO


Public Works Engineering Manager


City Manager

ISSUE:

Each year, the City conducts crack sealing on selected streets as part of the on-going preventive maintenance program. The 2019 Crack Seal Project will provide street maintenance throughout the City by priority. The crack filling treatment will reduce water infiltration under the pavement and extend the pavement life of these streets as part of the on-going maintenance program. This project is the first of the three preventive maintenance projects that the City will implement this year, the other two being the ADA improvements/concrete rehab and asphalt overlay projects.

PRIOR ACTION:

None

FINANCIAL IMPACT:

Funding for the 2019 Crack Seal Project has been approved in the Preventive Maintenance Projects line item of the 2019 Capital Improvement Program (CIP) budget. Performing this project will extend the useful life of the streets treated. Costs associated with the base bid will be paid from CIP budget account number 30-303-800-884.

BACKGROUND:

Formal bids for the 2019 Crack Seal Project, #S-PM-02-19, were opened on March 4, 2019. Four bids were received. Two bids were found to be within the engineering estimate and advertised budget range and two were above. The project is to provide crack sealing to streets throughout the City by priority. The proposals ranged from \$134,750 to \$208,125. The engineer's estimate was \$147,875.

The apparent lowest responsible bid was received from A-1 Chipseal / Rocky Mountain Pavement, Denver, Colorado, with a bid amount of \$134,750. The company's references and experience were evaluated by Public Works staff as a basis for recommendation.

In this year's bid document, the City incorporated a renewal option. Specifically, the contract is set up to award the crack seal project for 2019 with the option to renew for two (2) additional one-year periods subject to the contractor providing satisfactory performance during the previous contract period. The City may consider an adjustment to the pricing structure if the Contractor can demonstrate, through documentation issued by material suppliers, that it was subject to a price adjustment (reduction or increase). The City at its discretion can elect to accept or reject the requested price adjustment, or may negotiate a price adjustment with the Contractor, in the best interest of the City. Pricing and specification changes, if any, shall be negotiated and agreed upon by both parties. The City reserves the right to terminate the contract with the Contractor based on performance, lack of funding, or such price adjustments.

RECOMMENDATIONS:

Based upon the contractor's demonstrated capabilities and experience on previous City projects, staff recommends the bid award to A-1 Chipseal / Rocky Mountain Pavement.

RECOMMENDED MOTION:

"I move to award a contract and approve subsequent payments to A-1 Chipseal / Rocky Mountain Pavement, Denver, Colorado, for the 2019 Crack Seal Project, in the amount of \$134,750, and a contingency amount of \$6,750 for a total not to exceed amount of \$141,500."

Or,

"I move to deny award and payment to A-1 Chipseal/Rocky Mountain Pavement, Denver, Colorado, for the 2019 Crack Seal Project, for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Steve Nguyen, Engineering Manager
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Bid Tabulation Sheet

Subject to review for completeness and accuracy.



PROJECT: ITB-19-06

PROJECT NAME: 2019 CRACK SEAL PROJECT

DUE DATE/TIME: MONDAY, MARCH 4, 2019 BY 1:00 P.M. LOCAL TIME

REQUESTED BY: RUSS HIGGINS, ENGINEERING DEPARTMENT

OPENED BY: KIRBY HOLLUMS, BUYER II

WITNESSED BY: JODI BAROS, ADMINISTRATIVE ASSISTANT

ALLOWED VENDOR (PRIME)	Avery Asphalt	PLM Asphalt & Concrete	Precise Striping	A-1 Chipseal/Rocky Mountain Pavement
LOCATION	Denver, CO	Aurora, CO	Frederick, CO	Denver, CO
BIDDER ACKNOWLEDGEMENT FORM	Yes	Yes	Yes	Yes
ACKNOWLEDGE ADDENDUM	Yes	Yes	Yes	Yes
CONTRACTOR'S QUALIFICATION FORM	Yes	Yes	Yes	Yes
NON-DISCRIMINATION ASSURANCE FORM	Yes	Yes	Yes	Yes
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes	Yes
LIST OF SUB-CONTRACTORS	Yes	Yes	Yes	Yes
KEEP JOBS IN COLORADO	Yes	Yes	Yes	Yes
NON-COLLUSION AFFIDAVIT	Yes	Yes	Yes	Yes
BID BOND	Yes	Yes	Yes	Yes
PRICING SCHEDULE	Yes	Yes	Yes	Yes
408 CRACK SEAL - 115,000 LB	\$167,095.00	\$185,150.00	\$138,000.00	\$131,100.00
626 MOBILIZATION - 1LS	\$4,600.00	\$12,600.00	\$2,500.00	\$1,000.00
630A ARROW BOARD - 5 DAY	\$375.00	\$2,500.00	\$1,000.00	\$150.00
603B TRAFFIC CONTROL MNGMNT - 1LS	\$7,500.00	\$7,875.00	\$7,500.00	\$2,500.00
TOTAL AMOUNT OF BID:	\$179,570.00	\$208,125.00	\$149,000.00	\$134,750.00

REQUEST FOR CITY COUNCIL ACTION**TITLE: RESOLUTION NO. 22-2019 – A RESOLUTION APPROVING
A MEMORANDUM OF UNDERSTANDING BETWEEN
COLORADO STATE PATROL – BEAT AUTO THEFT
THROUGH LAW ENFORCEMENT (BATTLE) AND THE
CITY OF WHEAT RIDGE**

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO


Chief of Police


City Manager

ISSUE:

The Wheat Ridge Police Department has an investigator assigned to the Colorado Auto Theft Prevention Authority (CATPA) Metro Auto Theft Team (CMATT). CMATT utilizes ELSAG automated license plate readers (ALPR) and the ALPR information collected is shared with other law enforcement agencies through the Colorado ELSAG Enterprise Operations Center (EOC). The ELSAG EOC is a robust ALPR server operated by the Colorado State Patrol - BATTLE (Beat Auto Theft Through Law Enforcement). A memorandum of understanding is required in order for the data collected by the Wheat Ridge Police Department detective assigned to CMATT to be shared, maintained, and utilized by BATTLE in the ELSAG EOC.

PRIOR ACTION:

None

FINANCIAL IMPACT:

There will be no financial impact to the City of Wheat Ridge.

BACKGROUND

ALPR systems have various commercial as well as law enforcement applications. The data collected by the systems are subject to various regulations, including laws governing the retention and use of the data collected.

Criminal justice information sharing is governed in part by 28 CFR Part 23, which addresses the use of criminal intelligence information under the National Criminal Justice Sharing Plan. Criminal justice information that is stored or sent electronically must also be compliant with the Criminal Justice Information Services (CJIS) Security Policy. Because of these and other restrictions on criminal justice information, servers utilized to send or share criminal justice data are more complex than similar servers not subject to these standards, and are more expensive to operate and maintain.

In an effort to collect, share, and utilize data collected by ELSAG ALPR instruments, the Colorado State Patrol BATTLE has developed the Colorado ELSAG EOC. This approach allows smaller agencies operating ELSAG ALPR units to share their information with other law enforcement agencies, and helps ensure agency compliance with CJIS and other restrictions on data use or storage.

Although CMATT purchased the ELSAG ALPR utilized by the Wheat Ridge Police Department detective assigned to the task force, Wheat Ridge is the owner of the data and is obligated to comply with the various laws and regulations that govern said data. This necessitates an agreement between the City of Wheat Ridge and Colorado State Patrol-BATTLE in order to continue to utilize the ELSAG EOC. In the alternative, the City of Wheat Ridge could develop and maintain its own ELSAG server, but such would be at great expense to replicate an existing system that can already be accessed by Wheat Ridge Police Department.

RECOMMENDATIONS:

Staff recommends that City Council approve the Memorandum of Understanding.

RECOMMENDED MOTION:

“I move to approve Resolution No. 22-2019, a resolution approving the memorandum of understanding between Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) and the City of Wheat Ridge.”

Or,

“I move to deny Resolution No. 22-2019, a resolution approving the memorandum of understanding between Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) and the City of Wheat Ridge for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Daniel Brennan, Chief of Police

Dave Pickett, Division Chief

Darrel Guadnola, Investigations Bureau Commander

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 22-2019
2. MOU between Colorado State Patrol – BATTLE and the City of Wheat Ridge

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 22
Series of 2019

TITLE: A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN COLORADO STATE PATROL – BEAT AUTO THEFT THROUGH LAW ENFORCEMENT (BATTLE) AND THE CITY OF WHEAT RIDGE

WHEREAS, the City of Wheat Ridge, Colorado (the “City”), acting through its City Council (“Council”) is a home rule municipality with statutory and constitutional authority to enact ordinances and enter into agreements for protection of the public health, safety and welfare; and

WHEREAS, Part 2 of Article 1 of Title 29, C.R.S., authorizes the City to enter into agreements with other governmental entities to cooperate in the provision of any function, service, or facility each is authorized to provide; and

WHEREAS, the Colorado State Patrol (CSP) has formed the ELSAG Enterprise Operations Center (EOC) to facilitate the sharing of data and information collected by various area law enforcement agencies through the use of automated license plate readers (ALPR); and

WHEREAS, the multijurisdictional sharing of ALPR data and information has proven to be an effective tool against auto theft and, as such, the Wheat Ridge Police Department wishes to utilize the EOC; and

WHEREAS, due to the privacy and security requirements applicable to ALPR data, servers and systems used to store and share such data are typically more complex and expensive to obtain and maintain than other servers and databases; and

WHEREAS, in order to utilize the EOC and gain access to its existing server and database, the CSP requires the City to enter into a memorandum of understanding (MOU) establishing the roles and responsibilities of both parties; and

WHEREAS, the City Council finds that it is desirable and likely cost-effective to utilize the ALPR system and database already established and maintained by the EOC and, therefore, to enter into the proposed MOU; and

WHEREAS, Section 14.2 of the Wheat Ridge Home Rule Charter authorizes the Council, acting by resolution or ordinance, to approve agreements with other governmental agencies.

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

The attached memorandum of understanding between Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) and the City of Wheat Ridge is hereby approved.

DONE AND RESOLVED this ____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

**Memorandum of Understanding
Between
Colorado State Patrol - Beat Auto Theft Through Law Enforcement
AND
The City of Wheat Ridge**

The Colorado ELSAG EOC is an initiative of the Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) to create an information sharing system designed to replicate, maintain, and share law enforcement license plate reader systems from all participating state and local public safety agencies within the State of Colorado.

CONCEPT

The goal of this project is to share license plate recognition data among all contributing agencies that have established this Memorandum of Understanding with the Colorado ELSAG EOC, managed by the Colorado State Patrol BATTLE. Participating agencies will share license plate reader (LPR) information for replication to the data warehouse or as part of a central querying system hosted by the Colorado ELSAG EOC and will have the capability to query all LPR based information from around the State of Colorado which is stored within the warehouse.

PURPOSE

This Memorandum of Understanding (MOU) sets forth an agreement between and defines the roles and responsibilities of BATTLE and the City of Wheat Ridge, in implementing connectivity to the Colorado ELSAG EOC.

RESPONSIBILITIES

Colorado State Patrol - BATTLE

The roles and responsibilities of BATTLE in this MOU are as follows:

- BATTLE will establish the Colorado ELSAG EOC as a shared information system to the benefit of all public safety agencies in the State of Colorado.
- BATTLE will appoint a project manager to oversee the Colorado ELSAG EOC and implement the terms and conditions of this MOU.
- BATTLE will direct the management of all obligations, responsibilities, and assets of the Colorado ELSAG EOC, including but not limited to:
 - Any and all contractual obligations for development, implementation, expansion, maintenance, and management of the Colorado ELSAG EOC,
 - Ownership of any and all equipment in the inventory of the Colorado ELSAG EOC, including but not limited to servers, workstations, communications devices, routers, firewalls or other hardware, and all software in use or under development in compliance with the requirements of the Colorado ELSAG EOC.

- Security and control of any data resident in the Colorado ELSAG EOC data warehouse, to exclusive Law Enforcement use as defined by the Colorado ELSAG EOC Security Policies and Procedures.
- BATTLE will design and implement a governance structure appropriate to the proper operational maintenance of the Colorado ELSAG EOC, and providing appropriate levels of input to all participating agencies.
- BATTLE will provide an Administrator for the Colorado ELSAG EOC to provide vetting and establishment for City of Wheat Ridge personnel, including authorization for the City of Wheat Ridge Administrator.
- BATTLE will adopt Security Policies and Procedures as may be consistent with appropriate security and maintenance of the system for all participating agencies. This document shall become the governing MOU for participation in the Colorado ELSAG EOC upon ratification of the participating agencies.
- BATTLE will ensure that appropriate personnel are made available as reasonably necessary to assist with development, implementation, and testing of any hardware/software solutions, as well as for any training required, for the purposes of this project.
- BATTLE will assist in obtaining the cooperation of any third party contractor or vendor approved by them to provide license plate reader systems in the State of Colorado and/or internal or external technology providers (e.g. Colorado CIO / Other participating agencies /State of Colorado information technology staff) as may be reasonably necessary for the purposes of this project.
- BATTLE will assist in creation of the lessons learned and final reporting and documentation of the project. The input provided by BATTLE will be utilized for future distributions and use of the system at other hosting agencies.

City of Wheat Ridge

The roles and responsibilities of the City of Wheat Ridge in this MOU are as follows:

- The City of Wheat Ridge agrees to share ALPR data with other law enforcement agencies utilizing the Colorado ELSAG EOC.
- The City of Wheat Ridge agrees to use the Colorado ELSAG EOC in compliance with federal, state and local laws, regulations and policies.
- The City of Wheat Ridge agrees to retain all ALPR records no longer than one year from the date of the read (§24-72-113 C.R.S.)
- The City of Wheat Ridge agrees to the ELSAG EOC Policies and agrees to be responsible for all authorized users identified by their agency, including vetting, training and monitoring of the users.
- The City of Wheat Ridge maintains sole authority and responsibility for determining the actions, if any, that are appropriate for the department's information technology environment, and for implementing any changes deemed to be appropriate to the purposes of this project.
- The Chief of Police of the City of Wheat Ridge, or an appropriate designee, will be available, as reasonably required, to give guidance and approval to technical and non-technical requirements of this assistance project.

- The City of Wheat Ridge will make reasonable accommodations for access by BATTLE staff to their facilities and license plate reader system as may be required in furtherance of this project.
- The City of Wheat Ridge will ensure that appropriate personnel are made available as reasonably necessary to assist with development, implementation, and testing of any hardware / software solutions, as well as for any training required, for the purposes of this project.
- The City of Wheat Ridge will assist in obtaining the assistance of any third party contractor or vendor associated with their license plate reader system and / or internal or external technology providers (e.g. county / municipal information technology staff) as may be reasonably necessary for the purposes of this project.
- The City of Wheat Ridge will assist in creation of the lessons learned and final report of the project.

Colorado State Patrol - BATTLE AND City of Wheat Ridge

The roles and responsibilities of both agencies in this MOU are as follows:

- All contributing agencies shall develop and maintain an LPR data usage policy that addresses privacy concerns. Such usage policy may be derived from the International Association of Chiefs of Police publications pertaining to license plate readers.
- The ownership of the data that is contributed in this system shall remain with the contributing agency. Therefore, all ownership rights are to the sole authority and responsibility of the contributing agency. The data in this system is shared by the contributing agency, for the communal use by other law enforcement and government agencies that have this signed agreement with CSP BATTLE, but shall adhere to the contributing agency's usage policy when using the contributing agency's data. All data use and handling shall comply with the current laws and statutes with respect to the data.
- BATTLE shall develop and maintain an ELSAG LPR data retention policy that can address privacy concerns in accordance with current federal and state legislation and statutes, and may be limited by system capability. All contributing agencies shall adhere to the ELSAG data retention policy until such time that the City of Wheat Ridge has developed their own policy. At that time, the City of Wheat Ridge may submit a memorandum to this MOU to address the retention of the ELSAG data owned by the City of Wheat Ridge. Such ELSAG data retention policy may be derived from the International Association of Chiefs of Police publications pertaining to license plate readers.

FUNDING

Any costs associated with maintenance, upgrade, or changes required directly to the contributing agency's LPR system or existing computer network in order to accommodate implementation of the Colorado ELSAG EOC interfaces and replication, or costs incurred on behalf of the Colorado ELSAG EOC as a result of changes to the agency system(s) which adversely affect the Colorado ELSAG EOC replication, may be the responsibility of the City of Wheat Ridge.

ACKNOWLEDGEMENT

BATTLE anticipates the duration of this implementation to be five years, but may be extended at the discretion of the Director of BATTLE if requested by the City of Wheat Ridge. Such extension must be documented through appropriate addendum to this MOU agreeable to both parties.

This Memorandum of Understanding will be effective upon signature of all parties.

Colorado State Patrol - BATTLE
700 Kipling Street
Lakewood, Colorado 80215

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

Signature

Signature

Printed Name

Printed Name

Date

Date


REQUEST FOR CITY COUNCIL ACTION**TITLE: RESOLUTION NO. 23-2019 A RESOLUTION APPROVING
THE SECOND AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT ESTABLISHING
THE JUVENILE ASSESSMENT CENTER**

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES☒ NO


Chief of Police


City Manager

ISSUE:

The City of Wheat Ridge entered into an intergovernmental agreement (IGA) with several other entities in January of 2001 for the creation of the Juvenile Assessment Center (JAC). Two amendments to the original agreement have been agreed to by all parties. Both amendments serve to reflect and acknowledge how the JAC operates, and seek to eliminate antiquated provisions of the original agreement. All parties have agreed to the amendments, with the exception of the City of Wheat Ridge on the second amended and restated IGA. The second amendment terminates the Jefferson Center for Mental Health Agreement and amends the JAC IGA to reflect the Jefferson Center's current and continued roles and responsibilities with respect to JAC.

PRIOR ACTION:

Council has previously entered into agreements establishing the JAC and agreements amending the initial IGA.

FINANCIAL IMPACT:

There will be no financial impact to the City of Wheat Ridge.

BACKGROUND

The City of Wheat Ridge entered into an IGA with several other entities in January of 2001 for the creation of the Juvenile Assessment Center (JAC). At that time, a subset of the parties, including the City of Wheat Ridge, entered into an agreement with Jefferson Center for Mental Health. This agreement did two things. First, it allowed the Jefferson Center for Mental Health to oversee, administer, and staff the JAC. Second, it removed funding requirements from signatories for a precursor program known as the Jefferson County Juvenile Assessment Program which had been administered by the Jefferson Center for Mental Health.

The City of Wheat Ridge entered into an agreement dated June 1, 2017, known as the Second Amended and Restated IGA. This agreement affirmed the prior establishment and continued existence of a separate legal entity known as the JAC. It also established that the JAC was to operate as a government entity, and established provisions for a board of directors. This agreement did not, however, address the role of the Jefferson Center for Mental Health in the administration of the JAC. This is noteworthy as the JAC was operating as its own entity at the time.

Based on the aforementioned oversight, the Amendment to the Second Amended and Restated IGA Establishing the JAC and Termination of Agreement with Mental Health was approved on February 27, 2018. This formally terminated the prior mental health agreement. With the exception of Wheat Ridge, all other parties to the agreement have executed the agreement. This oversight was revealed by the JAC during a review process. Execution of this agreement will align the City of Wheat Ridge with all other entities who are party to the agreement.

RECOMMENDATIONS:

Staff recommends City Council approval of this agreement.

RECOMMENDED MOTION:

“I move to approve Resolution No. 23-2019, a resolution approving the Second Amended and Restated Intergovernmental Agreement establishing the Juvenile Assessment Center.”

Or,

“I move to postpone indefinitely Resolution No. 23-2019, a resolution approving the Second Amended and Restated Intergovernmental Agreement establishing the Juvenile Assessment Center for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Daniel Brennan, Chief of Police

Dave Pickett, Division Chief

Darrel Guadnola, Investigations Bureau Commander

ATTACHMENTS:

1. Resolution No. 23-2019
2. 2017 Juvenile Assessment Center second amended and restated IGA
3. 2018 Juvenile Assessment Center second amended and restated IGA

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 23
Series of 2019

**TITLE: A RESOLUTION APPROVING THE SECOND AMENDED
AND RESTATED INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE JUVENILE ASSESSMENT CENTER**

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), acting through its City Council ("Council") is a home rule municipality with statutory and constitutional authority to enact ordinances and enter into agreements for protection of the public health, safety and welfare; and

WHEREAS, Part 2 of Article 1 of Title 29, C.R.S., authorizes the City to enter into agreements with other governmental entities to cooperate in the provision of any function, service, or facility each is authorized to provide; and

WHEREAS, pursuant to this authority, the City previously entered into an agreement with several other area jurisdictions to form the Juvenile Assessment Center ("Center") to provide a centralized location for the coordinated provision of mental health and other intervention programs and services for juveniles and their families who are referred to the Center; and

WHEREAS, in 2018, all parties to the current intergovernmental agreement governing the Center approved and executed an amendment to said agreement to clarify the on-going role and responsibility of Jefferson Center for Mental Health in regards to the Center; and

WHEREAS, due to simple oversight, the City of Wheat Ridge failed to approve the 2018 intergovernmental agreement amendment, and the City Council therefore wishes to do so now; and

WHEREAS, Section 14.2 of the Wheat Ridge Home Rule Charter authorizes the Council, acting by resolution or ordinance, to approve intergovernmental agreements and amendments thereto.

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

The attached amendment to the second amended and restated intergovernmental agreement establishing the Juvenile Assessment Center and termination of agreement with Mental Health is hereby approved.

DONE AND RESOLVED this 8th day of April, 2019.

ATTEST:

Bud Starker, Mayor

Janelle Shaver, City Clerk

ATTACHMENT 1

SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT

Establishing the Juvenile Assessment Center

This Agreement, dated for reference purposes only June 1, 2017, is entered into by the following Parties (each, individually, a "Party"):

- A. The County of Jefferson, State of Colorado, a body politic and corporate (the "**County**") for the use and benefit of the Office of the District Attorney, First Judicial District (the "**District Attorney**") and the Jefferson County Department of Human Services ("**Human Services**");
- B. The Jefferson County Sheriff's Office (the "**Sheriff**");
- C. Jefferson County School District No. R-1 ("**Jeffco Schools**");
- D. Jefferson Center for Mental Health ("**Mental Health**");
- E. The City of Arvada, a municipal corporation ("**Arvada**");
- F. The City of Edgewater, a municipal corporation ("**Edgewater**");
- G. The City of Golden, a municipal corporation ("**Golden**");
- H. The City of Lakewood, a municipal corporation ("**Lakewood**");
- I. The City of Westminster, a municipal corporation ("**Westminster**"); and
- J. The City of Wheat Ridge, a municipal corporation ("**Wheat Ridge**").

RECITALS

- A. Part 2 of Article 1 of Title 29, C.R.S., permits and encourages governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governments.
- B. Part 2 of Article 1 of Title 29, C.R.S., authorizes governments to contract with one another to provide any function, service, or facility lawfully authorized to each of the contracting units through the establishment of a separate legal entity.
- C. It was previously determined it would be in the best interest of all of the Parties to create a separate legal entity with its own governing board to provide a centralized location for the coordinated provision of mental health and other intervention programs and services for juveniles and their families who are referred to the Center.
- D. The Juvenile Assessment Center was established as a separate legal entity by an Intergovernmental Agreement signed by all Parties, effective January 1, 2001, as amended and restated by a First Amended Intergovernmental Agreement, dated May 1, 2002.
- E. Section 19-2-211, C.R.S., allows for the creation of a local "Juvenile Service Planning Committee" ("JSPC") appointed by the Chief Judge of a judicial district and Chief Judge's Order number 2001-2 of the First Judicial District dated September 7, 2001, assigned the responsibilities of the local JSPC to the governing board of the Juvenile Assessment Center.
- F. The Parties desire to enter into a new Agreement herein, which supersedes all prior agreements and amendments and reflects more accurately the current circumstances, policies and procedures.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreement of the Parties hereinafter contained, the receipt and sufficiency of which are hereby confessed, it is understood and agreed as follows:

I. GENERAL PROVISIONS

- A. The Parties hereby affirm the prior establishment and continuing existence of the separate legal entity known as the "Juvenile Assessment Center" (the "Center") which shall operate as a governmental entity and is governed by the Board, as established in this Agreement under the section titled **BOARD OF DIRECTORS**.
- B. This Agreement shall be in full force and effect upon execution by all Parties and shall continue until December 31, 2049, or until earlier terminated by a majority of the Parties.
- C. This Agreement may be amended at any time in writing by agreement of two-thirds of the Parties subject to the approval of the various governing bodies of the Parties.
- D. This Agreement supersedes and replaces all prior agreements and all amendments thereto including, but not limited to, the June 1, 2001 Intergovernmental Agreement, May 1, 2002 First Amended Intergovernmental Agreement, the Partners Agreement and the Law Enforcement Funding Agreement referred to herein.

II. POWERS OF THE CENTER

- A. **GENERAL POWERS.** The Parties agree the Center shall be empowered with the authority to maintain, control, regulate, and operate the Center within Jefferson County, Colorado, for the use and benefit of the Parties and their constituents.
- B. **SPECIFIC POWERS.** The Center shall be authorized to provide or coordinate the provision of the services identified below to children under the age of eighteen and who reside or are present in the First Judicial District of Colorado ("Youth"):
 - 1. a centralized location for the coordinated provision of services, as specified by the JSPC, for Youth and their families who are referred to the Center by any Party;
 - 2. comprehensive screening and assessments of the strengths and needs of Youth and their families;
 - 3. prompt referrals of Youth and their families to appropriate services;
 - 4. crisis intervention and case management for Youth and their families;
 - 5. collect, maintain and share information to facilitate services for Youth in accordance with applicable laws;
 - 6. assistance with decision-making concerning arrest, detention and intervention for Youth;
 - 7. supporting information for preparation of reports for municipal and state courts;
 - 8. apply for and administer grants and other sources of funding as authorized by the JSPC;

9. screening of Youth for purposes of determining detention eligibility;
 10. if the Center is designated as a shelter by the District Court in the First Judicial District of Colorado or by the County pursuant to Section 19-2-508, C.R.S., short term holding of Youth (a) detained or arrested by Law Enforcement; (b) with status, ordinance, misdemeanor or felony level charges; (c) considered to be "at risk" or "runaway;" or (d) referred to or in the care of Human Services or Mental Health who are not in immediate danger and who pose no threat to themselves or others (Youth awaiting placement or family services);
 11. any additional services ancillary to the services expressly identified herein and not otherwise in contradiction with this Agreement;
 12. any additional services authorized in writing by all the governing bodies of the Parties.
- C. **POWER TO MAKE CONTRACTS, HIRE, AND FIRE.** The Center shall have all the authority reasonable and necessary to carry out the powers set forth in this Agreement. Such authority shall include, but not be limited to, the authority to contract and purchase all supplies, equipment, materials, and services, including professional services, and further to hire and discharge employees of the Center.
- D. **POWER TO SET FEES.** The fees, if any, to be charged for services provided directly by the Center shall be established by the Center and shall be uniform and reasonable.
- E. **POWER TO LEASE PROPERTY.** The Parties agree the Center is empowered to negotiate and enter into leases of property that is suitable for providing the services it is authorized to provide.
- F. **CONTRACTS FOR USAGE BY OTHER YOUTH.** The Center may, by contract with governmental entities other than the Parties and as approved by the Board, permit such entities to make referrals to the Center or to permit Youth residing outside the First Judicial District to be referred to the Center.

III. CONTRIBUTIONS OF PARTIES

- A. **IN-KIND CONTRIBUTION OF CERTAIN PARTIES.** In consideration of participation in and access to the Center services and programs, the following Parties agree to make the following in-kind contributions to the operation of the Center at no cost to the Center:
1. Jeffco Schools. A school employee with duties to include acting as a liaison between Jeffco Schools and the Center shall be employed by Jeffco Schools and shall be located at the Center as feasible. Furniture and equipment necessary to support this position or any other Jeffco Schools personnel placed at the Center shall also be provided by Jeffco Schools.
 2. The County. The County shall provide space sufficient for the Center to operate. The details of the space, including maintenance, repair, utilities, and the Center's acceptable use of the space shall be specified in a separate lease agreement between the County and the Center. The County agrees that it shall give at least 180 days' notice of termination of the lease.
 3. The District Attorney. The District Attorney shall provide liaison staff at the Center, computers and related hardware and technical support for the liaison staff with secure and controlled access to juvenile and crime information databases, and office furniture and equipment for those positions.

4. Mental Health. Mental Health will provide mental health evaluation services to the Center.
- B. **FUNDING PRINCIPLES AND REVIEW**. It is the intent of the Parties to distribute the funding contributions of the Center according to a long-term estimate of each Party's utilization of the Center as measured by referrals to the Center and/or replacement or enhancement of the Party's own provision of services by services provided through the Center. The current funding distribution was determined by the Utilizations and Contributions Analysis attached hereto as Exhibit A and incorporated herein. The Board may direct the Center to revise Exhibit A from time to time, but no less than once every five calendar years. The Board may elect to change the funding contributions formula in response to a modified Exhibit A.
- C. **LAW ENFORCEMENT PARTICIPANTS' FUNDING CONTRIBUTIONS (40%)**.
 1. Law Enforcement Participants shall be defined as the Sheriff, Arvada, Edgewater, Golden, Lakewood, Westminster, and Wheat Ridge.
 2. Law Enforcement Participants shall pay 40% of the Center's Annual Assessment as defined under the section of this Agreement titled BUDGET.
 3. The annual contributions of each Law Enforcement Participant shall be calculated as follows by using a formula that is weighted equally between each Law Enforcement Participant's Youth population and the average of the Law Enforcement Participant's usage of the Center for the three calendar years preceding the date the preliminary budget is approved (the "Three Year Usage Period").
 4. Youth Population Calculation. One-half of the Law Enforcement Participant's annual contribution will be determined as follows:
 - i. Identify the Youth population figure for each Law Enforcement Participant by determining the number of Youth who reside within the jurisdiction of each Law Enforcement Participant and who also reside within the First Judicial District of Colorado. The Sheriff's jurisdiction shall be the unincorporated portion of Jefferson County. The Youth population figure shall be determined by using the most current population figures available from the State Demographer on April 1st of each year the budget is prepared.
 - ii. All of the Law Enforcement Participants' population numbers will be added together and each Law Enforcement Participant's percentage of the total will determine one-half of its annual contribution.
 5. Program Usage. The remaining one-half of the Law Enforcement Participants' annual contributions will be determined as follows:
 - i. The Center shall keep a record of the number of Youth referred or transported to the Center by each Law Enforcement Participant and its respective municipal court during each calendar year (the "Law Enforcement Participant's Usage Number").
 - ii. All of the Law Enforcement Participant's Usage Numbers for the Three Year Usage Period will be added together (the "Three Year Total Usage Number"). Each Law Enforcement Participant's percentage of the Three Year Total Usage Number will determine one-half of its annual contribution.

D. REMAINING PARTIES' FUNDING CONTRIBUTIONS (60%). The remaining Parties shall contribute 60% of the Center's Annual Assessment according to the following percentages:

1. District Attorney: 21%.
2. Human Services: 15%.
3. Jeffco Schools: 14%.
4. Mental Health: 10%.

V. APPROPRIATION AND PAYMENTS BY PARTIES OR OTHER ENTITIES.

- A. APPROPRIATION AND PAYMENT OF FUNDS. The Parties agree to consider for appropriation the amounts computed as set forth above by the first day of January of the year during which said monies are to be expended by the Center. The Parties agree to pay said amounts to the Center by January 31 of the year during which said monies are to be expended by the Center. The Board may approve a different payment date upon request of a Party received prior to January 31.
- B. CONTRIBUTIONS OF NEW PARTIES. The Board may, by written agreement, permit a municipality within Jefferson County to join this Agreement as a Law Enforcement Participant. Such an agreement shall become an amendment to this Agreement. A new municipality's share of the Annual Assessment shall be computed, appropriated and paid as set forth herein. Should any such municipality be partially within and partially without the territorial limits of the First Judicial District, its population within the First Judicial District shall be added to the total Youth population set forth in the Youth Population Calculation, above, to compute the pro-rata shares of the Annual Assessment. Such municipality shall only refer to the Center Youth apprehended within the boundaries of the First Judicial District, unless otherwise approved by the Board.

A new municipality's program usage shall be estimated by the Board until the municipality has been a Law Enforcement Participant for one full calendar year. Once the municipality has been a Law Enforcement Participant for a full calendar year, the program usage for that calendar year shall be used to calculate usage for the next budget. The next year, the municipality's program usage for two (2) full calendar years shall be used to determine the municipality's usage for budget purposes. Thereafter, program usage for the new municipality shall be calculated in accordance with this Agreement.

- C. CONTRIBUTIONS OF NON-PARTIES. The Center shall have the authority to invoice non-parties for services provided by the Center. Details of such invoices should be included in annual reports to the Board.

VI. BOARD OF DIRECTORS

- A. POWERS. All powers, privileges and duties vested in the Center shall be exercised and performed by and through its Board of Directors (the "Board").
- B. MEMBERSHIP.
1. Parties. Each Party shall designate and appoint one Director to serve on the Board in accordance with the following appointment responsibilities. Directors representing Law Enforcement Participants shall be appointed by their respective chief of police or the Sheriff. The Director

representing Human Services shall be appointed by the Director of Human Services. The Director representing Mental Health shall be appointed by the CEO of Mental Health. The District Attorney shall appoint a Director. The Director representing the County shall be appointed by the Board of County Commissioners. The Director representing Jeffco Schools shall be appointed by the Superintendent of Schools.

2. Non-Parties. The Chief Judge of the First Judicial District Court ("the Court"), the Chief Probation Officer of the First Judicial District, the Public Defender's Office, and the Director of the Central Region of the Colorado Division of Youth Corrections may each appoint one Director to serve on the Board. A representative of the community-at-large shall be appointed by the other Directors.
 3. Required Representatives. As the JSPC, the Board should include at all times, if practicable, a representative each from Human Services, Jeffco Schools, a local law enforcement agency, the First Judicial District Probation Department, the division of youth corrections, private citizens, the District Attorney, the public defender's office, community mental health, and Jefferson County municipalities (each a "Required Representative"), as required by § 19-2-211, C.R.S. To the extent that the designation of any Party to this Agreement as non-voting would remove a Required Representative from the JSPC, such Party shall retain voting rights with respect to JSPC matters.
 4. Alternates. Each Director's appointing entity may also appoint an alternate Director to serve in the place of such entity's Director in the event such Director is unable to attend a meeting of the Board. Alternates shall have the same voting rights as Directors.
- C. **ELECTION OF OFFICERS**. At the annual meeting of the Board of Directors, the Board shall elect from its membership a Chair, a Vice Chair (and Chair pro tem), a Secretary and a Treasurer, who will assume their office at the annual meeting. These officers shall serve until their successors have been elected. The officers shall be elected by an affirmative vote of at least a majority of the board of those present and voting.
- D. **BYLAWS AND POLICIES AND PROCEDURES**. The Board of Directors shall have the power to promulgate bylaws and policies and procedures which shall establish the organizational rules and policies and procedures for the management and operation of the Center.
- E. **CENTER DIRECTOR**. The Board shall have the power to hire a director for the Center to carry out the powers of Center identified herein or otherwise delegated by the Board. The Director shall have the duties and responsibilities detailed in Exhibit B, attached hereto and incorporated herein.

VII. CAPITAL IMPROVEMENT FUND

The Board may establish a capital improvement fund with surplus revenues generated by operation of the Center or funds separately budgeted for capital improvement. The uses to which said fund may be put include, but are not necessarily limited to, maintenance or replacement of capital equipment, procurement of new capital equipment, and expansion of the Center facilities.

VIII. OPERATING RESERVE FUND ESTABLISHED

The Board shall establish an operating reserve fund which shall maintain a balance of at least 25% of the preceding year's actual expenditures. The money for said fund may be generated from fees from transfers, investment income, donations, grants and other incidental sources of revenue. Said contingency fund shall be used to defray the costs of unanticipated operating expenses. The Board shall establish an Operating Reserve Policy to govern the maintenance, use, and replenishment of the fund.

IX. BUDGET

- A. **BUDGET PROCESS.** Each year, the Center shall prepare a preliminary budget and submit said budget to the Board. The budget shall contain detailed estimates of the operating costs for the subsequent year. The budget shall identify the dollar amount of all revenue sources including the portion of revenue to be assessed to the Parties (the "Annual Assessment"). The preliminary budget shall be approved by the Board on or before June 1 of each year. The approved preliminary budget shall be submitted to each Party's governing body as soon thereafter as possible.

The governing body of each of the Parties may provide comments or concerns on its Annual Assessment to the Center's Board on or before September 1 of each year. The Center's Board may adjust the budget based on the comments of the Parties.

The final budget shall then be approved by a two-thirds majority of the Board and certified by the secretary and treasurer of the Board. A final budget shall be submitted to each of the governing bodies of the Parties no later than December 15th of each year that this Agreement is in effect.

- B. **CONTRIBUTIONS TO THE BUDGET.** The Parties agree to contribute to the budget based upon the funding contribution formula in this Agreement.
- C. **MODIFICATIONS TO THE BUDGET.** At any time during the year, the Center may submit for approval proposed budget modifications to the Board and the Parties in accordance with the approval procedures outlined in this Section IX.

X. FUNDS AND OPERATIONS

- A. **DESIGNATION OF FUNDS.** The various monies paid to the Center by the Parties, and any monies generated by the Center itself, shall be placed into a designated fund, and any expenses incurred by reason of operation of the Center shall be paid from said fund.
- B. **CHOICE OF DEPOSITORY.** All monies belonging to the Center or designated for use by the Center shall be deposited in the name and to the credit of the Center with such depositories as the Center shall from time to time designate, in compliance with §§ 24-75-601 *et seq.*, C.R.S.
- C. **DISBURSEMENT OF FUNDS.** No disbursements shall be made from the funds of the Center except by check or electronic transfer drawn on the depositories as designated by the Center.
- D. **FISCAL RESPONSIBILITY.** The Center shall not borrow money nor shall it approve any claims or incur any obligations for expenditures unless there is sufficient unencumbered cash in the appropriate fund, credited to the Center, with which to pay the same.

- E. **INSURANCE.** The Board shall obtain and maintain adequate insurance coverage to protect against any claims and liabilities which may arise due to the activities conducted by the Center or the Board.

XI. BOOKS AND RECORDS

- A. **RECORD KEEPING.** The Center shall maintain adequate and correct accounts of its funds, properties, and business transactions, which accounts shall be open to inspection at any reasonable time by the Parties, their attorneys, or their agents.
- B. **ANNUAL AUDIT.** The Center shall conduct an annual audit within 90 days after the end of the fiscal year. Such audit shall be conducted by an independent certified public accountant, registered accountant, or by certified public accountants, or registered accountants licensed to practice in the State of Colorado. The Center shall tender a copy of said audit to the governing bodies of the respective Parties.
- C. **COMPLIANCE WITH LAW.** The Center shall comply with all laws governing entities created pursuant to Part 2 of Article 1 of Title 29, C.R.S. including, but not limited to, the Local Government Budget Law of Colorado, the Colorado Local Government Audit Law and the Colorado Local Government Uniform Accounting Law.

XII. REPORTS

- A. **ANNUAL REPORT.** Annually, the Center shall prepare and present to the Board a comprehensive written annual report of the Center's activities and finances during the preceding year. The annual report shall also be produced upon request of any of the Parties' governing bodies.
- B. **REPORTS REQUIRED BY LAW, REGULATION OR CONTRACT.** The Center shall also prepare and present such reports as may be required by law, regulation, or contract to any authorized federal, state, and/or local officials to which such report is required to be made in the course and operation of the Center.
- C. **REPORTS REQUESTED BY THE PARTIES.** The Center shall also render to the Parties or the Board, at reasonable intervals, such reports and accountings as the Parties may from time to time request.

XIII. TERMINATION OF AGREEMENT

- A. **TERMINATION FOR DEFAULT IN PERFORMANCE.** In the event any Party fails to perform any of its contribution obligations under this Agreement, or to perform any other covenant or undertaking under this Agreement, the Board shall cause written notice to be given to the governing body of the Party of the Board's intention to terminate said Agreement as to such Party in default, unless such default is cured within 30 days from the date of such notice, or some other resolution is agreed upon between the Board and the defaulting Party. Upon failure to cure or otherwise resolve said default within the thirty-day period, the Board may, at its discretion, take any or all of the following actions:
1. Terminate this Agreement with respect to the defaulting Party;
 2. Terminate or limit the defaulting Party's right to use the Center;

3. Terminate the voting rights of the defaulting Party's representative on the Board, subject to the limitations in Section VI.B.3; or
4. Terminate the defaulting Party's right to locate any of its employees in the Center.

Furthermore, such defaulting Party which is terminated under this section of this Agreement shall forfeit all right, title, and interest in and to any property of the Center to which it may otherwise be entitled upon the dissolution of this Agreement. This Section is not intended to limit the right of any Party to pursue any or all other remedies it may have for breach of this Agreement.

- B. **TERMINATION BY WRITTEN NOTICE.** This Agreement, or any Party's participation in this Agreement, may be terminated effective by written notice from the Party to this Agreement at least 90 days prior to January 1st of any given year. Any Party terminating its participation pursuant to this provision, shall not be entitled to any reimbursement of its annual operating cost contributions previously paid to the Center.
- C. **TERMINATION OF PARTY/LOSS OF FUNDS.** Upon termination of a Party, whether by default in performance or by written notice, the remaining Parties may continue to participate in this Agreement. The Board, upon such termination of a Party, shall act to adjust the budget or Annual Assessment to accommodate the loss in funds unless the remaining Parties negotiate an amendment to the Agreement setting forth revised percentages of participation or the Parties agree to terminate the Agreement.
- D. **POWERS OF CENTER UPON TERMINATION BY A MAJORITY.** Upon termination by mutual agreement of a majority of the Parties, the powers granted to the Center under this Agreement shall continue to the extent necessary to make an effective disposition of the property, equipment, and assets under this Agreement.
- E. **IN-KIND CONTRIBUTIONS.** In the event of a termination of this Agreement with respect to any in-kind contributor of personal property, whether identified in this Agreement or not, the Center shall have a minimum of thirty days to relinquish possession of the contributed property. Failure by the terminated party to remove contributed property after sixty days shall constitute forfeiture of all right, title, and interest in and to the property. The Center shall have sixty days to vacate any in-kind contributions of real property in the event of a termination of this Agreement with respect to the contributing party.
- F. **TERMINATION FOR CONVERSION TO NONPROFIT ENTITY.** The Board may elect to take such action required to convert the Center to a nonprofit entity. Prior to such action to convert the Center, the Board shall give each Party no less than six months' notice of the intended conversion. Upon receipt of such notice any Party may terminate its participation without penalty, or participate in an agreement concerning formation of the nonprofit organization. Any Party electing to terminate shall be entitled to reimbursement of its annual contribution previously paid to the Center prorated from the effective date of termination through the remainder of the Center's fiscal year. Prior to any conversion to a nonprofit entity, the rights of the Parties under this Agreement shall be addressed by an amendment to this Agreement or by separate agreement executed by all Parties who have not terminated their participation. No such conversion shall occur without the unanimous consent of all the Parties who have not terminated their participation.

XIV. MISCELLANEOUS

- A. SEVERABILITY. If any provisions of this Agreement or the application thereof to any Party or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Agreement which can be given effect without the invalid provision or application, and to this end, the provisions of the Agreement are declared to be severable.
- B. EXECUTION BY COUNTERPARTS; ELECTRONIC SIGNATURES. This Agreement may be signed in counterparts, and each counterpart shall be deemed an original, and all the counterparts taken as a whole shall constitute one and the same instrument. The Parties approve the use of electronic signatures for execution of this Agreement. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, §§ 24-71.3-101 to 121, C.R.S. The Agreement shall not be effective until executed by all Parties.
- C. NO THIRD PARTY BENEFICIARIES. Except as otherwise stated herein, this Agreement is intended to describe the rights and responsibilities of and between the Parties and is not intended to, and shall not be deemed to, confer rights upon any persons or entities not named as Parties or Sponsors, limit in any way the rights, protections, limitations and immunities provided to the governmental Parties as set forth in § 24-10-101, et seq. C.R.S., as same may be amended, and other limited liability statutes for the protection of the Parties, nor limit the powers and responsibilities of any other entity not a Party hereto. Nothing contained herein shall be deemed to create a partnership or joint venture between the Parties with respect to the subject matter hereof. The Parties shall be responsible for their own negligent acts and the conduct of their respective employees without waiving any protections afforded by the Governmental Immunity Act.
- D. OFFICIALS NOT TO BENEFIT. No elected official or employee or independent contractor of any Party or other entity participating under this Agreement shall be paid or receive, directly or indirectly, any share or part of this Agreement or any benefit that may arise therefrom, other than wages, salaries, and other compensation that individuals who perform services for the Center receive in the normal course of their office, employment, or contract engagement.
- E. NONDISCRIMINATORY POLICY. The Center shall make its services, facilities, and programs available to all persons regardless of, and shall not refuse to hire, discharge, promote or demote, or discriminate in matters of compensation against any person otherwise qualified solely because of race, creed, sex, color, national origin or ancestry, religion, disability, age, sexual orientation, gender identity, veteran or military status, or any other basis prohibited by federal, state or local law.
- F. NO GENERAL OBLIGATION INDEBTEDNESS. Because this Agreement will extend beyond the current fiscal year, the Parties understand and intend that the obligation of the Parties to pay the Annual Assessment hereunder constitutes a current expense of the Parties payable exclusively from the Parties' funds and appropriated each fiscal year of each Party and shall not in any way be construed to be a multi-fiscal year obligation or other financial obligations within the meaning of Article X, Section 20 of the Colorado Constitution; a general obligation indebtedness of the Parties within the meaning of any provision of Article XI of the Colorado Constitution, or any other constitutional or statutory indebtedness. None of the Parties has pledged the full faith and credit of the state, or the Parties to the payment of the charges hereunder, and this Agreement shall not directly or contingently obligate the Parties to apply money from, or levy or pledge any form of taxation to, the payment of the annual operating costs.

- G. WAIVER. This Agreement or any of its provisions shall not be waived except in writing by a Party's Board representative. The failure of a Party to enforce any right arising under this Agreement on one or more occasions will not operate as a waiver of that or any other right on that or any other occasion.
- H. SURVIVAL. Notwithstanding anything to the contrary, the Parties understand and agree that all terms and conditions of this Agreement that require continued performance or compliance beyond the termination or expiration of this Agreement shall survive such termination or expiration and shall be enforceable against a Party if such Party fails to perform or comply with such term or condition.
- I. PROPER EXECUTION. Each Party represents that all procedures necessary to authorize such Party's execution of this Agreement have been performed and that the person signing for such Party has been authorized to do so.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

[SIGNATURE PAGES FOLLOW]

COUNTY OF JEFFERSON
STATE OF COLORADO

By: _____
Peter A. Weir, District Attorney

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2017, by
Peter A. Weir, District Attorney of the District Attorney's Office for the County of Jefferson, State of
Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Joanne Kortendick
Assistant County Attorney

COUNTY OF JEFFERSON,
STATE OF COLORADO

By: _____
Lynn A. Johnson, Executive Director
Department of Human Services

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 20____, by
Lynn A. Johnson as Executive Director of the Department of Human Services, County of Jefferson, State
of Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Martin Plate
Assistant County Attorney

COUNTY OF JEFFERSON,
STATE OF COLORADO

By: _____
Jeff Shrader, Sheriff

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 20____, by
Jeff Shrader, Sheriff, County of Jefferson, State of Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Kurtis D. Behn
Assistant County Attorney

JEFFERSON COUNTY R-1 SCHOOL DISTRICT:

By: _____
Terry Elliott, Acting Superintendent

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 20____, by
Terry Elliott, Acting Superintendent of Jefferson County R-1 School District.

Notary's official signature

Commission expiration date

ATTEST:

By: _____
Name: _____
Title: _____

JEFFERSON CENTER FOR MENTAL HEALTH

By _____
Harriet L. Hall, President

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this ____ day of _____,
20 ____, by Harriet L. Hall, as President of Jefferson Center for Mental Health.

Notary's official signature

Commission expiration date

CITY OF ARVADA, a Colorado home rule municipal corporation

Marc Williams, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this ____ day of _____,
20____, by Marc Williams, Mayor of the City of Arvada.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: _____
_____, City Attorney

CITY OF EDGEWATER, a Colorado municipal corporation

Kris Teegardin, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 20____, by Kris Teegardin, Mayor of the City of Edgewater.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: _____
_____, City Attorney

CITY OF GOLDEN, a Colorado municipal corporation

Marjorie N. Sloan, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____,
20____, by Marjorie N. Sloan, Mayor of the City of Golden.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: _____
_____, City Attorney

CITY OF LAKEWOOD, a Colorado municipal
corporation

Adam Paul, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____,
20____, by Adam Paul, Mayor of the City of Lakewood.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: _____
_____, City Attorney

CITY OF WESTMINSTER, a Colorado municipal corporation

Herb Atchison, Mayor

STATE OF COLORADO
COUNTY OF _____

The foregoing Agreement was acknowledged before me this _____ day of _____,
20____, by Herb Atchison, Mayor of the City of Westminster.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

By: _____
_____, City Attorney

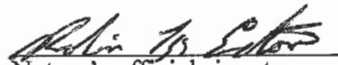
CITY OF WHEAT RIDGE, a Colorado municipal corporation


Joyce Jay, Mayor


STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this 11 day of September, 2017, by Joyce Jay, Mayor of the City of Wheat Ridge.

ROBIN LEE EATON
Notary Public
State of Colorado
Notary ID # 20164034534
My Commission Expires 09-08-2020


Notary's official signature
09-08-2020
Commission expiration date

ATTEST:


City Clerk



APPROVED AS TO FORM:

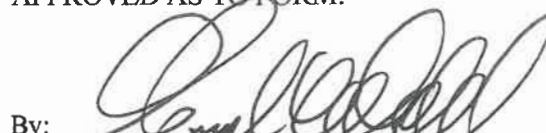
By: 
GERALD DAHL, City Attorney

Exhibit A – JCJAC Utilization & Contributions Analysis of 2015 Data

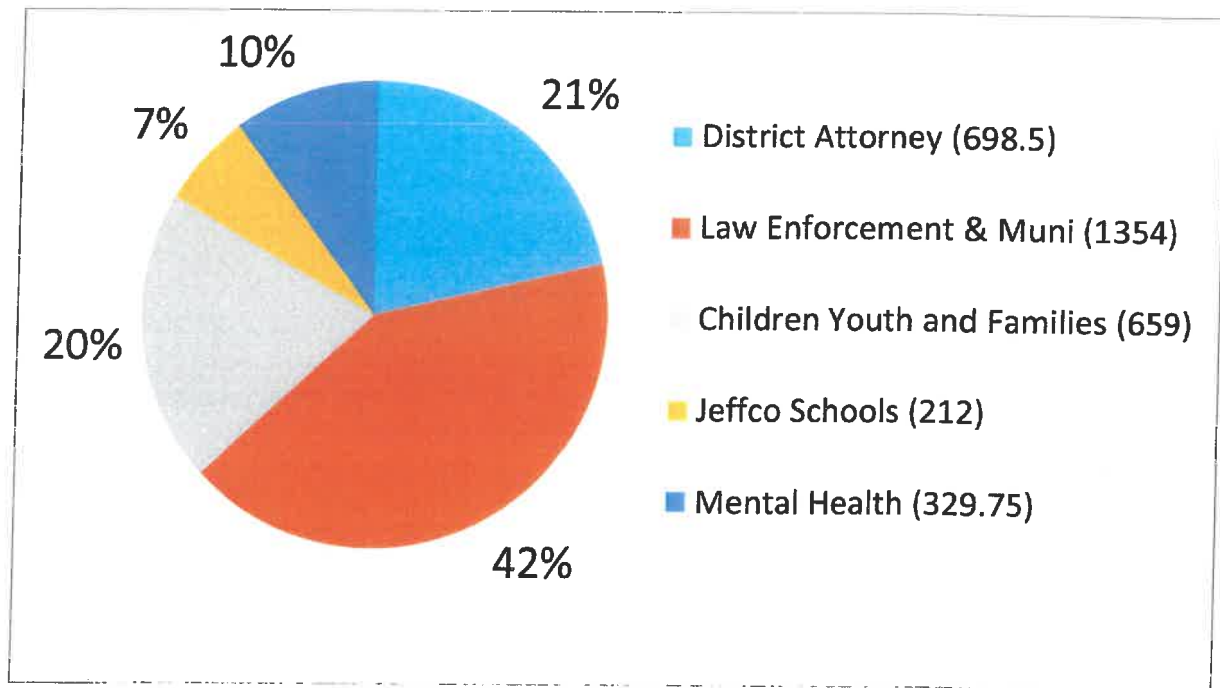
This information below was reviewed with the JSPC Board on June 14, 2016. The board reviewed the information, a motion was made to adopt the budget breakdown as presented in the new IGA, and the motion was seconded. The motion passed.

Craig McPherson and Michael Tessean reviewed all cases that went through the JCJAC in 2015. We assigned point values based on the perceived values to all of the agencies.

Points and Explanation

- **Law Enforcement**
 - o Youth brought to the JCJAC for the following reasons (1.0)
 - Misdemeanor/felony criminal charge
 - Petty offenses
 - Status offenses
 - Curfew
 - Possession
 - o Youth screened and detained (1.0)
- **Department of Human Services (CYF)**
 - o Beyond Control of Parent (1.0)
 - o Runaway (1.0)
 - o Welfare placement (1.0)
 - o Self-referral (1.0)
 - o Referral and Abuse reports (partial credit, 0.5)
- **District Attorney**
 - o Low Risk Offender Program (1.0)
 - o Pre-File Diversion (1.0)
 - o Fast-Track (partial credit 0.5)
- **Jeffco School**
 - o School behaviors/referral (1.0)
 - o Truancy (1.0)
 - o Interference with faculty/staff (1.0)
 - o Threat assessments (1.0)
 - o Charges on school grounds (1.0)
- **Jefferson Center for Mental Health**
 - o Assessment with referral (partial credit, 0.5)
 - o MAYSI-2 and SUS screens (partial credit, 0.25)

2015 Utilization Breakdown



2017 Budget Breakdown

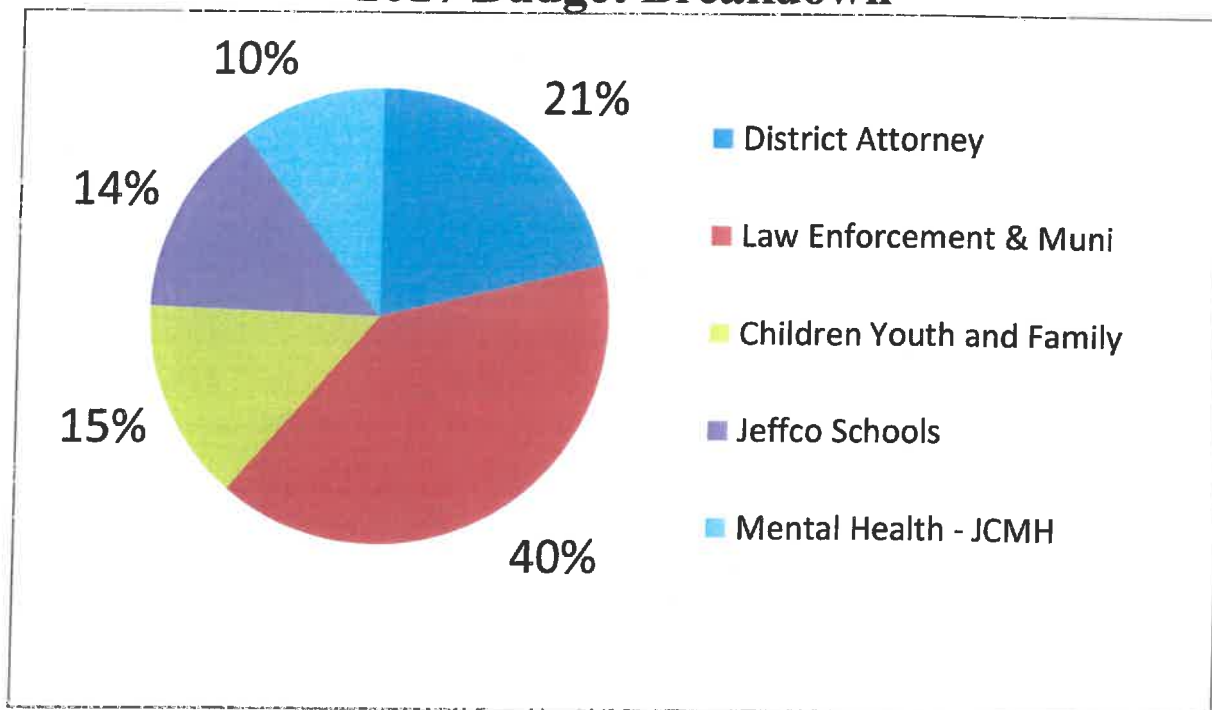


Exhibit B – Duties and Responsibilities of Center Director

General Purpose:

The JCJAC Executive Director is responsible for the operation of the Jefferson County Juvenile Assessment Center (JCAC or JAC). Part of the obligation of the Executive Director is the implementation and oversight of the 1st Judicial District Senate Bill 94 Plan (SB94), adopted by the Juvenile Services Planning Committee which includes the Senate Bill 2015 programming.

JCJAC Duties/Responsibilities:

Program Oversight/Management

1. Oversee implementation of policies, procedures, and services to accomplish the mission and goals of the Juvenile Assessment Center.
2. Determine needs and develop systems to accurately collect and compile needed data concerning youth and families served by the JAC.
3. Determine and secure the most effective tools to use in the assessment functions at the JCJAC.
4. Develop grant application when directed to do so by the JCJAC Board.
5. Develop and implement program evaluation for the JCJAC.
6. Develop information sharing processes to assist member agencies in making informed decisions.

The Budget

1. In collaboration with the fiscal agent, develop the annual budget to be approved by the JCJAC Board.
2. In collaboration with the fiscal agent, develop procedures for review, monitoring and payment of program expenditures.

The JCJAC Board

1. Staff the JCJAC Board, subcommittees and other meetings as required.
2. Other duties assigned/negotiated with the JCJAC Board.

Employee Supervision/Training

1. Oversee hiring/firing of all JCAC staff.
2. Provide direct supervision (or indirect supervision through a designee) to all JCAC staff.
3. In cooperation with fiscal agent, develop staff job descriptions.
4. Provide training opportunities for JCAC staff.
5. Oversee performance evaluation of all JCAC staff.

SB94 Duties/Responsibilities:

The Plan

1. Prepare the annual SB94 Juvenile Services Plan and present the annual SB94 Juvenile Service Plan to the Juvenile Services Planning Committee (JSPC) for approval. Submit approved plan to the Department of Youth Corrections.
2. Oversee the implementation of the Juvenile Services Plan.
 - * Supervise the SB94 services to pre-adjudicated youth detention.
 - * Supervise the SB94 services to sentenced youth place in the community.
 - * Coordinate screening and referral services.
 - * Collaborate with fiscal agent to develop service descriptions and contract provisions for purchased services.
 - * Monitor and evaluate purchased services.
 - * Conduct quality assurance initiatives to ensure services and programs are meeting SB94 goals.
3. Manage the detention bed utilization in the 1st Judicial District.
4. Ensure the quality of client data entered into the SB94 Colorado TRAILS database.

The Budget

1. Provide input to the fiscal agent in preparation of the annual budget to be approved by the JSPC.
2. In collaboration with the fiscal agent, develop procedures for review, monitoring and payment of program expenditures.

The Juvenile Services Planning Committee (JSPC)

1. Staff the JSPC, subcommittees and other meetings as required.
2. Serve as the JSPC contact person for the Statewide SB94 Advisory Board and the Division of Youth Corrections.
3. Prepare reports utilizing the Colorado TRAILS client database for the JSPC.
4. Other duties assigned/negotiated with the JSPC.

Employee Supervision/Training

1. Oversee hiring/firing of all SB94 staff.
2. Provide direct supervision (or indirect supervision through a designee) to all SB94 staff.
3. In cooperation with fiscal agent, develop staff job descriptions.
4. Provide training opportunities for SB94 staff.
5. Oversee performance evaluation of all SB94 staff.

AMENDMENT TO
THE SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE JUVENILE ASSESSMENT CENTER
AND TERMINATION OF AGREEMENT WITH MENTAL HEALTH

THIS AMENDMENT to the Second Amended and Restated Intergovernmental Agreement Establishing the Juvenile Assessment Center dated June 1, 2017 ("**JAC IGA**"), dated for reference purposes only February 27, 2018 (this "Amendment"), is made and entered into by the following Parties (each, individually, a "Party"):

- A. The County of Jefferson, State of Colorado, a body politic and corporate (the "**County**") for the use and benefit of the Office of the District Attorney, First Judicial District (the "**District Attorney**") and the Jefferson County Department of Human Services ("**Human Services**");
- B. The Jefferson County Sheriff's Office (the "**Sheriff**");
- C. Jefferson County School District No. R-1 ("**Jeffco Schools**");
- D. Jefferson Center for Mental Health ("**Mental Health**");
- E. The City of Arvada, a municipal corporation ("**Arvada**");
- F. The City of Edgewater, a municipal corporation ("**Edgewater**");
- G. The City of Golden, a municipal corporation ("**Golden**");
- H. The City of Lakewood, a municipal corporation ("**Lakewood**");
- I. The City of Westminster, a municipal corporation ("**Westminster**"); and
- J. The City of Wheat Ridge, a municipal corporation ("**Wheat Ridge**").

RECITALS

- 1. The Parties executed the JAC IGA to affirm the creation of the Juvenile Assessment Center ("**JAC**"), which was originally formed in 2001.
- 2. A subset of the Parties also executed an Agreement With Mental Health, dated January 1, 2001 (the "**Mental Health Agreement**"), to clarify Mental Health's roles and responsibilities with respect to the JAC and JAC Board.
- 3. The Parties wish to terminate the Mental Health Agreement and amend the JAC IGA to reflect Mental Health's current and continued roles and responsibilities with respect to the JAC.

AGREEMENT

In consideration of the covenants and conditions set forth herein the Parties agree as follows:

1. The Mental Health Agreement is hereby terminated.
2. The JAC Agreement is hereby amended by the addition to Section I of the following new subsection E:
 - E. Mental Health is not a party to the formation of the JAC as a governmental entity. Mental Health's participation in the JAC IGA is intended to express Mental Health's assent to its obligations identified in the JAC IGA, and its role in JAC governance as a member of the First Judicial District's Juvenile Services Planning Committee.
3. The JAC Agreement is hereby amended by the addition to Section XIV of the following new subsection J:
 - J. Mental Health provides services to the JAC as an independent contractor and is not acting as an agent, servant, or employee of the other parties or the JAC. Mental Health is solely responsible for necessary and adequate workers' compensation insurance for its employees. Mental Health is solely responsible for withholding and paying any and all federal or state taxes and Mental Health employees are not entitled to unemployment benefits provided by the other parties, or the JAC.
4. This Amendment is binding upon and inures to the benefit of the Parties hereto and its successors and assigns.
5. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Parties approve the use of electronic signatures for execution of this Amendment. All documents must be properly notarized, if applicable. All use of electronic signatures shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§24-71.3-101 to -121.
6. Each Party represents that all procedures necessary to authorize such Party's execution of this Amendment have been performed and that the person signing for such Party has been authorized to do so.

The parties hereto have caused this Amendment to be executed.

[SIGNATURE PAGES FOLLOW]

COUNTY OF JEFFERSON,
STATE OF COLORADO

By: _____
Casey Tighe, Chairman
Board of County Commissioners

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by
Casey Tighe as Chairman of the Board of County Commissioners, County of Jefferson, State of Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Kurtis D. Behn
Assistant County Attorney

COUNTY OF JEFFERSON
STATE OF COLORADO

By: _____
Peter A. Weir, District Attorney

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Peter A. Weir, District Attorney of the District Attorney's Office for the County of Jefferson, State of Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Joanne Kortendick
Assistant County Attorney

COUNTY OF JEFFERSON,
STATE OF COLORADO

By: _____
Lynn A. Johnson, Executive Director
Department of Human Services

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Lynn A. Johnson as Executive Director of the Department of Human Services, County of Jefferson, State of Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Kurtis D. Behn
Assistant County Attorney

COUNTY OF JEFFERSON,
STATE OF COLORADO

By: _____
Jeff Shrader, Sheriff

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Jeff Shrader, Sheriff, County of Jefferson, State of Colorado.

Notary's official signature

Commission expiration date

APPROVED AS TO FORM:

Kurtis D. Behn
Assistant County Attorney

JEFFERSON COUNTY R-1 SCHOOL DISTRICT:

By: _____
Dr. Jason Glass, Superintendent

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Dr. Jason Glass as Superintendent of Jefferson County R-1 School District.

Notary's official signature

Commission expiration date

ATTEST:

By: _____
Name: _____
Title: _____

JEFFERSON CENTER FOR Mental Health

By: _____
Harriet L. Hall, President

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____,
2018, by Harriet L. Hall, as President of Jefferson Center for Mental Health.

Notary's official signature

Commission expiration date

CITY OF ARVADA, a Colorado home rule municipal corporation

By: _____
Marc Williams, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Marc Williams, Mayor of the City of Arvada.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____, City Attorney

CITY OF EDGEWATER, a Colorado municipal corporation

By: _____
Kris Teegardin, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Kris Teegardin, Mayor of the City of Edgewater.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____, City Attorney

CITY OF GOLDEN, a Colorado municipal corporation

By: _____
Marjorie N. Sloan, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____,
2018, by Marjorie N. Sloan, Mayor of the City of Golden.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____, City Attorney

CITY OF LAKEWOOD, a Colorado municipal corporation

By: _____
Adam Paul, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____,
2018, by Adam Paul, Mayor of the City of Lakewood.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____, City Attorney

CITY OF WESTMINSTER, a Colorado municipal corporation

By: _____
Herb Atchison, Mayor

STATE OF COLORADO
COUNTY OF _____

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Herb Atchison, Mayor of the City of Westminster.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____, City Attorney

CITY OF WHEAT RIDGE, a Colorado municipal corporation

By: _____
Bud Starker, Mayor

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this _____ day of _____, 2018, by Bud Starker, Mayor of the City of Wheat Ridge.

Notary's official signature

Commission expiration date

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____, City Attorney

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE PAYMENT TO LL JOHNSON
DISTRIBUTING COMPANY, DENVER, COLORADO IN THE
AMOUNT OF \$94,711.36 FOR PURCHASE OF A NEW 2019
TORO GROUNDSMASTER 5900-D MOWER**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO

Parks and Recreation Director

City Manager**ISSUE:**

The Parks Division is replacing a 2011 Toro Groundsmaster 5900 Series 16 foot mower. The current mower has reached the end of its useful lifespan. From mid-May to early October, 5 days a week, 7 to 8 hours a day, these mowers are used to mow developed turf in all City of Wheat Ridge Park locations.

PRIOR ACTION:

Funds for this piece of equipment were appropriated in the 2019 Parks Division budget in account 01-603-800-809.

FINANCIAL IMPACT:

\$94,711.36 to be charged to account 01-603-800-809.

BACKGROUND:

The Toro brand mower has been used by the City of Wheat Ridge for park maintenance for 25 years. It has proven to be a well-built/well designed machine that is very reliable, and has a low breakdown frequency.

The new 2019 Toro Groundsmaster 5900-D 16-foot mower (Model 31698) proposal from LL Johnson Distributing Company is based on a cooperative pricing agreement through MAPO (Multiple Assembly of Procurement Officials). Purchase of this mower will allow the Parks Division to conduct day-to-day mowing operations of large-scale turf areas.

RECOMMENDATIONS:

Staff recommends payment to LL Johnson Distributing Company in the amount of \$94,711.36 for purchase of a new 2019 Toro Groundsmaster 5900-D mower (Model 31698).

RECOMMENDED MOTION:

“I move to approve payment to LL Johnson Distributing Company, Denver, Colorado in the amount of \$94,711.36 for purchase of a new 2019 Toro Groundsmaster 5900-D mower.”

Or,

“I move to deny payment to LL Johnson Distributing Company, Denver, Colorado in the amount of \$94,711.36 for purchase of a new 2019 Toro Groundsmaster 5900-D mower for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Mark Ruote, Park Project Coordinator
Rick Murray, Parks, Forestry and Open Space Manager
Joyce Manwaring, Director of Parks and Recreation
Jennifer Nellis, Purchasing Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. 2019 Toro Model 31698 Groundsmaster 5900-D mower proposal
2. 2019 Agreement - LL Johnson Distributing Company



March 29, 2019

City of Wheat Ridge Parks
Attn: Mark Ruote

Please find the enclosed **2019 MAPO** pricing on the parks mower you requested.

(1) Toro Model 31698 Groundsmaster 5900-D large area rotary mower with 16 foot cutting width, full-time 4-wheel drive, Info-Center onboard diagnostics, SmartCool system with auto-reversing cooling fan, tilt steering column, adjustable traction pedal, air-ride seat and powered by a 72hp Yanmar Tier 4 compliant engine	\$96,006.14
(1) Toro Leaf Mulching Kit for above GM5900	\$ 2,008.18
(1) Toro Sunshade for above	\$ 575.55
(1) Toro Filter kit for above	\$ 171.49
Extra parts and service manuals	no charge
Service Fee	\$ 3,950.00
SUBTOTAL	\$102,711.36
Trade Value of Toro Groundsmaster 5900-D with 2234 hours.....	\$8,000.00
TOTAL	\$94,711.36

The above pricing is per our **NIPA agreement #2017025-MAPO** and includes all freight, set-up and delivery to you. The above pricing is also good for 90 days. Please give me a call at 720-641-3869 with any questions.

Sincerely,

Don Swanberg
Western Territory Manager

ATTACHMENT 1



P.O. BOX 16102 4700 HOLLY STREET DENVER, COLORADO 80216-6400 (303) 320-1270 FAX (303) 355-8230

Agreement # NIPA 2017025 MAPO

**MAPO EQUIPMENT PROPOSAL
From L.L. Johnson Distributing Company
Effective December 1, 2018**

In 2019 L.L. Johnson Distributing Company will honor two different contracts to procure Toro products. We will honor the City of Tucson's contract #2017025 – managed by National IPA (<http://www.nationalipa.org/toro.html>) This contract was competitively rebid in 2012 and was again awarded to Toro. Discounts are detailed below:

- | | |
|------------------------------|-------------------------|
| • Toro Commercial Equipment | -21.8% off of Toro MSRP |
| • Toro Landscape Products | -27% off of Toro MSRP |
| • Toro Dingo Products | -17% off of Toro MSRP |
| • Toro Irrigation Wholegoods | -40% off of Toro MSRP |

We also honor Toro's GSA contract or Turf Equipment #GS-06F-0012R.

L.L. Johnson is focused on delivering quality products and service to our customers. All equipment orders will get a full Product Quality Inspection (PQI) before delivery. Each piece of equipment will include a delivery portfolio that will include Invoice, Distributor Key Personnel Contract List, Parts Catalogs, Operator's Manual, Service Tips Books, Operator's Video and other miscellaneous documentation inside this portfolio. Customers can also access a variety of helpful information at <http://www.toro.com/en-us/customer-support/Pages/customer-care-resources.aspx>.

There will be a 4% service fee assessed to all orders.

1. The following products do not qualify for the above discounts but will be sold at the following discounted price:

	<u>F'19 Base Unit Municipal Price</u>
a. #30809 – Groundsmaster 3500G – Sidewinder Rotary	\$41,714.00
b. #09200 - ProCore 648 Aerator	\$27,962.00

2. Our demo equipment pricing will be negotiated – demo products are normally items that are current year production and have less than 150 hours usage.
3. Please contact us for special volume incentives per the Toro Smart Value Program in the IPA agreement.
Example: Purchase \$150,000-\$200,000 of the Toro Commercial Equipment and get \$4,500.00 of "Toro Free Goods".
4. L.L. Johnson will provide free onsite training by our field technician upon request and free attendance at our 2020 L.L. Johnson service school (a \$55 value per person) – with any 2019 Toro equipment purchase.
5. Although we prefer payment by check, we do allow for credit card payments on all Toro products including equipment, with prior approval. Financing/leasing options are also available.
6. Term of agreement
 - a. Contract term expires on 11/30/2019
 - b. This proposal will be reviewed and renewed on an annual basis.

The current IPA agreement allows for Toro to have random price increases. L.L. Johnson, however, will hold the current prices through the review date and will absorb any increase from Toro through this agreement period for the MAPO group.

We at L.L. Johnson Distributing Company strive to provide the best customer service possible. As always, if there is a warranty issue in the field with any Toro equipment, and we cannot repair it within 48 hours, we will do our very best to provide a replacement loaner piece of equipment at no charge to you. We again look forward to working with all the MAPO agencies. Please call me with any questions.

Sincerely,

Dan Melchior 11/30/18

Dan Melchior
General Manager
303.394.6657

Boyd Montgomery

Boyd Montgomery
The Toro Company

Accepted on behalf of MAPO:

Diana A. Wilson

11/30/2018

Diana Wilson, CPP
Purchasing Manager, City of Longmont
303-651-8345

REQUEST FOR CITY COUNCIL ACTION


**TITLE: MOTION TO AWARD A CONTRACT AND APPROVE
SUBSEQUENT PAYMENTS TO J.F. SATO & ASSOCIATES,
LITTLETON, CO, IN AN AMOUNT NOT TO EXCEED
\$134,120 FOR ENGINEERING CONSULTING SERVICES
FOR 38TH AVENUE AND KIPLING INTERSECTION
IMPROVEMENTS**

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO

Engineering Manager

City Manager**ISSUE:**

Recent redevelopment along 38th Avenue on the west side of Kipling Street has caused changes in traffic and access patterns to adjacent developments. In particular, left turn queues on the west side of 38th Avenue for eastbound traffic have increased and have impacted access to nearby developments. With additional redevelopment proposed on both sides of Kipling Street, it is anticipated that accesses will be further impacted.

Staff has evaluated the intersection and determined that the addition of a second left turn lane on 38th Avenue will reduce the queue lengths and improve the flow of traffic along 38th Avenue. A conceptual design has been developed by staff and an engineering consultant is required to prepare the construction drawings and assist with permitting.

PRIOR ACTION:

N/A

FINANCIAL IMPACT:

The funding for this project is available in the Public Improvement Projects, Development Related line item 30-303-800-851.

BACKGROUND:

The west side of the 38th Avenue corridor adjacent to Kipling Street has experienced significant redevelopment over the last few years with additional development being anticipated in the near future. The southwest corner of the intersection underwent major redevelopment with the Kipling Ridge redevelopment including a Sprouts Farmer's Market, a larger Starbucks, and the Morning Star Assisted Living Facility. Additional development at the last vacant parcel directly west of the Starbucks is anticipated in the near future. Redevelopment of the Circle K gas station is currently underway at the northwest corner of the intersection. A specific development plan is currently under review for a new 8-lot townhome subdivision at 10191 W 38th Avenue, just over 500 feet west of Kipling Street. The southeast corner of the intersection has also recently received interest as a redevelopment site. Further to the east, there has also been ongoing interest to develop the vacant parcel of land at 9801 W 38th Avenue as a small residential subdivision. Finally, increased enrollment at Everitt Middle School has increased traffic in this area during student drop off and pick up.

All of these changes have increased the traffic and changed the access patterns along 38th Avenue near Kipling Street. The goal of this project is to provide a design that will reduce the long left turn queues along 38th Avenue past the access points for Kipling Ridge and the Circle K. The left turn queues exceed the capacity of the existing left turn lanes and block vehicles from making left turns into the Kipling Ridge development. This causes traffic to back up on 38th Avenue as vehicles wait for the queues to clear before turning left into Kipling Ridge. With the construction of an additional left turn lane along 38th Avenue, the queue lengths will be reduced by half and access to the Kipling Ridge development will no longer be impeded.

JF Sato and Associates was recently selected by the City's established procurement process to perform the required professional services. The selection process included review by an evaluation committee of proposals in response to a request for qualifications submitted by six (6) firms. Staff negotiated with J.F. Sato to finalize the scope and fees for the anticipated work.

The fee is slightly higher than anticipated coming in at about 16% of the estimated 2020 construction costs. However, the project has a significant permitting component due to Kipling Street being a State highway, so a higher engineering consulting fee is appropriate.

RECOMMENDATION:

The consultant selection, based on qualifications, project approach, and experience on similar projects and services, is consistent with the City's standard procurement policy and process for professional services. Appropriate fees for the work were then negotiated in accordance with the specific tasks and services needed. Staff recommends that a contract be awarded to J.F. Sato & Associates.

RECOMMENDED MOTION:

“I move to award a contract and approve subsequent payments to J.F. Sato & Associates, Littleton, CO, in an amount not to exceed \$134,120 for engineering consulting services for 38th Avenue and Kipling intersection improvements.”

Or,

“I move to deny the award of a contract and subsequent payments to J.F. Sato & Associates, Littleton, CO, for engineering consulting services for 38th Avenue and Kipling intersection improvements for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Jordan Jefferies, Civil Engineer

Mark Westberg, Projects Supervisor

Steve Nguyen, Engineering Manager

Jennifer Nellis, Purchasing Agent

Patrick Goff, City Manager

ATTACHMENTS:

1. Project Scope and Fee

MEMO

To:	Jennifer Nellis, CPPB	Project No.:	RFQ-JN-18-27 (JFSA: P6262)
RE:	Project Scope and Fee -Revised memo	Project Name:	38 th Ave and Kipling St Intersection Improvements:
DATE:	March 1, 2019	File Code:	
From:	Gaurav Vasisht, PE, PTOE JFSA		

The JFSA team is pleased and excited to submit this memo summarizing our understanding of project scope, project deliverables and an estimate associated fee for the 38th Avenue and Kipling Street intersection improvements. The scope and fees are based on CDOT requirements for this project and are detailed by topographic survey, utility survey, project design and environmental clearances and permitting. A summary of the fees by phase and discipline as well as a detailed fee breakdown is provided at the end of this memo. We understand that the fee is higher than the range listed in the RFQ and are available to discuss the proposed submittals/deliverables with the City.

Water Quality Funding: CDOT Mitigation Pool Funding

JFSA would like to suggest a funding source for water quality for this project area, i.e. CDOT's Mitigation Pool Fund. I am currently managing two regional water quality pond projects for which I successfully garnered design and construction funds through the mitigation pool fund. Overall, we have been able to use this funding mechanism for five water quality ponds and one storm system in CDOT Region 2. Since Kipling St is a CDOT roadway, the mitigation pool funds can be applied for as a Local Agency Project by the City. This will help both the City and CDOT bring the project area under MS4 compliance. The deadline for local agency applications has not been published for 2019 yet but is expected to be around June or July (2019).

As stated on CDOT's website:

CDOT's Mitigation Pool Fund is required by the CDOT Municipal Separate Storm Sewer System (MS4) Permit (COS000005). The criteria in the application are based on CDOT's MS4 Permit and proposed projects must meet CDOT's MS4 requirements. The Mitigation Pool Committee will consider overall water quality benefit, partnerships, local watershed priority, and project components identified in the Guidance and Application.

<https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality>

1. Project Details

The project details presented below are based on our meeting with the City on 02/06/19 and are in addition to those presented in the RFQ:

- i. The City would like to be able to have the project go out to bid in one year, but it is dependent upon ROW and construction funding.
- ii. The City would like the schedule to push the 60% as far as possible so that once the street width is designated, progress to 100% can be made in a timely manner.

- iii. The City would like the project to be designed per CDOT standards to aid in CDOT approvals and coordination.
- iv. Park Access: The City would like to sell that parcel to CVS but there is opposition to the idea from local residents.
- v. The duplex development on one of the impacted parcels is moving forward. Thus, only one building west of the intersection is historic.
- vi. Whether the Appleridge Café will move from its current location will become clear by March of this year.
- vii. The City could consider compressing the sidewalk to fit in ROW. ADA accessibility will have to be evaluated.
- viii. There is currently a social trail in front of the house by Leena Gulch. The City feels that negotiations and coordination with the owner of this parcel will be reasonable.
- ix. The ongoing Circle K construction will include a new sidewalk in the northwest corner of the intersection.
- x. The signal pole in the southwest corner is new and can possibly be reset, if necessary.
- xi. A signal design will be required for the project with the possibility of moving one or two of the signal poles depending on the roadway design.
- xii. Curb ramp re-design/upgrade to meet ADA requirements will be needed in all four corners of the intersection. The northeast corner has a Type R inlet and the southwest corner has a Wheat Ridge inlet that will need to be accommodated in this design.
- xiii. The City would like the geotech report to provide signal caisson/foundation recommendations and ground water elevation. Three boreholes are anticipated as part of this investigation.
- xiv. The City can provide GIS data and 1 ft topo of the site to get the project started. However, the design will be based on the topographic survey of the site.
- xv. Technical specs for the project will be completed by the City.
- xvi. Water quality has not been evaluated as part of the RFQ but will need to be investigated as part of the project.
- xvii. The City would like permitting to be completed for one design package. If the CVS development is not approved, design pages for that part of the project will be removed from the package. The design package sheets will be set up to make the removal of these sheets easy.
- xviii. The project design vehicle is a WB 50.
- xix. The project will use the City of Wheat Ridge inlet that has been adopted by UDFCD. This inlet provides for better capacity than a Type 16. Additionally, bicycles are able to traverse over these easily.
- xx. The City will need assistance in making boards for the public meeting, but the Consultants are not required to attend.
- xxi. A minor traffic signal LOS analysis might be required to assess the impact of the turn lanes on signal timing along Kipling St.

2. Design Scope

The following is a brief summary of the design scope and deliverables.

Initial Design Review Phase:

This phase will involve a thorough review the City's roadway design and a scoping meeting with CDOT and the City to assess all permitting requirements of the project.

Deliverables:

- i. Memo summarizing the findings the design review and scoping meeting (“Scoping Memorandum”). Other information will be project design criteria, agency contact list and list of design task leaders.
- ii. Project schedule

60% Design:

This phase of the project will aim to develop a design that is progressed enough such that it can be used for ROW acquisition, should the need arise. The goal of the design will be to develop a roadway plan that can be used to designate street width; to obtain environmental clearances, to provide information to the public and to get CDOT’s approval for the design.

Design approval will be through submittals to the City and CDOT followed by a design review meeting. The JFSA PM will coordinate with the City and CDOT throughout the design process.

Details for the utility and topographic survey tasks and deliverables for this phase are provided below.

Engineering Utility Locate Details

- Utilizing Electronic Designation, Aztec S&L will locate all *traceable* utilities within the project limits. Utilities must have a “Traceable” line (i.e. a utility equipped with a copper “tracer wire”) in order to be deemed “Locatable”. Any utilities without a “Traceable” line cannot be located (i.e. Sanitary and Storm Sewer Lines).
- A detailed, color coded sketch will be drafted labeling each *traceable* utility type and direction within the project limits and provided to the client upon completion of the project.
- Pursuant to Colorado SB 18-167: Underground utility designation will be performed at and only at Quality Level “C” (QLC) as defined within ASCE 38-02 Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data.

Map and Data Research

- Upon Notice to Proceed, Aztec S&L will contact Utility Notification Center of Colorado (UNCC) and initiate an *Engineering Data Request* to obtain the contact information for all utility owner facilities with the provided project limits.
- Once utility owner contact information is obtained, Aztec S&L will make contact with each utility owner facility to obtain all available utility data (maps, prints, and/or as-builts) within the project limits.

Traffic Control Plans

- Utilizing AutoCAD Civil 3D, Aztec S&L will provide a set of site-specific traffic control plans (TCP’s) tailored to the permitting entities specific requirements.
- Each TCP will be created by a Colorado Contractors Association (CCA) certified Traffic Control Supervisor (TCS).

Topographic Survey**Field Work**

- ◆ All improvements will be located if items fall within defined limits, including:

- Fences, gates, fixture, structures, pavements (concrete to asphalt), plantings, trails and trees.
- Road access, driveways and drainage way structures.
- ◆ Visible utility boxes and vaults will be located including:
 - Gas, water, sanitary, storm, fiber.
 - Power meters, power poles (overhead power line low point when/if they cross road), fiber pedestals, electric meters, sanitary (rim & inverts), storm (rim & inverts).
- ◆ Boundary:
 - Define ROW / Property / Easements
- ◆ Develop 1-foot contours across defined limits.
- ◆ Vertical Datum will be NAVD88
- ◆ Set a minimum of 3 control points for construction

Subsurface Utility Engineering

- Subconsultant Utility Locator will paint/flag underground utilities as locatable by electronic devices
- Survey crew will locate all lines as marked by utility locator and implement into design drawing (Quality Level: C)
- JF Sato will contact Colorado811 to gather private/public utility ownership and alignment mapping, and compare mapping to field located lines (Quality Level: B)
- Upon utility design configuration, any crossing conflicts will need ‘test hole’ confirmation for vertical pipe reference, unknown quantity (Quality Level: A)
- Should conflicts be determined in cross reference of field markings and mapping, additional costs will incur with utility locator and survey field crew mobilizations. Best effort to establish QL: B to QL: A, and detailed report as to why those Quality Levels are not achievable.

Deliverables:

- i. Utility findings memo document utility coordination and the utility survey quality level achieved on the project. This will include Xcel coordination information with regards to the BCL application that will need to be submitted by the City.
- ii. Drainage memo summarizing the drainage analysis. It is requested that the City consider a drainage memo as a submittal instead of a drainage report given the limited drainage design on this project.
- iii. Geotechnical report with pavement and caisson design recommendations
- iv. Topographic Survey (1-foot contours)
- v. Design sheet submittal:
 - Title sheet
 - General notes
 - CDOT standard plans list for the project
 - Tabulations based on CDOT pay item numbers. (earthwork, surfacing, removals, resets/adjustments, curb and gutter, sidewalks, curb ramps, traffic, survey monuments,
 - Typical sections
 - Utility plan

- Survey control diagram
 - Survey tabulation sheet
 - ROW and Ownership map
 - Geometry plan
 - Removal and reset plan
 - Roadway plan
 - Curb return profiles
 - Grading and drainage plan
 - Traffic signal notes and plan
 - Signing and striping plan
 - Construction phasing plan
 - Landscaping plan
- vi. Memo summarizing the design review meeting with the City and CDOT, and summarizing comment resolution
- vii. Irrigation design – as needed for the project

90%-100% Design:

This phase of the project will incorporate comments received at the design review meeting and will further the design to final bid package. Thus, the design will be further based on an approved roadway and grading design. A second design review meeting will be held at the 90% design stage. Comments received at this meeting will be addressed and a final bid package will be prepared.

- i. Design sheets in addition to the ones submitted at 60%:
- Additional Tabulation sheets as necessary
 - Storm system plan/profile
 - SWMP – initial and final
 - Construction traffic control plan
 - Roadway cross-sections
- ✚ Design fee details are provided with this memo and are provided by phase and team member. A summary of the fee by phase is also provided for each task. The totals for the project design are:
- ◆ Project Management, Roadway, Drainage, SWMP, Traffic Design, QC: **\$ 60,245**
 - ◆ Topographic Survey, ROW and Ownership maps: **\$ 16,425**
 - ◆ Landscape and Irrigation Design: **\$5,675**
 - ◆ Geotechnical investigation including three boreholes: **\$4,245**
 - ◆ Utility Survey: **\$2,750**
 - ◆ Direct expenses including utility test-holes and reproductions: **\$4,630**
 - ◆ Public meeting support: **\$145**
 - ◆ **Design and Survey Fee = \$94,115** (Environmental fee is provided in the next section)

3. Scope of Work for NEPA Compliance and Permitting

The project team will assist the City staff in obtaining an environmental clearance and preparing required permits, in conformance with CDOT's *NEPA Manual*. The scope of the environmental tasks follows CDOT's Environmental Process guidance in Chapter 5 (Section 5.7) of the *Local Agency Manual*. The following tasks and environmental clearances, and permits are, based on the study team's initial reviews.

CDOT Scoping Meeting

The first step will involve scheduling a scoping meeting with CDOT to review the proposed 38th Ave/Kipling intersection improvements; and establish the environmental requirements and schedule. This may be combined with an on-site review of the project limits and design concepts. The proposed 38th Ave / Kipling intersection improvements are anticipated to fall under the scope of a programmatic CatEx project, based on the study team's initial reviews. The scope of the CatEx process will be established through the CDOT Scoping Meeting, including:

- CDOT environmental review team
- Preliminary determinations of anticipated environmental clearance requirements and permits
- CatEx schedule and CDOT review time-frames

CatEx Clearance Requirements

The following is an overview of anticipated Environmental Clearances/Documentation requirements for CatEx clearances:

a. Air Quality - hot spot analysis (Required)

A hot spot analysis for CO emissions is required for conformity with the Clean Air Act, for intersections operating at a level of service (LOS) D, E, or F. A hot spot analysis for CO emissions for is required for the 38th Ave/Kipling intersection, due to peak-hour traffic congestion at LOS F. FHU will prepare an Air Quality Technical Memo, based on CDOT NEPA Manual guidance for CatEx documentation.

b. Noise (Not required)

A noise analysis is not required, because the project will not add additional capacity or through-traffic lanes.

c. Hazardous Materials Assessment (Required)

Based on preliminary review of the EDR Database report for properties with known hazardous materials, FHU identified records of multiple petroleum releases from gas stations currently or historically located in all corners of the 38th Ave/Kipling intersection, as well as shallow groundwater (10 – 20 ft depth). Hazardous materials assessment will include:

- Detailed review and documentation of project site conditions based on the EDR Database Report,
- Documentation of findings in an Initial Site Assessment (ISA CDOT Form #881)

The following recommendations are anticipated:

- Contractor-prepared Materials Management Plan
 - A Modified CDOT Specifications may be required
 - Dewatering permit
- d. **Threatened and Endangered Species/Wildlife** (Required)
The FHU team will prepare a Biological Resources Technical Memo, documenting existing conditions at the locations for stormwater improvements near 38th Ave/Lee Street, and 38th Ave/Johnson Street. Based on initial site reviews, neither location is expected to include habitat for federally listed threatened and endangered species, or protected state-listed species.
- e. **Wetlands** (Required)
The FHU study team will conduct a wetland survey of the drainage near 38th Ave/Johnson Street, and prepare a Wetland Delineation Memo. Due to the isolated area of wetlands, impacts would be less than 500 square feet, and only require a Preconstruction Notification to the USACE District Office.
- f. **Paleontology** (Required)
ERO will assess the paleontological resources within the project area and general vicinity through multiple methods that constitute a comprehensive desktop review (Review). The Review will include a paleontological locality file search; a scientific literature search; assessment of pertinent geologic maps; and consultation with the CDOT Paleontologist as needed. ERO will conduct the file searches through the Colorado Office of Archaeology and Historic Preservation (OAHP) “COMPASS” website, the Denver Museum of Nature and Science (DMNS), and the University of Colorado Museum of Natural History (CU Boulder). ERO will also search the scientific literature and other available documents pertaining to paleontological resources in the project area and vicinity, including an evaluation of published geologic maps to determine the paleontological sensitivity of bedrock formations and/or other surficial deposits in the project area. The CDOT (and/or another agency) paleontologist will be consulted as necessary. A technical report presenting the results of the Review, with mitigation recommendations (if any), will be prepared using accepted resource assessment criteria and professional standards.
Initial assumptions are that no paleontological localities will be found in the proposed project area or vicinity.
- Cultural Resource Compliance Approach**
In coordination with CDOT, ERO will evaluate potential project effects on archaeological and historical resources for the project, in compliance with the Colorado State Register Act (SRA). CDOT requires that archaeological and historical resources are cleared separately in separate deliverables, as follows:
- g. **Archaeology** (Required)
ERO will perform a file search and literature review to identify potential historic properties within the project area and surrounding area within 0.25 mile. For the record searches, ERO will conduct a formal file search with the Colorado Office of Archaeology and Historic Preservation and other relevant records (such as assessor) to identify previously evaluated and potential cultural resources surveys within the project area. The file and literature review results will be compiled for CDOT review. The results of the formal records review will be provided to CDOT

in a technical memorandum. Because the project is located entirely within existing disturbed areas within and along the road right-of-way, ERO will compile the records search results in a letter to CDOT.

ERO anticipates recommending a determination of no potential to cause effects to archaeological resources (per Colorado Revised Statute (CRS) 24-80.1) for the project. ERO assumes that no fieldwork will be required for archaeological resource clearance.

h. **History** (Required)

To evaluate potential project effects on historical buildings and structures in the project area, ERO will prepare a memorandum for CDOT to review the file and literature review and define the Area of Potential Effects (APE) for the cultural resource survey. ERO will conduct a pedestrian survey of the APE to document all historical buildings and structures within the CDOT-defined APE on relevant OAHP documentation forms. Previously recorded and newly identified historical resources will be assessed for their eligibility to be listed on the State Register of Historic Places per CRS 24-80.1-107.

ERO will prepare a report summarizing the eligibility of historical resources in the APE and potential project effects on the resources on CDOT letterhead. The report will include the OAHP documentation forms and provide project construction sufficient information for CDOT to conduct an independent evaluation of the project effects and consultation with the State Historic Preservation Officer regarding potential project effects to historic properties.

Assumptions for the SOW include:

- ERO cultural resource staff will coordinate directly with CDOT to define the APE.
- Ground conditions must be 80 percent free of snow and any pedestrian survey areas and access roads must be dry to initiate the survey. These stipulations are required by the SHPO.
- Through discussions with the City, the project team has initially identified documentation and evaluation requirements for two historical resources, including the residence at 10221 W. 38th Avenue, and the restaurant at 3790 Kipling Street. ERO will coordinate with CDOT and the City to identify any additional resources, based on the APE and survey findings, and refine the SOW and level of effort accordingly.
- If the project results in an adverse effect on cultural resources eligible for listing on the NRHP and additional management or mitigation is required, ERO will provide these services under a separate scope of work.
- Products:
- Records search tech memo provided to CDOT.
 - Draft cultural resource survey letter report and accompanying site forms provided to the Client and CDOT.
 - Final cultural resource survey letter report and accompanying site forms provided to the Client and CDOT.

i. **Section 4(f)** (Required)

The project includes sidewalk and stormwater improvements within the northern edge of Discovery Park. The detached sidewalk improvement is proposed to meet City standards, including

establishing an amenity zone adjacent to 38th Ave, and an ADA compliant ramp at the Johnson Street. Section 4(f) properties include publicly own parks and recreation areas. The study team will prepare a Section 4(f) evaluation in compliance with the following guidance from the CDOT NEPA Manual:

Section 4(f) of the USDOT Act prohibits projects on publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites unless there is no feasible and prudent alternative and all possible mitigation is used. Under SAFETEA-LU, the Secretary can comply with Section 4(f) in a streamlined manner by finding that the program or project will have a "de minimis" impact on the area – i.e., there are no adverse effects of the project and the relevant State Historic Preservation Officer (SHPO) or other official with jurisdiction over a property concurs.

j. Section 6(f) (not required)

The study team has not identified any properties within the project area that were purchased through Land and Water Conservation Funds.

Environmental Documentation and Form 128 (Parts A and B)

The environmental team will prepare technical documentation for submittal to the City and CDOT, in coordination with preliminary design (FIR) review. We will finalize CatEx documentation based on comments, and coordinate with CDOT on clearances and completion of CDOT Form 128 Parts A and B.

Environmental Permits and Form 128 (Parts C, D and E)

Permit assumptions:

- **404 Permit - USACE (not anticipated)**
The proposed stormwater pipe extension impacts to wetlands within Discovery Park are expected to be under the 0.1-acre discharge disturbance, or 500 feet utility line thresholds that would trigger the requirement for a Nationwide 404 Permit with USACE. A pre-construction notification will be prepared for submittal to the district engineer.
- **Air Quality**
An Air Pollution Emission Notice to CDPHE may be needed.
- **Stormwater Permit – CDPHE**
Compliance with City and CDOT requirements
- **Dewatering Permit – CDPHE**
Assumes shallow ground water at 38th Ave/Kipling signal pole sites
- **Noxious Weed Management**
Compliance with City and CDOT standards
- **SB40 Certification** (not anticipated)
Assumes avoidance of Lena Gulch
- **Floodplain Permit** (not anticipated)

Assumes avoidance of Lena gulch floodplain

- **MS4 Compliance**
Compliance with City and CDOT standards
- **Utility Permit**
Utility permit for any work within CDOT's ROW

Environmental Clearances and Permitting fee estimate:

- ◆ CatEx & Permitting: **\$15,600**
- ◆ Air: **\$4,500**
- ◆ Hazmat: **\$8,050**
- ◆ Environmental and Admin support: **\$3,600**
- ◆ ERO: Archaeo/historic/Paleo **\$8,255**
- ◆ **Environmental Fee = \$40,005**

TOTAL PROJECT FEE ESTIMATE = \$134,120

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 21-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$18,000 TO SUPPORT PORCHLIGHT, A FAMILY JUSTICE CENTER

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS


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

QUASI-JUDICIAL: ☐ YES

☒ NO



Chief of Police



City Manager

ISSUE:

The Police Department is requesting approval of a supplemental budget appropriation in the amount of \$18,000 to assist with start-up costs for PorchLight, a Family Justice Center (FJC). PorchLight will provide one-stop services for comprehensive legal, emotional, and critical needs for survivors of domestic violence, sexual assault, child abuse, at-risk adult abuse, elder abuse, and human trafficking.

PRIOR ACTION:

The Police Department has provided updates to City Council regarding the progress of the Family Justice Center since the idea began in earnest in 2017. Community meetings and meetings with non-profits and government leaders have taken place, notably including Senior Deputy District Attorney Candace Cooledge, meeting with City Council on December 4, 2017. Ms. Cooledge conducted a PowerPoint presentation regarding the concepts and progress of PorchLight.

Members of the Wheat Ridge Police Department have been, and continue to be, involved as subcommittee members on this project. Staff continues to assess how our organization will integrate these services into our Police Department.

FINANCIAL IMPACT:

The financial impact to the General Fund is a requested increase in the amount of \$18,000 to contribute to the start-up costs of the Family Justice Center.

BACKGROUND

More than 75 partner agencies have been working together to provide coordinated services for victims of violence. Violence can include physical abuse, emotional abuse, harassment, threats, strangulation, murder, elder and at-risk adult abuse, human trafficking, property damage, and child abuse. The advantage of a Family Justice Center is for victims of crime to have one-stop access to essential services. The City of Wheat Ridge is an important and participating partner in PorchLight (FJC).

To date, PorchLight (FJC), has raised \$875,000 through grants, corporate, and individual donations. They are requesting start-up contributions from municipal and county partners to reach a goal \$1,200,000 to become operational. The City of Golden was the first municipality to make a contribution of \$10,000. The population of Golden is 3% of the total population of the First Judicial District (Jefferson and Gilpin Counties, population 569,800). As Wheat Ridge represents 5% of the total population, a recommended contribution is \$18,000. The other municipalities within the First Judicial District are asked to contribute their appropriate share, based on population percentage.

PorchLight (FJC) continues to evaluate their funding needs beyond this request and will continue to keep the City informed of their progress and needs.

RECOMMENDATIONS:

Staff recommends that City Council approve the supplemental budget appropriation.

RECOMMENDED MOTION:

“I move to approve Resolution No. 21-2019 – a resolution amending the fiscal year 2019 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$18,000 to support PorchLight, a Family Justice Center.

Or,

“I move to postpone indefinitely Resolution No. 21-2019 – a resolution amending the fiscal year 2019 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$18,000 to support PorchLight, a Family Justice Center, for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Jim Lorentz, Patrol Operations Division Chief

Daniel Brennan, Chief of Police

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 21-2019
2. 2018 Family Justice Center PowerPoint
3. 2017 Family Justice Center Presentation

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 21
Series of 2019

TITLE: RESOLUTION NO. 21-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$18,000 TO SUPPORT PORCHLIGHT, A FAMILY JUSTICE CENTER

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

WHEARAS, an amendment to the general fund budget is required to expend these funds; and

WHEREAS, the Wheat Ridge City Council identified the support of residents in taking an active role in community policing as a 2035 Smart Goal; and

WHEREAS, the First Judicial District is establishing a Family Justice Center to provide one-stop services and support for comprehensive legal, emotional, and critical needs for survivors of domestic violence, sexual assault, child abuse, at-risk adult abuse, elder abuse, and human trafficking; and

WHEREAS, the First Judicial District is requesting contributions based on population size by the municipalities within the district to support the start-up costs of Porchlight, a Family Justice Center; and

WHEREAS, the contribution requested for the City of Wheat Ridge represents an \$18,000 increase to the General Fund budget.

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

THE FOLLOWING AMENDMENT TO THE GENERAL FUND IS HEREBY APPROVED:

A supplemental budget appropriation in the amount of \$18,000 from General Fund undesignated reserves to account 01-201-700-750 and the amendment of revenues accordingly to support PorchLight, a Family Justice Center.

DONE AND RESOLVED this 8TH day of April 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk



Thank you JEFFCO
BUSINESS RESOURCE
CENTER!!!

A smaller version of the PorchLight logo, featuring the same text and lantern icon as the main logo, but with the tagline "You Are Not Alone." in a smaller, dark blue serif font.

BUSINESS PLAN

A close-up photograph of a human eye. The iris is a vibrant yellow-green color. In the center of the eye, there is a reflection of a person sitting on a bench, possibly in a park or outdoor setting. The reflection is slightly blurred, giving it a dreamlike or symbolic quality.

PORCHLIGHT'S MISSION

Our mission is to bring together essential services for victims, survivors and their children to create a positive pathway forward, and to foster public safety.

PORCHLIGHT'S VISION AND VALUES

VALUES (what we believe)

We Believe...

- **Hope.** At Porchlight, we believe in a violence-free future for everyone.
- **Respect.** At Porchlight, we believe in respect for all people, regardless of differences.
- **Community.** At Porchlight, we believe in the power of a compassionate community and the transformative partnerships that support courage and healing.
- **Empowerment.** At Porchlight, we believe that each person deserves the opportunity to direct their own life.
- **Freedom.** At Porchlight, we believe everyone has the right to live in safety and free from fear.

• VISION (what we see in the future)

- **PorchLight is a beacon of light, no matter the darkness. We inspire hope and offer a place for healing, creating a community free from violence, abuse and exploitation**

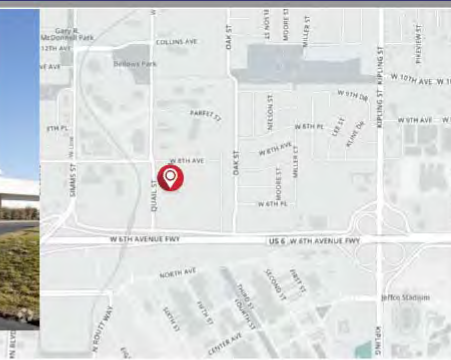
WHERE ARE WE NOW?

- Committees and work groups meeting regularly including VOICES committee
- Project Board
- DA 501(c)(3)
- Pro Bono attorney – thank you Jackson Kelly and John Zakhem!
- We have OVER 70 partners and community support
- Thank you JAN FERGUSON and KELLEN Company – FURNITURE DONATION – JCSO moving/storage
- We are getting \$\$\$ Thank you Golden, District Attorney Pete Weir, Jeffco Sheriff Jeff Shrader, Colorado Attorney General, Lakewood PD, First Bank!
- GRANT funding
- JCSO and LPD – Family Crimes Units
- High Risk Assessment Team
- Marketing Material
- www.porchlightfjc.org

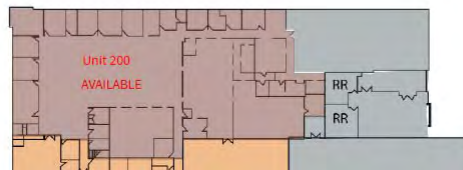
WE HAVE A LOCATION!!!



11100 West 8th Avenue Lakewood, CO



Site / floor plan



Thank you Cheryle Powell

Sperry Commercial Global Affiliates

FUNDRAISING VIDEO

Thank you Jenuine & Blu

THE CURRENT PROCESS

JEFFERSON
COUNTY

ATTACHMENT 3

JILL

JILL

- This is a typical DV scenario that our office sees day in and day out
- Sometimes we have victim participation in the criminal justice system and sometimes we do not
- Legitimate reasons why a victim may not participate: Fear of the system; fear of the offender; religious beliefs; emotional ties to the abuser; threats to children or of deportation; lack of money or resources; or simply not knowing that help is available
- Most, if not all, experienced prosecutors in Jefferson County have handled a murder case which was the result of, or which had an association with, domestic violence

AFTER THE ASSAULT

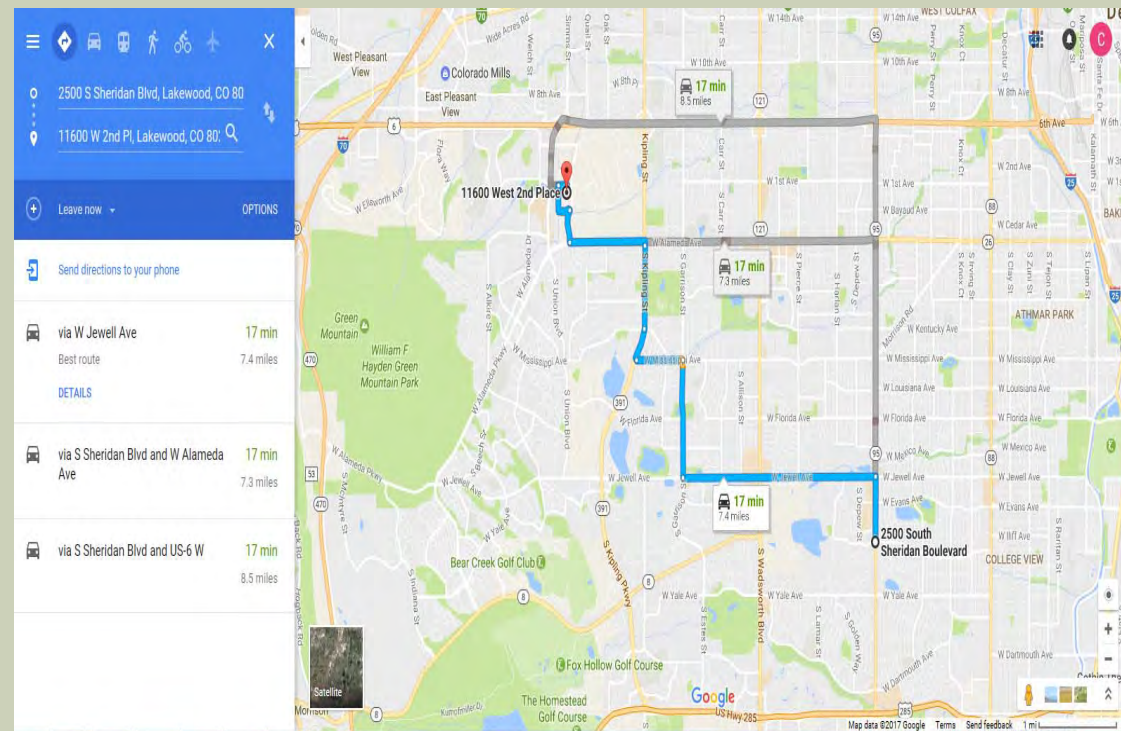
- Jill, a victim of domestic violence needs:
 - Medical Treatment - St. Anthony Hospital & Medical Campus (**Centura Health**)
 - A Protection Order – Jefferson County Combined Courts (**Family Tree**)
 - Counseling - **JCMH**
 - Jefferson County Human Services Assistance (**DHS**)
 - A divorce – **Justice and Mercy Legal Aid Clinic**
 - Follow up with Law Enforcement – **Lakewood PD**
 - Forensic interview of her children who witnessed the incident – **Ralston House**

*A DV advocate may be involved from the beginning or at any time throughout this process to help Jill navigate. With or without assistance:

HERE IS WHAT SHE MUST DO.....

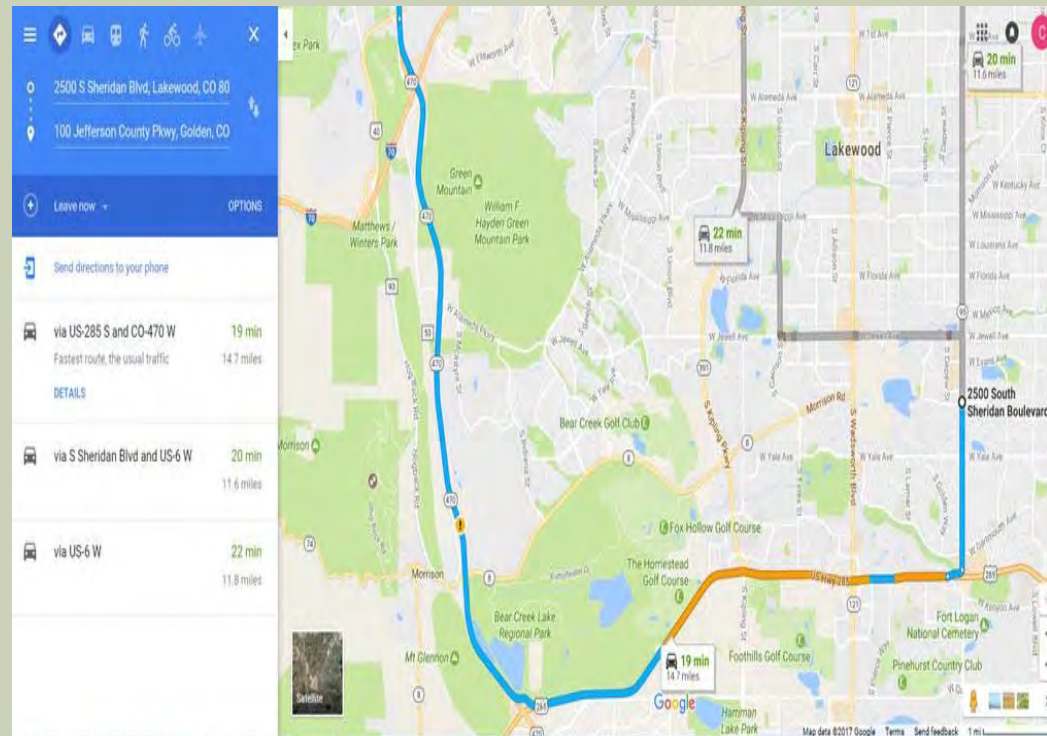
MEDICAL TREATMENT

- Assume Jill lives in Lakewood
- She may go to St. Anthony hospital, tell her story, and return home
- 14.8 Miles
- 34 Minutes



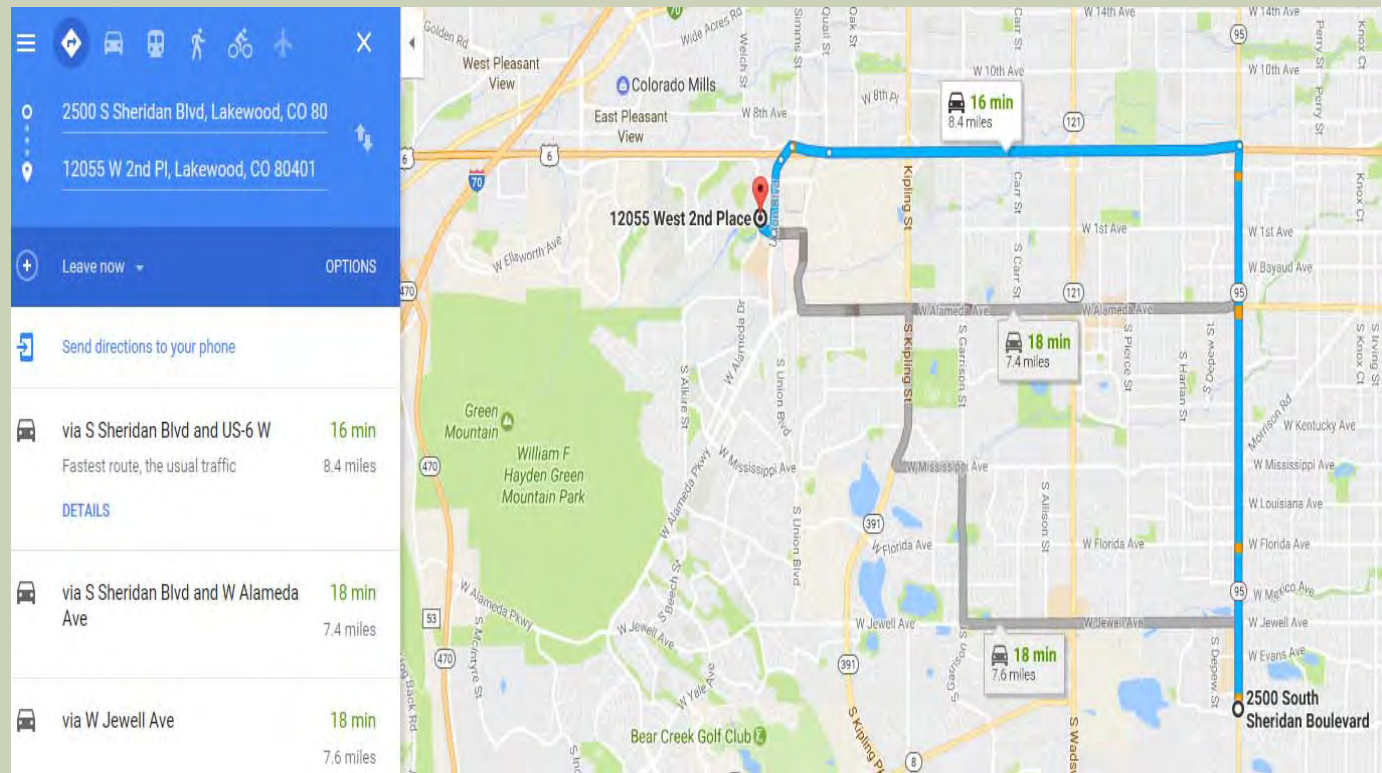
PROTECTION ORDER

- Jill will go to the Jefferson County Courthouse and meet with Family Tree for help with the application
- She will then go to court
- She will return home
- She will need to return to court again for the permanent protection order to issue
- 29.4 Miles EACH time
- TOTAL 58.8 Miles
- 38 Minutes EACH time
- TOTAL 76 Minutes



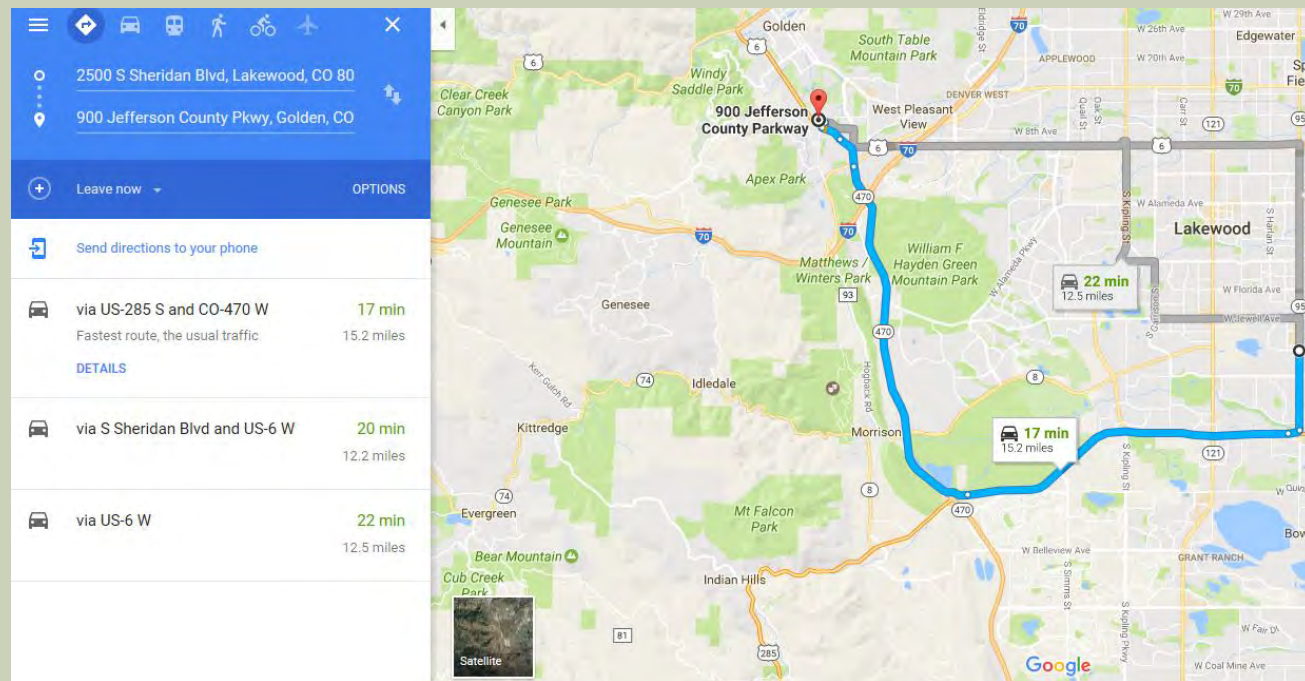
COUNSELING

- Jill may receive a referral for counseling with JCMH, tell her story and fill out an application
- 16.8 Miles
- 32 Minutes



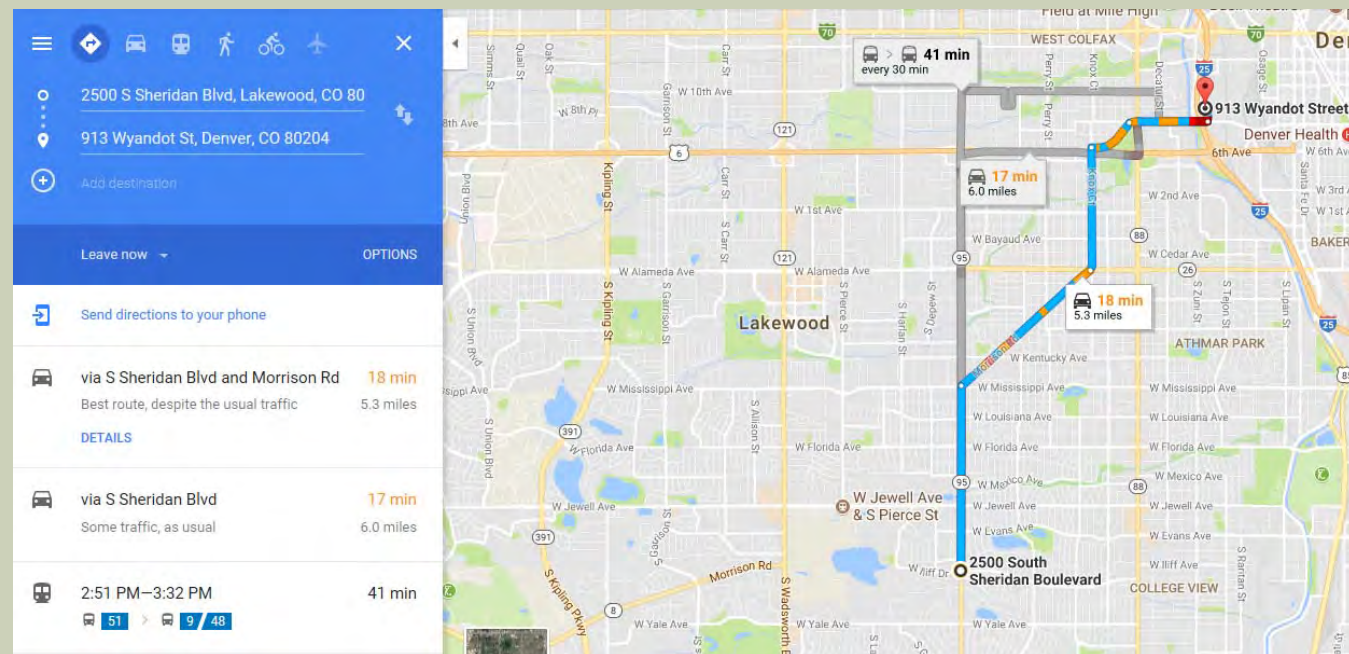
FINANCIAL ASSISTANCE

- To apply for aid, Jill will need to go to Human Services tell her story, and fill out an application
- 25 Miles
- 34 Minutes



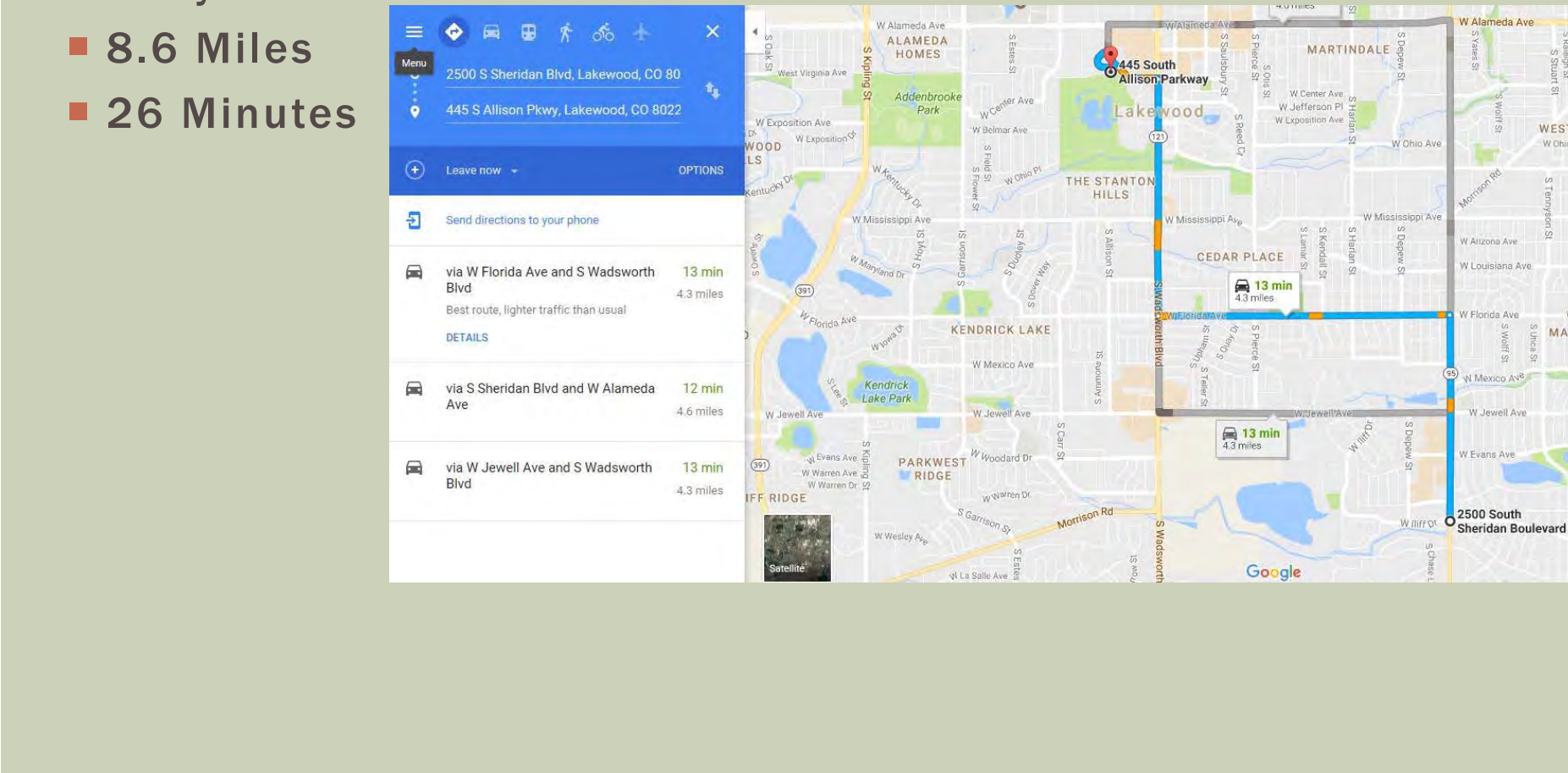
FAMILY LAW HELP

- Jill may need help with a divorce and/or custody issues
- She may be referred to Justice and Mercy Legal Aid Clinic, tell her story and fill out an application
- 12 Miles
- 32 Minutes



FOLLOW UP WITH LE

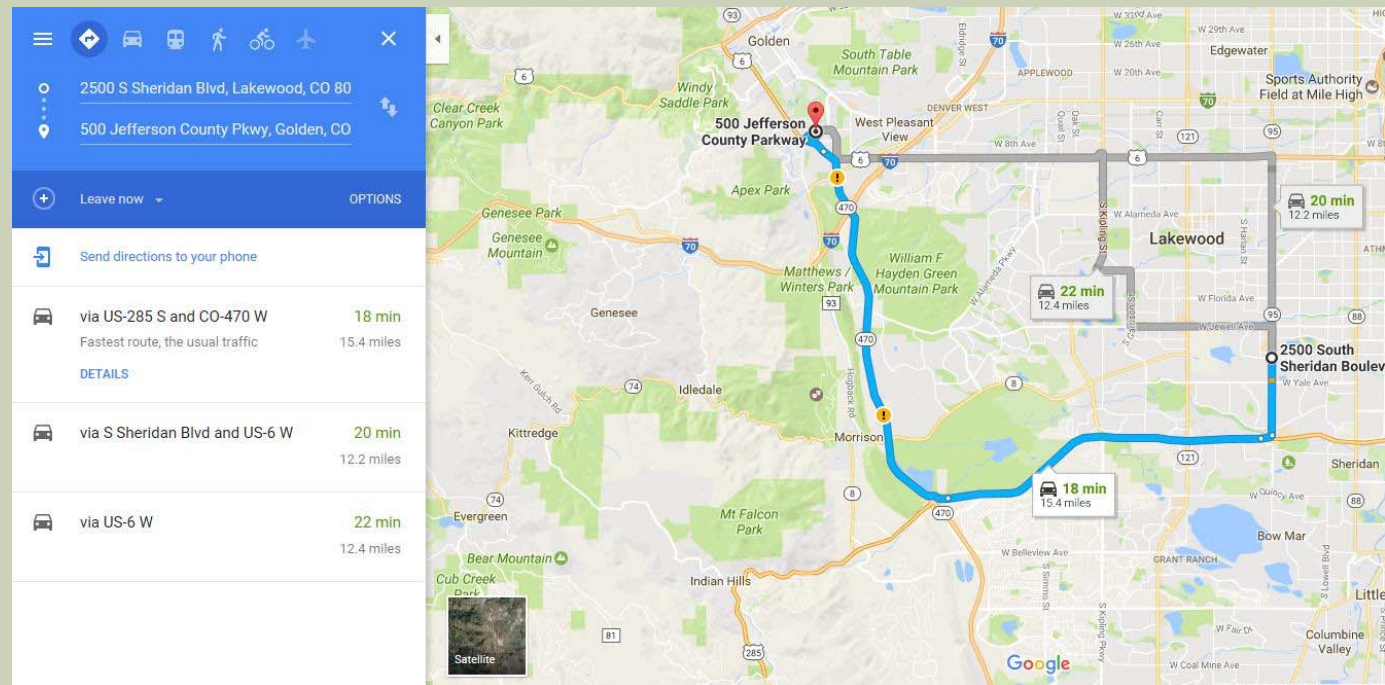
- She may need to follow up with Law Enforcement, tell her story



MEET WITH DA

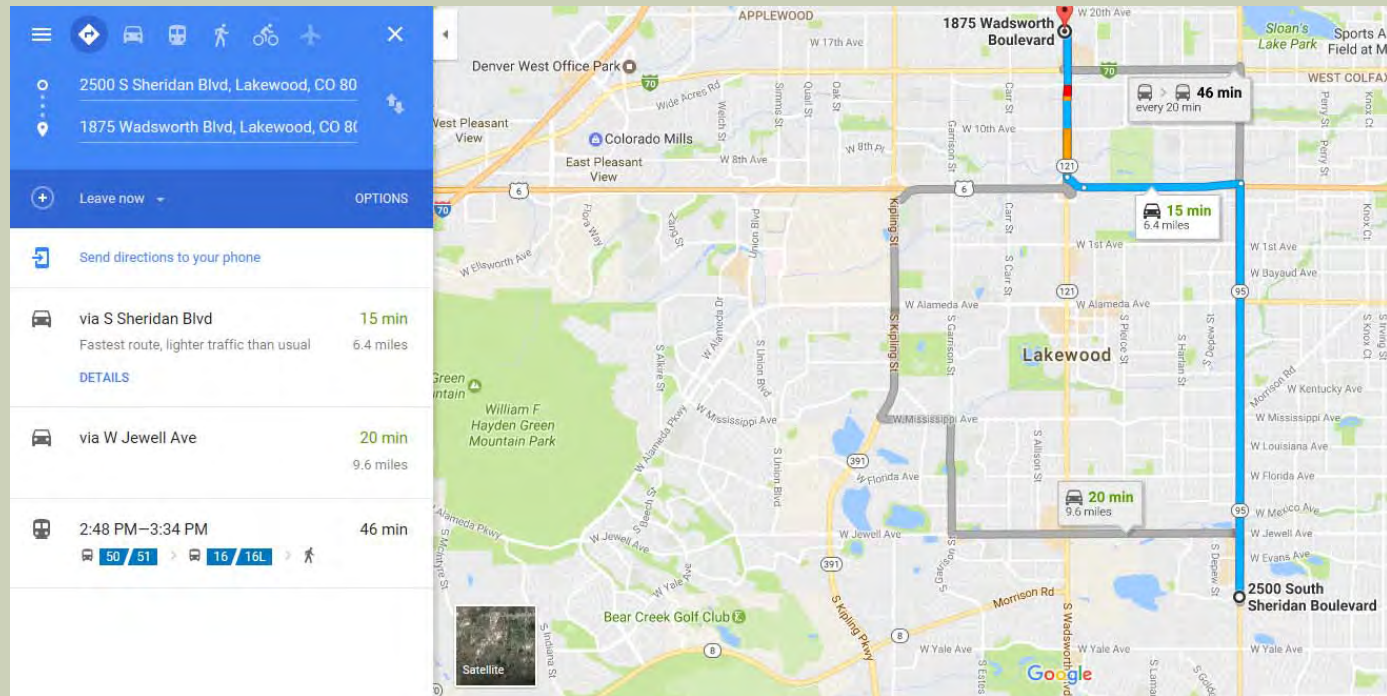
- She may need to meet with the District Attorney handling the case against her abuser, tell her story

- 30.8 Miles
- 36 Minutes



FORENSIC INTERVIEW

- She may need to bring her children to the Ralston House for a forensic interview
- 12.8 Miles
- 30 Minutes



TO MEET HER NEEDS

- To receive these basic needs, Jill will have traveled over **174 MILES TOTAL**
- By car this would have taken 281 MINUTES OR **4.68 HOURS** of TRAVEL TIME ALONE
- By bus it will take Jill **13 HOURS**

KEEP IN MIND

- This is travel time ONLY. It does not include the number of hours she has spent at the locations, filling out forms, telling her story, asking and answering questions, waiting in lines or obtaining necessary items/paperwork
- She will also either need childcare, or to bring her children with her to these multiple appointments/locations where they may wait for hours

SEXUAL ASSAULT

- SANE Exam/Medical services – **Centura/St. Anthony**
- Mental Health/Counseling services – **Blue Bench**
- Victim Advocate - **VOI**
- Protection Order – Courthouse/**Family Tree**
- Follow up with Law Enforcement - **GPD**
- Meet with District Attorney

ELDER ABUSE

- In home care, upkeep of the home, transportation to Dr. Apts. - **Seniors' Resource Center**
- Revoke Power of Attorney and secure bank accounts - Adult protective services – **Jefferson County Human Services**
- Forensic Interview - **Ralston House**
- Law Enforcement - **APD**
- District Attorney
- Victim Advocate – what happens now? – **VOI/DA VW**
- Counseling - **JCMH**

**WHAT ABOUT THE
CHILDREN?**

WHAT ABOUT THE CHILDREN?

- 5 million children witness domestic violence each year in the US
- 40 million adult Americans grew up living with domestic violence
- Children who've experienced domestic violence often meet the diagnostic criteria for Post Traumatic Stress Disorder(PTSD) and the effects on their brain are similar to those experienced by combat veterans

WHAT ABOUT THE CHILDREN?

- Children in homes with violence are physically abused or seriously neglected at a rate **1500% higher** than the national average
- Those who grow up with domestic violence are 6 times more likely to commit suicide and 50% more likely to abuse drugs and alcohol

WHAT ABOUT THE CHILDREN?

- If you grow up with domestic violence, you're **74% more likely** to commit a violent crime against someone else
- Children of domestic violence **are 3 times more likely to repeat the cycle in adulthood**, as growing up with domestic violence is the most significant predictor of whether or not someone will be engaged in domestic violence later in life

TODAY'S NUMBERS

CATEGORY/FILED CASES	2016
Elder Abuse	74
Human Trafficking	14
Misdo DV	1604
Felony DV	385
Sexual Assault/Adult Victim	64
Felony Crimes Against Children	228

FJC – A BEST PRACTICE MODEL



- The US Department of Justice views the Family Justice Center model to be a best practice approach in responding to domestic violence
- Currently there are approximately 130 FJCs throughout the nation

SOME STATISTICS

Alameda County FJC Opened in **2006**

- 2006: 55% misdo DV not charged because of lack of victim participation
- 2007: 36%
- 2008: 22%
- 2009: 19%

DV HOMICIDE RATE:

- 2001: 30DV HOMICIDES
 - 2007: 7 DV HOMICIDES
- NYC: DECLINE OF 51%
CITYWIDE
- SAN DIEGO: 50%
DECREASE
- BROOKLYN – 91% (3
LAST YEAR)

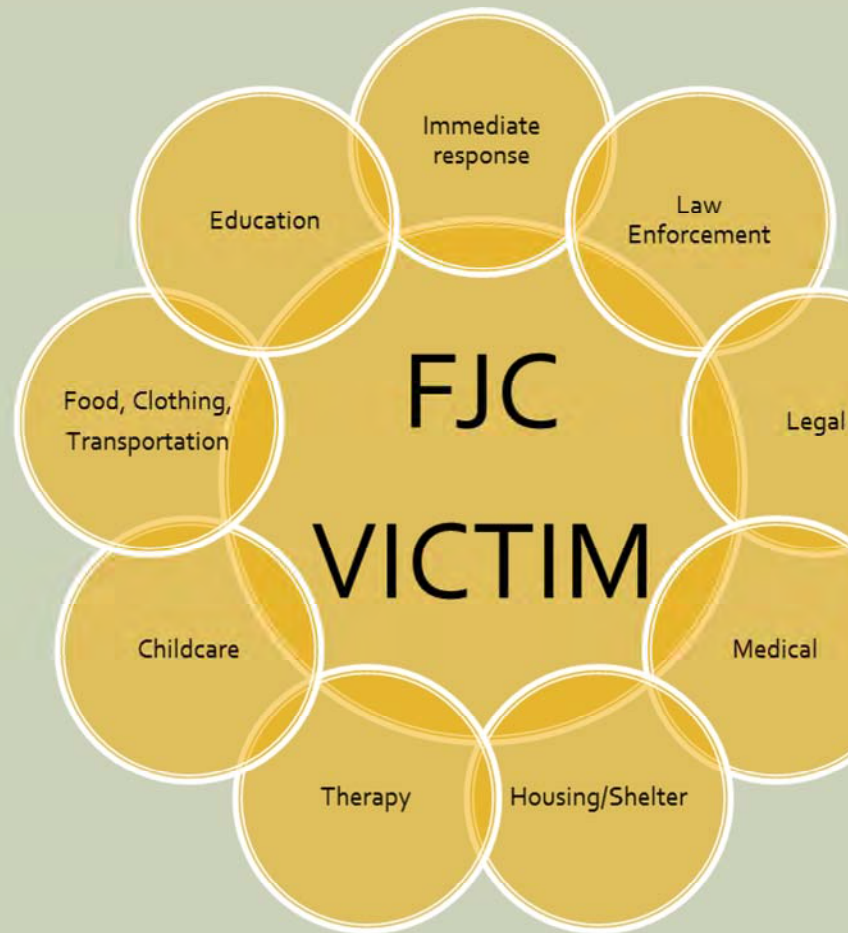
WHAT IS A FAMILY JUSTICE CENTER?

- All of the agencies that Jill needs in a single location
- Not an additional agency
- One trip to more efficiently deliver services
- Minimize number of times she will recount the abuse
- Victim oriented
- Victims can be referred to the FJC not only by the police, but also by friends, family, therapist or hospital
- No criminal case required – she comes for the services she needs

VISION

- Increased collaboration of all service providers
- Co-located, specialized services for victims of domestic violence, sexual assault, crimes against children, elder abuse and human trafficking
- Reduction in homicide rate
- Increase in victim participation and prosecution of offenders for safer community

THE GOAL



FAMILY JUSTICE CENTER ALLIANCE

- Study Tour
- Strategic Planning
January 17 & 18,
2018
- Early Planning
Phase



www.familyjusticecenter.org

CURRENT PARTNERS

- 1ST JUDICIAL DISTRICT ATTORNEY'S OFFICE
- JEFFERSON COUNTY SHERIFF'S OFFICE
- JEFFERSON COUNTY DEPARTMENT OF HUMAN SERVICES
- JEFFERSON COUNTY R-1 SCHOOLS
- CENTURA HEALTH
- LUTHERAN HOSPITAL
- JEFFERSON COUNTY PROBATION
- JEFFERSON COUNTY CORONER
- COLORADO SCHOOL OF MINES
- JEFFERSON /GILPIN COUNTY CASA
- FAMILY TREE
- RALSTON HOUSE
- VICTIM OUTREACH INC.
- GOLDEN PD
- ARVADA PD
- LAKEWOOD PD
- WHEAT RIDGE PD
- WESTMINSTER PD
- THE ACTION CENTER
- FORENSIC NURSE EXAMINERS through St. Anthony Hospital
- BLUE BENCH
- SENIORS' RESOURCE CENTER
- JCMH
- DDRC
- THE ARC

CURRENT PARTNERS (CONT'D)

- MILE HIGH MINISTRIES/JUSTICE AND MERCY LEGAL AID CLINIC
- ROCKY MOUNTAIN VICTIM LAW CENTER
- ROCKY MOUNTAIN POLICE CHAPLAINS
- SURVIVORS ORGANIZING FOR LIBERATION
- SERVICIOS DE LA RAZA
- NATIONAL COALITION AGAINST DOMESTIC VIOLENCE (NCADV)
- COLORADO COALITION AGAINST DOMESTIC VIOLENCE (CCADV)
- DOMESTIC VIOLENCE INITIATIVE
- CHILD CARE INNOVATIONS, RED ROCKS COMMUNITY COLLEGE,
- TRIAD EARLY CHILDHOOD COUNCIL
- INTERVENTION
- COLORADO ORGANIZATION FOR VICTIM ASSISTANCE (COVA) – HUMAN TRAFFICKING PROGRAM
- DR. KATHARINE WELLS (DENVER HEALTH, CHILDREN'S HOSPITAL, UNIVERSITY OF COLORADO, THE KEMPE CENTER)
- CRIME VICTIM COMPENSATION
- FOOTHILLS PET SHELTER
- ALIGHT

CURRENT PARTNERS (CONT'D)

- ROCKY MOUNTAIN
CHILDREN'S LAW CENTER
- ENERGY OUTREACH
COLORADO
- DENVER INDIAN FAMILY
RESOURCE CENTER
- ASIAN PACIFIC
DEVELOPMENT CENTER
- THERAPY DOGS
- THE TRANSLATION AND
INTERPRETATING CENTER
- JEFFCO PET EMERGENCY
TEAM
- DOVE

WE ARE HERE FOR JILL



FAMILY
TREE IS IN



JCMH IS IN



RALSTON
HOUSE IS
IN

ARE YOU IN?



SUPPORT THE EFFORT

Candace Cooledge
Deputy District
Attorney
Family Justice
Center Coordinator
500 Jefferson
County Parkway
Golden, CO 80401
(303) 271-6929
ccooledg@Jeffco.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)

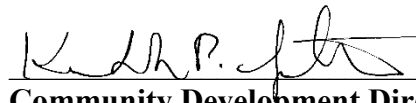
☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (11/26/2018)
☒ ORDINANCES FOR 2ND READING (04/08/2019)
(continued from 01/14/2019 and 02/11/2019)

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 rezoning, if approved, would prepare the property for development of a 26-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. On February 11, there were vacancies on Council and pursuant to the applicant's request, a motion was approved continuing the case to April 8, 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. If approved, additional fees would be required for the Specific Development Plan, subdivision plat, parkland fees-in-lieu of land dedication, building permits, site work permit, and right-of-way permits.

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.

Staff's analysis of the request has determined it 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. Other property zoned R-3 abuts the subject property immediately to the south and southeast, which allows 12 dwelling units per acre. 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, a designated collector 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, on second reading, and that it takes effect 15 days after final publication, 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., Council Action postponed to April 8, 2019** in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: November 29, 2018; January 17, 2019; February 14, 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:**

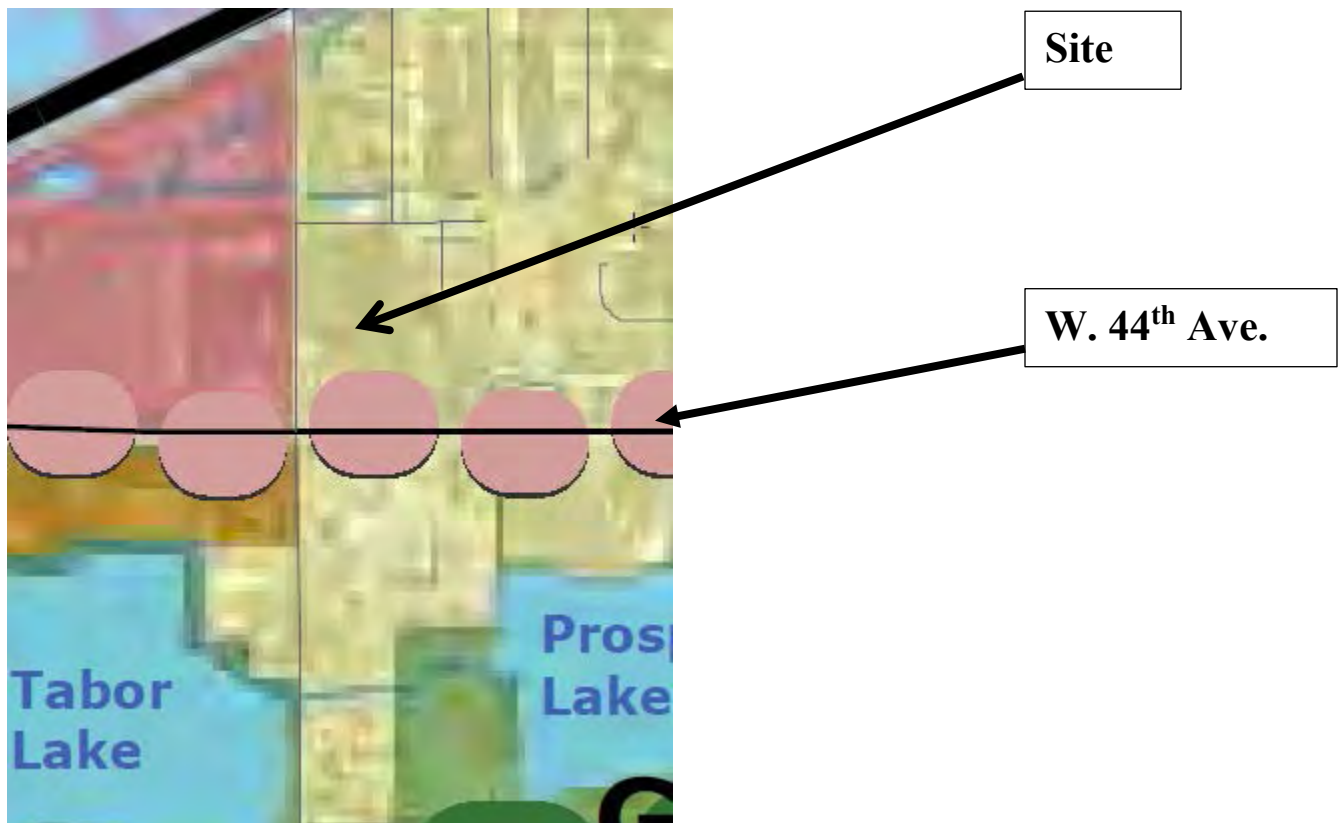
- a. The change of zone is in conformance, or will bring the property into conformance, with the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other related policies or plans for the area.**

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

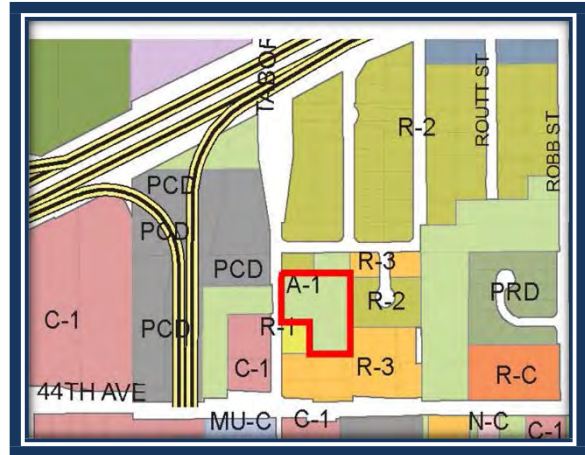
The subject parcel is located at 4440 Tabor Street, Wheat Ridge Colorado. The property encloses approximately 2.09 acres of vacant, cleared upland area, and is classified by parcel identification number (PIN) #39-201-04-015. The proposed development includes approximately thirty (30) townhome-style residential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

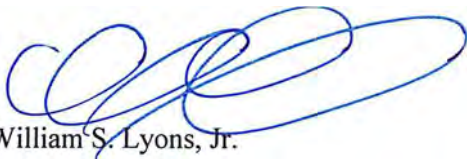
Per Section 26-303.D of the Wheat Ridge Municipal Code, the Planning Commission and City Council shall base their decision to approve, approve with conditions, or deny an ODP application in consideration of the following criteria:

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

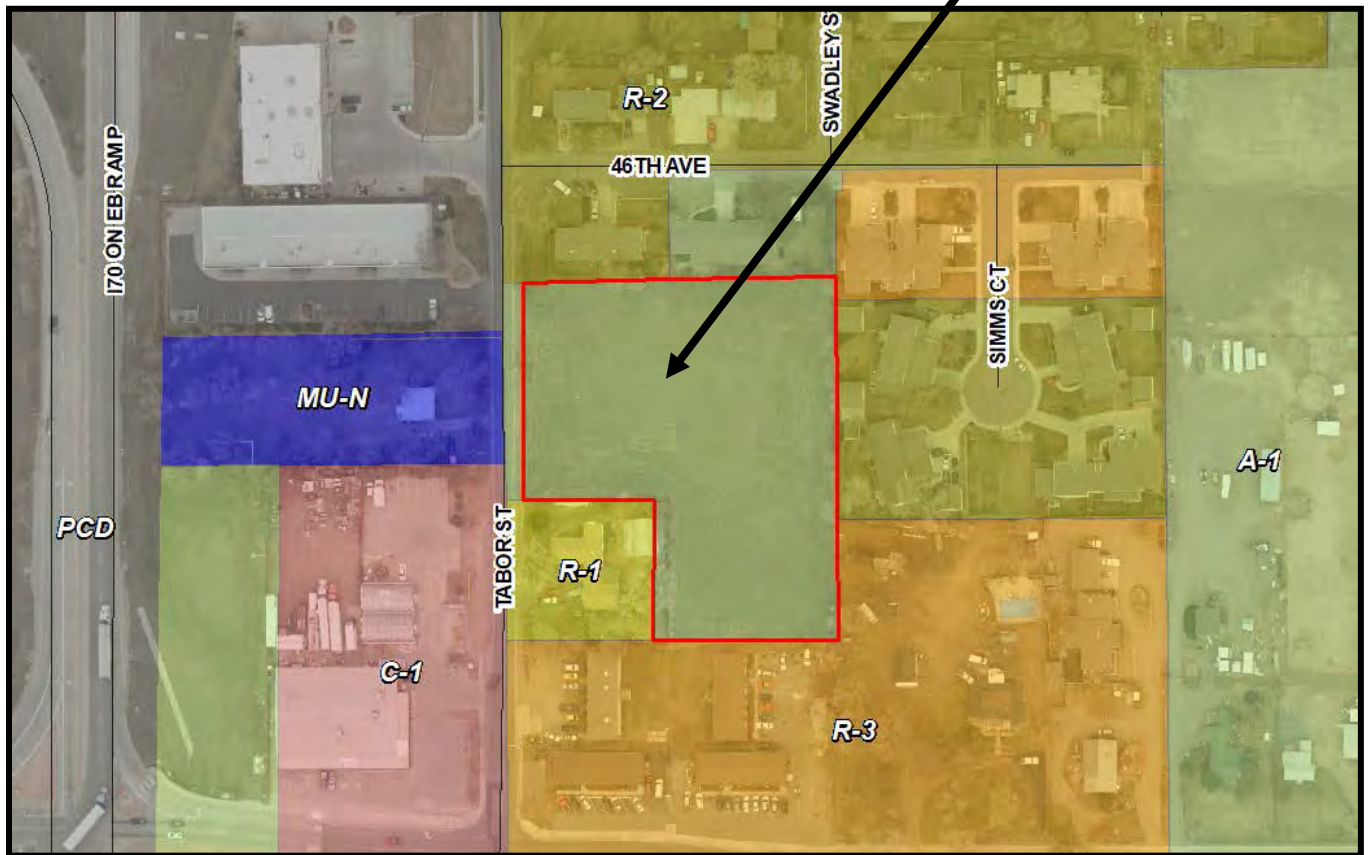


EXHIBIT 4: SITE PHOTOS



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:

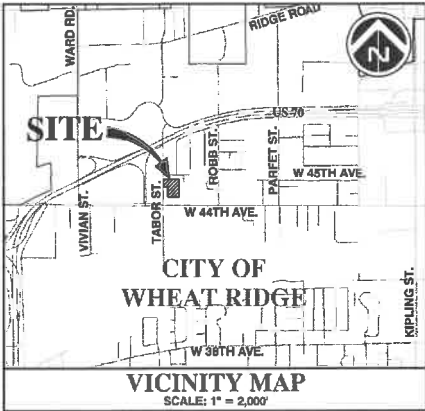
DEVELOPER / OWNER:
CLEAR CREEK TERRACE, LLC.
6143 WILLOW DRIVE
GREENWOOD VILLAGE, CO 80111
CONTACT: STEPHEN SUNDBERG
PHONE: (720) 488-1600

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: jmonforton@j3engineering.com

CLEAR CREEK TERRACE
OUTLINE DEVELOPMENT PLAN

COVER SHEET

CLEAR CREEK
TERRACE, LLC.

6143 WILLOW DRIVE
SUITE 300
GREENWOOD VILLAGE, CO
80111

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

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

DOCUMENT AMENDMENTS

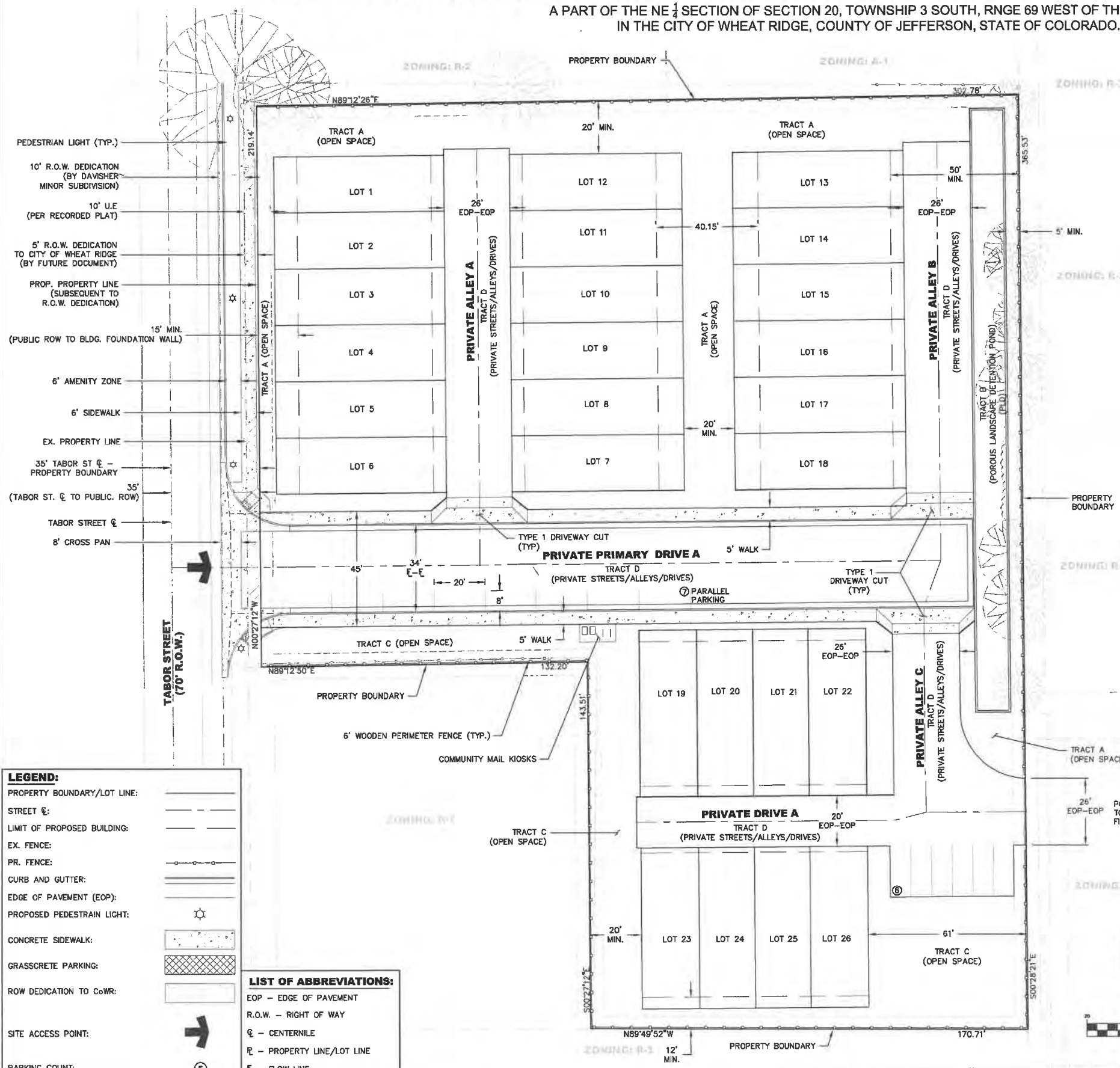
To request marking of underground facilities



EXHIBIT 5

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

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

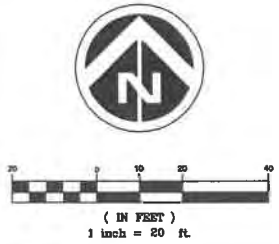
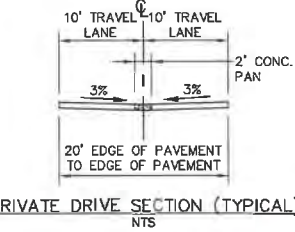
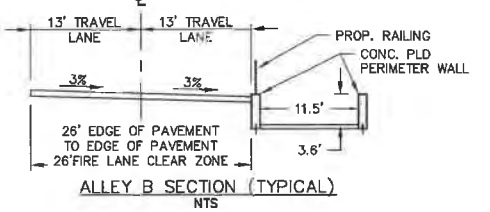
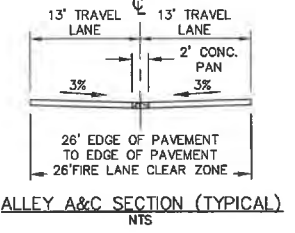
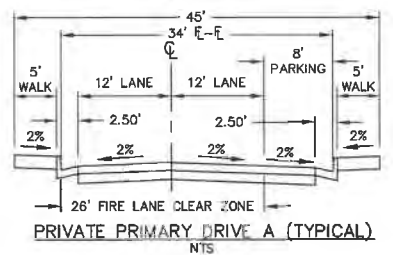
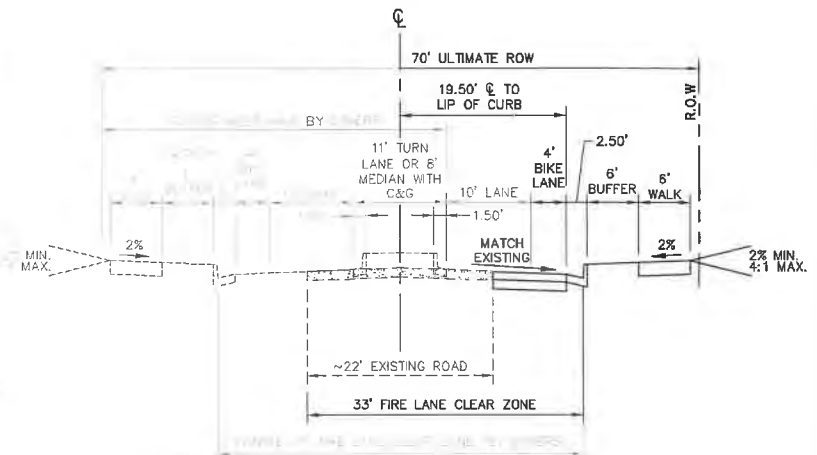


LEGEND:

- 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: [Pattern]
- GRASSCRETE PARKING: [Pattern]
- ROW DEDICATION TO CoWR: [Pattern]
- SITE ACCESS POINT: ➔
- PARKING COUNT: ⑥

LIST OF ABBREVIATIONS:

- EOP - EDGE OF PAVEMENT
- R.O.W. - RIGHT OF WAY
- C - CENTERNILE
- P - PROPERTY LINE/LOT LINE
- F - FLOW LINE



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.

ENGINEERING CONSULTANTS
Contact: Jason A. Monforton, PE
8100 E. Maplewood Ave., Suite 150 - Greenwood Village, CO 80111
(303) 448-5601 - FAX: (303) 448-5603
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	6-13-2018	ODP SUBMITTAL - 1ST
2	8-23-2018	ODP SUBMITTAL - 2ND
3	10-12-2018	ODP SUBMITTAL - 3RD
4	10-30-2018	ODP SUBMITTAL - 4TH

DOCUMENT AMENDMENTS

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

Rezone 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.	Leanne M. Patton	4515 R. Ave. S.D.
4.	Deborah T. Long	cc
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.

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 (04/08/2019) |
| <input type="checkbox"/> RESOLUTIONS | (continued from 12/10/18, 01/14/19, and 02/11/19) |

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 were only seven (7) sitting Council members. A motion was made and approved by City Council to 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 approve Council Bill No. 34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street on second reading and that it takes effect 15 days after final publication."

Or,

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

REPORT PREPARED BY:

Steve Art, Economic Development Manager/Executive Director – Renewal Wheat Ridge

Joyce Manwaring, Director of Parks and Recreation

Gerald Dahl, City Attorney

Patrick Goff, City Manager

ATTACHMENTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 26th day of November, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for December 10, 2018 at 7:00 p.m., **postponed to January 14, 2019 at 7:00 p.m., continued for Council Action on February 11, 2019 at 7:00 p.m., Council Action postponed to April 8, 2019** 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: February 14, 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

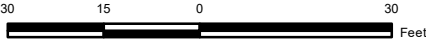
Legend

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

40 South Allison Street

Lakewood, CO 80226

Ph: 303-399-5615

Fx: 303-399-5617

email: rcmosier@aol.com

March 31, 2017

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

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

Dear Mr. Art:

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

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

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

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

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

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

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

Respectfully submitted,

Richard C.
Mosier

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

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

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EXHIBITS

Qualifications &	
Limiting Conditions	"A"

IDENTIFICATION OF THE SUBJECT PROPERTY

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

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

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

PROPERTY RIGHTS APPRAISED

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

OWNERSHIP AND SALES HISTORY

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

PURPOSE OF APPRAISAL

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

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

EFFECTIVE DATE OF VALUATION

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

SCOPE OF THE APPRAISAL

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

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

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

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

EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS

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

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

DEFINITION OF MARKET VALUE

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

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

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

TYPICAL MARKET FINANCING

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

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

REASONABLE EXPOSURE TIME

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

METROPOLITAN DENVER DATA

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

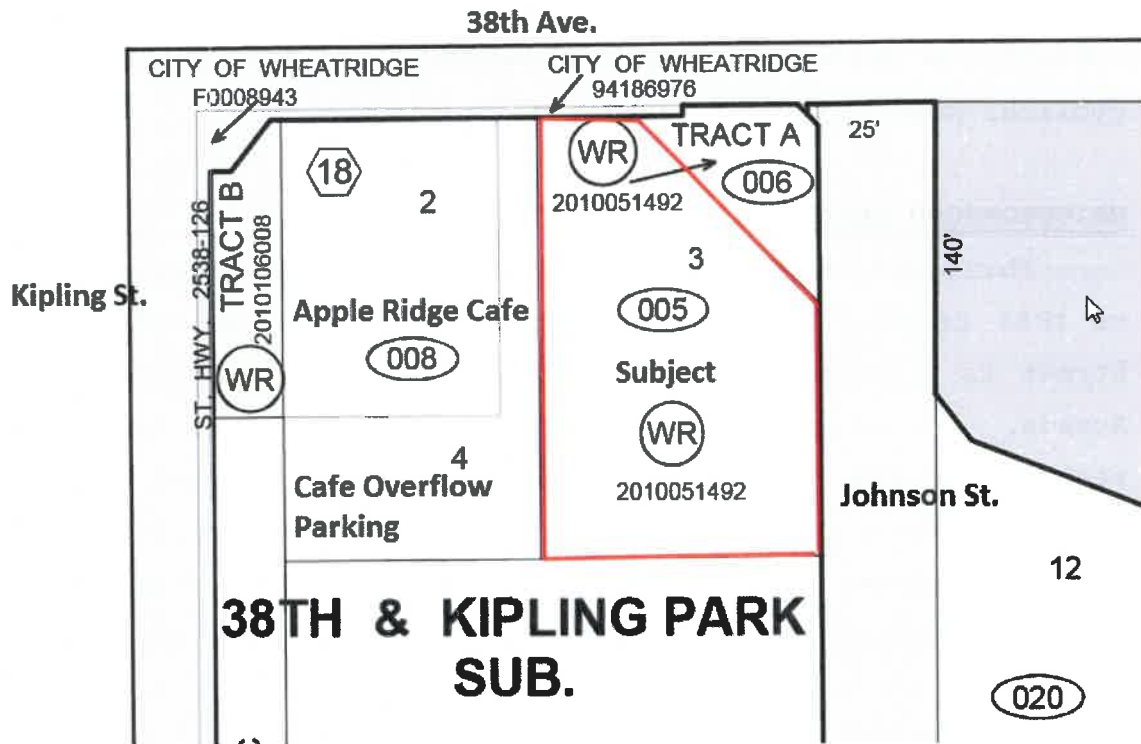
construction. Fueled by in-migration and exacerbated by a lack of condominiums for individual ownership (builder liability to homeowners and HOA's being a chief factor) the demand for apartments has escalated rents and occupancy to a point of imbalance. New apartments are being constructed to meet the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

NEIGHBORHOOD DESCRIPTION

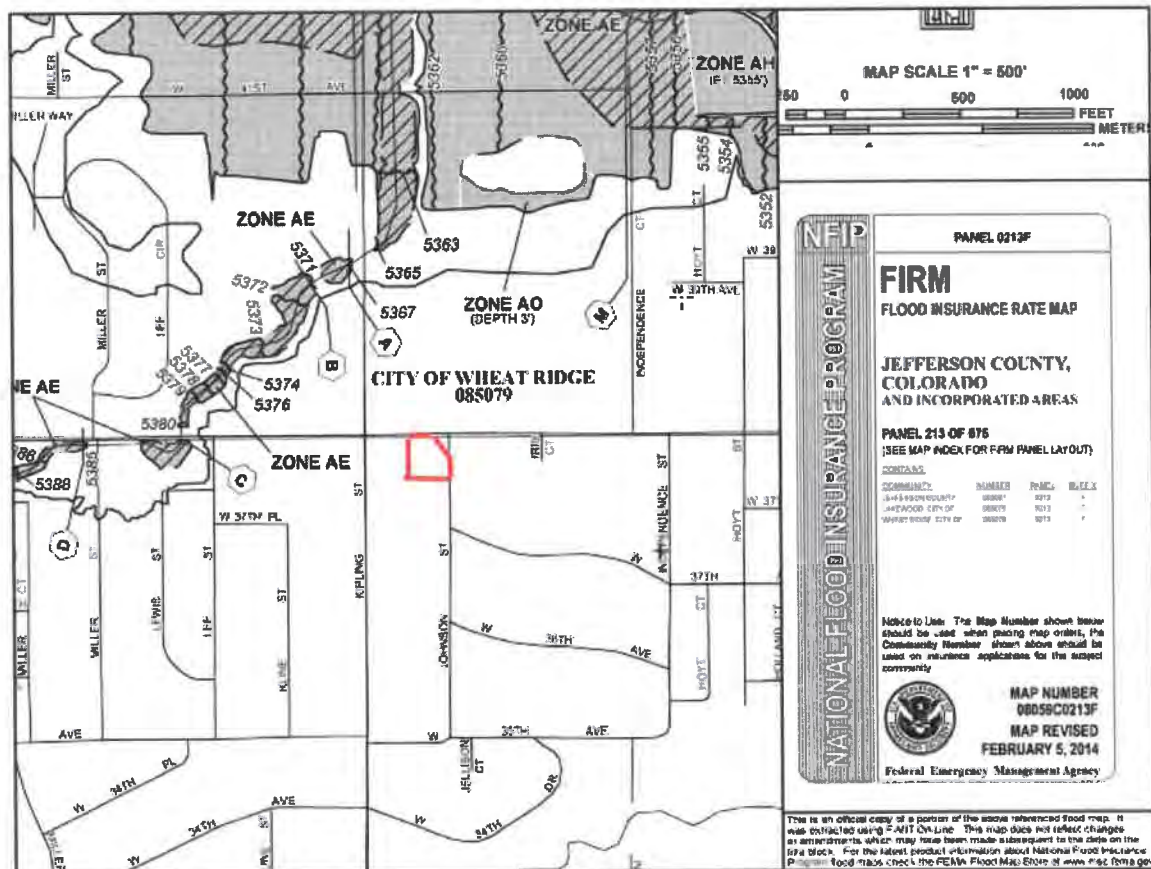
This section is omitted for the narrative restricted format of this report. It is, however, important to note that Kipling Street is a major thoroughfare through Wheat Ridge, Lakewood and Arvada. It is not an intensive commercial retail strip in the vicinity of the subject but is becoming more so with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

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

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



ASSESSOR'S MAP; SUBJECT IN RED.



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. Dem'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 @ Shims 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
Visibility 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
Visibility 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

ATTACHMENT 4

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

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

OWNERSHIP AND SALES HISTORY

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

TAXES AND ASSESSMENTS

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

HIGHEST AND BEST USE

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

SALES COMPARISON APPROACH

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

Mr. Steve Art
City of Wheat Ridge
August 15, 2018
Page 3

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

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

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

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

Mr. Steve Art
City of Wheat Ridge
August 15, 2018
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Adjustment Grid to Compare to 38th Ave. E. of Kipling St.														
Sale No.	Location	Price Per SF	Circumst. of Sale	Financing	Subtotal Adjustments	Adjusted Price	Location /Use	Layout Topography	Size	Net Adj.	Indicated Value	Weight	Extension	
1	7321 Sheridan Blvd.	\$19.33	110% 12	100%	100%	110%	\$21.36	-10% Interior Visibility to Maj. St.	0% Level	0%	-10%	\$19.22	5	\$96.10
2	9890 W. 44th Ave.	\$12.23	136% 37	100%	100%	136%	\$16.62	0% Interior Min. Ret. Exposure	0% Level	10%	10%	\$18.28	4	\$73.13
3	7960 Wadsworth Blvd.	\$9.65	138% 39	100%	100%	138%	\$13.33	0% Interior Min. Ret. Exposure	0% Level	10%	10%	\$14.67	2	\$29.33
4	N of NWC Bowles Avenue @ Simms St.	\$15.00	130% 32	100%	100%	130%	\$19.56	-10% Interior Visibility to Maj. St.	0% Level	0%	-10%	\$17.61	1	\$17.61
5	6230 W. 38th Ave.	\$14.37	132% 33	100%	100%	132%	\$18.90	0% Interior Min. Ret. Exposure	0% Level	0%	0%	\$18.90	3	\$56.70
6	NW of NWC 64th Avenue at Indiana St.	\$15.74	123% 25	100%	100%	123%	\$19.36	0% Interior Min. Ret. Exposure	0% Level	0%	0%	\$19.36	6	\$116.19
7	5290 W. Arizona Ave.	\$13.45	110% 12	100%	100%	110%	\$14.86	20% Interior Min. Ret. Exposure Stagnant Retail Area	0% Level	0%	20%	\$17.83	9	\$160.49
8	1825-1975 Kipling St.	\$15.05	90% Listing	100%	100%	90%	\$13.55	10% Corner Visibility to Maj. St. Stagnant Retail Area	0% Level	0%	10%	\$14.90	7	\$104.33
9	8399 Ralston Rd.	\$15.30	116% 18	100%	100%	116%	\$17.76	-10% Corner Visibility to Maj. St.	0% Level	-10%	-20%	\$14.21	8	\$113.66
												Column Totals:		
												Weighted Average:		
												45		
												\$767.54		
												\$17.06		

PREMIUM FOR ASSEMBLAGE

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

Mr. Steve Art
City of Wheat Ridge
August 15, 2018
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	Corner Sites to National Retailers						
Sale	Location			Area		Price	
<u>No.</u>	<u>Grantor/Grantee</u>	<u>Date</u>	<u>Price</u>	<u>(Sq.Ft.)</u>	<u>Comments</u>	<u>Per SF</u>	<u>Financing</u>
10	5904 S. Kipling St.	Dec-16	\$1,450,000	56,198	Zoned PD, Jefferson County; Car Wash, 3,372 SF Demo'd	\$25.80	Cash to Seller.
	Gosch, et ux., Heckman Management/ CVS 10782 Co., LLC	405 dom			2 Retail Buildings 5,447 SF Demo'd Actual Price \$1,350,000 plus Demo \$100K = \$1,450,000.		
11	280 S. Yarrow St.	Jan-17	\$1,650,000	55,404	Zoned M-C-U, Lakewood	\$29.78	Cash to Seller
	Suppa Properties, LLC				Purchased for new retail center 17,621 SF.		
	EGO, Inc.						
12	NWC 72nd Ave. @ Sheridan Blvd.	Jun-16	\$705,000	18,731	Zoned PUD Westminster; Lot in a Commercial Subdivision.	\$37.64	Cash to Seller
	Cadence Development, LLC/ Legend Lake 7211 N Sheridan, LLC				Same-Day Sale Tepper, et ux to Cadence, \$530,000, or \$28.30/SF "Denny's" Restaurant now under construction.		
13	3244 S. Wadsworth Blvd.	Jun-16	\$975,000	28,835	Zoned C-R Lakewood; "Perkins" Restaurant, 5,212 SF Demo'd	\$33.81	Cash to Seller.
	Mitchel Cory Family, LLC/ Red Robin West, Inc.				Actual Price \$900,000 plus Demo \$75K = \$975,000. Pad in Shopping Center; Purchased for new "Red Robin" restaurant.		
14	Lot 8, Gateway Village, US 40 NW of I-70	Jun-17	\$1,798,443	81,893	Zoned Commercial, Golden; Purchased for a convenience store; Adj	\$21.96	Cash to Seller
	Gateway Land Investment, LLC/ KG Store 319, LLC				new hotels.		
	Reception # 2017064129, Jun 21, 2017						

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

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

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

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



LAYOUT OF SELF-STORAGE FACILITY SITE.

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

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

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

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

VALUATION SUMMARY

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

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

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

CERTIFICATION

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

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

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

EXHIBIT "A"

QUALIFICATIONS OF THE APPRAISER
AND LIMITING CONDITIONS

QUALIFICATIONS OF APPRAISER

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

APPRAISAL DESIGNATIONS, OFFICES HELD:

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

APPRAISAL INSTITUTE CLASSROOM INSTRUCTOR:

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

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

BUSINESS AFFILIATIONS:

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

APPRAISAL EXPERIENCE:

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

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

REPRESENTATIVE LIST OF APPRAISAL CLIENTS:

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

LIMITING CONDITIONS AND ASSUMPTIONS

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

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

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

END OF APPRAISAL REPORT AND EXHIBITS

T.M.

C R O W L E Y

& ASSOCIATES

October 3, 2018

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

Steve –

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

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

Please let me know if you have any further questions.

Thank you,



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



October 9, 2018

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

Attn: Mr. Steve Art
Executive Director

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

Dear Mr. Art:

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

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

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

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

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

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

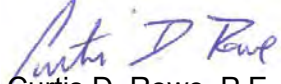
USE AND SIZE	DAILY VEHICLE TRIPS	WEEKDAY VEHICLE TRIPS					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing & Possible Uses – Apple Ridge Café and Adjacent Fast Food Restaurant							
Sit-Down Restaurant (932) 3,000 Square Feet	338	16	14	30	18	11	29
Fast Food Restaurant w/ DT (934)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

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

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

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


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



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

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

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

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

Gross Floor Area = 3,000 Square Feet

X = 3.000

T = Average Vehicle Trip Ends

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

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

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

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

Weekday (900 Series Page 96)

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

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

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

Saturday Peak Hour of Generator (900 Series Page 105)

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

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

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

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

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

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

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

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

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

Gross Floor Area = 3,000 Square Feet

X = 3.000

T = Average Vehicle Trip Ends

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

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

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

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

Weekday (900 Series page 157)

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

Saturday Peak Hour of Generator (900 Series page 163)

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

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

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

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

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

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

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

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

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

SF= 13111

X = 13.111

T = Average Vehicle Trip Ends

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

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

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

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

Weekday (Series 800 page 561)

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

Saturday Peak Hour of Generator (page 1807)

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

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

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

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

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

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

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

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 02-2019 – AN ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL-THREE (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WZ-18-17 / RIDGETOP VILLAGE)

Note: Staff will present all three related cases (Items 4, 5 and 6) at one time and requests that all three items be introduced at one time and that all three public hearings be opened concurrently. Three separate motions will be required.

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (02/25/2019)
☒ ORDINANCES FOR 2ND READING (04/08/2019)

QUASI-JUDICIAL: ☒ YES

☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 4000 to 4066 Upham Street. The purpose of this request is to prepare the property for development of a 38-unit townhome project. This request is one of three related requests for this development, the other two being requests for approval of a Specific Development Plan and major subdivision plat.

PRIOR ACTION:

Planning Commission heard this request at a public hearing on February 7, 2019. Planning Commission gave a recommendation of approval for the zone change and ODP for the following reasons:

1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.

2. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.
3. The proposed zoning is consistent with the intent of a planned development, compatible with surrounding land uses, and will result in a high-quality development.
4. The criteria used to evaluate a zone change support the request.

With the following conditions:

1. All minor corrections occur prior to City Council public hearing.
2. Prior to plat, SDP and subdivision recordation the applicant enters into a formal agreement with any necessary easements with Jefferson County Public Schools as required by the City.

All minor corrections have been addressed, so the first condition is not included in City Council's recommended motion. The second condition is recommended as part of the subdivision application. The staff report and meeting minutes from the February 7 Planning Commission meeting are enclosed.

FINANCIAL IMPACT:

Fees in the amount of \$1,050.00 were collected for the review and processing of Case No. WZ-18-17. If approved, typical building permit fees and use tax will be charged. The project will also pay a fee-in-lieu of parkland dedication of \$84,907.86.

BACKGROUND:

Current Zoning/Property Description

The subject property is located on the east side of Upham Street between W. 38th Avenue and W. 44th Avenue. The property is currently comprised of four lots, each containing a single-story, single-family home. The homes are small by contemporary standards (averaging 1016 SF above grade) and particularly small relative to their respective lots; the Jefferson County Assessor classifies three of them in "fair" condition and the fourth in "average" condition. The applicant purchased all four lots in mid-2018, and the total size of the site is 1.9 acres.

The subject property is zoned Residential-Three (R-3) and is immediately surrounded by residential zoning, including R-2 and R-3. The R-3 zoning designation allows for single-, two-, or multi-family development up to 12 units per acre. The description of the R-3 district in Code Section 26-21 reads as follows: "The R-3 district is established to provide high quality, safe, quiet and stable medium to high-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the medium to high-density residential character."

Surrounding Land Uses

Upham Street is ½-mile in length between 38th and 44th Avenues and includes a wide mix of land uses. The subject property is in the middle third of this block. Immediately to the north is a 2½-story apartment building, which was constructed in 1960 and includes 23 units. Further north along Upham are a mix of single-family homes as well as the four-story Town Center Apartment

buildings at 44th Avenue. Across Upham Street to the west of the subject property are three mid-century apartment complexes and two single-family homes. The apartments are 1 to 2.5 stories in height, and the densities for those adjacent complexes range from 20 to 26 units per acre. Those that exceed the City's maximum 21 dwelling units per acre are considered legally nonconforming because they predate the City's incorporation.

Immediately to the south of the subject property is a single-family home zoned R-3. Further south, Upham transitions from a residential neighborhood to mixed use as it approaches 38th Avenue. Land uses include an office building, fire station, Stevens Elementary, and the four-story West End 38 mixed use development. Zoning at the south end of the block is Mixed Use-Neighborhood (MU-N) and Mixed Use-Commercial (MU-C).

Behind the subject property to the east is a campus owned by Jeffco Public Schools including Stevens Elementary, Sobesky Academy, and outdoor play fields. The school property is approximately 19 acres in size and extends to Reed Street.

Proposed Zoning and Outline Development Plan

The proposed Planned Residential Development zoning and Outline Development Plan are intended to accommodate 38 townhome units. Each of the units will have an attached, rear-loaded two-car garage. Two curb cuts on Upham will provide access into the project. Under the current zoning, the site could be developed with 22 units at three stories in height. In many respects, the project complies with the existing R-3 zone district, including height, parking, and open space. The front setbacks are 15 feet which strikes a balance between the R-3 setbacks on Upham and the zero-foot setbacks for new projects at 38th and 44th. The proposed density is nearly 21 units per acre, which is compatible with surrounding multifamily projects and within the City's Charter limitations. A unique feature of the proposed development is the focus on open spaces amenities. The alley widths are designed as narrow as possible to provide ample front yard space for each unit. In addition, the project is designed around a central open space amenity.

The proposed development standards are analyzed in more detail on page 3 of the Planning Commission staff report. 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 proposed development is compatible in terms of land use and density with the surrounding context, and the investment provides a new housing type for the area which does not have any townhome development in this block or nearby. The project follows other public and private investments on the nearby 38th Avenue Main Street corridor, and the zoning and new housing stock will likely add value. The site design and proposed open space provide buffering and amenities. The proposed zoning meets safety and access requirements of the fire district and is not expected to result in adverse effects.

- **The development proposed on the subject property is not feasible under any other zone district.** – Most of the proposed development standards comply with the existing R-3 zoning, however because the density exceeds 12 units per acre, the development is not feasible under the R-3 zone district. Because the site exceeds one acre in size, it is only eligible to be rezoned to a mixed use or planned development district. Given the proposed use and surrounding conditions, the PRD zoning is the most appropriate zone change option.
- **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.** – 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.** – *Envision Wheat Ridge*, the City's 2009 comprehensive plan, is organized around six key values, one of which is to "promote vibrant neighborhoods and an array of housing options." Upham Street has an incredible diversity of housing options, including single family homes, duplexes, new market-rate apartments, mid-century apartments, and income- and age-restricted apartments. The provision of a townhome product introduces a complementary option that promotes the key value of the comprehensive plan.

The site is located at the intersection of three land use designations: mixed use town center, neighborhood transition, and neighborhood. These designations surrounding the subject property, reflect and call for the diversity of land uses on Upham Street. The proposed zone change is consistent with these designations, and the townhome project supports the City's stated goals of increasing options for homeownership and attracting a range of household types.

The comprehensive plan identifies 38th Avenue as a priority reinvestment corridor. To that end, the City's 38th Avenue Subarea Plan was adopted in 2011. The vision statement for the corridor calls for "a strong identity and robust commercial and residential markets." The proposed rezoning contributes to a stronger residential market in the area, which in turn attracts a more robust commercial market to the 38th Avenue corridor. The properties in question are within both the Town Center and Downtown sub-districts in this Subarea Plan.

- **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 area has long included a mix of housing types, ages, and densities. The proposed zone change responds to the more recent public and private investments that bookend Upham Street at 38th and 44th Avenues. The investments

and changes complement the diversity of land uses in the area and strengthen the residential market.

Related Applications

Rezoning to a planned development in the City of Wheat Ridge entails approval of two documents. The first 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 document is the Specific Development Plan (SDP), which focuses on specific details of a development such as site design, architecture, landscaping, and drainage design.

Section 26-302 of the Municipal Code allows for concurrent *or* sequential applications for the ODP and SDP, and also allows for concurrent review of the SDP and plat. In this case, the applicant is requesting concurrent review of all three applications: ODP, SDP, and plat.

All three applications—the ODP, SDP, and subdivision plat—will be presented together at the public hearing. The SDP and plat are described in the following Council Action Forms that accompany Resolution Nos. 19-2019 and 20-2019.

RECOMMENDATIONS:

The subject of this Council Action Form is a rezoning of the subject property. This action is quasi-judicial, and as a result, the applicant is entitled to a public hearing on the application.

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

Per City Code, the City Council shall use the criteria in Section 26-303 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. 02-2019, an ordinance approving the rezoning of property located at 4000-4066 Upham Street from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an Outline Development Plan, on second reading, and that it takes effect 15 days after final publication, 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. 02-2019, an ordinance approving the rezoning of property located at 4000-4066 Upham Street from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an Outline Development Plan, for the following reasons: _____ 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. 02-2019
2. PC Staff Report
3. PC Minutes
4. Constituent email to Councilmember Davis

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DAVIS
COUNCIL BILL NO. 02
ORDINANCE NO. _____
Series of 2019**

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL-THREE (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WZ-18-17 / RIDGETOP VILLAGE)

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of requests for land use cases; and,

WHEREAS, Upham Partners, LLC submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) District for property at 4000, 4042, 4062, and 4066 Upham Street; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan, Envision Wheat Ridge, which calls for vibrant neighborhoods, diversification of housing stock and household types, and reinvestment in the town center area and 38th Avenue corridor; and,

WHEREAS, the subject property is at the crossroads of the neighborhood, neighborhood transition, town center, and downtown Wheat Ridge designations within the Comprehensive Plan and 38th Avenue corridor plans; and,

WHEREAS, the zone change criteria support the request; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on February 7, 2019 and voted to recommend approval of the rezoning of 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 Upham Partners, LLC for approval of a zone change ordinance from Residential-Three (R-3) to Planned Residential Development (PRD) for property located at 4000-4066 Upham 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:

A PARCEL OF LAND SITUATED IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,

CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 23;
THENCE S41°50'16"E A DISTANCE OF 1960.91 FEET TO THE POINT OF
BEGINNING;

THENCE S00°14'00"E ALONG THE EAST LINE OF SAID EAST 1/2 A
DISTANCE OF 264.61 FEET;

THENCE S89°39'47"W A DISTANCE OF 328.96 FEET TO A POINT ON THE
WEST LINE OF SAID EAST 1/2;

THENCE N00°13'09"W ALONG SAID WEST LINE A DISTANCE OF 55.00
FEET;

THENCE N89°39'47"W A DISTANCE OF 20.00 FEET;

THENCE N00°13'09"W ALONG A LINE THAT IS 20.00 FEET EAST OF AND
PARALLEL WITH SAID WEST LINE A DISTANCE OF 209.63 FEET;

THENCE N89°39'59"E ALONG A LINE THAT IS 132.00 FEET SOUTH OF AND
PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2 A DISTANCE OF
308.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (82,849 SQUARE FEET) 1.9020 ACRES AND IS KNOWN
AS 4000 – 4066 UPHAM STREET.

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

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

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 25th day of February 2019, ordered it published with Public Hearing and consideration on final passage set for **Monday, April 8, 2019 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: February 28, 2019

2nd publication:

Wheat Ridge Transcript:

Effective Date:



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

TO: Planning Commission **MEETING DATE:** February 7, 2019

CASE MANAGER: Lauren Mikulak

CASE NO. & NAME: WZ-18-17, WZ-18-18 and WS-18-02 / Ridgetop Village

ACTION REQUESTED: Approval of a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an associated Outline Development Plan (ODP), Specific Development Plan (SDP), and subdivision plat for the construction of a 38-unit townhome project

LOCATION OF REQUEST: 4000, 4042, 4062, and 4066 Upham Street

APPLICANT (S): Upham Partners, LLC

OWNER (S): Upham Partners, LLC

APPROXIMATE AREA: 80,029 square feet or 1.84 acres (net size)

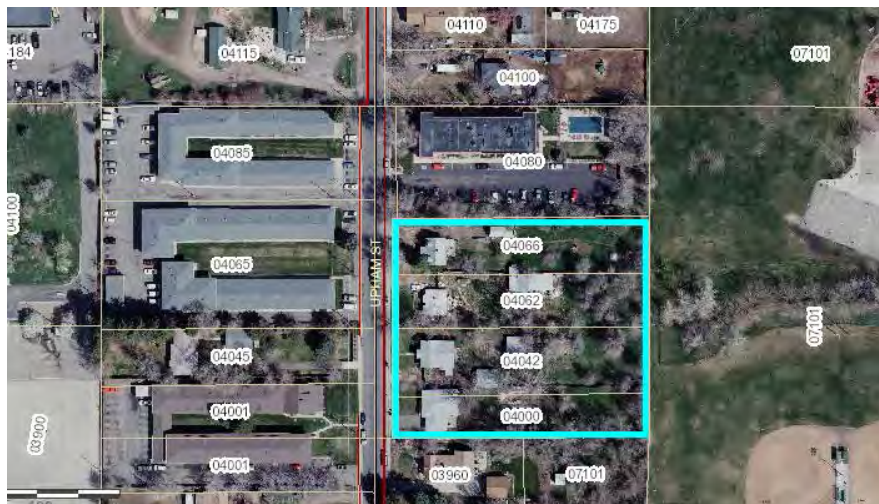
PRESENT ZONING: Residential-Three (R-3)

COMPREHENSIVE PLAN: Neighborhood

ENTER INTO RECORD:

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

Location Map



JURISDICTION:

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

I. REQUEST

This request is for approval of three related applications for the purpose of developing a 38-unit townhome project. The specific case numbers and applications are:

- Case No. WZ-18-17 – Request for approval of a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan (ODP)
- Case No. WZ-18-18 – Request for approval of a Specific Development Plan (SDP), and
- Case No. WS-18-02 – Request for approval of a 38-lot major subdivision.

Rezoning to a planned development in the City of Wheat Ridge entails approval of two documents. The first 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 document is the Specific Development Plan (SDP), which focuses on specific details of a development such as site design, architecture, landscaping, and drainage design. The SDP must be found to be compliant with the ODP in order to be approved.

Section 26-302 of the Municipal Code allows for concurrent *or* sequential applications for the ODP and SDP, and also allows for concurrent review of the SDP and plat. In this case, the applicant is requesting concurrent review of all three applications: ODP, SDP, and plat (*Exhibit 1, Applicant Proposal*). All three documents must be reviewed at a public hearing before the Planning Commission who will make its recommendations to City Council. The three documents are inextricably related, and for that reason are presented together in this staff report. Three separate motions are provided.

II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located on the east side of Upham Street between W. 38th Avenue and W. 44th Avenue. The property is currently comprised of four lots, each containing a single-family home (*Exhibit 2, Aerial*). The homes are small by contemporary standards and particularly small relative to their respective lots. A summary of conditions is provided in the table below; all data in the table comes from the Jefferson County Assessor.

Address	Lot Size	House Size	Year Built	Condition
4000 Upham	18,121 sf (0.416 ac)	1,053 sf	1952	Average
4042 Upham	25,439 sf (0.584 ac)	1,240 sf	1928	Fair
4062 Upham	21,780 sf (0.500 ac)	699 sf	1947	Fair
4066 Upham	21,780 sf (0.500 ac)	1,072 sf	1940	Fair

The applicant purchased all four lots in mid-2018, and the total size is 1.9 acres. The property is flat and nearly square with 264 feet of frontage on Upham Street and a depth of 308 feet.

The subject property is zoned Residential-Three (R-3) and is immediately surrounded by residential zoning, including R-2 and R-3 (*Exhibit 3, Zoning Map*). The R-3 zoning designation allows for single-, two-, or multi-family development up to 12 units per acre. The R-3 district is established to provide high quality, safe, quiet and stable medium to high-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the medium to high-density residential character

Upham Street is ½-mile in length between 38th and 44th Avenues and includes a wide mix of land uses (*Exhibit 4, Land Use and Exhibit 5, Site Photos*). The subject property is in the middle third of this block. Immediately to the north is a 2½-story apartment building, which was constructed in 1960 and includes 23 units. Further north along Upham are a mix of single-family homes and duplexes as well as the four-story Town Center Apartment buildings at 44th Avenue. Across Upham Street to the west of the subject property are three mid-century apartment complexes and two single-family homes. The densities for the multifamily projects immediately surrounding the subject site range from 20 to 26 units per acre. Those that exceed the City's maximum 21 dwelling units per acre are considered legally nonconforming because they predate the City's incorporation.

Immediately to the south of the subject property is a single-family home zone R-3. Further south, Upham transitions from a residential neighborhood to mixed use as it approaches 38th Avenue. Land uses include an office building, fire station, Stevens Elementary, and the four-story West End 38 mixed use development. Zoning at the south end of the block is Mixed Use-Neighborhood (MU-N) and Mixed Use-Commercial (MU-C).

Behind the subject property to the east is a campus owned by Jeffco Public Schools including Stevens Elementary, Sobesky Academy, and outdoor play fields. The school property is approximately 19 acres in size and extends to Reed Street.

III. OUTLINE DEVELOPMENT PLAN

Attached is a copy of the proposed Outline Development Plan (ODP) which contains two sheets (*Exhibit 6, Outline Development Plan*). The first page is a typical cover page with certification and signature blocks for the property owners, and Planning Commission, City Council, and Mayor. Also on the first page is a character of development statement, list of permitted uses, and other standard notes. The second page includes the conceptual layout of the property, including right-of-way, alley, and open space locations.

Development Standards

The cover sheet includes the development standards that will govern future development on the site. These are typically expressed as parameters (minimums and maximums) with references to the code sections with which the development will comply. The development standards are summarized here:

- Uses – The applicant has proposed a townhome development in which the only permitted primary uses are townhome units and open space. Accessory uses are limited to home occupations and household pets which are customary in all residential zone districts. The ODP prohibits detached accessory structures and RV/boat storage within the development, which is also typical of the City's more recent PRDs.

- **Maximum Height** – The proposed maximum height is 35 feet which is consistent with the maximum height in the City’s residential zone districts.
- **Maximum Units/Density** – The ODP proposes a maximum of 38 townhomes which results in a density of 20.8 dwelling units per acre. Maximum allowable density for a PRD is 21 dwelling units per acre, consistent with the City Charter.
- **Minimum Setbacks** – The ODP proposes to orient townhomes toward Upham Street with a minimum front setback of 15 feet. Side setbacks for the westernmost units along Upham are proposed to be 10 feet, but side setbacks increase to a minimum of 20 feet for the rest of the site. This was intentional to provide additional buffering particularly for the single-family home to the south. Rear setbacks are proposed at a minimum of 5 feet where adjacent to the Jeffco Schools drainage facility.
- **Parking** – The ODP requires that the townhomes are wide enough to accommodate two-car garages for each unit. This is consistent with the R-3 standard which requires spaces based on bedrooms (2 spaces for every 2 or 3 bedroom unit). Additionally, the ODP requires 9 off-street parking spaces. This roughly equates to 1 visitor space for every 8 spaces. This exceeds the typical R-3 standard of 1 visitor space for every 10 parking spaces.
- **Open Space/Landscaping** – The ODP proposes 30% open space which is consistent with R-3 multifamily requirements. R-3 standards do not require that open space be consolidated or amenitized, but the intent of a Planned Development is to provide elevated designs and unique developments. To that end, a unique feature of the ODP is the requirement for a community park in the central portion of the development (labeled as use area B). Additionally, as noted in the character statement, this project is unique in providing fenced, landscaped front yards for all townhome units. Artificial turf in limited areas are permitted in front yards. General planting requirements (eg numbers of shrubs, trees, plant sizes) will comply with the City’s zoning code.
- **Architecture and Site Design** – The character of the project is intended to incorporate contemporary and traditional elements with references to mid-century modern architecture. To that end, the ODP proposes slight modifications to the Architectural and Site Design Manual that correspond with and memorialize this architectural approach.
- **Code compliance** – In all other areas, the project is proposed to comply with the zoning code including related to lighting, signage, fencing, streetscape design, and setback encroachments (eg chimneys, eaves).

Conceptual Layout

The second sheet of the ODP provides a sketch plan of the development which indicates two access points on Upham, with buildings located along the north, west, and south perimeter of the site. Two access points have been required by the West Metro Fire District, and the internal loop road configuration also meets water district requirements. Because the ODP and SDP are being processed concurrently, the specific site design is further described below in Section V.

IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-303.D. The Planning Commission shall base its recommendation in consideration of the extent to which the following criteria have been met:

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

As described above, the proposed development is a compatible land use and density with the surrounding land uses, and the investment provides a new housing type for the area which does not have any townhome development in this block or nearby. The project follows other public and private investments on the nearby 38th Avenue Main Street corridor. The zoning and new housing stock will likely add value. The site design, setbacks, and proposed open space promote will add visual enhancement and appropriate buffering.

The Planned Residential Development zoning is expected to have a positive impact on the neighborhood from a property value perspective. The proposed zoning complies with safety and access requirements of the fire district. The project will not result in significant adverse effects on the surrounding area.

Staff concludes that this criterion has been met.

2. The development proposed on the subject property is not feasible under any other zone district, and would require an unreasonable number of variances or waivers and conditions.

Most of the proposed development standards comply with the existing R-3 zoning, however because the density exceeds 12 units per acre, the development is not feasible under any straight residential zone district. Because the site exceeds one acre in size, it is only eligible to be rezoned to a mixed use or planned development district. Given the proposed use and surrounding conditions, the PRD zoning is the most appropriate zone change option.

Staff concludes that this criterion has been met.

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

All of the service providers and utility districts have indicated that they have no concerns with the proposal and have indicated they can serve the property with improvements installed at the developer's expense. The width of Upham Street in front of the property is currently substandard, and a right-of-way dedication will be required as part of the subdivision plat.

Staff concludes that this criterion has been met.

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

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

Envision Wheat Ridge, the City's 2009 comprehensive plan, is organized around six key values, one of which is to "promote vibrant neighborhoods and an array of housing options." With single family homes, duplexes, new market-rate apartments, mid-century apartments, and income- and age-restricted apartments; Upham Street already has an incredible diversity of housing options. The provision of a townhome product introduces a complementary option that reflects the key value of the comprehensive plan.

Within *Envision Wheat Ridge*, the Structure Plan map provides high-level guidance for achieving the City's vision by designating development priorities and future land areas (*Exhibit 7, Adopted Plans*). The "mixed use town center" designation encompasses the east side of Wadsworth and extends toward Upham Street. The west side of Upham is designated "neighborhood transition" which reflects this close proximity to Wadsworth. The east side of Upham is designated "neighborhood," and 38th Avenue to the south is designated as a "main street." This multitude of designations surrounding the subject property, reflect and call for the diversity of land uses on Upham Street. The proposed zone change is consistent with these designations, and the townhome project supports the City's stated goals of increasing options for homeownership and attracting a range of household types.

The comprehensive plan identifies 38th Avenue as a priority reinvestment corridor. To that end, the City's 38th Avenue Subarea Plan was adopted in 2011. The vision statement for the corridor calls for "a strong identity and robust commercial and residential markets." The proposed rezoning contributes to a stronger residential market in the area, which in turn attracts a more robust commercial market to the 38th Avenue corridor.

The Subarea Plan also identifies a series of sub-districts. The subject property is within the areas denoted as "Downtown Wheat Ridge" and "Wadsworth Town Center" (*Exhibit 7, Adopted Plans*). These designations call for and recognize a mix of uses and higher intensity development as compared with the "Residential" sub-district and neighborhoods further east.

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 finds no evidence of an error on the official 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 area has long included a mix of housing types, ages, and densities. The proposed zone change responds to the more recent public and private investments that bookend Upham

Street at 38th and 44th Avenues. The investments and changes complement the diversity of land uses in the area and strengthen the residential market.

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.**

Staff finds no evidence of an unanticipated need. The proposed zone change responds directly to goals identified in the comprehensive plan.

Staff concludes that this criterion is not applicable.

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

V. SPECIFIC DEVELOPMENT PLAN

The Specific Development Plan is comprised of 16 sheets and provides details regarding site design, building design, landscaping, and lighting (*Exhibit 8, Specific Development Plan*). In addition, the SDP includes details on fencing, furnishing, light fixtures, and a utility plan. In addition to standard certification and signature blocks, the site data table on the cover sheet confirms the SDP complies with the development standards provided by the ODP. Key components of the site design are described below and explained in the applicant's proposal letter (*Exhibit 1, Applicant Proposal*).

Site Design

The 38 proposed townhomes are distributed among nine buildings ranging in size from two to six units. There is some variety among unit widths, but all accommodate a standard width two-car garage and all are alley loaded. In addition, all townhomes have front yards, which is a unique feature amid the townhome developments the City has recently reviewed. The yards are enclosed by a low fence and have concrete patios. These are best illustrated in the artistic renderings provided in (*Exhibit 9, Renderings*).

Alleys are arranged in a grid and are designed at the minimum possible width to allow more open space elsewhere on the site and in front yards. The central community park is encircled by specialty paving and visitor parking and also includes bicycle parking, mail kiosks, and benches. Sidewalks extend along the fronts of all units and connect out to a new sidewalk along the Upham Street frontage. These sidewalks are illuminated by downcast bollards and pathway lights (shown on sheets 15 and 16).

The project provides 76 garage spaces, 9 off-street visitor spaces (including one accessible space), and 8 on-street spaces. The developer will be responsible for constructing curb, gutter, and attached sidewalk along Upham where none exists today, and the consolidation of four existing driveways to two increases the existing on-street parking by two spaces. On-street parking is common on Upham Street, especially recently throughout the construction of the nearby West End 38 project. The applicant has responded to staff requests to reduce the size of the central park in order to provide off-street spaces.

Architecture

The townhomes are proposed to be three stories in height, and the architectural style is intended to include traditional and contemporary design features with elements of mid-century modern design. The elevations include abundant windows, and variations in the roofline include shed and gable designs. Materials include brick, and horizontal and vertical siding. Colors palettes vary to provide interest among the buildings, including two different bricks and several siding and accent colors. Front elevations have variation in plane depth through offsets in the building façade, recessed entries and window bays, and incorporation of balconies. Publicly visible side and rear elevations, including those adjacent to the central park and Upham also feature enhanced elevations with additional material changes and inset garage doors. The plane changes are best illustrated on SDP sheets 9, 10 and 11.

Landscaping

The project exceeds the minimum requirements in terms of plant material with 8 street trees along Upham and 42 trees within the site (where only 25 are required by code). Landscape areas include a mix of sod and planting beds. The SDP prescribes the landscaping in the “public” areas including along walking paths, along the perimeter, and within the park. All front yards include patios and landscape beds and may be further customized to include additional patio space or dog-friendly artificial turf. A perimeter fence is proposed along the north, east, and south property lines.

Drainage

The site is relatively flat and there is no storm sewer in Upham Street, so the applicant has worked closely with Jeffco Public Schools to coordinate shared use of an existing detention facility immediately east of the site on the school district’s property. The school district has provided written consent to this arrangement and an access and maintenance agreement is prepared be executed if the project is approved by the City. The developer will be responsible for slight modifications to the existing detention design to accommodate the additional volume from the townhome project.

VI. SDP CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-305.D. The Planning Commission shall base its recommendation in consideration of the extent to which the following criteria have been met:

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

The purpose of utilizing planned development zoning is to provide flexibility while accommodating well-designed, innovative developments that demonstrate efficient use of land and may not be feasible under a standard zone district. The SDP achieves these goals and proposes a particularly unique townhome development with an emphasis on front yard open space that promotes a neighborhood-like character within the development.

Staff concludes this criterion has been met.

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

The SDP is consistent with the intent and character statements of the outline development plan.

Staff concludes this criterion has been met.

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

The SDP is consistent with the use standards of the outline development plan.

Staff concludes this criterion has been met.

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

The SDP is consistent with the development guidelines of the outline development plan in all respects including related to height, density, setbacks, parking, landscaping, lighting, fencing, signage and building design.

Staff concludes this criterion has been met.

5. Adequate infrastructure/facilities are available to serve the subject property, or the applicant will upgrade and provide such where they do not exist or are under capacity.

All responding agencies have indicated they can serve the property with improvements installed at the developers' expense.

Staff concludes this criterion has been met.

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

The SDP is in substantial compliance with the site design and multifamily building design standards of the *Architectural and Site Design Manual* (chapters 3 and 4.2). These standards relate specifically to pedestrian connectivity, building placement, open space design, façade design, roof forms, building materials, and windows.

Because Upham is classified as a local street, the *Streetscape Design Manual* does not apply, however, the proposed private street trees are consistent with the manual's guidance relative to these plantings.

Staff concludes this criterion has been met.

Staff concludes that the criteria used to evaluate the SDP support the request.

VII. SUBDIVISION PLAT

The proposed plat document consists of three pages. The first page includes a legal description of the property; signature blocks for the owner, City, surveyor and County; and standard declarations and notes. The second page includes the proposed lot layout, including lot lines, tracts, and easements (*Exhibit 10, Proposed Plat*).

Lot Configuration

The second sheet shows the proposed lot configuration. As noted above the site is nearly square in shape at approximately 264 feet in width and 308 feet in depth. The lot layout corresponds to the SDP with establishment of 38 townhome lots. Because of the proposed yard spaces, the lots are larger than the building footprints, and several lots are irregular in shape or oversized because of additional side yard space (this includes Lots 1, 3, 6, 7, 11, 16, 21, 22, 27, 30, 33, 34, and 38). Neither the ODP, nor the zoning code establish a minimum size or width for attached townhome lots. A plat note on the cover sheet restricts the property from being developed as anything other than townhomes.

Tract Configuration

A series of nine tracts are established for a variety of purposes in the development. The purpose of each tract is noted in a table on sheet one; they include:

- Tracts A, B, D, F, G and H correspond to the locations of sidewalks and/or plantings and are denoted for access.
- Tract C corresponds to the alley locations and is denoted for access.
- Tract E corresponds to the location of the community park, parking, and loop road and is denoted as such.
- Tract I includes the area being dedicated for right-of-way (ROW). When new lots are created through the City's subdivision process, staff reviews adjacent street improvements to confirm that they meet current roadway standards. Upham is considered to be substandard in width, so the majority of Tract I dedicates 6.5 feet in width. This will enable the developer to provide on-street parking, curb, gutter, and an attached 5-foot sidewalk along the frontage of the project. The southern portion of Tract I is wider and effectively dedicates the eastern half of Upham Street because it was never officially dedicated to the City and has existed as a prescriptive easement.

Easements

The third sheet of the proposed subdivision shows the easements that traverse the site. Wheat Ridge is not a full-service city, so the applicant has been actively working with utility providers to identify where wet and dry utility service will be located. Water and sanitation easements are shown as coterminous with the internal alleys. These easements will be recorded by separate document but cross-referenced on this sheet in the provided blanks. The applicant is actively working with Xcel designers who requires that appropriate dry utility easements be provided by separate document upon completion of final design. Given that utility coordination is often ongoing through a development process, staff has recommended a standard condition that any additional utility information that is available prior to recordation be updated accordingly on the plat.

Drainage easements are provided at the far eastern end of the property where inlet structures convey flows to the offsite detention facility. A note on the cover sheet provides a blanket cross access easement over all tracts within the property boundary, including for alleys, sidewalks and the park.

Homeowners' Association

Because of the maintenance obligation of tracts, the City typically requires formation of a Homeowners' Association (HOA). A standard condition of approval requires staff review of HOA covenants to ensure maintenance of common areas and drainage. The applicant has expressed an interest in potentially forming a metropolitan district to serve this function. Formation of such a district would be subject to City Council review and approval. Notes on the cover sheet of the plat allow for either an HOA or metro district.

Fees in Lieu of Parkland

Pursuant to Section 26-414 of the Code of Laws, parkland dedication is required for all new residential subdivisions. When land is not dedicated for a public park, a fee in lieu of parkland is required. The Parks Department has indicated that fees in lieu of land dedication will be required, and the City adopted fee amount is \$2,497.29 per unit. Credit is given for the four pre-existing single family homes, so the total fee owed will be \$84,907.86. This fee is required to be paid at the time of plat recording as a condition of approval.

VIII. NEIGHBORHOOD MEETING & PUBLIC INPUT

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

The neighborhood input meeting was held on January 16, 2018. Nine members of the public attended the meeting in addition to the applicant and staff. Reactions to the conceptual designs included positive, neutral, and negative comments. Questions were related to site and building design, potential prices, parking, and timing. A full summary of the meeting is attached in *Exhibit 11, Neighborhood Meeting Notes*.

Public noticing is required prior to public hearings, and as of February 1, three letters of support have been submitted. They are attached as *Exhibit 12, Public Comment*.

If any comments are provided prior to the Planning Commission public hearing on February 7, they will be entered into the record and distributed to Commissioners at the public hearing.

IX. AGENCY REFERRAL

All affected service agencies were contacted for comment on the zone change, ODP, SDP, and subdivision, specifically regarding the ability to serve the property. Referral responses follow:

Wheat Ridge Public Works: The ODP, SDP, plat and supporting technical documents have been reviewed and approved.

Wheat Ridge Parks & Recreation: Fees in lieu of parkland dedication are required.

Wheat Ridge Building Division: No comments provided. Coordination will continue through development.

West Metro Fire District: Can serve, proposed access and hydrant design is acceptable. Coordination will continue through development.

Xcel Energy: Can serve. Utility coordination is ongoing.

Century Link: Can serve. Utility coordination is ongoing.

Comcast Cable: No comments provided. Utility coordination is ongoing.

Wheat Ridge Water District: No comments provided. Utility coordination is ongoing.

Wheat Ridge Sanitation District: Can serve. Utility coordination is ongoing.

Jeffco Public Schools: Coordination on drainage design is ongoing.

X. STAFF CONCLUSIONS AND RECOMMENDATION

Regarding the zone change request and Outline Development Plan, Staff concludes that the proposed zone change promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area. Staff further concludes that utility infrastructure is adjacent to and can serve the property at the developer's expense. Finally, Staff concludes that the zone change is consistent with the goals and objectives of the City's adopted plans by diversifying housing stock and household types and by providing homeownership opportunities. Because the zone change evaluation criteria support the zone change request, Staff recommends approval of the zone change.

Regarding the Specific Development Plan, Staff has concluded that the proposed SDP is consistent with the planned development regulations, with the goals and policies of the City's guiding documents, and with the proposed ODP. Because the review criteria support the SDP, Staff recommends approval of the Specific Development Plan.

Regarding the subdivision plat, Staff concludes that the proposed subdivision is compliant with subdivision regulations (Article VI of the zoning code) and with the proposed zoning regulations. Staff further concludes that the subdivision plat results in a logical lot layout for the proposed development 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 plat with the conditions listed below.

XI. SUGGESTED MOTIONS – ZONE CHANGE

Option A:

“I move to recommend APPROVAL of Case No. WZ-18-17, a request for approval of a zone change from Residential-Three to Planned Residential Development with an Outline Development Plan (ODP) for property located at 4000 to 4066 Upham Street, for the following reasons:

1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
2. The proposed zone change is consistent with the goals and objectives of the City’s Comprehensive Plan.
3. The proposed zoning is consistent with the intent of a planned development, compatible with surrounding land uses, and will result in a high-quality development.
4. The criteria used to evaluate a zone change support the request.

Option B:

“I move to recommend DENIAL of Case No. WZ-18-17, a request for approval of a zone change from Residential-Three to Planned Residential Development with an Outline Development Plan (ODP) for property located at 4000 to 4066 Upham Street, for the following reasons:

- 1.
2. ...”

XII. SUGGESTED MOTIONS – SPECIFIC DEVELOPMENT PLAN

Option A:

“I move to recommend APPROVAL of Case No. WZ-18-18, a request for approval of a Specific Development Plan on property located at 4000 to 4066 Upham Street, for the following reasons:

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

Option B:

“I move to recommend DENIAL of Case No. WZ-18-18, a request for approval of a Specific Development Plan on property located at 4000 to 4066 Upham Street, for the following reasons:

- 1.
2. ...”

XIII. SUGGESTED MOTIONS – SUBDIVISION

Option A:

“I move to recommend APPROVAL of Case No. WS-18-02, a request for approval of a 38-lot major subdivision plat for property located at 4000 to 4066 Upham Street, for the following reasons:

1. All requirements of the subdivision regulations have been met.
2. The plat is consistent with zoning on the property.
3. Utility districts can serve the property with improvements installed at the developer’s expense.

With the following conditions:

1. Sheet 2 shall be updated prior to the City Council public hearing to remove the existing parcel line between 4062 and 4066 Upham Street.
2. Note 4 shall be updated prior to recordation to indicate the current zoning as PRD.
3. The applicant shall continue to coordinate utility service with the appropriate agencies and any updated information regarding dry utility easements shall be reflected on the plat at recordation.
4. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.
5. The developer shall pay parks fees at the time of plat recording in the amount of \$84,907.86.
6. The Homeowners’ Association covenants and/or metropolitan district service plan shall be reviewed by Staff prior to issuance of a building permit.”

Option B:

“I move to recommend DENIAL of Case No. WS-18-02, a request for approval of a 38-lot subdivision plat for property located at 4000 to 4066 Upham Street, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: APPLICANT PROPOSAL

see attached

January 28, 2019

RidgeTop Village - Development and Project Vision

Overview

RidgeTop Village is comprised of approximately 1.84 acres, currently zoned R-3. The subject addresses currently include 4 single family detached residential homes built in the 1940's-1950's, and are in poor condition. The adjacent properties to the site include a mix of single story and 2.5 story post World War II apartment style buildings, a few isolated single-family homes, an office building, Stevens Elementary School and West Metro fire station. The general vicinity would best be described as transitional as you move south to 38th Avenue. Our proposal is to build a 38 unit, fee simple town home project that supports the long term redevelopment plans along 38th Avenue, contributes and benefits from the new mixed-use developments currently under construction nearby and is compatible with the surrounding area.

The recent influx of both public and private investment near the intersection of Wadsworth and 38th Avenue has recently changed the dynamic to enhance the 38th Avenue corridor. The recently opened "Corners" project and two high density apartment projects under construction are creating a diversity of housing types in the immediate area. The lack of for-sale new home product in the area was a major factor in our decision to purchase the property and pursue the zone change. We felt the time was right to introduce this product to the area.

We embraced the City's vision in reviewing the two major redevelopment plans for the area and recognized there was a dynamic energy along the western portion of 38th Avenue. The project site is just outside the confluence of The 38th Corridor Plan and the Wadsworth Boulevard Redevelopment Plan. Located just north of 38th Avenue and a short drive or walk to Wadsworth Boulevard creates a very unique opportunity to provide a high-density residential project to take advantage of the redeveloping commercial corridors nearby. The site is currently zoned R-3 which promotes medium density land uses. The site is surrounded by other R-3 Zoned parcels and the existing apartment projects have densities similar to the density proposed. This change of zone will enable opportunities for unique live work environments along with nearby shopping and recreation opportunities. The added density allowed under a PRD will help support the nearby commercial uses along 38th and Wadsworth while maintaining the integrity of the adjacent R-3 residential uses.

Site Planning

During our due diligence and preliminary site planning we discovered that the property naturally surface flows to the east but was eventually impeded by the raised sports fields of Stevens Elementary School. Within these sports fields was an existing storm water detention basin built at the time to accommodate the needs of the school site. We contacted the facilities department for Jeffco School District to investigate the opportunity to accept drainage from our property and received supportive initial feedback. We then did additional engineering studies and worked in conjunction with Jeffco schools to further refine the concept. We have received preliminary approval from Jeffco schools to proceed with the design. The ability to use an off-site stormwater basin resulted in the unique opportunity to create a project with additional open space and building separation all while effectively maximizing the allowable

density under the PRD Zoning. Having the centrally located park with units flanking the perimeter will create a greater sense of privacy, pride of ownership, and attractive views of the park for many of the units. The units in Buildings 5 and 6 will be the only two buildings directly facing each other. However, that creates a landscaped corridor that leads both physically and visually to the park and the two complement each other very well.

The other major feature of RidgeTop Village which is very unique to other town home projects is the addition of a private landscaped yard area for each unit. Buyers are looking for outdoor living space, areas for entertaining, a place for a pet or child to play, and the ability to personalize their space such as a vegetable garden. All while still having a low maintenance requirement.

Street Scene

The street scene along Upham was one of the most important design features of the project. We originally intended to have a single point of access but during our due diligence and preliminary site planning we were informed that the water districts would require a loop system for this size of a project. That resulted in also having two vehicular points of access to coincide with the water loop. In working with adjacent owners, they were sensitive to not having a roadway against the property lines so we worked to put a duplex on the north and south side of the frontage and a fourplex in the middle. The result is only three buildings, 8 units, and less massing along the street. Having a duplex adjacent to the SFR to the south was determined to be the most compatible building type and creates a very unique street scene that is unique to the rest of the project.

Set Backs

Careful consideration was given to the building setbacks proposed for the project. The setback along Upham is 15' and will enhance the pedestrian scale along the street. The setback will contain the low fenced private yards creating a very social environment for pedestrians and residents. At the very initial neighborhood meeting we heard from the homeowners across the street that they did not want a truly urban setting with minimum or zero lot line along Upham. Our north and south setbacks are varied. For the units along Upham only those two duplexes are 10' from their adjacent Property Line and is constricted to be just the initial 25% of the side Property Line. The remaining 75% of the side Property Line is restricted to have a 20' setback. This was done to have a more compatible environment to the adjacent neighbors. By having the private yards and common area landscaping we were able to accomplish very attractive buffer to the adjacent owners for privacy and massing concerns.

Parking

Each townhome includes an attached 2 car garage, there are 9 guest parking spaces centrally located at the center of the project adjacent to the park. The parking along Upham Street is also improved due to the reduction of curb cuts from four to two and increases the amount of on-street parking from currently 6 spaces to 8 spaces. During the SDP review process and working with staff the project evolved to increase the guest parking around the park along with suggested floor plan revisions to the product to effectively make the garages wider and more capable for 2 cars, garbage & recycling bins, and additional storage. The minimum width of the units was increased from 17' to 20' wide. Overall parking ratio onsite is 2.24/unit.

Buyer Profile

The target buyer for these units are anticipated to be single professionals, young couples and first time homebuyers. Young families will also consider RidgeTop Village due to the ample on-site open space, private yard area and proximity to the Stevens Middle School.

Their buying decisions are based on being a short distance from restaurants and amenities, near transportation corridors and employment centers. Our focus is to also remain affordable to the first-time homebuyer yet offer a slightly larger unit for the money. With the inclusion of the added open space features we feel we will be in strong demand to one of the few for-sale projects in the vicinity. The size of the project will also be attractive as there will be a greater sense of community, pride of ownership, opportunity for block parties and other neighborhood activities.

Architectural Design

The inspiration to the design of the townhome units came from many nearby examples within Wheat Ridge of Mid-Century Modern architecture. Design features include horizontal design features, shed roof lines, colors, materials, fence details, and front doors. Units will range from 1600 sf to 1790 sf with three distinct floor plans with 2-3 bedrooms. The majority of the units (79%) will be 2 bedrooms with the remaining units 3 bedrooms. There will be a diversity of building types throughout the project with duplex, 4, 5 and 6 plex buildings. To further enhance the variety within the project there are two color schemes proposed with color variations of brick, paint, and roof materials. We feel this will create a more attractive project that does not appear monotonous to those both living in the community and viewing it from Upham Street

Private Yards

Based on the market research and demographics of the target buyer profile our vision was to create a ground level outdoor living space for each homeowner. The intent was always to go beyond conventional decks and balconies as commonly used in numerous other Townhome projects. We wanted to create a truly private yard that can be furnished, decorated, customized, and used for outdoor living to suit the buyers' personal needs. A low wooden fence and gate will be installed to physically establish the areas. We intend to offer three pre-selected landscape designs buyers can choose from three pre-determined designs including hardscape, artificial turf, and a more xeriscape option. These yards range in depth from 12-15 feet.

We look forward to working with Wheat Ridge's Planning, Zoning, and Building Departments on this exciting new endeavor.

Sincerely,

A handwritten signature in dark ink, appearing to read "Neil Shea", with a long horizontal flourish extending to the right.

Neil Shea

Managing Partner – Upham Partners LLC

EXHIBIT 2: AERIAL

The subject site is located at 4000-4066 Upham Street and is outlined in blue.



EXHIBIT 3: ZONING MAP

The subject site is located at 4000-4066 Upham Street and is outlined in blue.

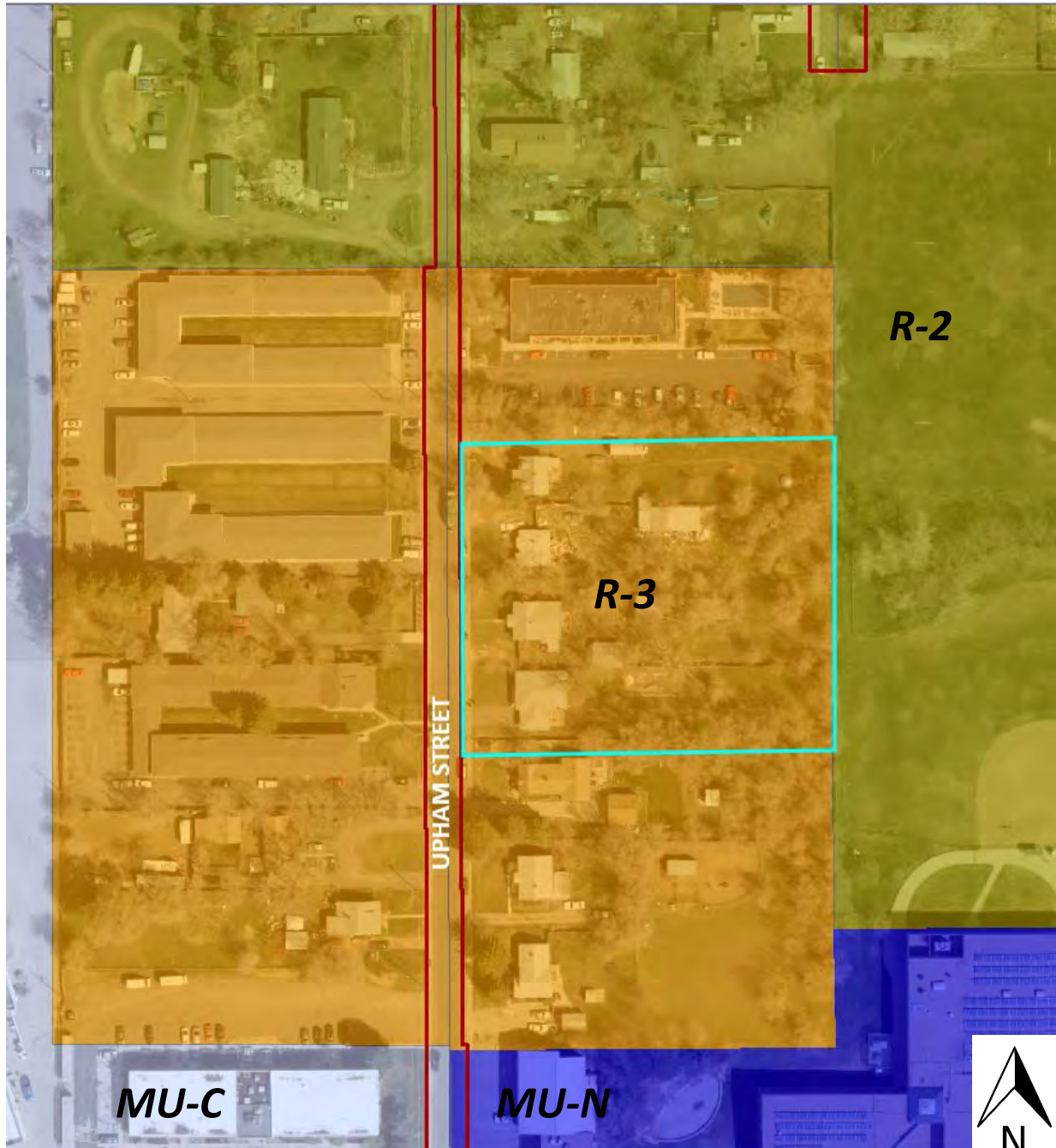


EXHIBIT 4: LAND USE PATTERN

The shading depicts the land use pattern for properties along Upham Street. The subject site is unshaded.

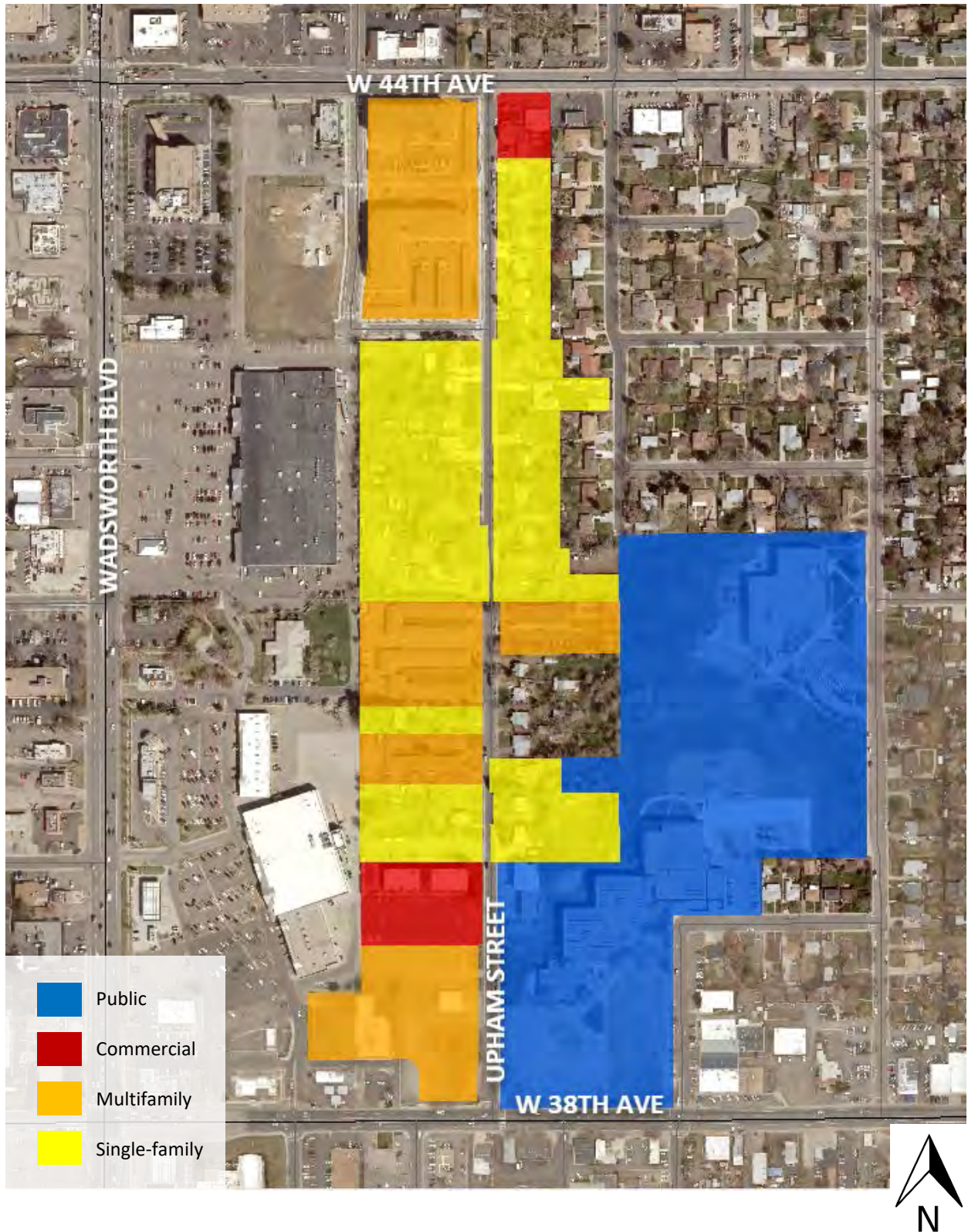


EXHIBIT 5: SITE PHOTOS



Looking north on Upham Street. The southernmost of the existing homes (4000 Upham) is on the right hand side; all four existing homes are in this image.



Looking south on Upham Street with the northernmost of the existing homes visible on the left side.



Looking east and northeast from Upham toward the existing 2½-story multifamily apartments immediately north of the subject property. A wooden fence, landscape area and parking lot separate this building from the subject site. The proposed units would be setback a minimum of 10-20 feet from this fence line.



Panoramic view looking north along Upham from the south side of the site. The existing two story apartments are visible on the left side of the image, and the existing brick single-family home immediately south of the subject site is visible on the right side of the image in the shade.



Panoramic view looking north along Upham from the north side of the site. The existing 2½ story brick apartments immediately north of the subject site are visible on the left side of the image, and on the right side are the existing single-story multifamily apartments.

EXHIBIT 6: OUTLINE DEVELOPMENT PLAN

see attached

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

AN OUTLINE DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO

A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOT FOR CONSTRUCTION

OWNER'S CERTIFICATE

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

NEIL SHEA, MANAGING PARTNER, UPHAM PARTNERS, LLC

STATE OF COLORADO)
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, A.D. 20____ BY _____.

WITNESSED MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC

COUNTY CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO)
COUNTY OF JEFFERSON)

I HEREBY CERTIFY HAT 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

SURVEYOR'S CERTIFICATE

I, CHARLES N. BECKSTROM, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF RIDGETOP VILLAGE 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.

SIGNATURE

(SURVEYOR'S SEAL)

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

ATTEST

CITY CLERK

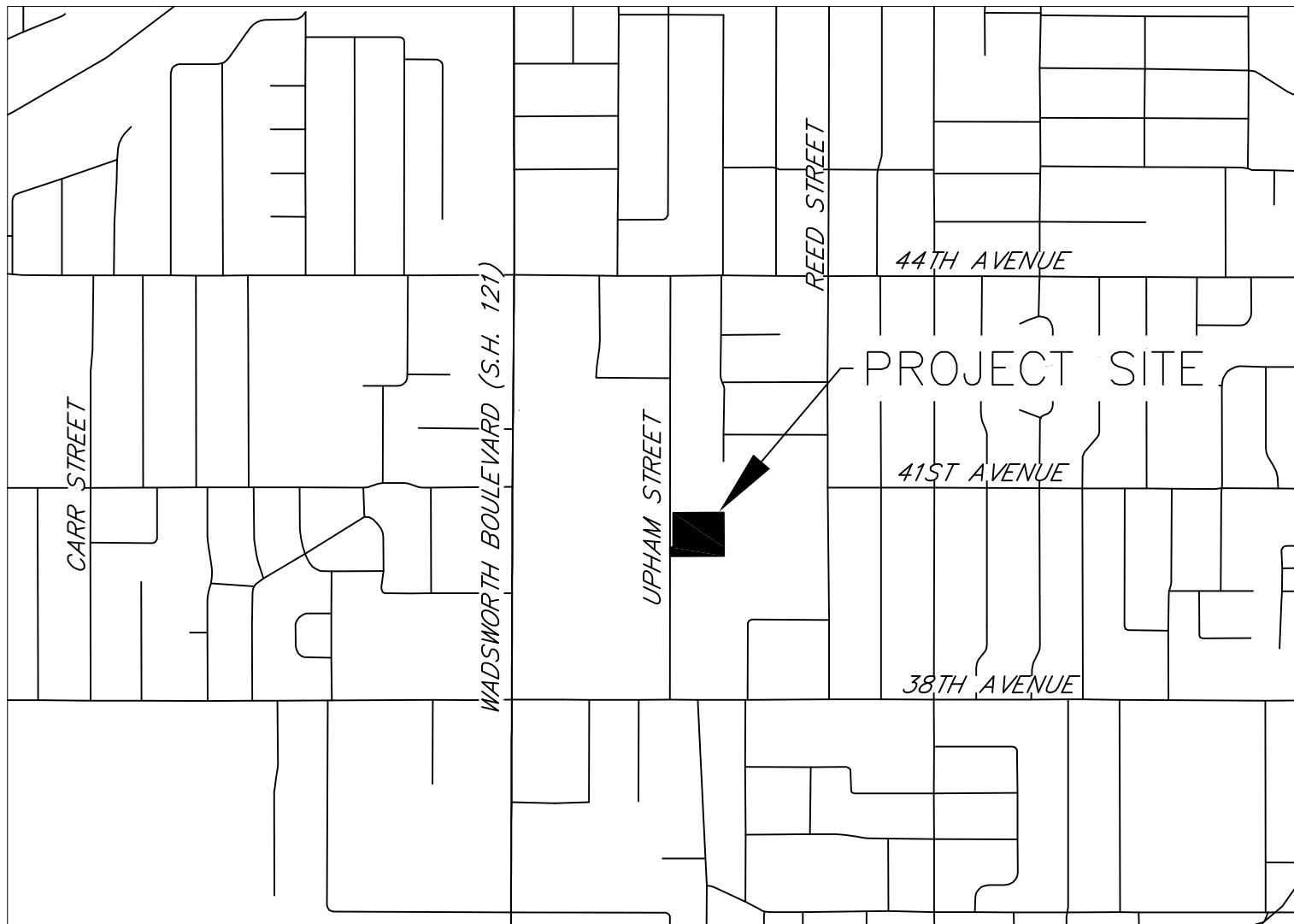
MAYOR

COMMUNITY DEVELOPMENT DIRECTOR

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

CHAIRPERSON

VICINITY MAP



0 1000 2000

1" =

1000'

PREPARED BY

HANGAR 41— ARCHITECTURE

825 SANTA FE DRIVE
DENVER, CO 80204
CONTACT: MATTHEW JOINER, AIA
303.954.0933
MJOINER@HANGAR-41.COM

PREPARED FOR

UPHAM PARTNERS, LLC

4251 KIPLING STREET, SUITE 310
WHEAT RIDGE, CO 80033
CONTACT: NEIL SHEA
303-870-0533

SHEET INDEX

SHEET NUMBER	SHEET TITLE
1	COVER SHEET
2	OUTLINE DEVELOPMENT SITE PLAN

CASE HISTORY

WZ-18-17
WZ-18-18
WS-18-02

SITE DATA TABLE

ZONING	PLANNED RESIDENTIAL DEVELOPMENT (PRD)
LAND USE	TOWNHOMES
NUMBER OF UNITS	38

	REQUIRED
MAXIMUM BUILDING HEIGHT	35'
MINIMUM FRONT SETBACK	15' (AS SHOWN)
MINIMUM SIDE SETBACK	10' FOR FRONT 25%, (AS SHOWN) 20' FOR REAR 75% (AS SHOWN)
MINIMUM REAR SETBACK	5' (AS SHOWN)
MINIMUM OPEN SPACE	30%
MINIMUM PRIVATE OPEN SPACE	NO MINIMUM
PARKING REQUIRED PER 1, 2, OR 3 BEDROOM RESIDENCE	2 SPACES
VISITOR PARKING SPACES	9 PER 38 UNITS (.24/UNIT)
BICYCLE PARKING	4 PER 38 UNITS (.1/UNIT)

DESIGN TEAM:

OWNER/APPLICANT

UPHAM PARTNERS, LLC
4251 KIPLING STREET, SUITE 310
WHEAT RIDGE, CO 80033
CONTACT: NEIL SHEA
303-870-0533
neil@visionacquisitions.com

LANDSCAPE ARCHITECT

OUTDOOR DESIGN GROUP, INC.
590 WEBSTER STREET
ARVADA, CO 80002
CONTACT: MATT CORRION, PLA
303-993-4811
mcorrion@odgdesign.com

LIGHTING DESIGN

C3S ENGINEERING, INC.
1737 CENTRAL STREET, SUITE 201
DENVER, CO 80211
CONTACT: THERESA SANTOS
303-480-5144
theresa@c3sengineeringinc.com

CIVIL ENGINEER

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3253 NORTH GAYLORD STREET
DENVER, CO 80205
CONTACT: JESSE DONOVAN, PE
720-540-8629
jesse@brightlightereng.com

SURVEYOR

ENGINEERING SERVICE COMPANY
14190 EAST EVANS AVENUE
AURORA, CO 80014
CONTACT: BRETT MILLER, PLS
303-337-1393 x101
bmiller@engineeringserviceco.com

ARCHITECT

HANGAR 41, LLC
825 SANTA FE DRIVE
DENVER, CO 80204
CONTACT: MATTHEW JOINER
303-954-0933
mjoiner@hangar-41.com

GEOTECHNICAL ENGINEER

A.G. WASSENAR, INC.
2180 SOUTH MANHOE STREET, SUITE 5
DENVER, CO 80222
CONTACT: KEITH SEATON, PE
303-759-8100
www.agwassenar.com

DEVELOPMENT STANDARDS:

- USE AREAS:
 - USE AREA "A" AS TOWNHOME UNITS DEFINED AS LOTS 1-38 DISTRIBUTED INTO 9 BUILDINGS
 - USE AREA "B" AS THE CENTRAL AREA OF THE DEVELOPMENT AND SHALL UTILIZED AS A COMMUNITY PARK
 - PERMITTED ACCESSORY USES: HOME OCCUPATIONS AND HOUSEHOLD PETS
 - PROHIBITED ACCESSORY USES: ACCESSORY STRUCTURES, RV/BOAT/TRAILER STORAGE
- MAXIMUM HEIGHT: 35 FEET
- TOWNHOME MAXIMUM DENSITY: 38 UNITS
- MINIMUM SETBACKS, AS SHOWN ON OUTLINE DEVELOPMENT SITE PLAN (MEASURED TO FOUNDATION)
 - SINGLE FAMILY ATTACHED:
 - FRONT SETBACK=15'
 - SIDE SETBACK=10' AT FRONT 25%, 20' AT REAR 75% OF LOT FROM PRIMARY STREET FRONT
 - REAR SETBACK=5'
- BUILDING SETBACK ENCROACHMENTS: ARE PERMITTED BY CONFORMANCE WITH SECTION 26 611 OF THE WHEAT RIDGE MUNICIPAL CODE.
- PARKING
 - OFF-STREET PARKING: ALL TOWNHOMES WILL HAVE TWO-CAR GARAGES.
 - VISITOR PARKING:
 - GUEST PARKING 9 SPACES PER 38 UNITS (.24/UNIT)
- LANDSCAPING
 - MINIMUM OPEN SPACE:30%
 - ALL LANDSCAPE SHALL BE IN CONFORMANCE WITH SECTION 26-502 LANDSCAPE REQUIREMENTS OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
- 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 CONFORMANCE WITH ARTICLE VII SIGN CODE OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
- FENCING: ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 26-603 FENCING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
- ARCHITECTURAL AND STREETScape DESIGN
 - STREETSCAPE DESIGN SHALL BE IN CONFORMANCE WITH THE STREETSCAPE DESIGN MANUAL.
 - ARCHITECTURAL DESIGN ELEMENTS SHALL BE IN CONFORMANCE WITH THE ASDM, SECTION 4.3 EXCEPT IN THE FOLLOWING MODIFICATIONS:
 - FACADE ARTICULATION:
 - DESIGN SHALL HIGHLIGHT HUMAN SCALE TO EXCEED ASDM REQUIREMENTS FOR VARIATION IN PLAN DEPTH WITH:
 - RECESSED UNIT ENTRIES THAT EXTEND TO UPPER LEVELS;
 - UPPER LEVEL RECESSED VOLUMES ON GARAGE FACADES;
 - DEEP, ATTACHED METAL LEVEL 2 BALCONIES EXTEND OVER GENEROUS LEVEL 1 PATIOS TO CREATE TWO OUTDOOR ROOMS, ONE EXPOSED AND ONE PARTIALLY COVERED;
 - ROOF LINES WITH VARYING SOFFIT EXTENSIONS AND DEPTH
 - MATERIALS:
 - DESIGN SHALL MODIFY ASDM MATERIAL REQUIREMENTS:
 - BRICK SHALL COVER 1/3 MIN., OF THE BUILDING FACADE:
 - A BRICK PLINTH SHALL INCLUDE SILL AND HEADER HEIGHT BANDS THAT COVER ALL SIDES THE FULL HEIGHT OF LEVEL 1;
 - LAP SIDING SHALL COVER 2/3 MAX., OF THE BUILDING FACADE:
 - LAP SIDING SHALL INCLUDE VARIETY IN COLOR, DEPTH OF PLANK, AND ORIENTATION TO EMPHASIZE HUMAN SCALE AND VARIETY IN VOLUME, AND UNIQUENESS BETWEEN MULTIPLE BUILDINGS;
 - OPENINGS AND BALCONIES SHALL BE ON 40% MIN. OF BUILDING ENTRY AND GARAGE FACADES – THE PREDOMINANT LENGTH – AND ON NO LESS THAN 15% MIN. OF EACH OF THE BUILDING END FACADES.

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE EAST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID EAST ½;
THENCE S00°14'04"E ALONG THE EAST LINE OF SAID EAST ½ A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING S00°14'04"E ALONG SAID EAST LINE A DISTANCE OF 264.61 FEET;
THENCE N89°39'47"E A DISTANCE OF 328.96 FEET TO A POINT ON THE WEST LINE OF SAID EAST ½;
THENCE N00°13'09"W ALONG SAID WEST LINE A DISTANCE OF 55.00 FEET;
THENCE N89°39'47"W A DISTANCE OF 20.00 FEET;
THENCE N00°13'09"W ALONG A LINE THAT IS 20.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE A DISTANCE OF 209.63 FEET;
THENCE N89°39'59"E ALONG A LINE THAT IS 132.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID EAST ½ A DISTANCE OF 308.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (82,849 SQUARE FEET) 1.9020 ACRES.

PROJECT NUMBER	UP1801
PROJECT DATE	08.20.2018
DESIGNER	MJ
REVIEWER	BP

Architect:
HANGAR 41
ARCHITECTURE + PLANNING + INTERIORS

825 Santa Fe Drive
Denver, CO 80204
(303) 954-0933

WWW.HANGAR41.COM

OUTLINE DEVELOPMENT PLAN

RIDGETOP VILLAGE
4000, 4042, 4026M, 4086 UPHAM STREET
MATTHEW JOINER C/O HANGAR-41 ARCHITECTURE
303.954.0933

REVISION NUMBER	REVISION DESCRIPTION	DATE	##	##
000	FIRST ODP SUBMITTAL	08.20.2018		
001	SECOND ODP SUBMITTAL	09.24.2018		
002	THIRD ODP SUBMITTAL	12.10.2018		
003	FOURTH ODP SUBMITTAL	01.03.2019		
##			##	##

COVER SHEET

1

OF

2

A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH
PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

PROJECT NUMBER	UP1801
PROJECT DATE	08.20.2018
DESIGNER	MJ
REVIEWER	BP

ADJACENT 2-STORY
MULTI-UNIT RESIDENTIAL
BUILDING

ADJACENT 3-STORY MULTI-UNIT RESIDENTIAL BUILDING

NORTH OF PROPERTY ZONING: R-3

FRONT 25% OF SITE

REAR 75% OF SITE

UNIT FRONT YARDS

UNIT ACCESS SIDEWALK

34' MAX. PROP. BLDG. FTRNT

22.0'

15.0' MIN

25.0' (24.0' MIN)

20.0'

DRIVE AISLE

GUEST PARKING

COMMUNITY PARK

FIRE ACCESS DRIVE ONLY; RAISED 6"

30.0' (24.0' MIN)

26.0' MIN

PARKING (INCL. VAN ACC.)

DRIVE AISLE

UNIT FRONT YARDS

UNIT ACCESS SIDEWALK

34' MAX. PROP. BLDG. FTRNT

22.0'

15.0' MIN

25.0' (24.0' MIN)

20.0'

UNIT FRONT YARDS

UNIT ACCESS SIDEWALK

34' MAX. PROP. BLDG. FTRNT

22.0'

15.0' MIN

25.0' (24.0' MIN)


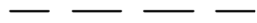



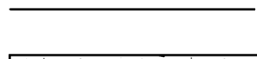
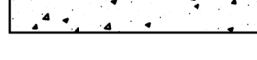
20.0'

FRONT 25% OF SITE

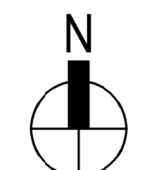
REAR 75% OF SITE

ADJACENT SINGLE FAMILY HOME

SOUTH OF PROPERTY ZONING: R-3

	PROPERTY LINES
	SETBACK LINES
	PROPOSED BUILDING FOOTPRINT
	CURB / GUTTER
	CONCRETE SIDEWALK
	DRIVE AISLE SURFACE
	RAISED DRIVE AISLE

EXISTING DETENTION POND
TO BE USED FOR PROPOSED
OFF-SITE DETENTION

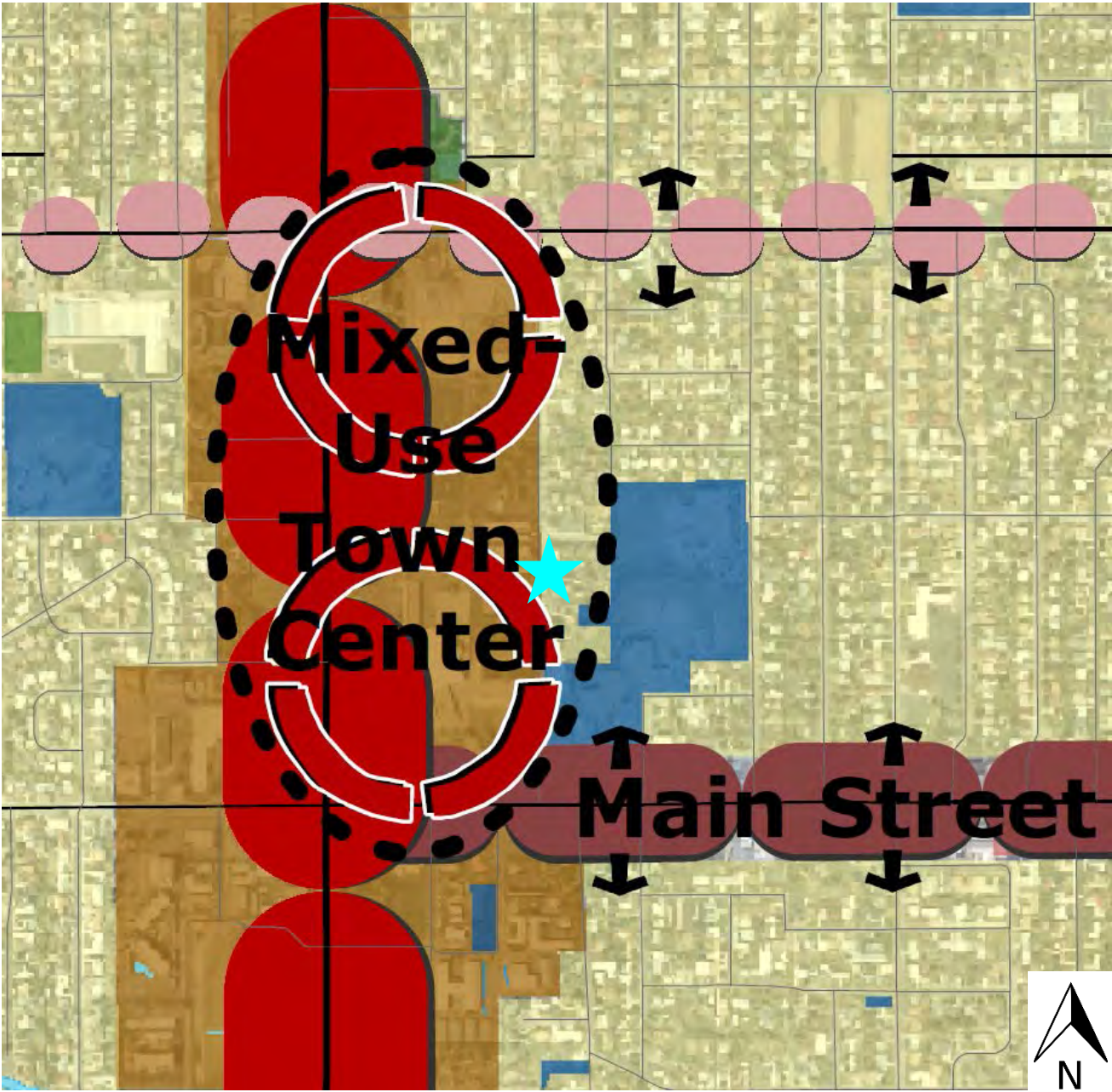


REVISION NUMBER	REVISION	DESCRIPTION	DATE
000	FIRST ODP SUBMITTAL		08-20-2018
001	SECOND ODP SUBMITTAL		09-24-2018
002	THIRD ODP SUBMITTAL		12-10-2018
003	FOURTH ODP SUBMITTAL		01-03-2019
##	##		##
##	##		##

2 OF 2

EXHIBIT 7: ADOPTED PLANS

This image is an excerpt from the Structure Map within the City’s Comprehensive Plan (2009). The Structure Map provides high-level guidance for achieving the City’s vision by designating development priorities and future land areas. The location of the subject property is denoted by the star.



- | | |
|---|---|
|  Public |  Main Street (38 th Ave) |
|  Neighborhood Buffer |  Primary Commercial Corridor (Wadsworth Blvd) |
|  Neighborhood |  Community Commercial Center |
| |  Neighborhood Commercial Corridor (44 th Ave) |

This image shows the sub-districts identified in the 38th Avenue Corridor Plan (2011) which include districts along Wadsworth, 38th and the surrounding areas. The location of the subject property is again denoted by the star and is within the area designated as “Downtown Wheat Ridge.”

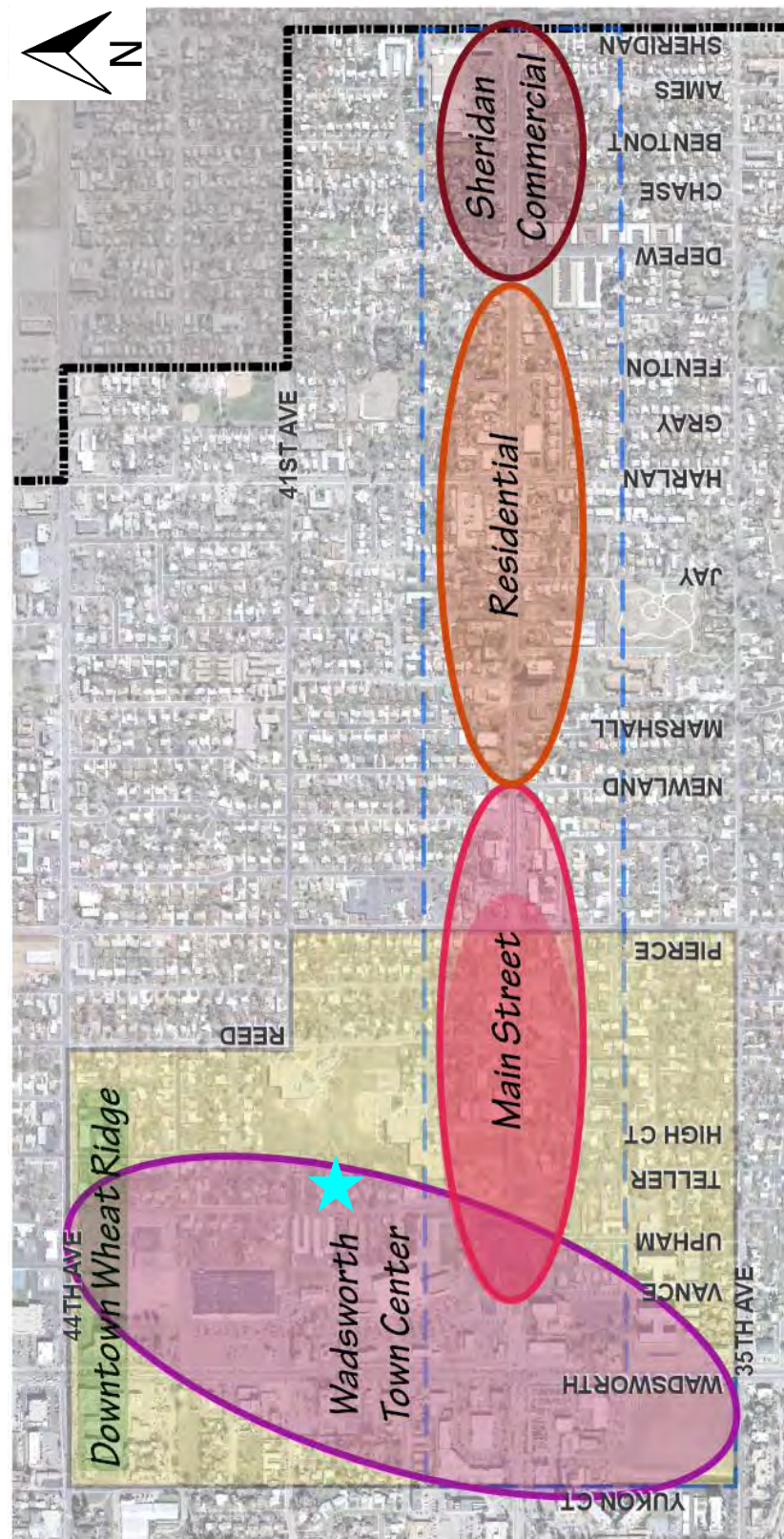


EXHIBIT 8: SPECIFIC DEVELOPMENT PLAN

see attached

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO

A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOT FOR CONSTRUCTION

OWNER'S CERTIFICATE

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

NEIL SHEA, MANAGING PARTNER, UPHAM PARTNERS, LLC

STATE OF COLORADO)
COUNTY OF JEFFERSON)

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

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

NOTARY PUBLIC _____

COUNTY CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO)
COUNTY OF JEFFERSON)

I HEREBY CERTIFY HAT 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

SURVEYOR'S CERTIFICATE

I, CHARLES N. BECKSTROM, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF RIDGETOP VILLAGE 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.

SIGNATURE

(SURVEYOR'S SEAL)

CITY CERTIFICATION

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

ATTEST

CITY CLERK

MAYOR

COMMUNITY DEVELOPMENT DIRECTOR

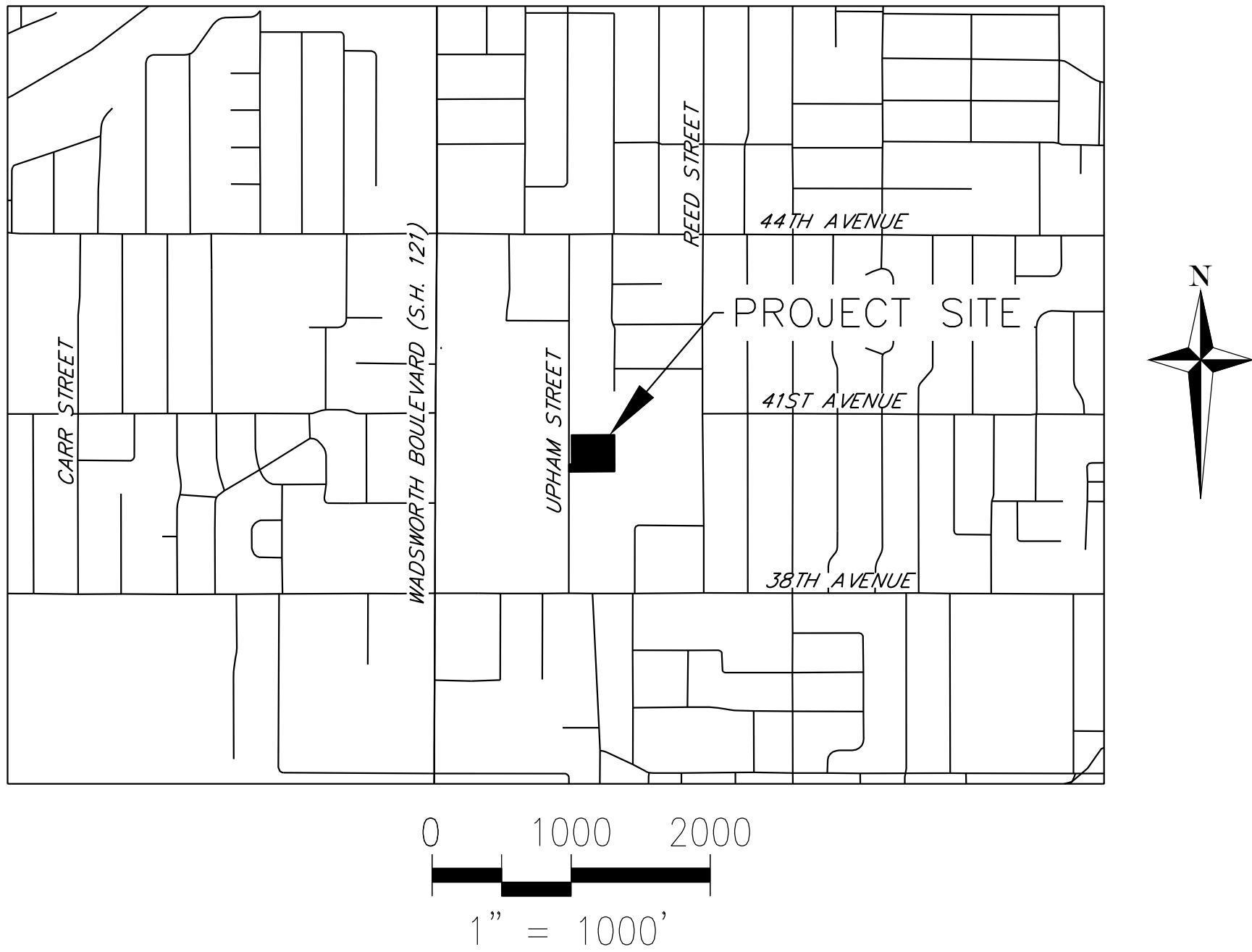
CHARACTER OF DEVELOPMENT

THE RIDGETOP VILLAGE PROJECT WILL CONSIST OF THIRTY-EIGHT FEE SIMPLE TOWN HOME UNITS CENTERED AROUND A COMMON GREENSPACE AMENITY. THERE WILL BE MULTIPLE CONNECTION POINTS THROUGHOUT THE DEVELOPMENT TO THE CENTRAL POCKET PARK. RIDGETOP VILLAGE IS LOCATED ON UPHAM STREET, LESS THAN HALF A BLOCK NORTH OF WHEAT RIDGE'S MAIN STREET, 38TH AVENUE. THE APPROXIMATELY 1.84 ACRE SITE WILL COMPLIMENT NEARBY REDEVELOPMENT.

THE ARCHITECTURE IS A MARRIAGE OF CONTEMPORARY AND TRADITIONAL STYLES WITH SUBTLE DESIGN ELEMENTS OFFERING HOMAGE TO THE MID-CENTURY MODERN THEME PRESENT AMONG MANY OF WHEAT RIDGE'S OLDER NEIGHBORHOODS. THERE WILL BE TWO ENTRY POINTS INTO THE DEVELOPMENT FROM UPHAM STREET WITH STREETSCAPE AND SIGN MONUMENTS TO PROVIDE A SENSE OF ENTRY FOR THE NEIGHBORHOOD.

EACH OWNER WILL ENJOY BOTH PRIVACY OFFERED BY PRIVATE, LOW-FENCED YARDS WITH MINIMALIST LANDSCAPING, AS WELL AS EASY ACCESS TO THE MAIN FOCAL POINT OF THE DEVELOPMENT, A CENTRAL POCKET PARK. THIS GATHERING SPACE OFFERS A GENEROUS SOD LAWN BORDERED BY PEDESTRIAN WALKWAYS, PARK BENCHES, AND SHADE TREES, WHERE RESIDENTS MAY ENTERTAIN, PLAY, AND RELAX.

VICINITY MAP



PREPARED BY

BRIGHTLIGHTER ENGINEERING
3253 NORTH GAYLORD STREET
DENVER, CO 80205
CONTACT: JESSE DONOVAN, P.E.
720-504-8629
jesse@brightlightereng.com

PREPARED FOR

UPHAM PARTNERS, LLC
4251 KIPLING STREET, SUITE 310
WHEAT RIDGE, CO 80033
CONTACT: NEIL SHEA
303-870-0533

SHEET INDEX

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1	COVER SHEET
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3	UTILITY PLAN
4	ARCHITECTURAL ELEVATIONS
5	ARCHITECTURAL ELEVATIONS
6	ARCHITECTURAL ELEVATIONS
7	ARCHITECTURAL ELEVATIONS
8	ARCHITECTURAL ELEVATIONS
9	ARCHITECTURAL PERSPECTIVES
10	ARCHITECTURAL PERSPECTIVES
11	ARCHITECTURAL PERSPECTIVES
12	LANDSCAPE NOTES AND PLANT LIST
13	LANDSCAPE PLAN
14	LANDSCAPE DETAILS
15	SITE PHOTOMETRIC PLAN
16	LIGHTING SPECIFICATIONS

CASE HISTORY

WZ-18-17
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DESIGN TEAM:

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SITE DATA TABLE

ZONING	PLANNED RESIDENTIAL DEVELOPMENT (PRD)	
LAND USE	TOWNHOMES	

TOTAL AREA	[ACRES/SQ.FT.] GROSS	[ACRES/SQ.FT.] NET
	1.90 ACRES	1.84 ACRES

	REQUIRED	PROVIDED
MAXIMUM BUILDING HEIGHT	35'	35'
MINIMUM FRONT SETBACK	15'	15'
MINIMUM SIDE SETBACK	10'	10'
MINIMUM REAR SETBACK	5'	5'
MAXIMUM DENSITY	21 UNITS/ACRE	38 UNITS PROPOSED
MINIMUM OPEN SPACE	30%	34%
PARKING REQUIRED PER 1, 2, OR 3 BEDROOM RESIDENCE	2 SPACES	76 SPACES PROPOSED
VISITOR PARKING SPACES	0.24 PER UNIT	9 SPACES (17 SPACES INCLUDING ADJACENT STREET PARKING)
BICYCLE PARKING	0.1 PER UNIT	4 BICYCLE SPACES

LOT COVERAGE

	SQ. FT.	PERCENT (%)
NET LOT AREA	80,029	100
BUILDING COVERAGE	26,428	33
LANDSCAPE/OPEN SPACE*	28,083	34
HARD SURFACE	25,518	33

*SEE LANDSCAPE PLANS FOR ADDITIONAL DETAILS

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE EAST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID EAST ½;
THENCE S00°14'04"E ALONG THE EAST LINE OF SAID EAST ½ A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING S00°14'04"E ALONG SAID EAST LINE A DISTANCE OF 264.61 FEET;
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PARCEL CONTAINS (82,849 SQUARE FEET) 1.9020 ACRES.

PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	CWK
REVIEWER	JSD



SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE
4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
JESSE DONOVAN, P.E. (720-504-8629)

REVISION NUMBER	REVISION DESCRIPTION	DATE
000	1ST SDP SUBMITTAL	08/20/2018
001	2ND SDP SUBMITTAL	09/24/2018
002	3RD SDP SUBMITTAL	12/10/2018
003	4TH SDP SUBMITTAL	01/03/2019

COVER SHEET

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO

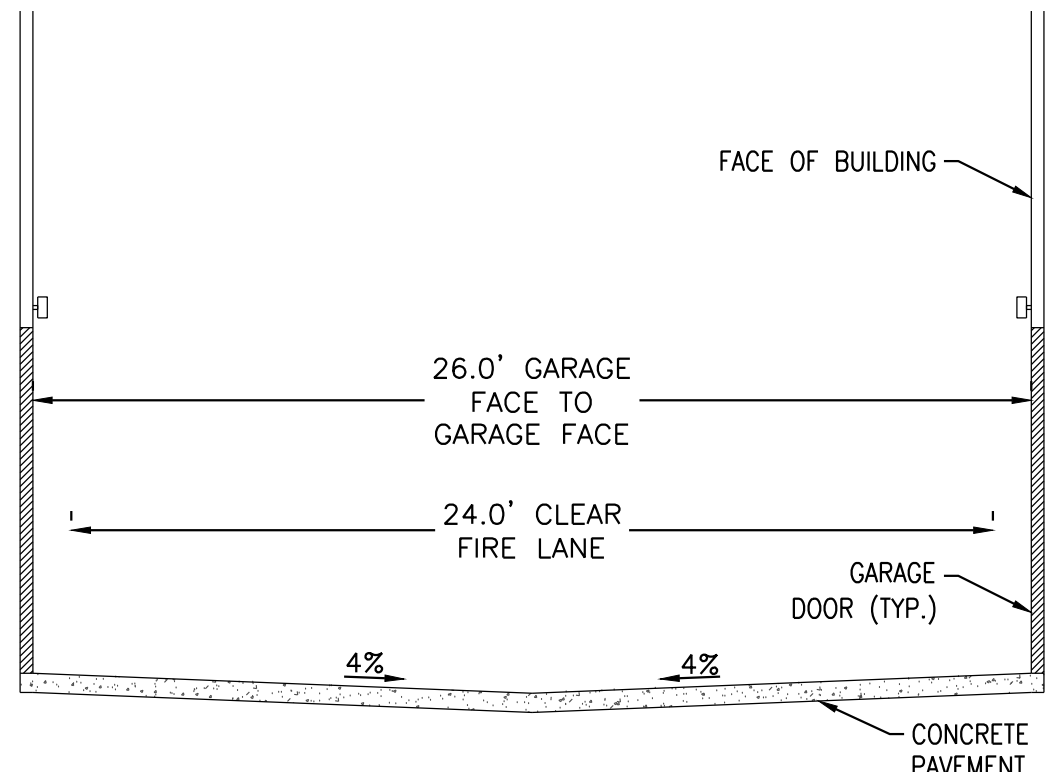
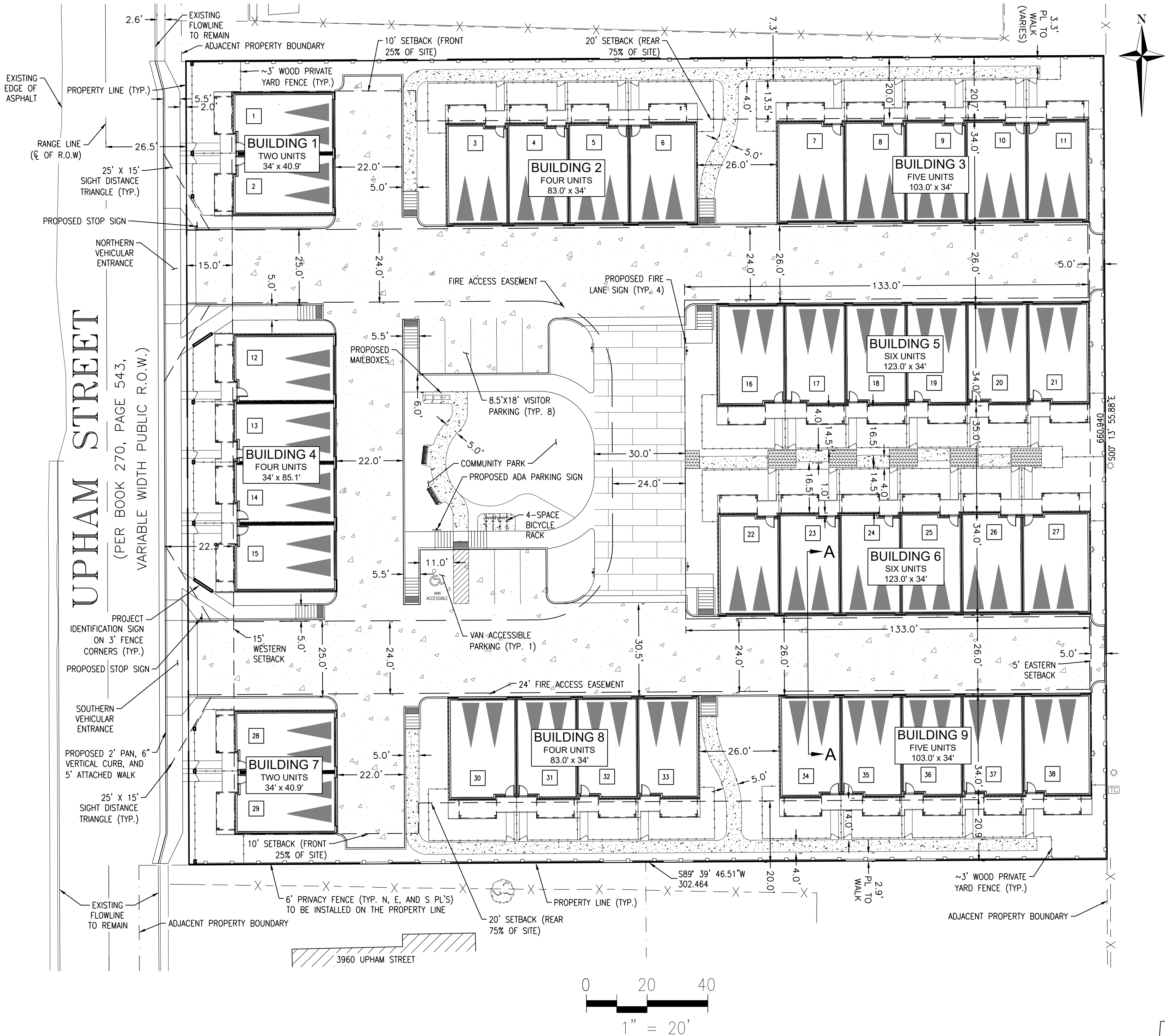
A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOT FOR CONSTRUCTION

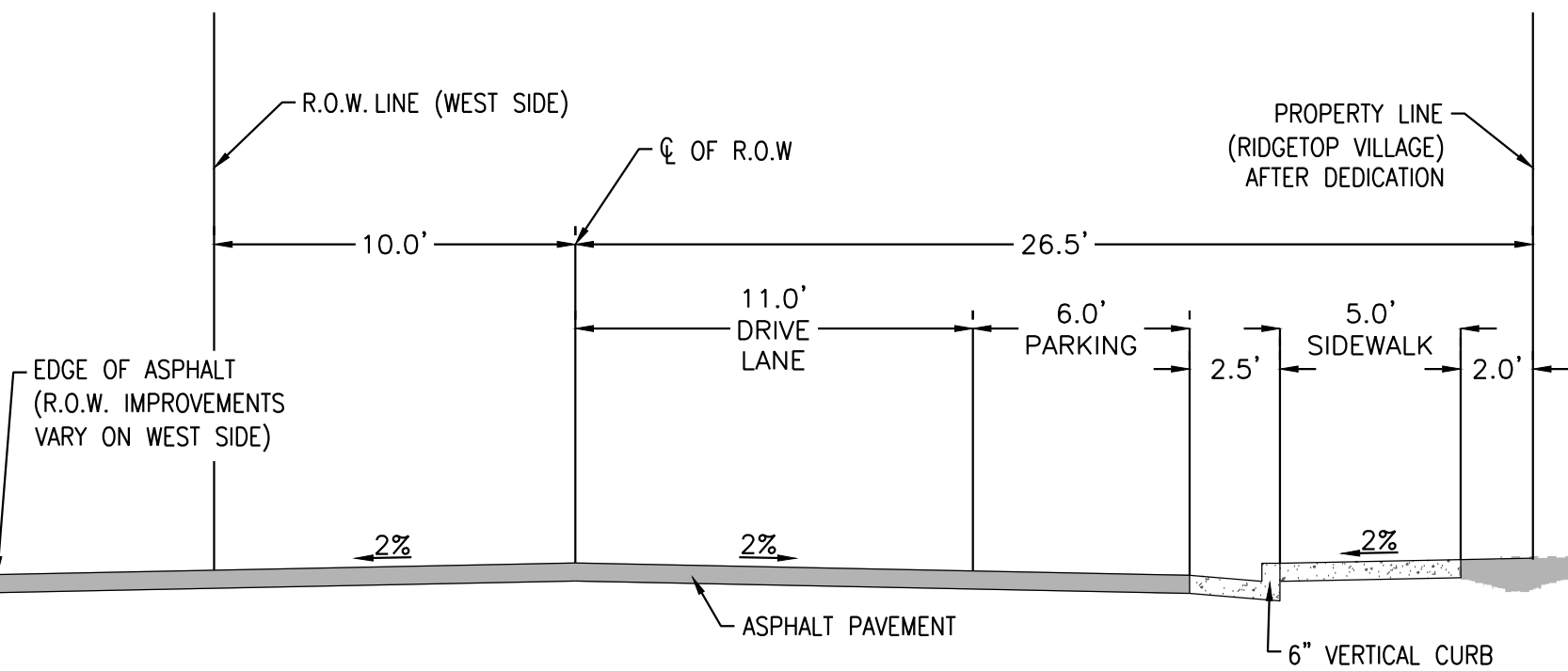
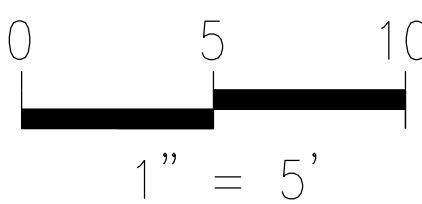
PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
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REVIEWER	JSD

LEGEND

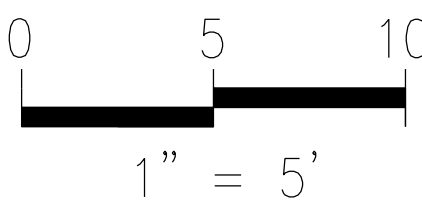
	PROPERTY BOUNDARY
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	LOT LINE
	EXISTING EASEMENT
	PROPOSED SETBACK
	PROPOSED FLOW LINE
	PROPOSED TOP BACK OF CURB
	PROPOSED LIP LINE
	EXISTING FLOW LINE
	EXISTING TOP BACK OF CURB
	EXISTING LIP LINE
	PROPOSED CONCRETE PAVING
	PROP. DECORATIVE CONCRETE PAVING
	PROPOSED STRIPING
	PROPOSED ADA PARKING STRIPING
	PROPOSED SIGNAGE
	PROPOSED UNIT NUMBER
	PROPOSED GARAGE PARKING SPACE



SECTION A-A



UPHAM STREET SECTION



SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE
4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
JESSE DONOVAN, P.E. (720-504-8629)

REVISION NUMBER	REVISION DESCRIPTION	DATE
000	1ST SDP SUBMITTAL	08/20/2018
001	2ND SDP SUBMITTAL	09/24/2018
002	3RD SDP SUBMITTAL	12/10/2018
003	4TH SDP SUBMITTAL	01/03/2019

SITE PLAN

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO

A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOT FOR CONSTRUCTION

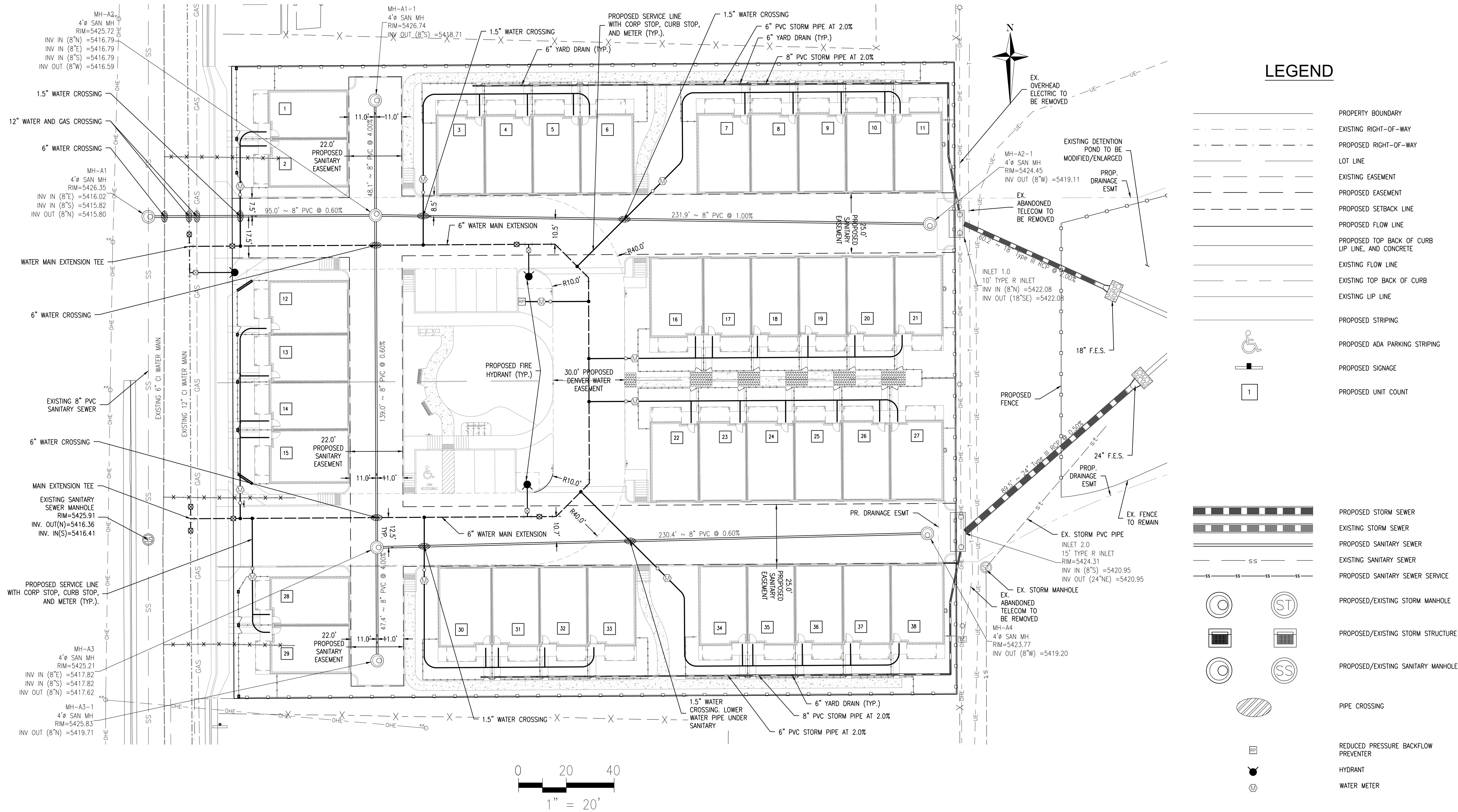
PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	CWK
REVIEWER	JSD



SPECIFIC DEVELOPMENT PLAN
RIDGETOP VILLAGE
4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
JESSE DONOVAN, P.E. (720-504-8629)

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UTILITY PLAN



PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	M.C.J
REVIEWER	A.P

Architect:

HANGAR

41

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SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE

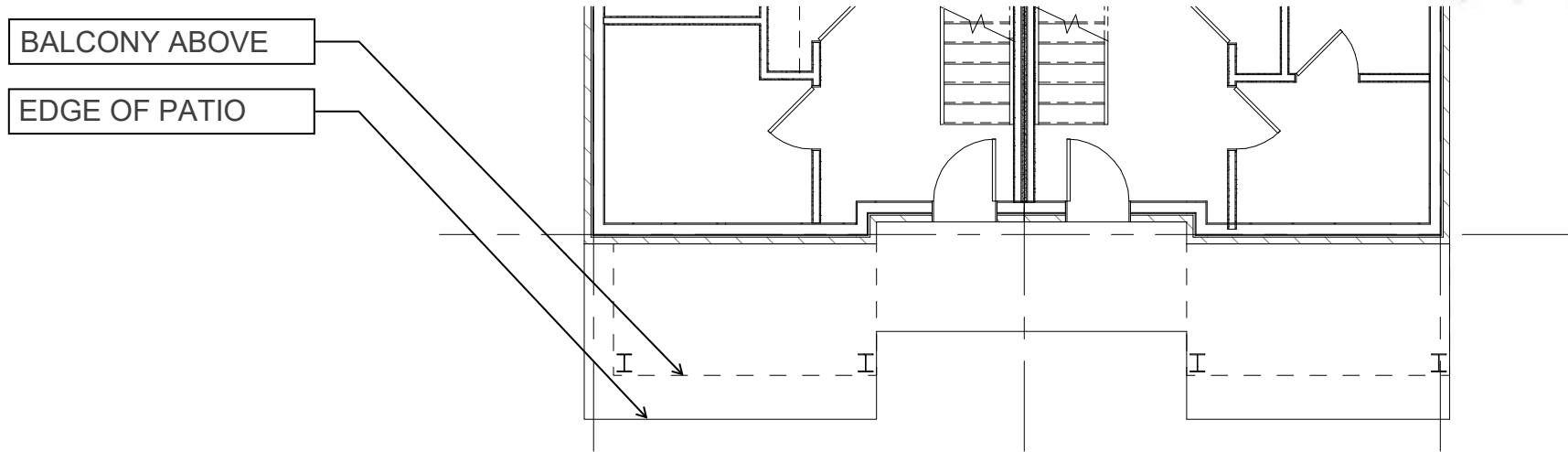
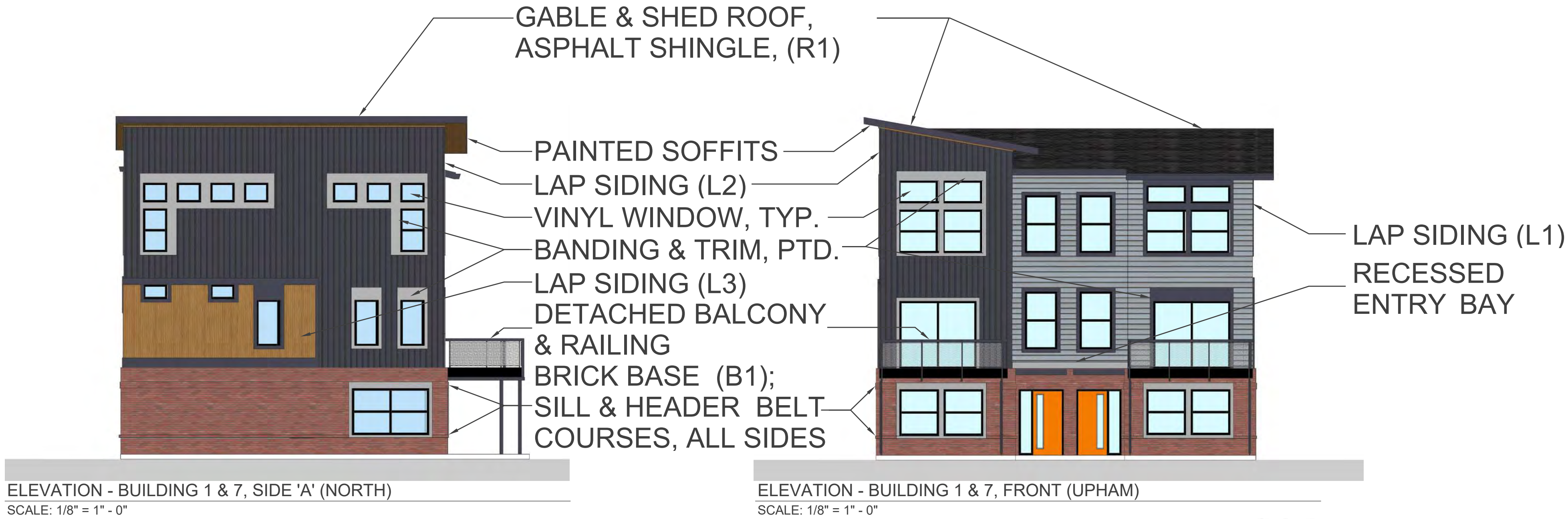
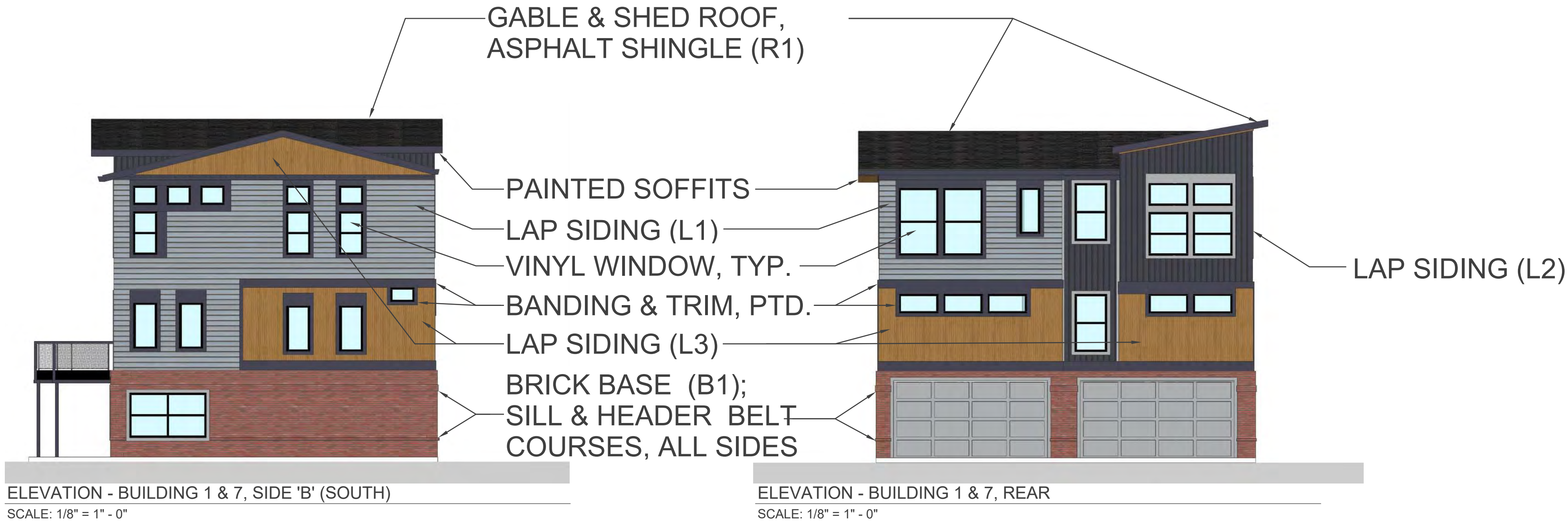
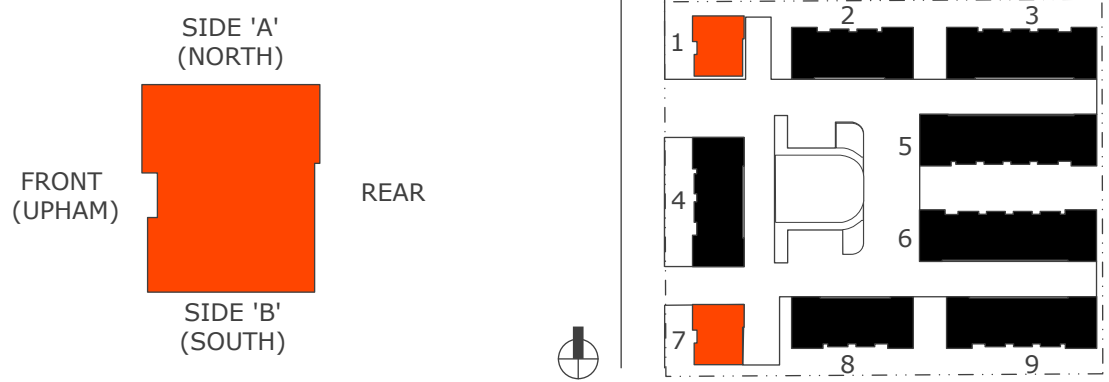
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ARCHITECTURAL ELEVATIONS



MATERIAL COVERAGES (PER ELEVATION)	
BRICK:	30% MIN. COVERAGE. *INCLUDES BELT COURSING AT BOTH SILL AND HEAD HT.
LAP SIDING:	60% MAX. COVERAGE. *INCLUDES 2 COLORS & 2 SIZE/ORIENTATION VARIATIONS PER ELEV. MIN.
OPENINGS:	35-40% ON ENTRY AND GARAGE FACADES (DOMINANT BUILDING LENGTHS) 15% MIN. ON BUILDING SIDES (MAJORITY OF LEVEL 1 IS GARAGE WALL)

PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	M.C.J.
REVIEWER	A.P.

Architect

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SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE

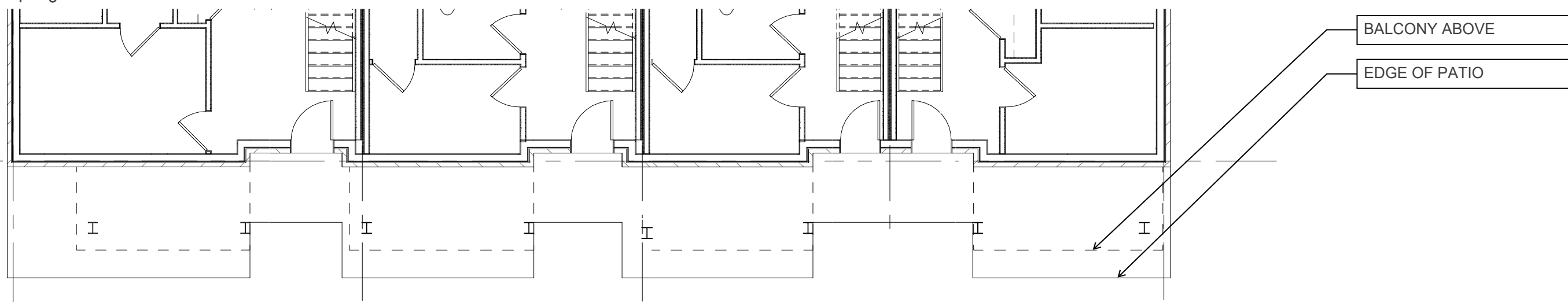
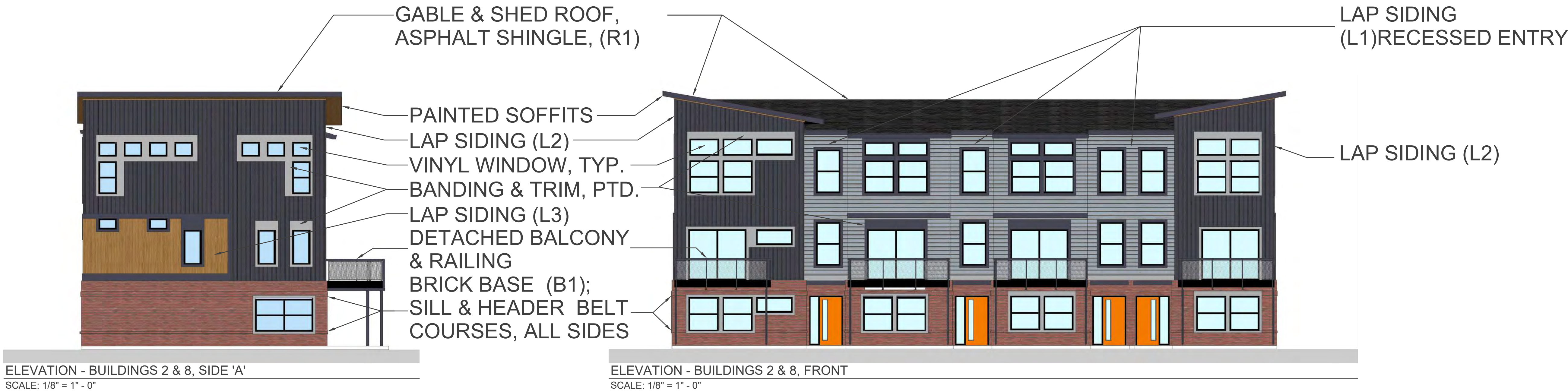
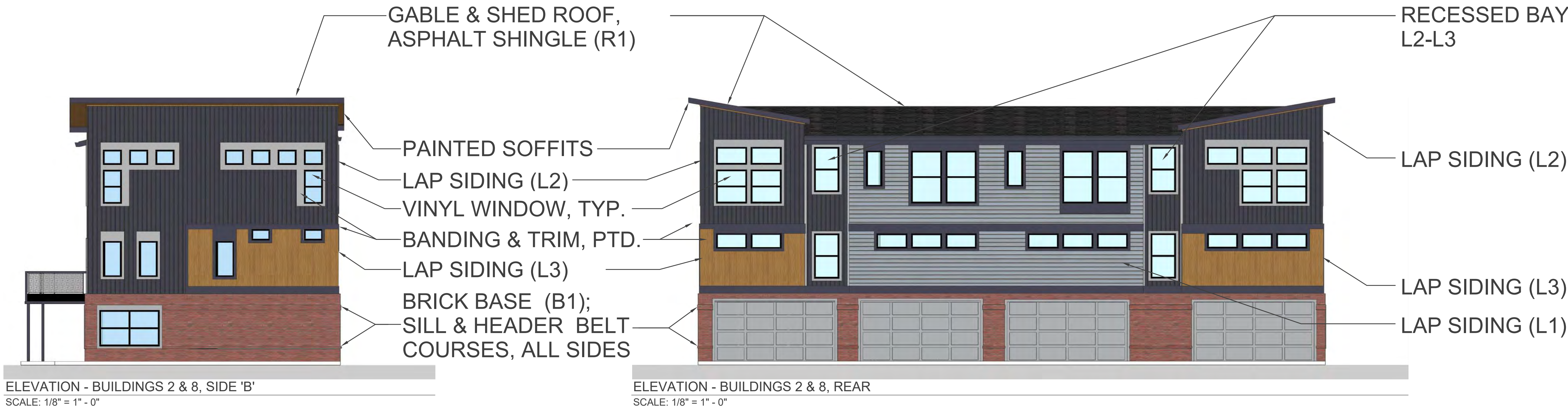
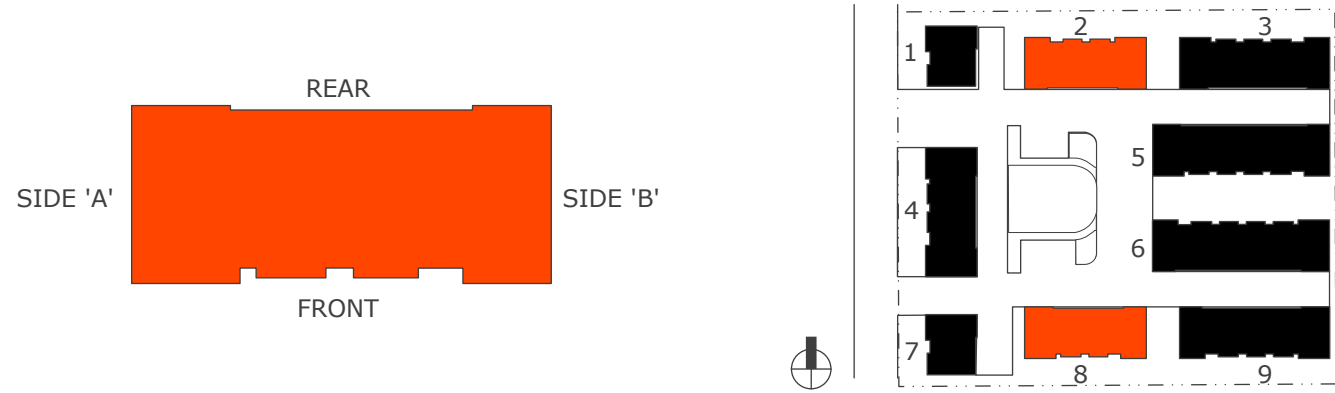
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ELEVATION - BUILDINGS 3 & 9, SIDE 'B'
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 3 & 9, REAR
SCALE: 1/8" = 1" - 0"

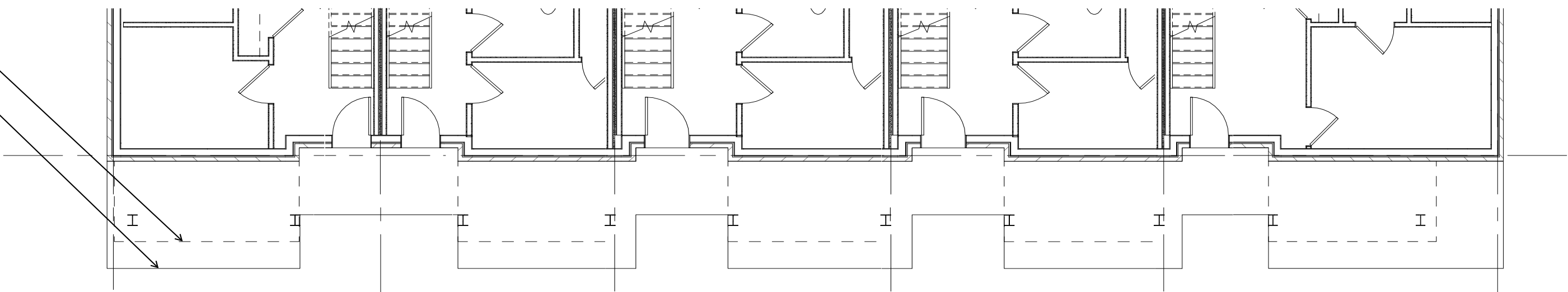


ELEVATION - BUILDINGS 3 & 9, SIDE 'A'
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 3 & 9, FRONT
SCALE: 1/8" = 1" - 0"

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EDGE OF PATIO



PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	M.C.J.
REVIEWER	A.P.

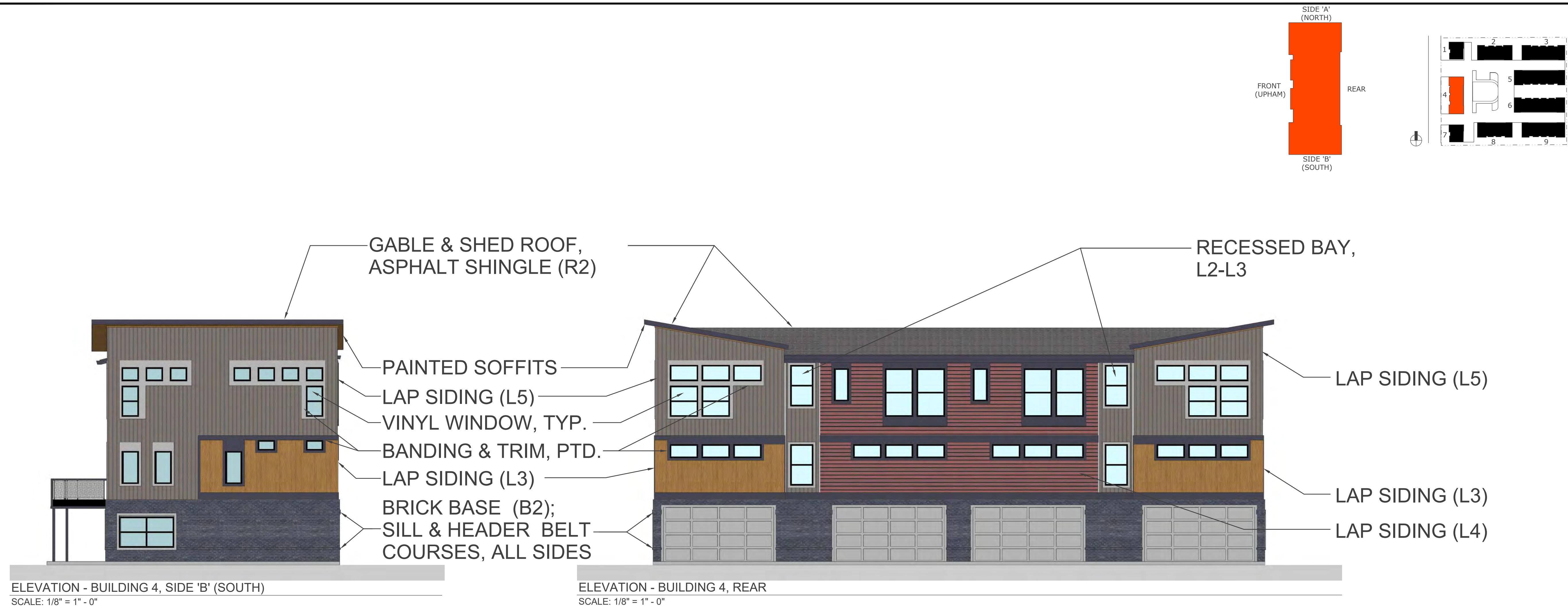
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SPECIFIC DEVELOPMENT PLAN

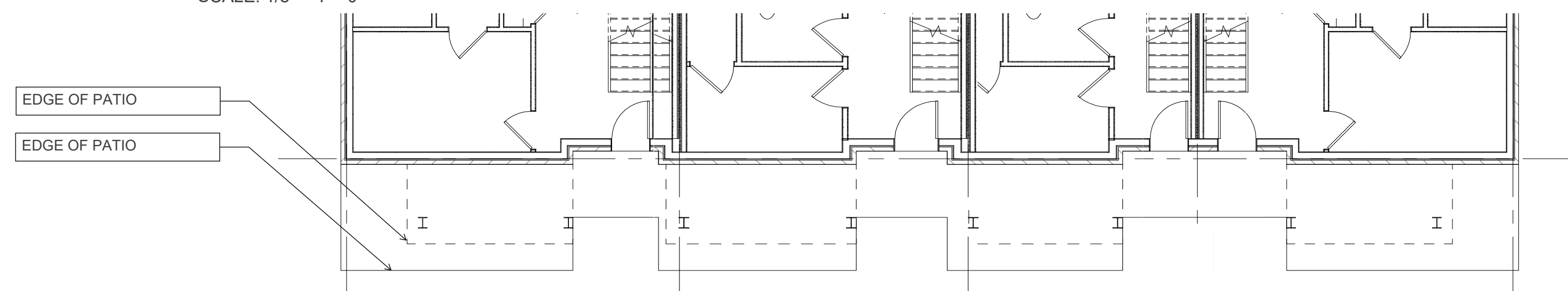
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PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	MCJ
REVIEWER	A.P.

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SPECIFIC DEVELOPMENT PLAN

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ARCHITECTURAL ELEVATIONS

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DESIGNER	M.C.J
REVIEWER	A.P



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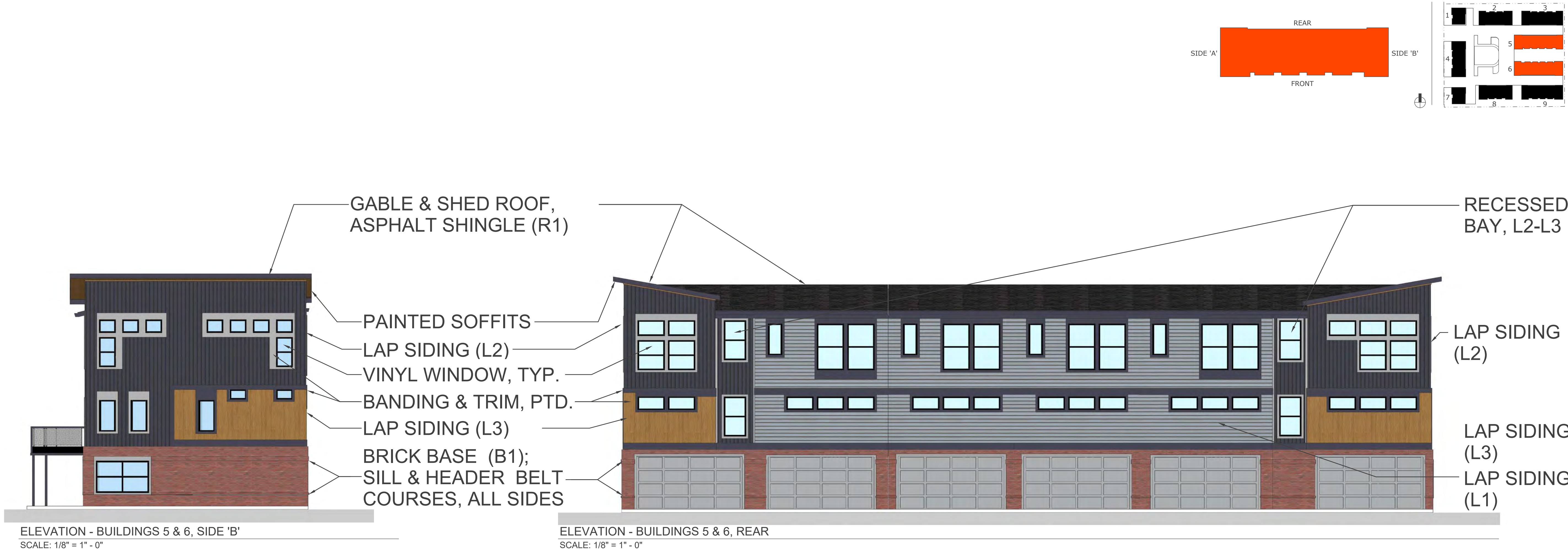
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PERSPECTIVE - VIEW EAST FROM UPHAM
NTS



PERSPECTIVE - VIEW N.E. FROM UPHAM
NTS

PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	M.C.J.
REVIEWER	A.P.

Architect:
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SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE

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ARCHITECTURAL
PERSPECTIVES



PERSPECTIVE - VIEW EAST FROM THE CENTRAL PARK
NTS

PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	M.C.J.
REVIEWER	A.P.

Architect:
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SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE

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ARCHITECTURAL
PERSPECTIVES



PERSPECTIVE - VIEW NORTHWEST ACROSS THE CENTRAL PARK
NTS

PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	M.C.J.
REVIEWER	A.P.

Architect:
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SPECIFIC DEVELOPMENT PLAN

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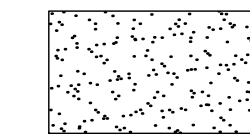
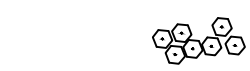
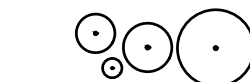
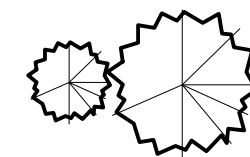
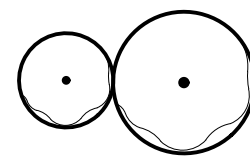
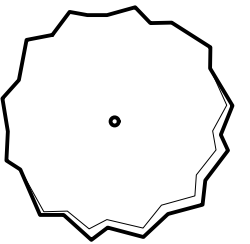
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LANDSCAPE PLANT LIST



DECIDUOUS SHADE TREES								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND CONDITION	QTY
AGG	Autumn Gold Ginkgo	Ginkgo biloba 'Autumn Gold'	25-50'	25-35'	Medium	Sun	2" Cal., B&B	2
SKC	Seedless Kentucky Coffeetree	Gymmodadus dioicus 'Espresso'	50-60'	40-50'	Low	Sun	2" Cal., B&B	2
CSO	Crimson Spire Oak	Quercus Crimson Spire	40-60'	15-20'	Medium	Sun	2" Cal., B&B	4
SSL	Sterling Silver Linden	Tilia tomentosa 'Sterling Silver'	40-50'	20-35'	Medium	Sun	2" Cal., B&B	3
ACE	Accolade Elm	Ulmus Accolade	50-70'	30-40'	Medium	Sun	2" Cal., B&B	2

ORNAMENTAL TREES								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND CONDITION	QTY
CSM	Crimson Sunsets Maple	Acer x Crimson Sunset	30-35'	20-25'	Medium	Sun	2" Cal., B&B	7
FFH	Frans Fontaine Hornbeam	Carpinus betulus 'Frans Fontaine'	20-30'	10-15'	Medium	Sun / Part Shade	2" Cal., B&B	8
EAR	Eastern Redbud	Cercis canadensis	20-30'	20-30'	Medium	Adaptable	2" Cal., B&B	2
ABP	Autumn Blaze Pear	Pyrus calleryana 'Autumn Blaze'	25-35'	20-30'	Medium	Sun	2" Cal., B&B	4
SCP	Summer Charm Peking Lilac	Syringa pekinensis Summer Charm	15-20'	10-15'	Low	Sun	2" Cal., B&B	2

EVERGREEN TREES								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND CONDITION	QTY
FNS	Fastgate Norway Spruce	Picea abies 'Cupressina'	15-20'	4-6'	Medium	Sun	6' ht., B&B	3
PIN	Pinon Pine	Pinus edulis	20-30'	10-20'	Low	Sun	6' ht., B&B	1
CGB	Compact Gem Bosnina Pine	Pinus leucodermis 'Compact Gem'	10-15'	5-6'	Low	Sun / Part Shade	6' ht., B&B	2

DECIDUOUS SHRUBS								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND CONDITION	QTY
RES	Regent Serviceberry	Amelanchier alnifolia 'Regent'	6-8'	6-8'	Low	Sun	5 Gallon Cont.	6
SOS	Standing Ovation Serviceberry	Amelanchier alnifolia Standing Ovation	12-15'	3-4'	Medium	Sun / Part Shade	5 Gallon Cont.	6
RCB	Red Columar Barberry	Berberis thunbergii 'Helmond Pillar'	4-5'	18-24"	Low	Sun / Part Shade	5 Gallon Cont.	34
BYD	Bud's Yellow Dogwood	Cornus alba 'Bud's Yellow'	6-8'	5-6'	Medium	Adaptable	5 Gallon Cont.	12
ISB	Isant Dogwood	Cornus stolonifera 'Isant'	4-5'	4-6'	Medium	Adaptable	5 Gallon Cont.	6
BRB	Burkwoodii Red Broom	Cytisus scoparius 'Burkwoodii'	2-3'	3-4'	Low	Sun	5 Gallon Cont.	6
RUS	Russian Sage	Perovskia atriplicifolia	3-4'	3-4'	Very Low	Sun	5 Gallon Cont.	13
MTP	Mango Tango Potentilla	Potentilla frutcosa 'Mango Tango'	18-24"	18-24"	Low	Sun	5 Gallon Cont.	19
BLV	Blackhaw Viburnum	Viburnum prunifolium	12-15'	10-15'	Medium	Sun / Part Shade	5 Gallon Cont.	1
MWW	Midnight Wine Weigela	Weigela florida Midnight Wine	18-24"	18-24"	Medium	Sun / Part Shade	5 Gallon Cont.	29

EVERGREEN SHRUBS								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND CONDITION	QTY
BCJ	Blue Chip Juniper	Juniperus horizontalis 'Blue Chip'	8-12"	6-8'	Low	Sun	5 Gallon Cont.	6
SRJ	Skyrocket Juniper	Juniperus scopulorum 'Skyrocket'	15-20"	2-3'	Low	Sun	5 Gallon Cont.	6
MMP	Miniature Mugo Pine	Pinus mugo 'Mops'	2-3'	2-3'	Low	Sun / Part Shade	5 Gallon Cont.	16
DBE	Dwarf Blue Eastern White Pine	Pinus strobus 'Blue Shag'	3-4'	3-4'	Medium	Sun / Part Shade	5 Gallon Cont.	3
BEY	Bright Edge Yucca	Yucca flamenbsa 'Bright Edge'	2-3'	2-4'	Low	Sun / Part Shade	5 Gallon Cont.	6

ORNAMENTAL GRASSES								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND CONDITION	QTY
BBG	Big Bluestem Grass	Andropogon gerardii	4-6'	2-3'	Low	Sun	5 Gallon Cont.	8
VFR	Valegated Feather Reed Grass	Calamagrostis acutiflora 'Avalanche'	3-4'	18-24"	Low	Sun / Part Shade	5 Gallon Cont.	16
FRG	Feather Reed Grass	Calamagrostis acutiflora 'Karl Foerster'	4-5'	18-24"	Low	Sun / Part Shade	5 Gallon Cont.	11
KOR	Korean Feather Reed Grass	Calamagrostis brachytricha	3-4'	2-3'	Low	Shade	5 Gallon Cont.	30
BBF	Boulder Blue Fescue Grass	Festuca glauca 'Boulder Blue'	8-12"	8-10"	Low	Sun	5 Gallon Cont.	30
RJB	Red Baron Japanese Blood Grass	Imperata cylindrica 'Red Baron'	12-18"	12-18"	Medium	Adaptable	1 Gallon Cont.	6
VMG	Variegated Maiden Grass	Miscanthus sinensis 'Variegatus'	4-5'	2-3'	Medium	Sun / Part Shade	5 Gallon Cont.	19
RMM	Regal Mist Muhly Grass	Muhlenbergia capillaris Regal Mist	3-4'	3-4'	Low	Sun	5 Gallon Cont.	21
HMS	Heavy Metal Blue Switch Grass	Panicum virgatum 'Heavy Metal'	3-4'	12-18"	Low	Sun	5 Gallon Cont.	22
PLG	Plume Grass	Saccharum ravennae	8-12"	3-4'	Medium	Sun	5 Gallon Cont.	6

PERENNIALS								
SYMBOL	COMMON NAME	BOTANICAL NAME	MATURE HEIGHT	MATURE SPREAD	WATER USE	SUN/SHADE	SIZE AND SPACING	QTY
BSR	Black Snakeroot	Actaea racemosa racemosa 'Brunette'	4-6'	2-3'	Medium	Sun / Part Shade	4" Pot/ 36" O.C.	12
FLI	False Indigo	Baptisia australis	3-4'	2-3'	Low	Sun / Part Shade	4" Pot/ 36" O.C.	18
WGH	White Bleeding Heart	Dicentra spectabilis 'Alba'	2-3'	18-24"	Medium	Shade	4" Pot/ 24" O.C.	15
OGD	Orange Daylily	Hemerocallis 'Rocket City'	3-4'	2-3'	Low	Sun	4" Pot/ 24" O.C.	19
RHP	Red-hot Poker	Kniphofia uvaria	3-4'	2-3'	Low	Sun	4" Pot/ 36" O.C.	20
PGF	Purple Gayfeather	Liatris spicata 'Floristan Violet'	2-3'	18-24"	Low	Sun	4" Pot/ 36" O.C.	31
PES	Purple Emperor Stonecrop	Sedum 'Purple Emperor'	12-18"	12-18"	Low	Sun	4" Pot/ 18" O.C.	23

SOD
90 / 10 Fescue/Bluegrass Mix

GENERAL LANDSCAPE NOTES

1. ALL LOW PERENNIAL AND GROUNDCOVER PLANTING AREAS SHALL BE MULCHED WITH SHREDDED WESTERN RED CEDAR WOOD MULCH, AT A DEPTH OF 3". WEED BARRIER FABRIC IS NOT REQUIRED UNDER WOOD MULCH.

2. ALL PLANTING BED AREAS NOT DESIGNATED AS COBBLE SHALL BE MULCHED WITH 1-1/2" DARK GRAY ANGULAR GRANITE, AT A DEPTH OF 3", INSTALLED OVER PERMEABLE WEED BARRIER FABRIC. DO NOT INSTALL EDGING BETWEEN WOOD MULCH AND ROCK MULCH AREAS.

3. ALL PLANTING BED AREA DESIGNATED AS COBBLE SHALL BE MULCHED WITH 5-10" NATURAL GRAY COBBLE OVER PERMEABLE WEED BARRIER FABRIC. FILL IN GAPS WITH 3/4" ROCK MULCH OR PEA GRAVEL OF SIMILAR COLOR TO COBBLE SO THAT NO FABRIC IS VISIBLE

4. SOD EDGER SHALL BE 14 GAUGE ROLLED TOP STEEL EDGING (DARK GREEN COLOR) IN THE LOCATIONS SHOWN ON THE PLANS. EDGER IS NOT REQUIRED WHERE SOD ABUTS CONCRETE.

5. ALL AREAS TO BE LANDSCAPED SHALL HAVE ORGANIC AMENDMENTS THOROUGHLY INCORPORATED INTO THE SOIL AT A RATE OF 5 CUBIC YARDS PER 1,000 SQUARE FEET, AND TILLED TO A DEPTH OF 6 INCHES.

6. ALL SOD AREAS, BED AREAS, AND LANDSCAPE AREAS SHALL BE FINE GRADED PRIOR TO INSTALLATION OF NEW PLANT MATERIAL. ROCKS, WOOD, AND ANY MATERIAL LARGER THAN 1" IN DIAMETER SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO SODDING AND PLANTING NEW MATERIALS.

7. EXISTING TURF, SHRUBS, TREES, AND PLANT MATERIAL TO BE REMOVED SHALL BE FULLY REMOVED FROM THE SITE, INCLUDING ALL ROOTS.

8. ALL LANDSCAPED AREAS SHALL BE WATERED BY A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.

9. SOD AREAS SHALL BE ZONED SEPARATELY THAN BEDS, AND SHALL BE IRRIGATED VIA POP-UP SPRAY HEADS PROVIDING FULL (HEAD TO HEAD) COVERAGE. HEADS SHALL BE COMMERCIAL GRADE WITH REPLACEABLE NOZZLES, PRESSURE REGULATORS, AND CHECK VALVES.

10. BED AREAS SHALL BE ZONED SEPARATELY THAN SOD AREAS, AND SHALL BE IRRIGATED BY INDIVIDUAL DRIP EMITTERS TO EACH PLANT. DRIP COMPONENTS SHALL BE COMMERCIAL GRADE RAIN-BIRD OR EQUAL POINT SOURCE EMITTERS, WITH ALL PLANTS RECEIVING IRRIGATION.

PLANT MATERIAL NOTES AND SPECIFICATIONS

1. NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT APPROVAL FROM THE LANDSCAPE ARCHITECT. VARIETIES HAVE BEEN CHOSEN FOR THEIR SPECIFIC CHARACTERISTICS.

2. CONTACT LANDSCAPE ARCHITECT, OR OWNERS REPRESENTATIVE AT LEAST 48 HOURS PRIOR TO TAGGING PLANT MATERIALS FOR THE PROJECT, TO CONFIRM WHETHER OR NOT LANDSCAPE ARCHITECT WANTS TO BE PRESENT TO SELECT ANY OF THE PLANT MATERIAL FOR THE PROJECT.

3. REQUIREMENTS FOR MEASUREMENTS, GRADING, BRANCHING, QUALITY, AND THE BALLING AND BURLAPPING OF PLANTS LISTED IN THE PLANT LIST SHALL FOLLOW THE CURRENT ISSUE OF AMERICAN STANDARD FOR NURSERY STOCK ISSUED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. (ANSI-Z 60.1, OR MOST CURRENT PUBLICATION).

4. PLANTS SHALL MEET OR EXCEED THE MEASUREMENTS SPECIFIED IN THE PLANT LIST, WHICH ARE MINIMUM ACCEPTABLE SIZES.

5. ALL MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT WORK AND MATERIALS THAT THE LANDSCAPE ARCHITECT FEELS DO NOT MEET THESE SPECIFICATIONS, PRIOR TO FINAL ACCEPTANCE.

6. PLANTS ARE TO BE PROTECTED FROM WEATHER AND SUN WHEN BEING STORED AT THE SITE. KEEP ROOTS MOIST AT ALL TIMES.

7. EACH PLANT SHALL BE IDENTIFIED BY MEANS OF A GROWERS LABEL AFFIXED TO THE PLANT. REMOVE ALL LABELS AFTER PLANTING AND MAKE LABELS AVAILABLE TO THE OWNER OR LANDSCAPE ARCHITECT.

8. FOR BALLED AND BURLAPPED TREES AND SHRUBS, REMOVE BURLAP FROM THE TOP AND SIDES OF THE ROOT BALL, BUT NOT THE BOTTOM, AFTER SETTING THE ROOT BALL IN THE HOLE. A MINIMUM OF 3/4" OF THE WIRE BASKET AND SURPLUS NYLON OR BINDING SHALL BE COMPLETELY REMOVED.

SITE AREA CALCULATIONS

DESCRIPTION	REQ.	PROVIDED
LOT SIZE		82,849 SF
MINIMUM OPEN SPACE	(30%) 24,855 SF	(34%) 28,083 SF
PUBLIC	N/A	(19%) 15,586 SF
USABLE	N/A	(42%) 6,541 SF
- SOD	N/A	(25%) 1,606 SF
- HARDSCAPE	N/A	(75%) 4,935 SF
PRIVATE	N/A	(15%) 12,497 SF
USABLE	N/A	(42 - 80%) 5,239 - 9,998 SF
- SOD	N/A	(0%) 0 SF
- HARDSCAPE	N/A	(100%) 5,239 - 9,998 SF

STREETSCAPE CALCULATIONS

DESCRIPTION	REQ.	PROVIDED
UPHAM STREET - 213 LF (213 LF / 30) x 1 TREE	7	8 TREES

TOTAL LANDSCAPING CALCULATIONS

DESCRIPTION	REQ. MINIMUM	PROVIDED
TREE (24,855 / 1,000) x 1	25 TREES	42 TREES
SHRUBS (24,855 / 1,000) x 10	249 SHRUBS	283 SHRUBS
	PUBLIC	169 SHRUBS
	*PRIVATE	114+ (MIN. 3 / YARD)

NOTE:
* PRIVATE YARD SHRUB LOCATIONS AND SPECIES T.B.D., SEE YARD EXHIBIT FOR DETAILS (DETAIL E, SHEET 14)

NOT FOR CONSTRUCTION

PROJECT NUMBER	18035
PROJECT DATE	08/20/2018
DESIGNER	JG
REVIEWER	MC



OUTDOOR
—DESIGN GROUP—

WWW.ODGDESIGN.COM

OUTDOOR DESIGN GROUP, INC.
5690 WEBSTER STREET
ARVADA, CO 80002
(303) 993-4811

SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE

4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
MATT CORRIEN, PLA (303) 993-4811

REVISION NUMBER	REVISION DESCRIPTION	DATE
000	1ST SDP SUBMITTAL	08/20/2018
001	2ND SDP SUBMITTAL	09/24/2018
002	3RD SDP SUBMITTAL	12/10/2018
003	4TH SDP SUBMITTAL	01/03/2019

LANDSCAPE
NOTES AND
PLANT LIST



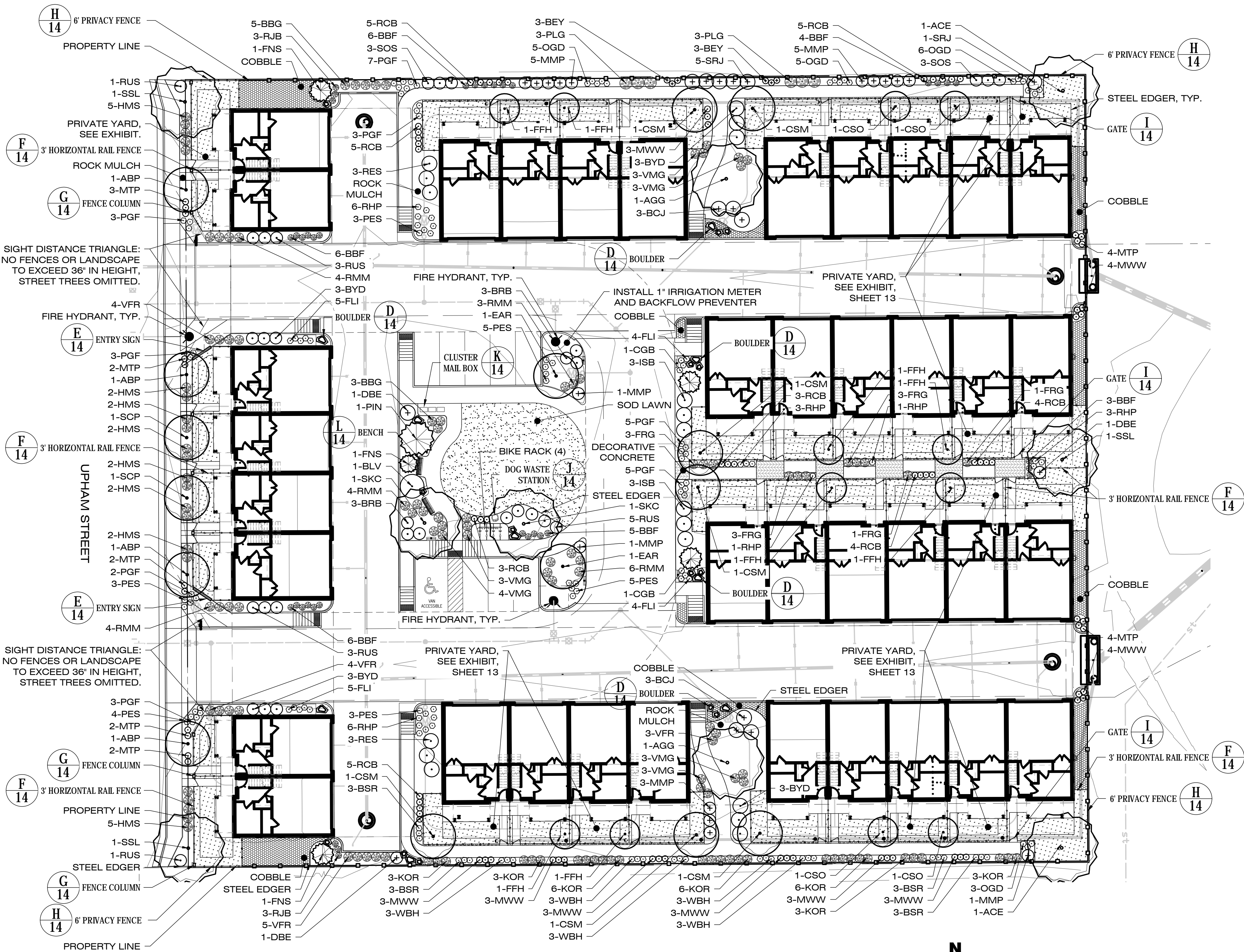
RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO

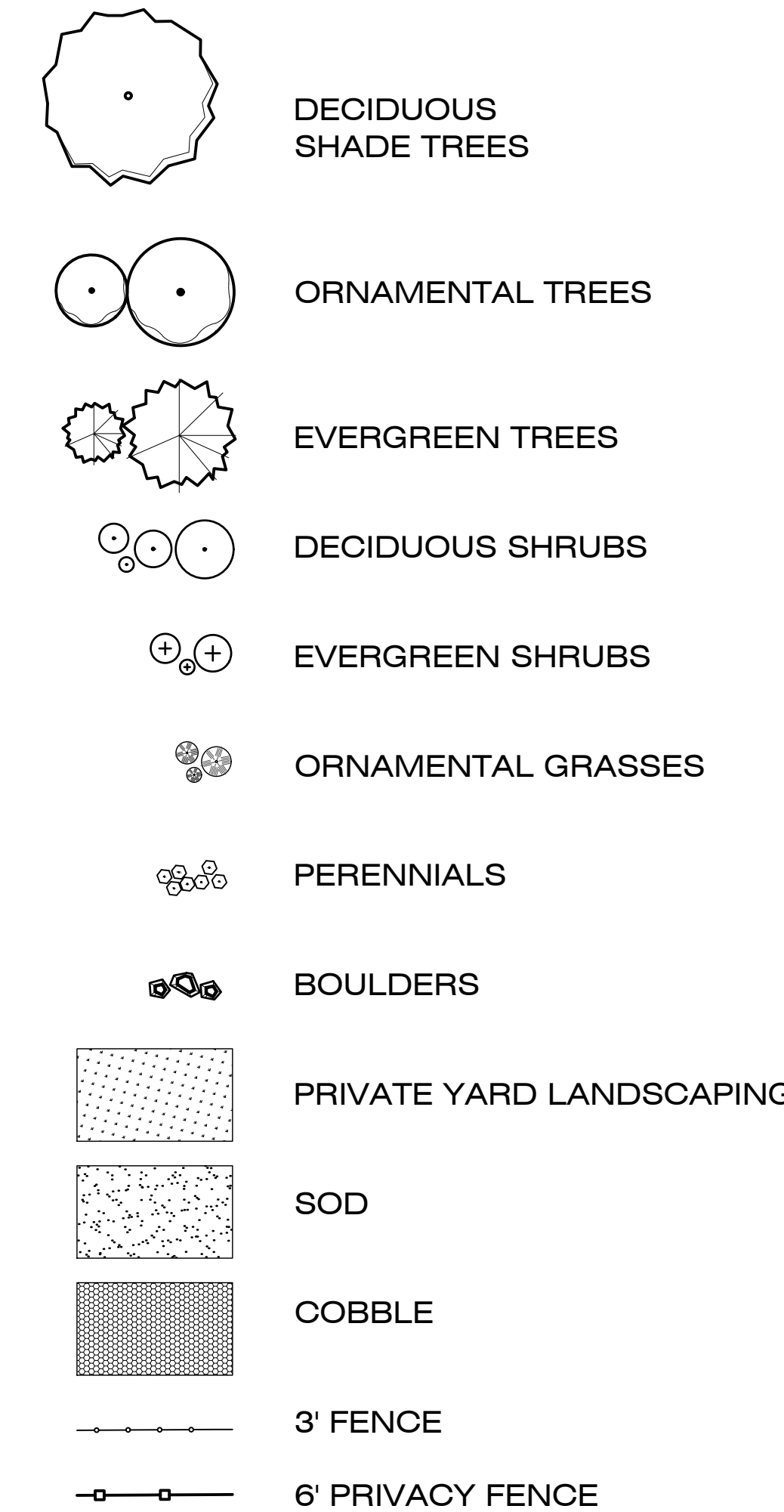
A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOT FOR CONSTRUCTION

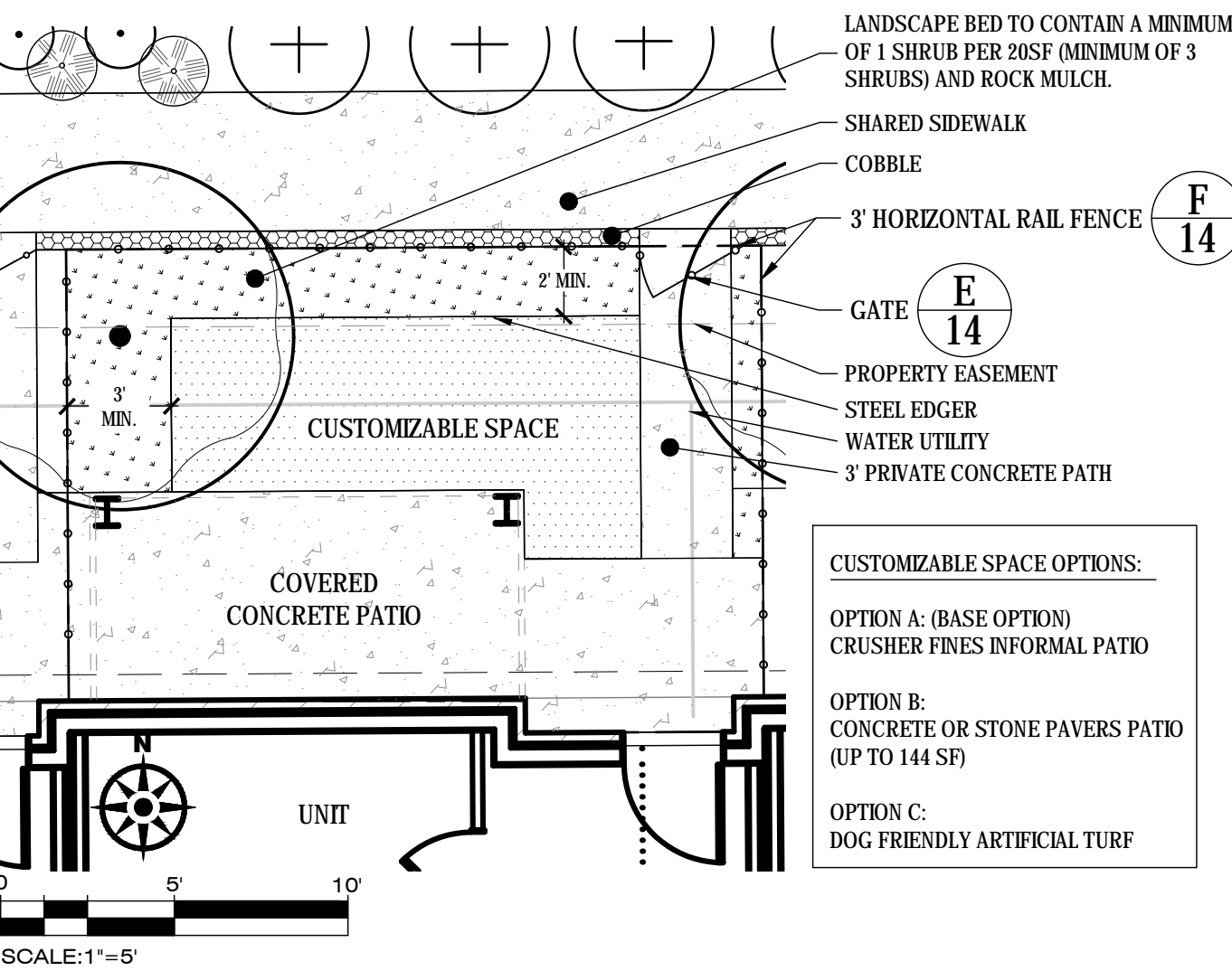
LANDSCAPE PLAN



LANDSCAPE LEGEND



PRIVATE YARD EXHIBIT



NOTES:
1. A MINIMUM OF 20% OF EACH PRIVATE YARD MUST BE DESIGNATED AS A LANDSCAPE BED WITH A MINIMUM OF 1 SHRUB PER 20 SF OF LANDSCAPE BED AREA. ADDITIONAL SHRUBS, ORNAMENTAL GRASSES, AND PERENNIAL PLANTINGS ARE HIGHLY ENCOURAGED.
2. LANDSCAPE BED AREAS MUST BE MULCHED WITH 3" DEPTH 1-1/2" DARK GRAY ANGULAR GRANITE (NO PINKS, REDS, OR BROWNS).
3. SHREDDED WESTERN RED CEDAR MULCH MAY BE USED AT A 3" DEPTH UNDER PERENNIALS, GROUND COVERS, AND AROUND THE BASE OF TREES AND SHRUBS. NO DYED MULCHES PERMITTED.
4. ANY TREE PLANTINGS SHOWN WITHIN THE PRIVATE YARDS ON THE LANDSCAPE PLAN (SHEET 10) ARE REQUIRED.
5. CUSTOMIZABLE SPACE OPTIONS TO BE INSTALLED BY DEVELOPER.

PROJECT NUMBER	18035
PROJECT DATE	08/20/2018
DESIGNER	JG
REVIEWER	MC



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SPECIFIC DEVELOPMENT PLAN
RIDGETOP VILLAGE
4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
MATT CORRIÓN, PLA (303) 993-4811

REVISION NUMBER	DESCRIPTION	DATE
000	1ST SDP SUBMITTAL	08/20/2018
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003	4TH SDP SUBMITTAL	01/03/2019

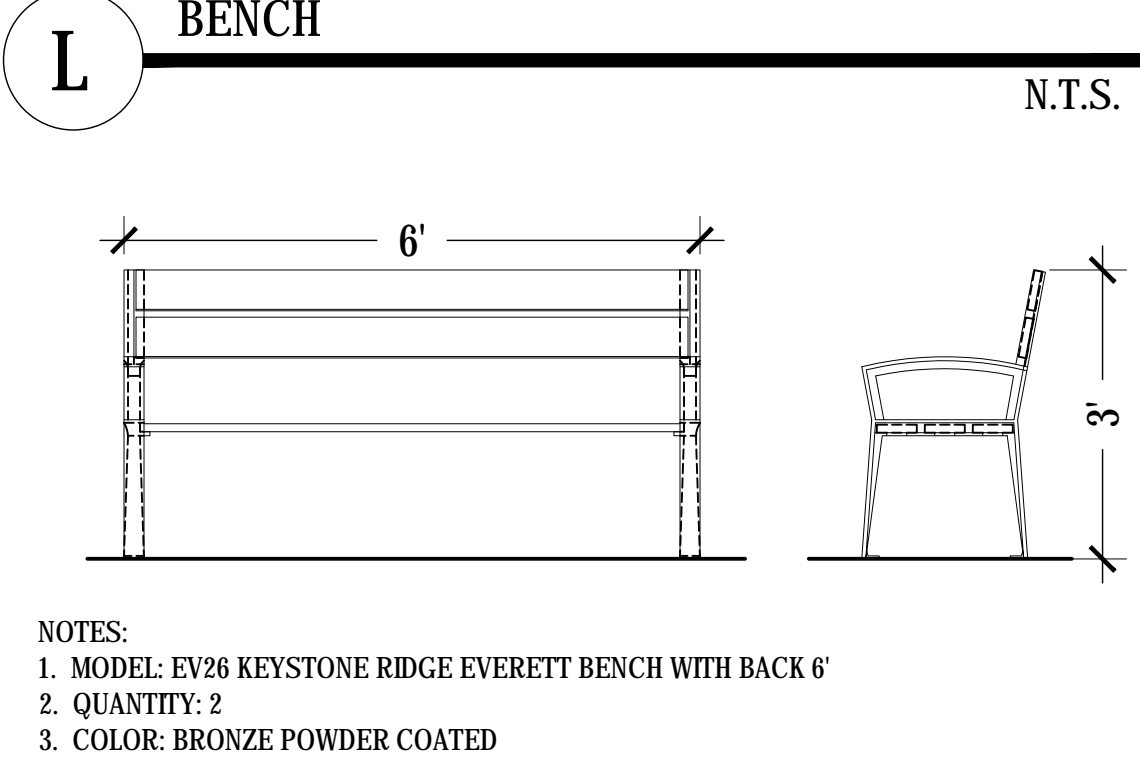
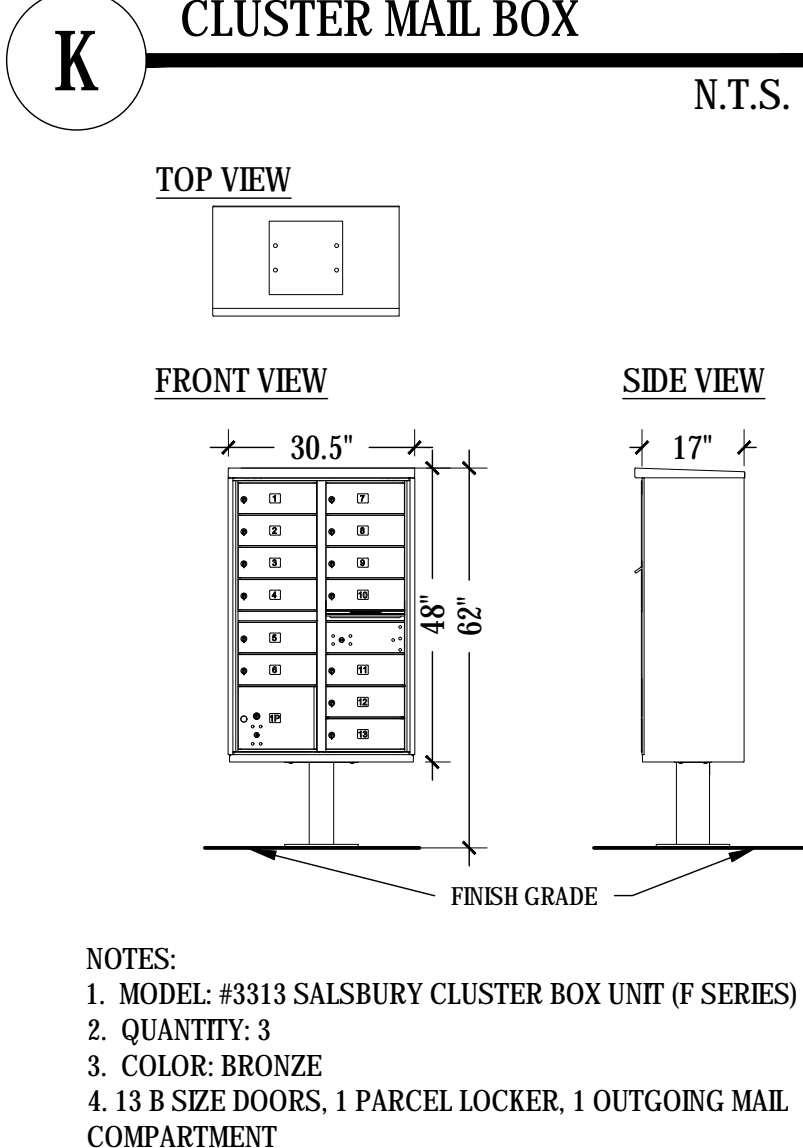
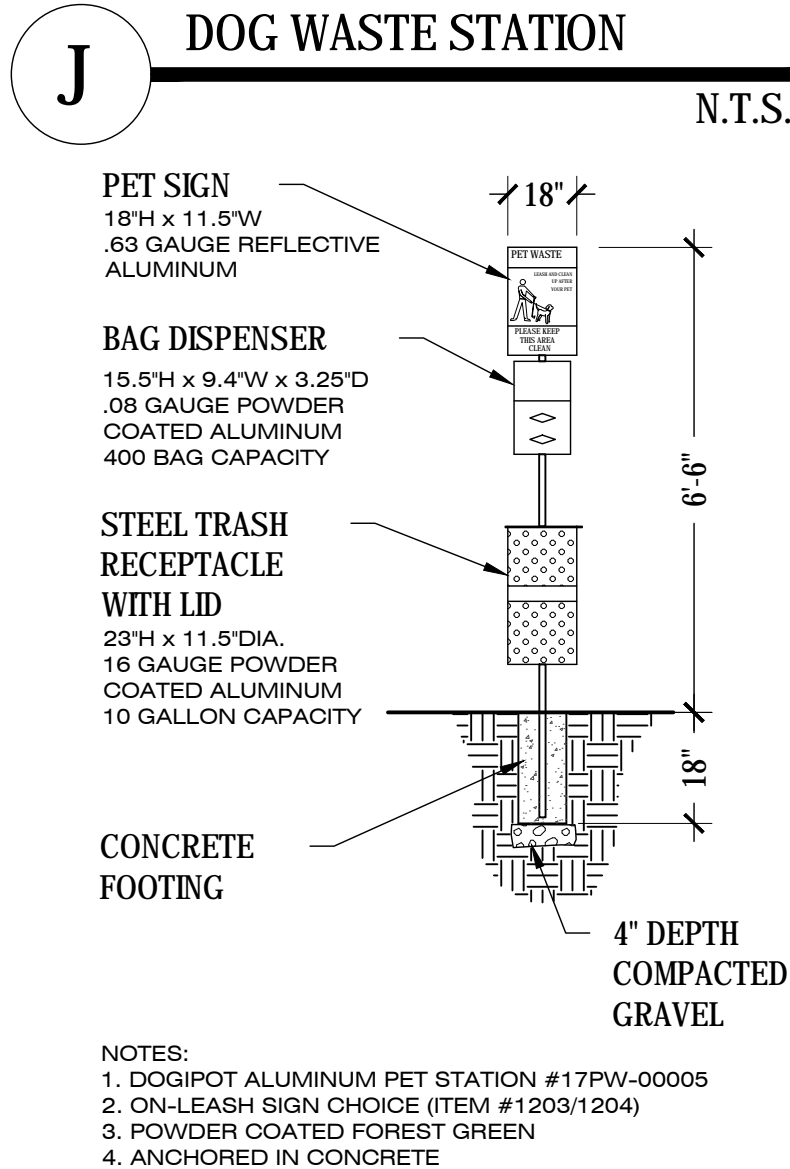
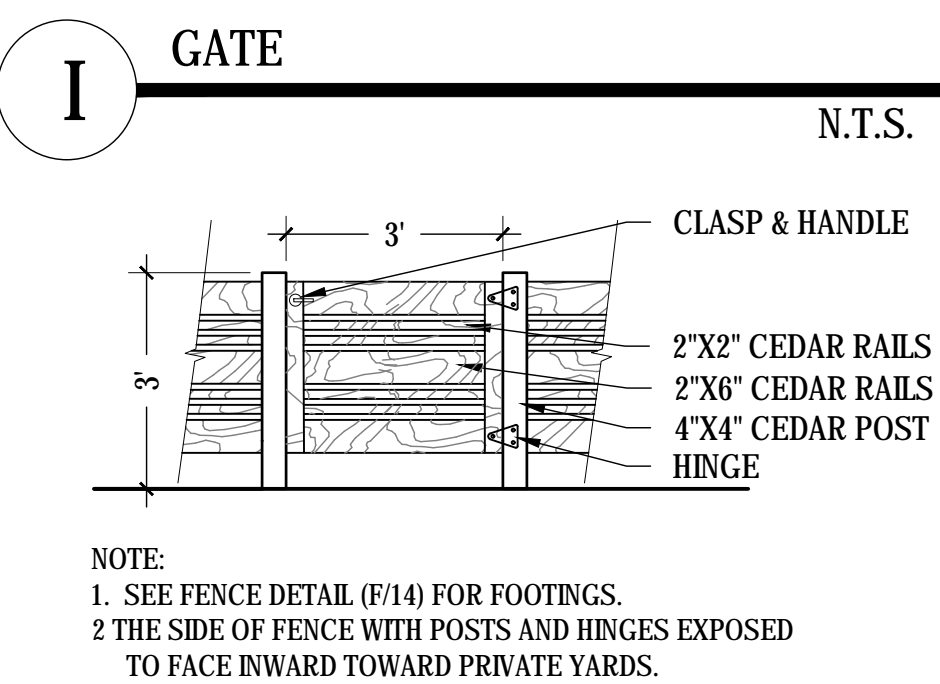
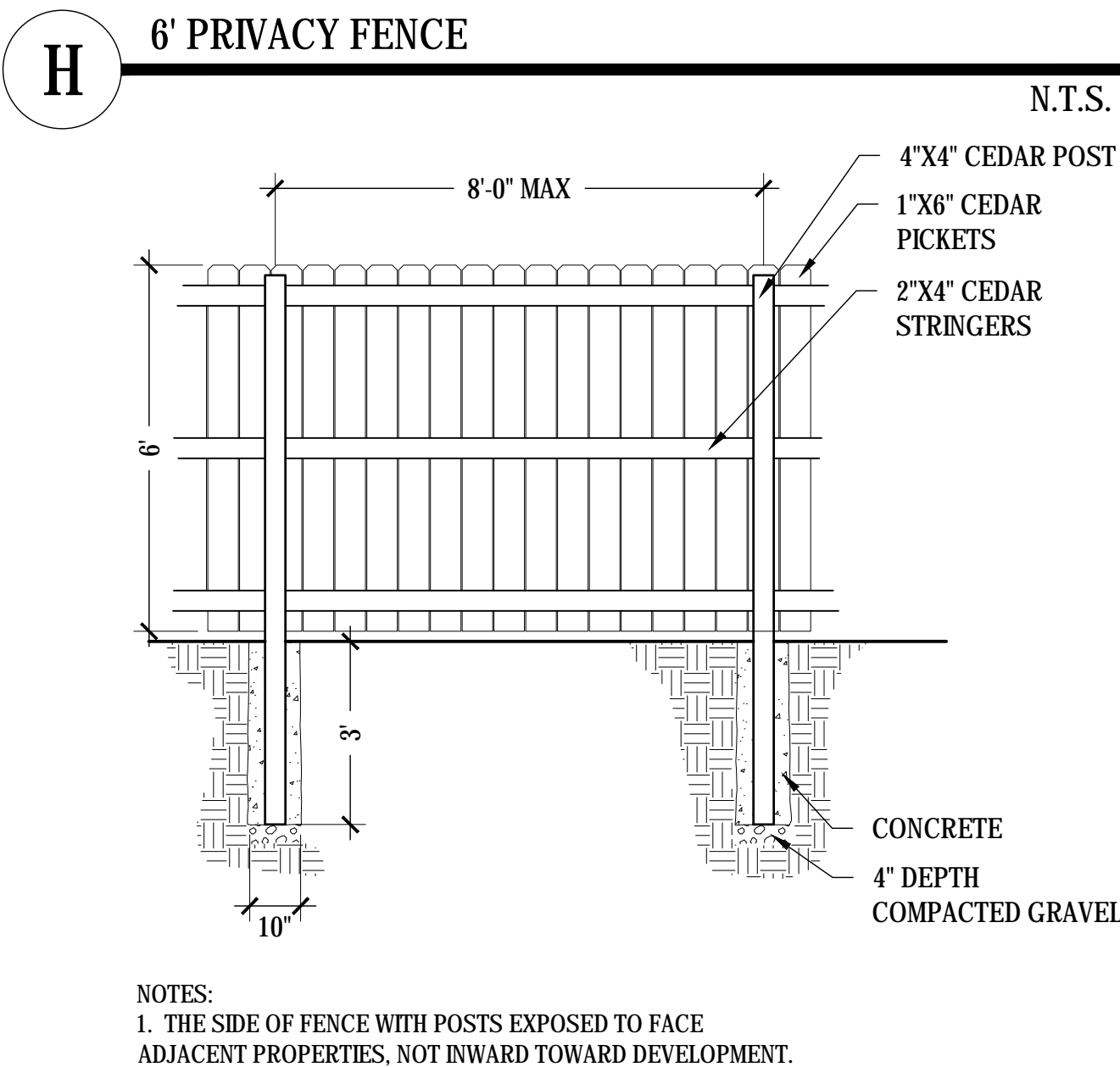
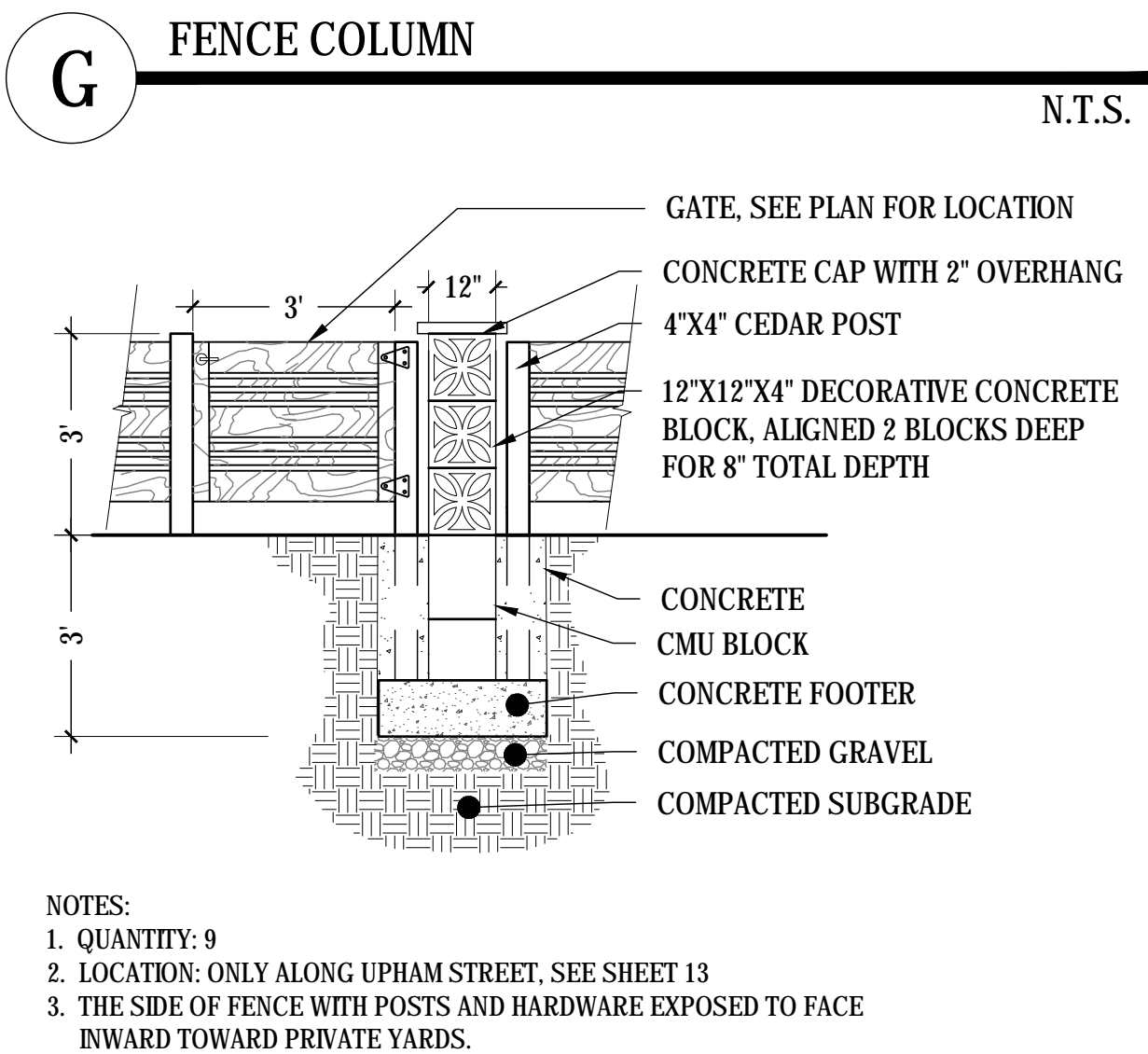
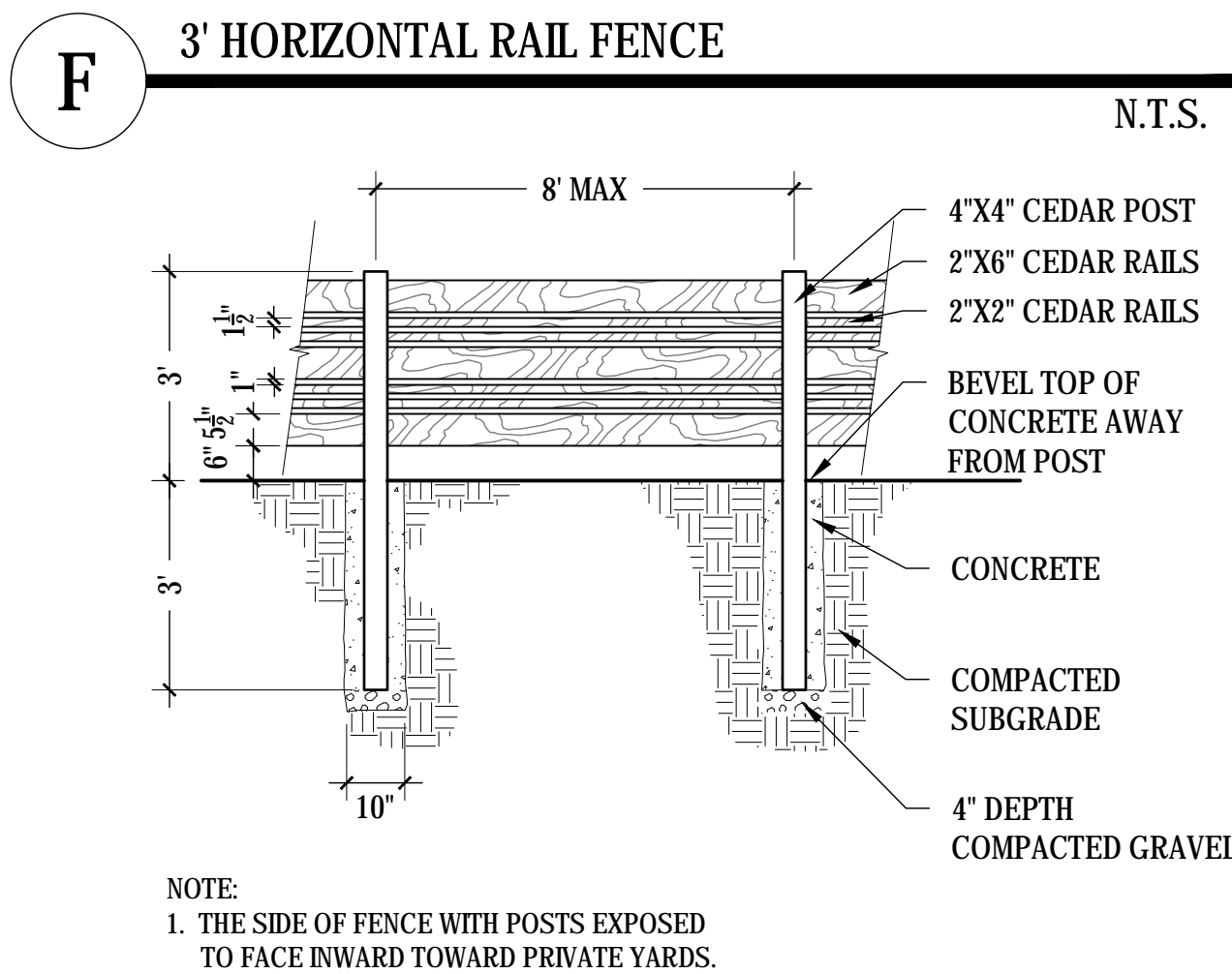
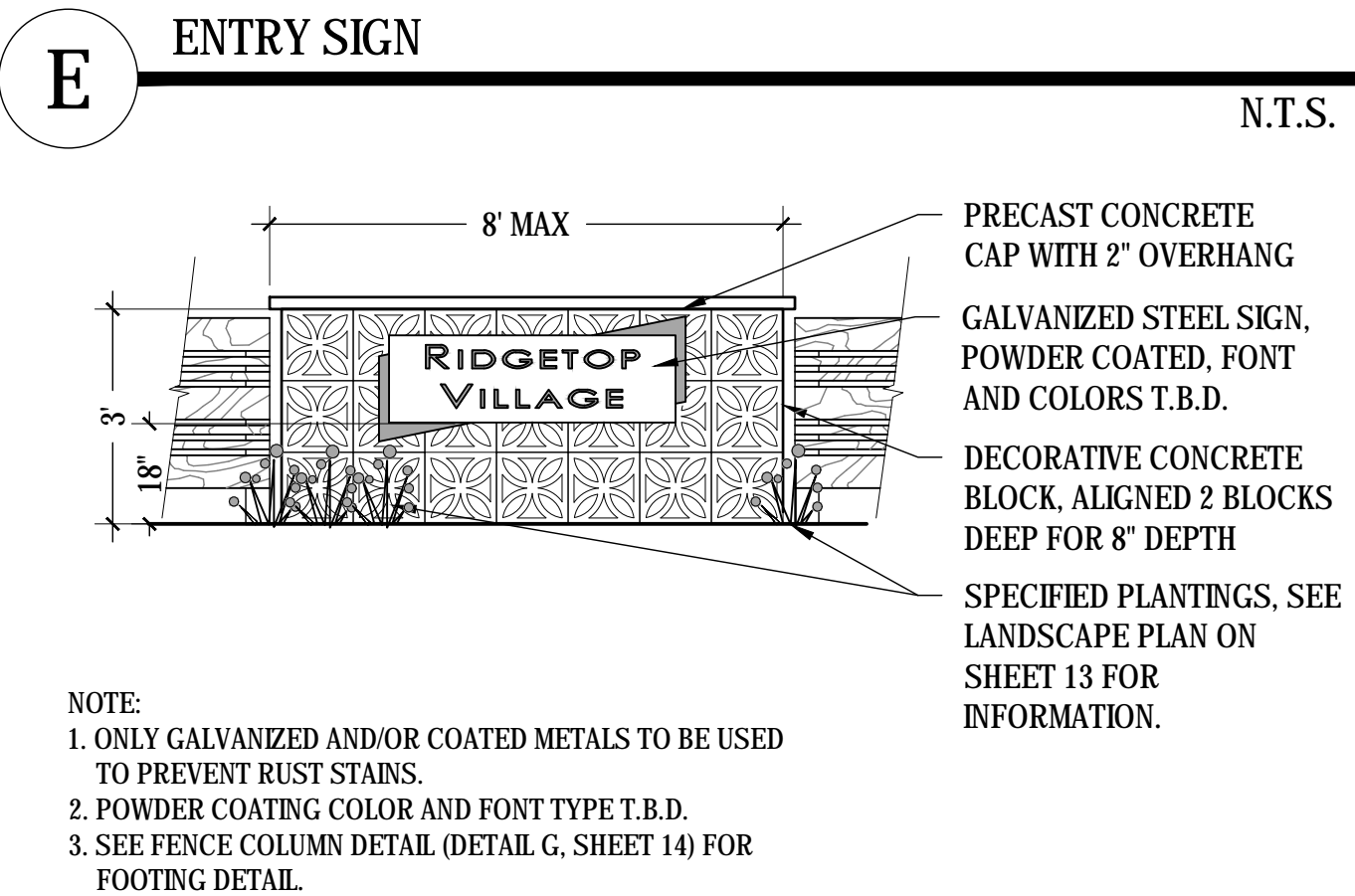
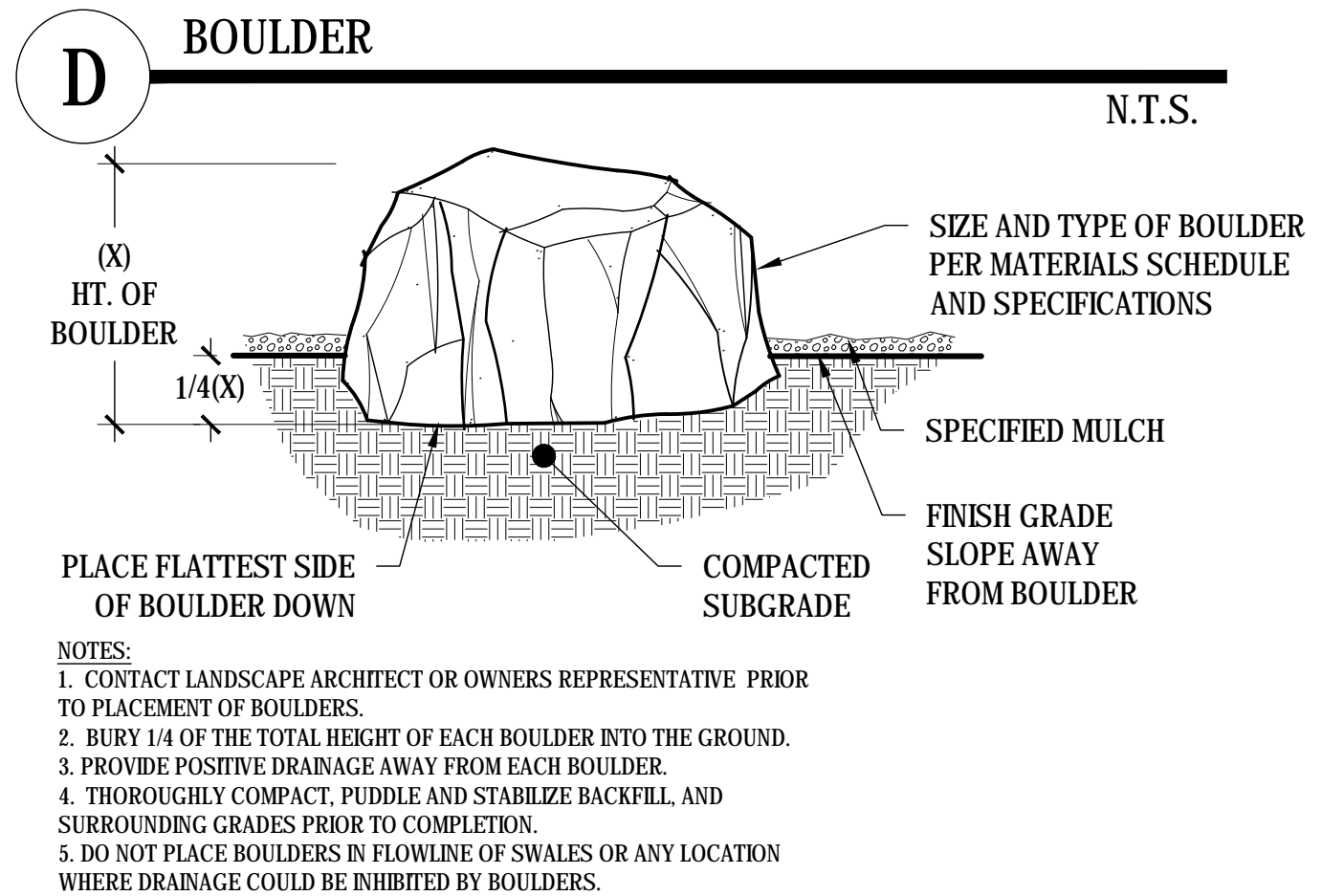
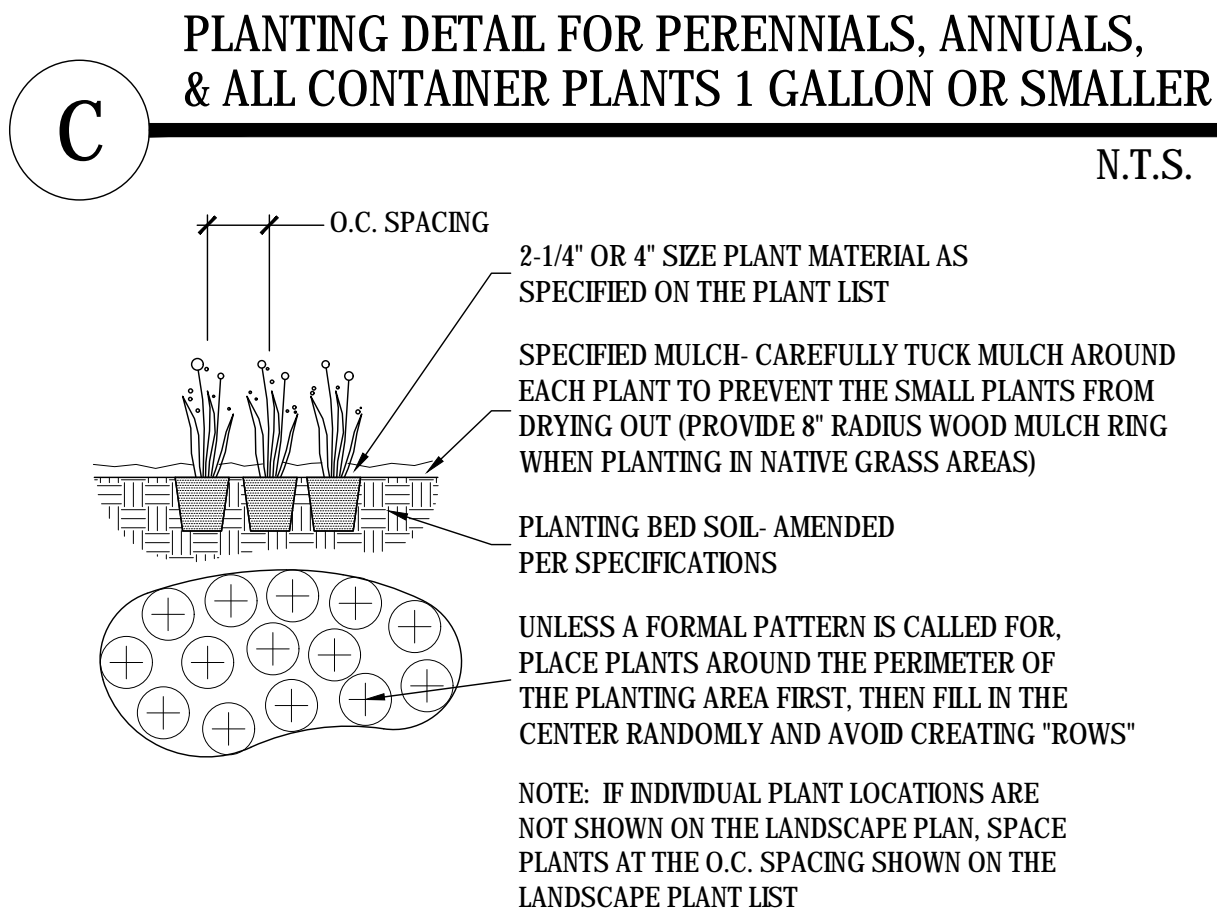
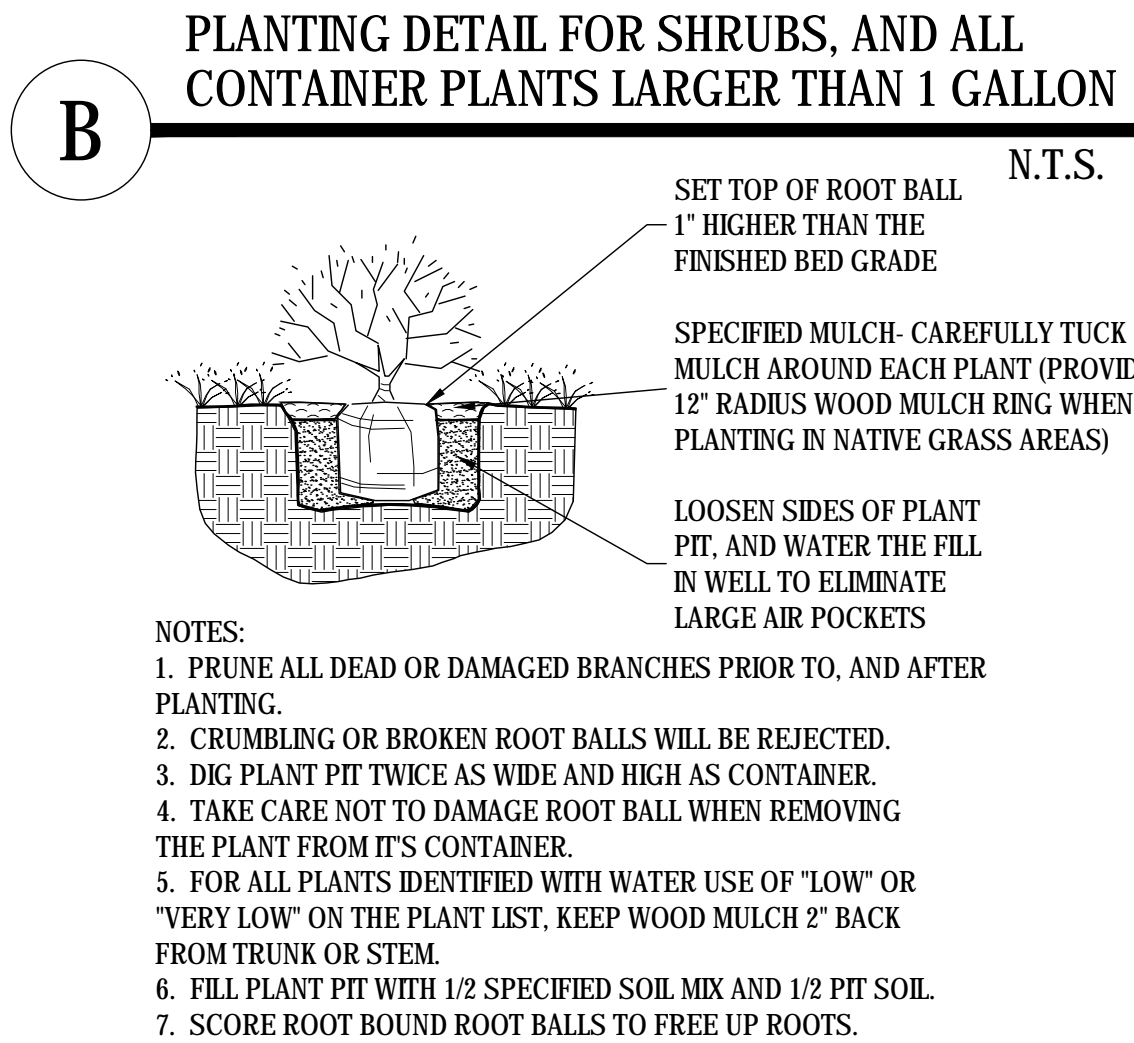
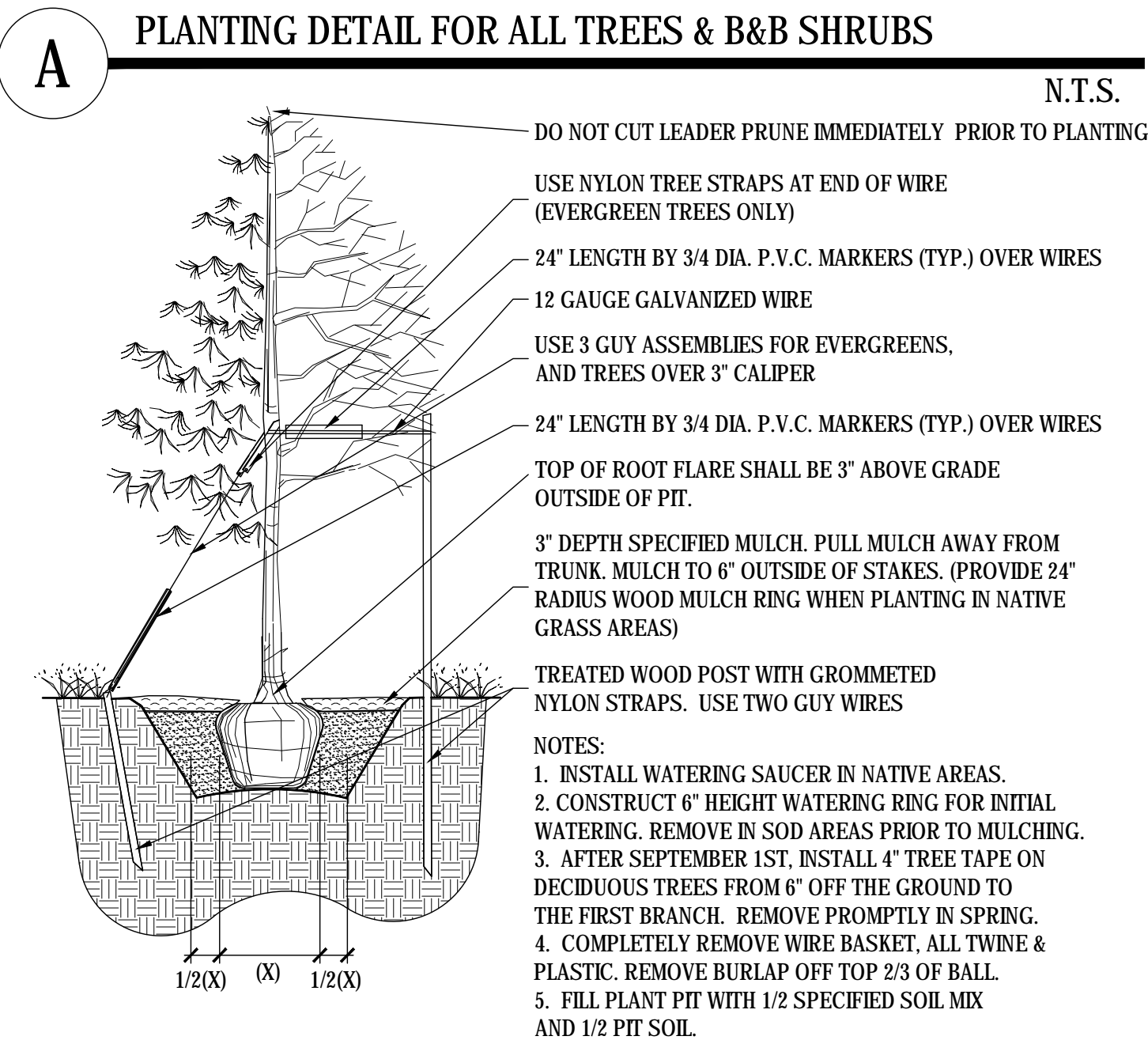
LANDSCAPE PLAN

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO

A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOT FOR CONSTRUCTION



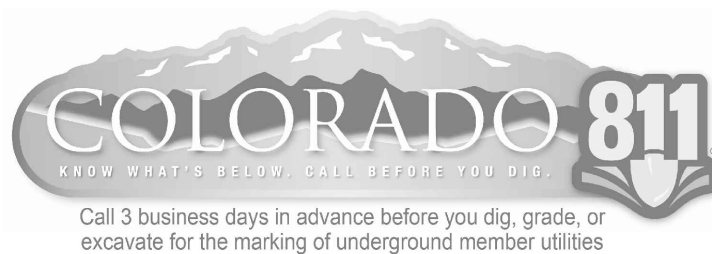
PROJECT NUMBER	18035
PROJECT DATE	08/20/2018
DESIGNER	JG
REVIEWER	MC



SPECIFIC DEVELOPMENT PLAN	RIDGETOP VILLAGE 4000, 4042, 4062, 4066 UPHAM STREET WHEAT RIDGE, CO 80033 MATT CORRON, PLA (303) 993-4811
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REVISION NUMBER	REVISION DESCRIPTION	DATE
000	1ST SDP SUBMITTAL	08/20/2018
001	2ND SDP SUBMITTAL	09/24/2018
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003	4TH SDP SUBMITTAL	01/03/2019

LANDSCAPE DETAILS



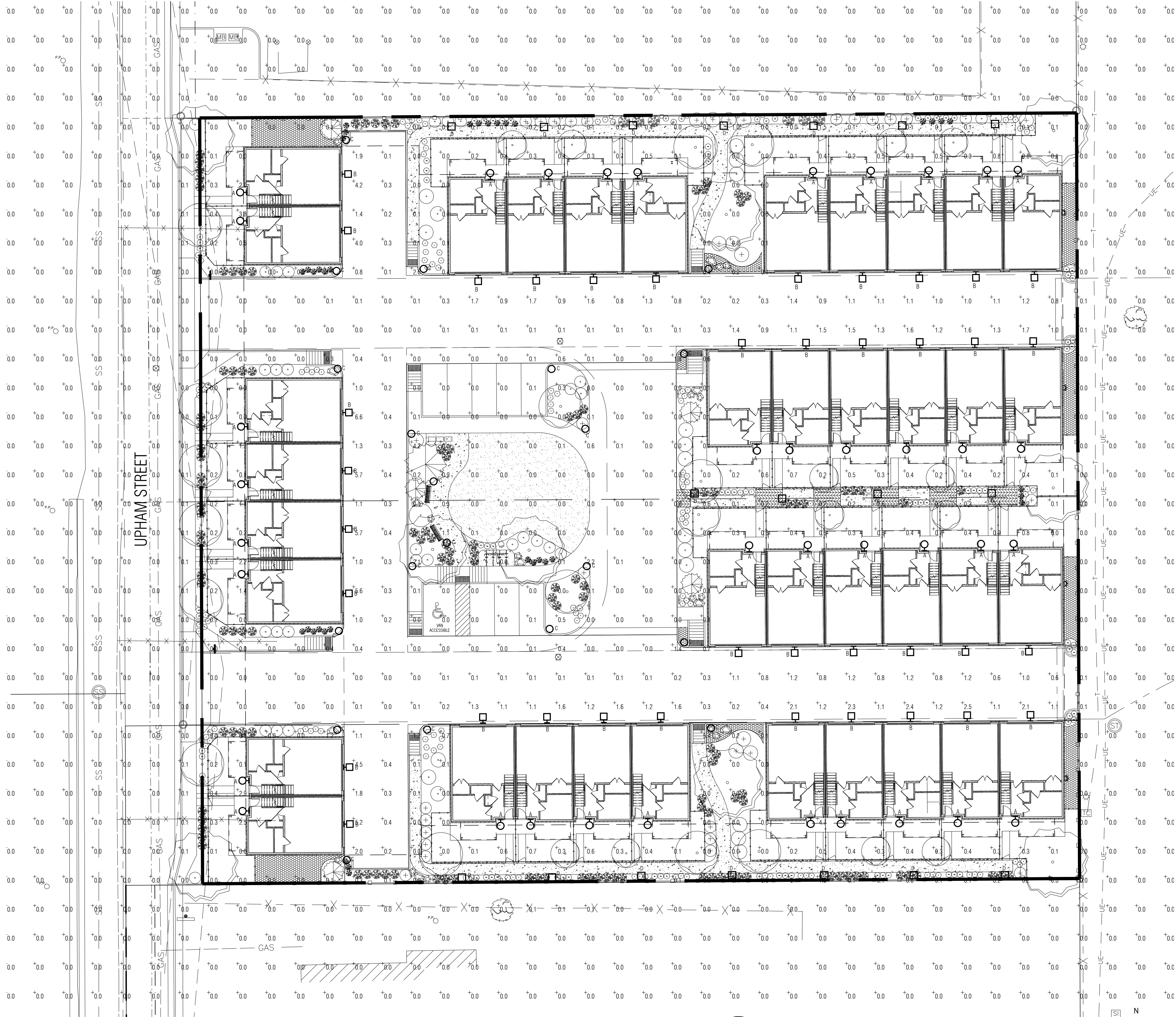
RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

NOT FOR CONSTRUCTION

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO
A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH
PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

Schedule									
Symbol	Label	QTY	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage
	A	38	WS-W37612	WALL SCONCE		1	850	0.85	16.5
	B	38	SHARP18) A02614		LED 3000K PHILIPS	1	1388	0.85	19
	C	20	6643-308Z	LANDSCAPE BOLLARD LIGHT	NA	1	546,5925	0.85	13,2336
	D	18	6091	MINI BOLLARD	NA	1	98,82359	0.85	3.0

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.2 fc	6.6 fc	0.0 fc	N/A	N/A



1 SITE PHOTOMETRIC PLAN
SCALE: 1" = 20'

PROJECT NUMBER	
PROJECT DATE	08/20/2018
DESIGNER	C3S
REVIEWER	TNS



SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE
4000, 4042, 4062, 4068 UPHAM STREET
WHEAT RIDGE, CO 80033
NEIL SHAE (303) 870-0533

REVISION NUMBER	REVISION DESCRIPTION	DATE
000	1ST SDP SUBMITTAL	08/20/2018
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002	3RD SDP SUBMITTAL	12/10/2018
003	4TH SDP SUBMITTAL	01/03/2019

SITE
PHOTOMETRIC
PLAN

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

NOT FOR CONSTRUCTION

A SPECIFIC DEVELOPMENT PLAN IN WHEAT RIDGE, COLORADO
A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH
PRINCIPAL MERIDIAN, CITY OF WHEATRIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

PROJECT NUMBER	
PROJECT DATE	08/20/2018
DESIGNER	C3S
REVIEWER	TNS




SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE
4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
NEIL SHAE (303) 870-0533

REVISION NUMBER	REVISION DESCRIPTION	DATE
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LIGHTING SPECIFICATIONS

MOD – model: WS-W65607
dweLED™ Outdoor Sconce



WAC LIGHTING
Responsible Lighting®

Fixture Type:

Catalog Number:

Project:

Location:

PRODUCT DESCRIPTION

Expertly crafted from die cast aluminum, the Mod family features a smooth curved modern shape, ADA compliant and Dark Sky Friendly. Ideal for exterior residential, hospitality and commercial applications.

FEATURES

- Diecast aluminum construction
- Dark Sky friendly
- Luminaires may be rotated 180° when mounting
- ETL & cETL wet location listed, IP65
- ADA compliant, low profile design
- 100%/10% electronic low voltage (ELV) dimming
- Driver located inside the fixture
- Universal driver (120V-277V)
- CRI: 90
- Color Temp: 3000K
- Rated Life: 70,000
- 5 year warranty

SPECIFICATIONS

Construction: Diecast aluminum construction

Light Source: LED

Dimming: 100%-10% Electronic Low Voltage (ELV)

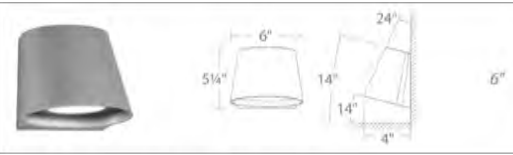
Standards: ETL & cETL wet location listed, IP65, ADA compliant, Dark Sky Friendly

Watt

LED Lumens

Delivered Lumens

Finish



WS-W65607	16.1W	1165	850	BZ	Bronze
GH				Graphite	

WS - W65607 -

Example: WS-W65607-BZ


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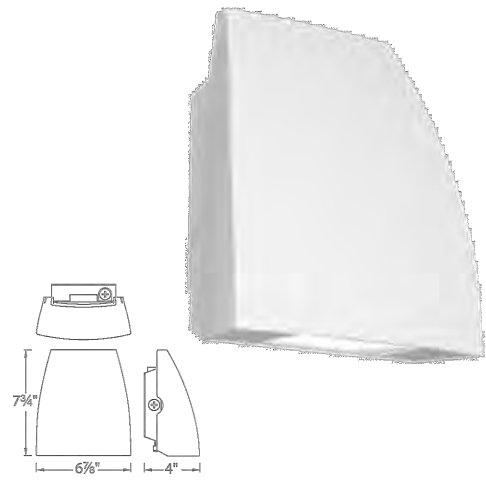
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1750 Archibald Avenue
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TYPE A 
MOUNTED AT 8'-0" AT FRONT DOOR

FIN - model: WP-LED1
Endurance Wallpack



WAC LIGHTING
Responsible Lighting®

Fixture Type:

Catalog Number:

Project:

Location:

PRODUCT DESCRIPTION

Die cast aluminum factory sealed housings with patent pending design for a water and dust proof IP66 rated outdoor luminaire

FEATURES

- Factory-Sealed LED Light Engine
- 20° Forward Throw Illumination
- Photo/Motion Sensor Compatible (Sold Separately)
- Built-in Level For Easy Adjustment
- Suitable to install in all directions
- Multi-Function Dimming: ELV (120V) or 0-10V
- 85 CRI
- 100,000 hour rated life

SPECIFICATIONS

Construction: Die-cast aluminum

Power: Integral driver in luminaire, Universal voltage input (120V-277V)

Dimming: 100% - 30% with 0 - 10V dimmer (120V - 277V)

100% - 15% with Electronic Low Voltage (ELV) dimmer (120V only)

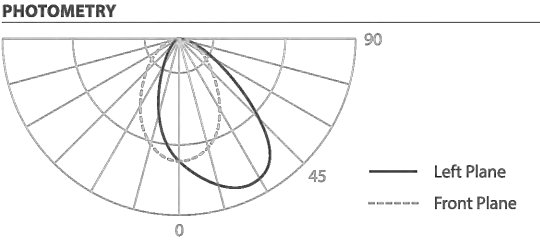
Finish: Architectural Bronze, Graphite, and White

Standards: IP66, Wet Location, ETL & cETL Listed

Total Harmonic Distortion: 35%

Operating Temperature: -40°C (-40°F) to 40°C (104°F)

PHOTOMETRY




ORDER NUMBER

	Power	Comparable	Color Temp	Delivered Lumens	CBCP	Finish
WP-LED119	19W	39W HED	30 2700K	1390	1030	
			30 3000K	1465	1040	
WP-LED127	27W	70W HED	30 3000K	2075	1461	aBZ Architectural Bronze
			30 5000K	2155	1467	aGH Architectural Graphite
WP-LED135	35W	100W HED	30 3000K	2750	1930	aWT Architectural White
			30 5000K	2935	1921	


Example: WP-LED119-50-BZ

ACCESSORIES

Motion Sensor
1 (200°)

MS-120-BZ
MS-120-GY
MS-120-WT

Bronze
Gray
White

Photo Sensor
1 (200°)

PC-120-BZ
PC-120-GY
PC-120-WT


Bronze
Gray
White

WAC Lighting
www.wacighting.com
Phone (800) 526-2588 • Fax (800) 526-2585

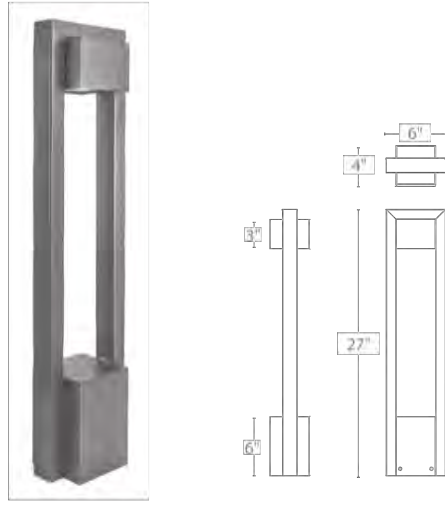
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44 Harbor Park Drive • Port Washington, NY 11050
Phone (516) 515-5000 • Fax (516) 515-2050

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TYPE B 
MOUNTED AT 8'-6" ABOVE GARAGE DOOR

PARK 12V/120V/277V LED BOLLARD
6641/6642/6643



WAC
LANDSCAPE LIGHTING

Fixture Type:

Catalog Number:

Project:

Location:

PRODUCT DESCRIPTION

Sleek linear design blends seamlessly into pathways while providing soft, even illumination

FEATURES

- IP66 rated, Protected against powerful water jets
- Factory sealed water tight fixtures
- Mounting accessories included
- UL & cUL 1838 Listed (12V); 1598 Listed (120V/277V)

SPECIFICATIONS

6641 9-15VAC (Transformer is required)

Input: 5.5W / 6.0VA

Brightness: Up to 150 lm

CRI: 90

Rated Life: 60,000 hours

Dimming: MLV dimming only

6642 120V

Power: 12.5W

Brightness: Up to 390 lm

CRI: 90

Rated Life: 60,000 hours

Dimming: TRAC or ELV dimming

6643 277V

Power: 10.5W

Brightness: Up to 430 lm

CRI: 90

Rated Life: 60,000 hours

Dimming: ELV dimming only

Model

Color Temp

Finishes

6641	12V	27 2700K Warm White	BZ	Bronze on Aluminum
		30 3000K Pure White	BK	Black on Aluminum
6642	120V	27 2700K Warm White	BZ	Bronze on Aluminum
		30 3000K Pure White	BK	Black on Aluminum
6643	277V	27 2700K Warm White	BZ	Bronze on Aluminum
		30 3000K Pure White	BK	Black on Aluminum

6643- BZ

Example: 6643-30BZ


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Phone (800) 526-2588
Fax (800) 526-2585

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Port Washington, NY 11050


Central Distribution Center
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Lithia Springs, GA 30122

Western Distribution Center
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Ontario, CA 91760

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TYPE C 
LOCATED IN MAIN AREAS AND AT PARK

QUAD LED PATH LIGHT
6091



WAC
LANDSCAPE LIGHTING

Fixture Type:

Catalog Number:

Project:

Location:

PRODUCT DESCRIPTION

Sleek linear design blends seamlessly into pathways while providing soft, even illumination

FEATURES

- IP66 rated, Protected against powerful water jets
- Factory sealed water tight fixtures
- Solid diecast corrosion resistant aluminum alloy
- Recommended spacing for installation: Residential 8 to 10ft; Commercial: 5 to 7ft
- Mounting stake, 6 foot lead wire, and direct burial gel filled wire nuts are included
- Maintains constant lumen output against voltage drop
- UL & cUL 1838 Listed

SPECIFICATIONS

9-15VAC (Transformer is required)

Input: 3.0W / 4.5VA

Brightness: Up to 100 lm

CRI: 90

Rated Life: 60,000 hours

ORDERING NUMBER

	Color Temp	Finish
6091 Quad	27 2700K Warm White	BZ Bronze on Aluminum
	30 3000K Pure White	

6091- BZ

Example: 6091-30BZ


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Western Distribution Center
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Ontario, CA 91760

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TYPE D 
LOCATED IN PEDESTRIAN PATHS

LIGHTING NOTE:
PROPOSED LUMINAIRES INSTALLED ON PRIVATE PROPERTY, ADJACENT TO THE PUBLIC RIGHT OF WAY, SHALL BE ORIENTED IN SUCH A MANNER OR LIMITED IN LUMEN OUTPUT TO PREVENT GLARE AND SHALL NOTE EXCEED NATIONAL IES LIGHTING STANDARDS FOR DISABILITY GLARE.

ALL EXTERIOR LUMINAIRES ARE FULL CUT OFF

EXHIBIT 9: RENDERINGS



Looking east from the park at front yards



Looking north east from Upham Street



SOUTH EAST VIEW, LOOKING ACROSS PARK FROM NORTH UPHAM ENTRANCE

Looking southeast from the northern entrance drive

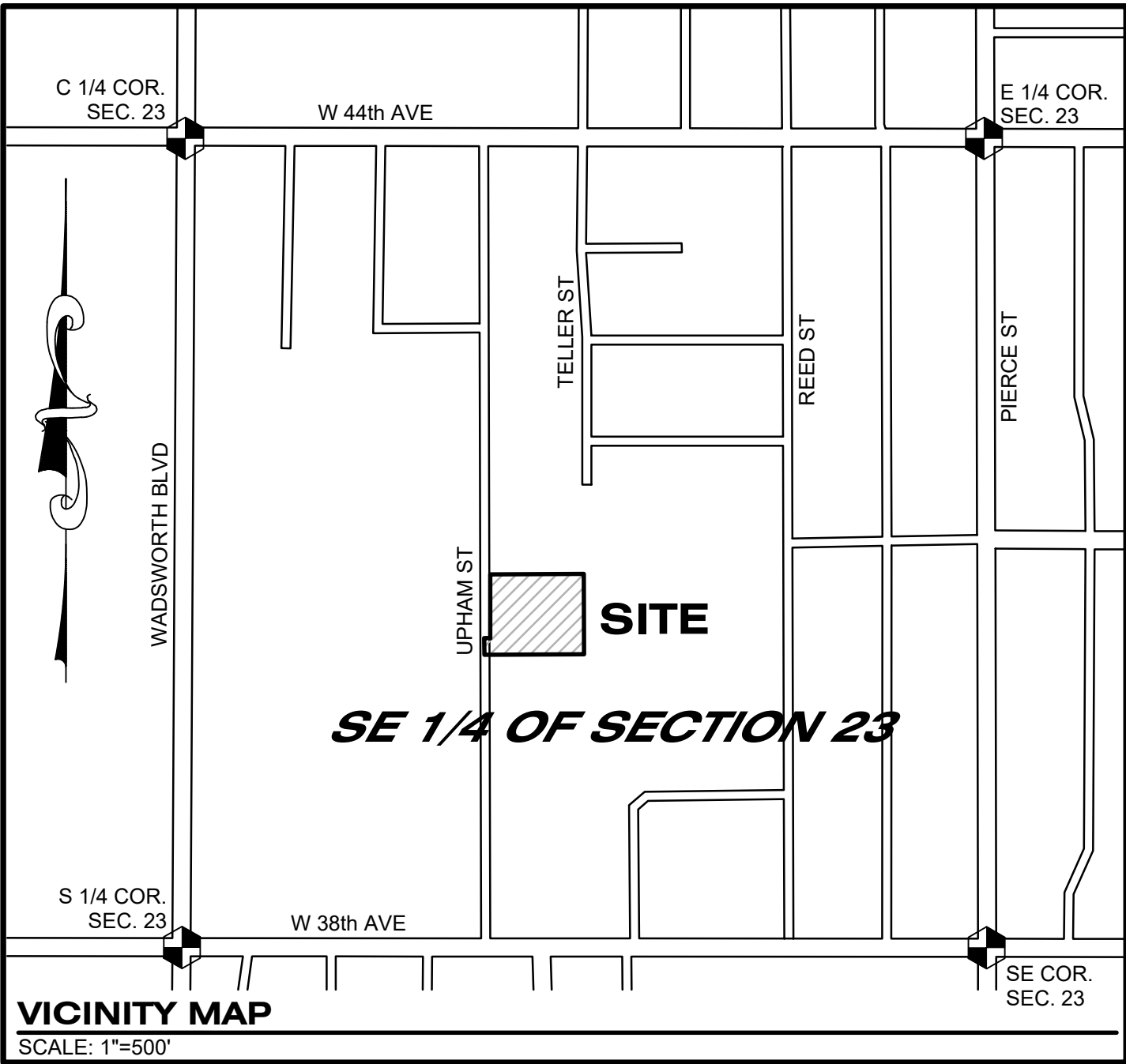
EXHIBIT 10: SUBDIVISION PLAT

see attached

RIDGETOP VILLAGE SUBDIVISION FILING NO. 1
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LAND USE SUMMARY TABLE		
TRACT	USE	AREA
A	PRIVATE ACCESS	313 SQ. FT. / 0.0072 ACRES
B	PRIVATE ACCESS	3,388 SQ. FT. / 0.0778 ACRES
C	PRIVATE ACCESS & UTILITY	20,999 SQ. FT. / 0.4821 ACRES
D	PRIVATE ACCESS	1,073 SQ. FT. / 0.0246 ACRES
E	PRIVATE ACCESS, UTILITY, OPEN SPACE & PARKING	8,740 SQ. FT. / 0.2006 ACRES
F	PRIVATE ACCESS	1,698 SQ. FT. / 0.0390 ACRES
G	PRIVATE ACCESS	319 SQ. FT. / 0.0072 ACRES
H	PRIVATE ACCESS	3,311 SQ. FT. / 0.0760 ACRES
I	PUBLIC RIGHT-OF-WAY	2,820 SQ. FT. / 0.0647 ACRES
LOTS 1-38		40,188 SQ. FT. / 0.9226 ACRES
TOTAL NET		80,029 SQ. FT. / 1.8372 ACRES
TOTAL GROSS		82,849 SQ. FT. / 1.9020 ACRES

LINE DATA TABLE		
LOT NUMBER	SQUARE FEET	ACRES
LOT 1	1,435	0.0329
LOT 2	957	0.0220
LOT 3	1,054	0.0242
LOT 4	940	0.0216
LOT 5	940	0.0216
LOT 6	1,150	0.0264
LOT 7	1,105	0.0257
LOT 8	939	0.0216
LOT 9	939	0.0216
LOT 10	939	0.0216
LOT 11	1,308	0.0300
LOT 12	1,047	0.0240
LOT 13	940	0.0216
LOT 14	940	0.0216
LOT 15	1,048	0.0241
LOT 16	1,168	0.0268
LOT 17	959	0.0220
LOT 18	959	0.0220
LOT 19	959	0.0220
LOT 20	958	0.0220
LOT 21	1,270	0.0292
LOT 22	1,063	0.0244
LOT 23	961	0.0221
LOT 24	961	0.0221
LOT 25	961	0.0221
LOT 26	961	0.0221
LOT 27	1,377	0.0316
LOT 28	957	0.0220
LOT 29	1,434	0.0329
LOT 30	1,182	0.0271
LOT 31	950	0.0218
LOT 32	950	0.0218
LOT 33	1,052	0.0242
LOT 34	1,067	0.0245
LOT 35	950	0.0218
LOT 36	950	0.0218
LOT 37	950	0.0218
LOT 38	1,445	0.0332
TOTAL	40,188	0.9226



OWNERS' CERTIFICATE

WE, UPHAM PARTNERS LLC, BEING THE OWNERS OF REAL PROPERTY CONTAINING 1.9020 ACRES DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 23;
THENCE S41°50'16"W A DISTANCE OF 1960.91 FEET TO THE POINT OF BEGINNING;
THENCE S00°14'00"E ALONG THE EAST LINE OF SAID EAST 1/2 A DISTANCE OF 264.61 FEET;
THENCE S89°39'47"W A DISTANCE OF 328.96 FEET TO A POINT ON THE WEST LINE OF SAID EAST 1/2;
THENCE N00°13'09"W ALONG SAID WEST LINE A DISTANCE OF 55.00 FEET;
THENCE N89°39'47"E A DISTANCE OF 20.00 FEET;
THENCE N00°13'09"W ALONG A LINE THAT IS 20.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE A DISTANCE OF 209.63 FEET;
THENCE N89°39'59"E ALONG A LINE THAT IS 132.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID EAST 1/2 A DISTANCE OF 308.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (82,849 SQUARE FEET) 1.9020 ACRES.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED INTO LOTS UNDER THE NAME AND STYLE OF RIDGETOP VILLAGE SUBDIVISION FILING NO 1, A SUBDIVISION OF A PART OF THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THE PUBLIC THOSE PORTIONS OF REAL PROPERTY SHOWN AS RIGHT-OF-WAY, AND DO FURTHER DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORMWATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

UPHAM PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: _____
NAME: NEIL SHEA
TITLE: MANAGING PARTNER

STATE OF _____)
COUNTY OF _____)SS

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

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

NOTARY PUBLIC

WHEAT RIDGE GEODETIC INFORMATION:

- THE CURRENT CITY DATUM COORDINATE SYSTEM USED IS A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502.
- VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- GROUND TO GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1: NORTHING: 1701258.75, EASTING: 3118217.58, ELEVATION: 5471.62.

STATEMENT OF ACCURACY:

THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM, AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE (FGDC-STD-007.2-1998).

SURVEYOR'S NOTES:

- THIS SURVEY WAS BASED ON TITLE COMMITMENT NUMBER 598-F0597699-150-KB3, AMENDMENT NO. 10 PREPARED BY FIDELITY NATIONAL TITLE COMPANY AS AGENT FOR FIDELITY NATIONAL TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF MAY 24, 2018 AT 7:00 A.M., AND DOES NOT CONSTITUTE A TITLE SEARCH BY THIS SURVEYOR FOR OTHER EASEMENTS AND/OR EXCEPTIONS OF RECORD.
- BY GRAPHIC PLOTTING ONLY THE SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 08059C0214F LAST REVISED FEBRUARY 5, 2014. NO OFFICE CALCULATIONS OR FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS INFORMATION.
- BEARINGS ARE BASED ON THE EAST LINE OF THE SE 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN BEARING S00°17'47"E AS REFERENCED ON THE CITY OF WHEAT RIDGE HORIZONTAL CONTROL NETWORK AND BOUNDED BY THE MONUMENTS SHOWN HEREON.
- THIS SITE IS CURRENTLY ZONED: R-3 (RESIDENTIAL 3) PER THE CITY OF WHEAT RIDGE.
- THE ADDRESSES OF THE SURVEYED PROPERTY ARE 4000, 4042, 4062 & 4066 UPHAM STREET. THE PROPERTY WILL BE READDRESSSED PRIOR TO BUILDING PERMIT.
- PER COLORADO REVISED STATUTES SEC. 38-51-106 (L), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT, LAND BOUNDARY MONUMENT, OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR, PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.
- TRACT I IS HEREBY DEDICATED AS PUBLIC RIGHT-OF-WAY.
- INDIVIDUAL TOWNHOUSE LOTS SHALL NOT BE DEVELOPED FOR ANY PURPOSE OTHER THAN TOWNHOMES.
- RIDGETOP VILLAGE HOA/METRO DISTRICT AND ITS SUCCESSORS AND ASSIGNS WILL BE SOLELY RESPONSIBLE FOR THE MAINTENANCE OF TRACTS A, B, C, D, E, F, G AND H.
- RIDGETOP VILLAGE HOA/METRO DISTRICT AND ITS SUCCESSORS AND ASSIGNS WILL BE SOLELY RESPONSIBLE FOR THE MAINTENANCE OF ALL PRIVATELY OWNED UTILITY INFRASTRUCTURE.

CROSS ACCESS EASEMENT:

RIDGETOP VILLAGE HOA/METRO DISTRICT, AND ITS SUCCESSORS AND ASSIGNS GRANTS A BLANKET EASEMENT FOR ACCESS, AND TO FREE MOVEMENT THROUGH TRACTS A, B, C, D, E, F, G, AND H. SUCH GRANT OF EASEMENT SHALL BE LIMITED TO THE OWNERS, TENANTS, AND GUESTS OF THE OWNERS, AND SHALL FURTHERMORE GRANT ACCESS TO AND FREE MOVEMENT THROUGH SAID EASEMENTS TO THOSE ENTERING SAID EASEMENTS FROM ABUTTING PUBLIC STREETS.

CONSTRUCTION DEFECTS

THIS PLAT CONTAINS LOTS, BLOCKS, OR OTHER LAND INTENDED FOR THE DEVELOPMENT OF OWNER-OCCUPIED MULTI-FAMILY DWELLING UNITS OR ASSOCIATED COMMON AREAS, LIMITED COMMON ELEMENTS, OR IMPROVEMENTS (THE "MULTI-FAMILY DEVELOPMENT AREA"), TO THE EXTENT THAT THE FOLLOWING CLAIMS INVOLVE ANY MULTI-FAMILY DEVELOPMENT AREA (OR THE IMPROVEMENTS THEREON) WITHIN THE PROPERTY COVERED BY THIS PLAT, SUCH CLAIMS SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW.

ANY AND ALL CLAIMS THAT ALLEGE A CONSTRUCTION DEFECT AS DEFINED AT SECTION 26-1302 OF THE CODE OF LAWS AND: (1) ARE BETWEEN ANY TWO OR MORE OF THE FOLLOWING PERSONS OR ENTITIES: (A) ANY OWNER OF ANY PORTION OF THE MULTI-FAMILY DEVELOPMENT AREA, (B) ANY COMMON INTEREST COMMUNITY ASSOCIATION CREATED WITH RESPECT TO THE MULTI-FAMILY DEVELOPMENT AREA, (C) THE SUBDIVIDER, DEVELOPER, CONTRACTOR, OR ANYONE CLAIMING UNDER OR THROUGH ANY SUCH PERSONS, (D) ANY PARTY THAT CONSTRUCTS OR DESIGNS ANY PORTION OF ANY RESIDENTIAL DWELLING UNITS UPON THE MULTI-FAMILY DEVELOPMENT AREA, AND (E) ANY CONSTRUCTION PROFESSIONAL AS DEFINED IN THE CONSTRUCTION DEFECT ACTION REFORM ACT, C.R.S. § 13-80-802.5, ET SEQ., AS AMENDED ("CDARA"); AND (2) THAT PERTAINS TO ANY OF: (A) THE MULTI-FAMILY DEVELOPMENT AREA, (B) ANY DWELLING UNIT, COMMON AREA DEVELOPMENT STRUCTURE, LIMITED COMMON ELEMENTS, OR OTHER IMPROVEMENTS CONSTRUCTED ON THE MULTI-FAMILY DEVELOPMENT AREA, (C) THE COMMON INTEREST COMMUNITY TO BE CREATED FOR THE MULTI-FAMILY DEVELOPMENT AREA OR ANY PORTION THEREOF, OR (D) THE DECLARATION OR OTHER DOCUMENTS GOVERNING SUCH COMMUNITY.

THE FOREGOING SHALL NOT PRECLUDE ANY OF THE PERSONS OR ENTITIES DESCRIBED ABOVE FROM ENDEAVORING TO RESOLVE ANY SUCH CLAIM(S) THROUGH EITHER NEGOTIATION OR MEDIATION BEFORE SUBMITTING SUCH CLAIM(S) TO BINDING ARBITRATION. ADDITIONALLY, THE MULTI-FAMILY DEVELOPMENT AREA MAY ALSO BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS THAT MAY IMPLEMENT AND EXPAND UPON THE REQUIREMENTS OF THIS PLAT NOTE AND THAT MAY EXEMPT CERTAIN CLAIMS FROM THE REQUIREMENT THAT SUCH CLAIMS MUST BE SUBMITTED TO BINDING ARBITRATION. PROVIDED, HOWEVER, THAT ANY SUBSEQUENT AMENDMENT OR CHANGE TO SUCH DECLARATION OF COVENANTS, CONDITIONS OR RESTRICTION SHALL NOT ELIMINATE THIS REQUIREMENT THAT CONSTRUCTION DEFECT CLAIMS SHALL BE SUBMITTED TO BIDDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW.

FOR PURPOSES OF THIS PLAT NOTE, BINDING ARBITRATION SHALL MEAN SUBMISSION OF ANY CLAIM DESCRIBED ABOVE TO THE ARBITRATION SERVICE PROVIDER SPECIFIED IN THE DECLARATION OR OTHER GOVERNING DOCUMENTS OF THE COMMON INTEREST COMMUNITY, IF QUALIFIED PURSUANT TO THE UNIFORM ARBITRATION ACT, PART 2 OF ARTICLE 22 OF TITLE 13, C.R.S., AND, IF NOT, AN ARBITRATION SERVICE PROVIDER SO QUALIFIED IN SUCH ARBITRATION; THE COSTS AND EXPENSES OF ARBITRATION TO BE BORNE EQUALLY BY THE PARTIES.

ALL FUTURE PURCHASERS OF ANY INTEREST IN THE MULTI-FAMILY DEVELOPMENT AREA ARE DEEMED TO HAVE ACCEPTED AND AGREED TO THE TERMS AND CONDITIONS OF THIS PLAT NOTE AND SHALL BE BOUND BY THE PLAT NOTE, WHICH IS RECORDED IN THE JEFFERSON COUNTY CLERK AND RECORDERS OFFICE, DEEMED TO BE A COVENANT RUNNING WITH THE MULTI-FAMILY DEVELOPMENT AREA, AND BINDING UPON ALL SUCCESSORS IN INTEREST, GRANTEES, OWNERS, HEIRS, ASSIGNS, AND ALL OTHERS WHO ACQUIRE AN INTEREST IN OR TO THE MULTI-FAMILY DEVELOPMENT AREA, TOGETHER WITH ANY COMMON INTEREST COMMUNITY ASSOCIATION ASSOCIATED THEREWITH.

SURVEOR'S CERTIFICATE:

I, CHARLES N. BECKSTROM, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF RIDGETOP VILLAGE SUBDIVISION FILING NO. 1 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 PLAT ACCURATELY REPRESENTS SAID SURVEY.

CHARLES N. BECKSTROM
COLORADO PLS NO. 33202

CITY CERTIFICATION

APPROVED THIS _____ DAY OF _____, 20____ BY THE WHEAT RIDGE CITY COUNCIL.

ATTEST

CITY CLERK _____ MAYOR _____

COMMUNITY DEVELOPMENT DIRECTOR _____

DIRECTOR OF PUBLIC WORKS _____

PLANNING COMMISSION CERTIFICATION

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____ BY THE CITY OF WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON _____

CLERK AND RECORDER'S CERTIFICATE:

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO THIS _____ DAY OF _____, 20____.

JEFFERSON COUNTY CLERK AND RECORDER _____

BY: DEPUTY CLERK _____

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Survey No.: 18159-P
Project No.: 1313.1
Date: 10/04/2018
Revised: 12/27/2018

REVISION BLOCK	
INITIAL PREPERATION	10/24/18
1ST REVISION	11/29/18
2ND REVISION	12/07/18
3RD REVISION	12/27/18

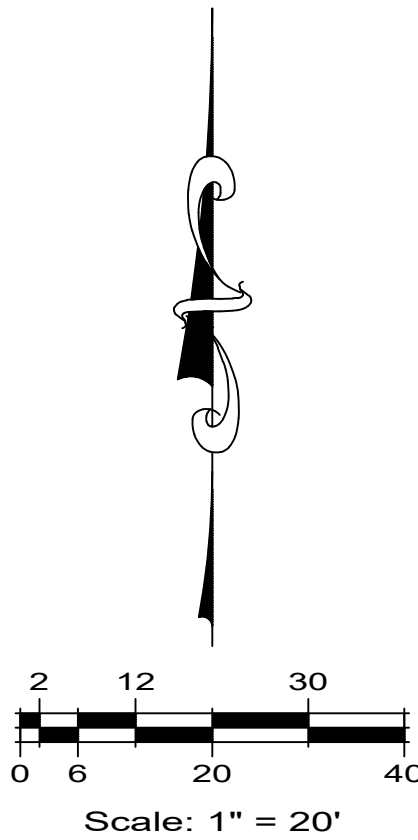
CASE HISTORY
WZ-18-17
WZ-18-18
WS-18-02

SHEET INDEX	
DESCRIPTION	SHEET NO.
COVER SHEET	1
PROPOSED LOT LAYOUT	2
EASEMENT LAYOUT	3

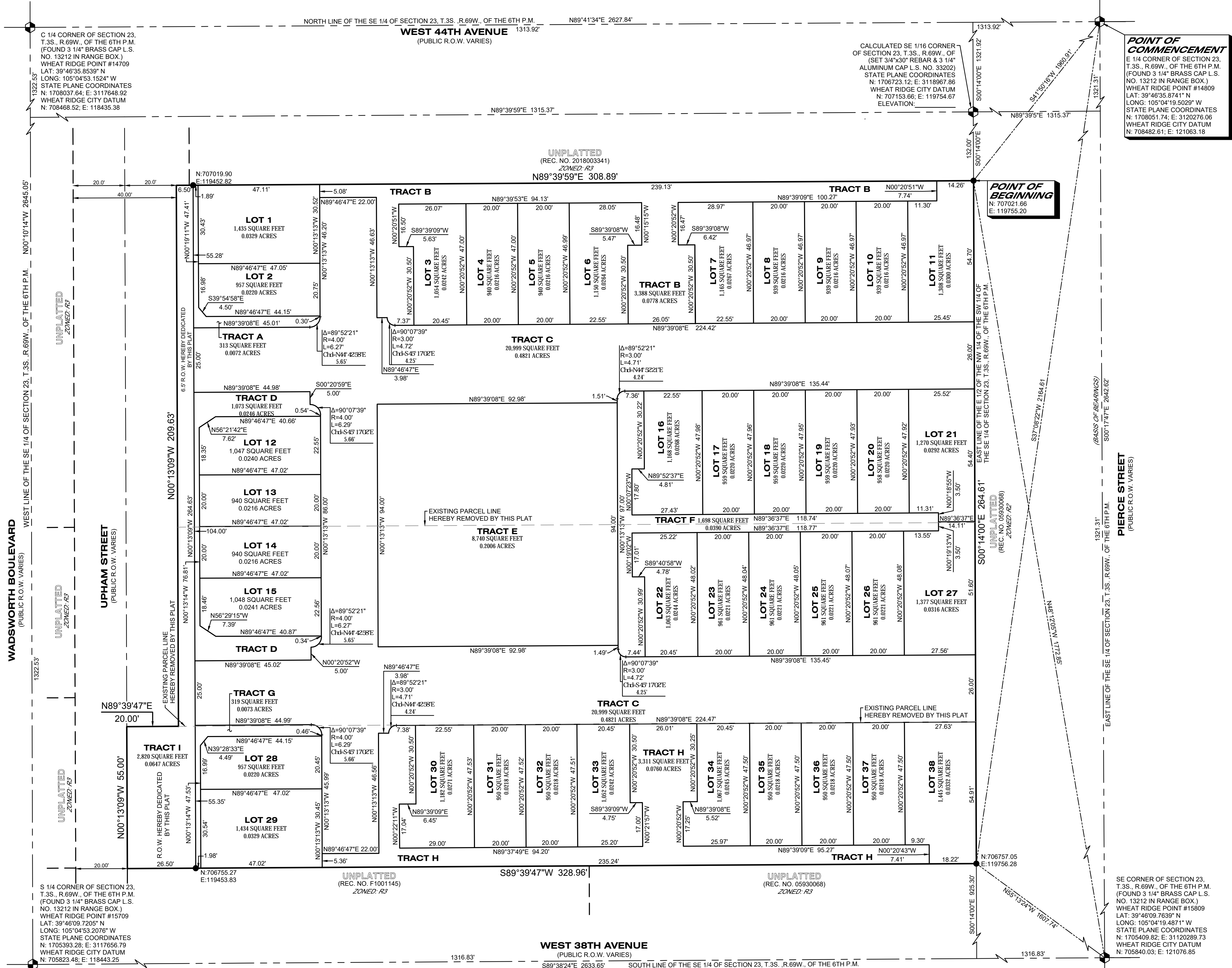
COVER SHEET
SHEET 1 OF 3

RIDGETOP VILLAGE SUBDIVISION FILING NO. 1

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



LEGEND	
	PLAT BOUNDARY LINE
	ADJACENT R.O.W./LOT/PARCEL LINES
	SECTION LINE
	TIE LINE
	R.O.W./LOT LINE HEREBY CREATED BY THIS PLAT
	CENTER LINE
	EXISTING PARCEL LINE HEREBY REMOVED BY THIS PLAT
	R.O.W.
	LAND SURVEYOR NUMBER
	SECTION CORNER
	SET 3/4"x30" PIN & 2" ALUMINUM CAP L.S. NO. 33202 UNLESS OTHERWISE NOTED



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REVISION BLOCK

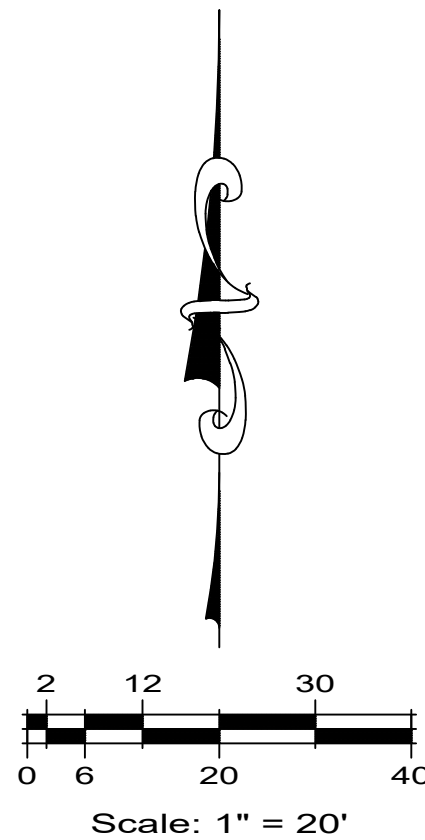
INITIAL PREPARATION	10/24/18
1ST REVISION	11/29/18
2ND REVISION	12/07/18
3RD REVISION	12/27/18

CASE HISTORY

WZ-18-17
WZ-18-18
WS-18-02

PROPOSED LOT LAYOUT
SHEET 2 OF 3

RIDGETOP VILLAGE SUBDIVISION FILING NO. 1
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

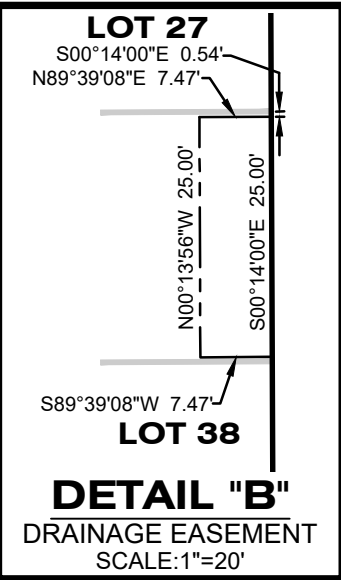
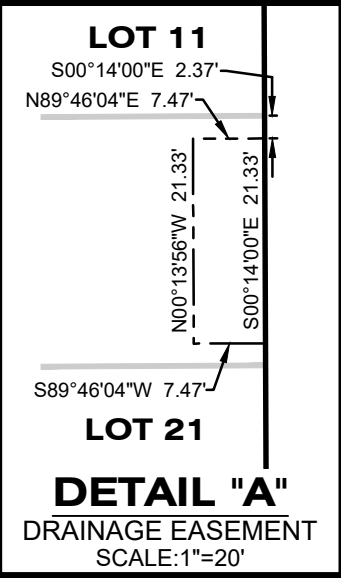
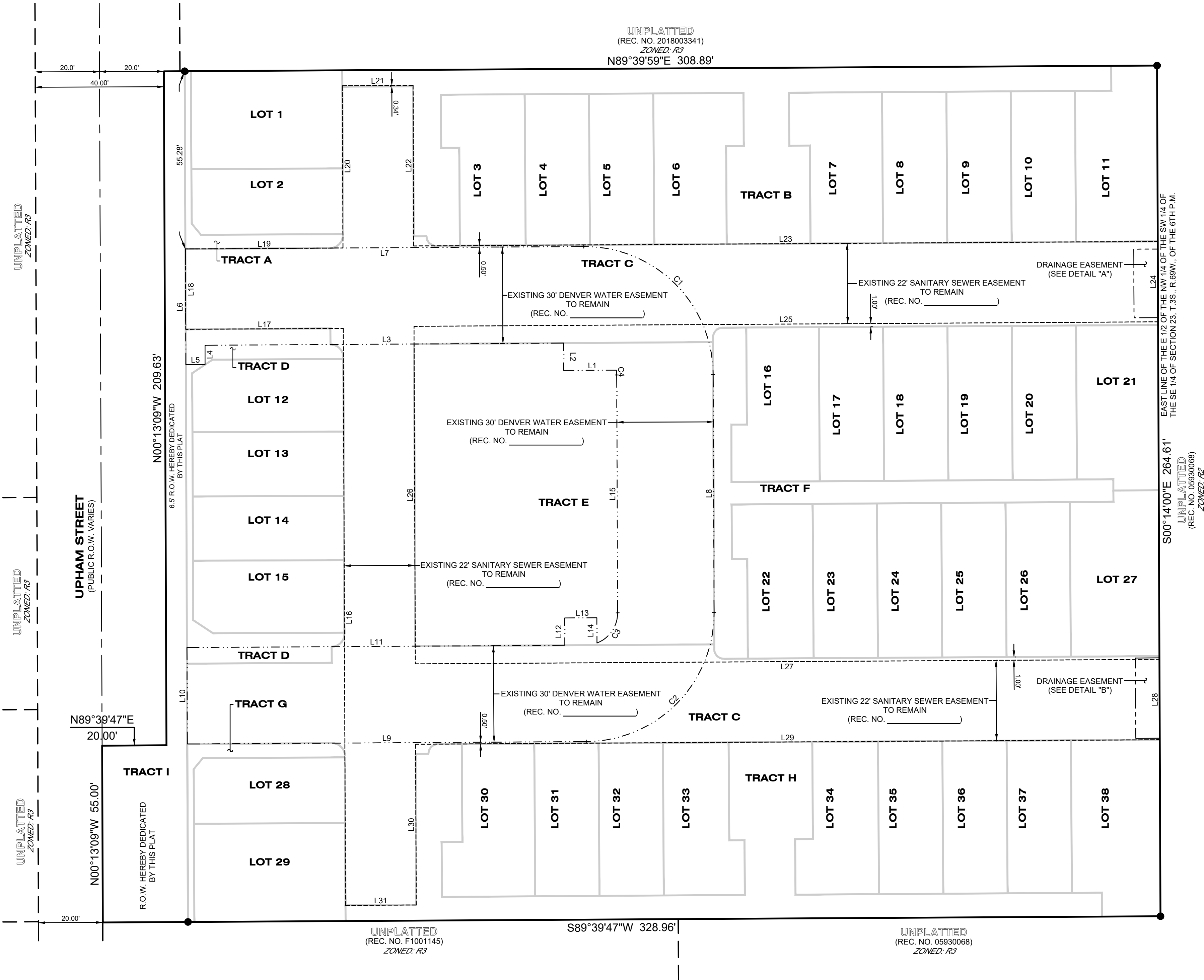


LEGEND	
	PLAT BOUNDARY LINE
	ADJACENT R.O.W./LOT/PARCEL LINES
	CENTER LINE
	LOT LINE HEREBY CREATED BY THIS PLAT
	EXISTING DENVER WATER EASEMENT LINE
	EXISTING SANITARY SEWER EASEMENT LINE
	R.O.W. RIGHT-OF-WAY
	SET 3/4"x30" PIN & 2" ALUMINUM CAP L.S. NO. 33202 UNLESS OTHERWISE NOTED

CURVE DATA TABLE					
DENVER WATER EASEMENT					
COURSE	DELTA	RADIUS	LENGTH	Chd BEARING	Chd LENGTH
C1	90°07'39"	40.00'	62.92'	S45°17'02"E	56.63'
C2	89°52'21"	40.00'	62.74'	S44°42'58"W	56.51'
C3	66°10'36"	10.00'	11.55'	N32°52'06"E	10.92'
C4	8°45'16"	10.00'	1.53'	N04°35'51"W	1.53'

LINE TABLE		
DENVER WATER EASEMENT		
LINE	BEARING	DISTANCE
L1	S89°39'08"W	14.86'
L2	N00°20'52"W	8.50'
L3	S89°39'08"W	113.00'
L4	S00°13'13"E	6.03'
L5	S89°46'47"W	5.98'
L6	N00°13'09"W	36.02'
L7	N89°39'08"E	123.89'
L8	S00°13'13"E	74.00'
L9	S89°39'08"W	124.07'
L10	N00°13'09"W	30.00'
L11	N89°39'08"E	118.02'
L12	N00°20'52"W	8.50'
L13	N89°39'08"E	10.00'
L14	S00°20'52"E	7.66'
L15	N00°13'13"W	74.00'

LINE TABLE		
SANITARY SEWER EASEMENT		
LINE	BEARING	DISTANCE
L16	N00°13'13"W	179.50'
L17	S89°39'08"W	49.00'
L18	N00°13'09"W	25.00'
L19	N89°39'08"E	49.00'
L20	N00°13'13"W	50.50'
L21	N89°39'08"E	22.00'
L22	S00°13'13"E	50.00'
L23	N89°39'08"E	231.40'
L24	S00°14'00"E	25.00'
L25	S89°39'06"W	231.41'
L26	S00°13'13"E	105.00'
L27	N89°39'08"E	231.44'
L28	S00°14'00"E	25.00'
L29	S89°39'08"W	231.44'
L30	S00°13'13"E	50.00'
L31	S89°39'08"W	22.00'



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Survey No.: 18159-P
Project No.: 1313.1
Date: 10/04/2018
Revised: 12/27/2018

REVISION BLOCK	
INITIAL PREPARATION	10/24/18
1ST REVISION	11/29/18
2ND REVISION	12/07/18
3RD REVISION	12/27/18

CASE HISTORY
WZ-18-17
WZ-18-18
WS-18-02

EXHIBIT 11: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	January 16, 2018
Attending Staff:	Lauren Mikulak, Planning Manager Zack Wallace Mendez, Planner II
Location of Meeting:	Wheat Ridge Municipal Center, Police Training Room
Property Address:	4000-4066 Upham Street
Property Owner(s):	Nodef Colorado Inc.
Property Owner(s) Present?	No
Applicant:	Tony Del Grippo and Neil Shea
Applicant Present?	Yes
Existing Zoning:	Residential-Three (R-3)
Existing Comp. Plan:	Neighborhood

Existing Site Conditions:

The subject properties are located on the east side of Upham Street between W. 38th Avenue and W. 44th Avenue. There are a total of four lots, each containing a single family home. The lots are zoned Residential-Three (R-3). According the Jefferson County Assessor, the four lots are under single ownership and collectively total approximately 87,000 square feet or 2 acres in size.

To the east are two JeffCo Public Schools: Stevens Elementary and Sobesky Academy. To the north is a 2.5 story apartment building built in 1960. Further north along Upham are a mix of single-family homes and duplexes. Across Upham Street to the west are three mid-century apartment complexes and a single family home; these properties, and properties to the south, are also zoned R-3. The 38th Avenue corridor to the south is zoned for mixed-use development and West End 38, a four-story apartment building with a retail component, is expected to break ground soon between Upham and Vance Streets.

Applicant Preliminary Proposal:

The applicant would like to rezone and subdivide the property to develop townhomes. (The proposed site plan shows 44 units, though the applicant acknowledged this number will need to be reduced.) The existing four homes would be demolished. The proposed site plan gains access from Upham Street at a centered entrance, with homes facing Upham Street on either side. Interior homes are

shown to be oriented east-west. The central homes are proposed to face a large landscape area that is centered on the site to the entrance. Garages would be accessed through a network of internal alleys. Pedestrian access would be to the front of the homes, with a network of internal sidewalks. A detention area for drainage is proposed at the east of the site.

The homes are proposed to be three stories with garage access on the first floor. Each building would contain 4-5 townhomes. The applicant noted the possibility of private patios or decks on the first or second floor which would face the landscaped areas. The homes would be on individual parcels and would be a for-sale product.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, nine members of the public attended the meeting.
- Staff discussed the site, its zoning and future land use.
- The applicant and members of the public were informed of the process for a planned development zone change.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing, if required.

The following issues were discussed regarding the proposed development:

- In general, attendees were interested in understanding why the zone change was desired, if there would be redevelopment, and what the applicant's long-term plans are for the property. Three attendees were supportive of the request. Two attendees were neutral. Some expressed distrust of the applicant's intentions, expressed concern that 44th Avenue would become overdeveloped, and expressed concern regarding multi-story infill development that was occurring in East Wheat Ridge.
- Will the units be for rent or for sale?
The units will be for sale product.
- How much will the units sell for?
The applicant stated he believes they will be priced in the mid-400s, based on current market conditions.
- Will there be visitor parking?
Yes, the City requires visitor parking spaces be provided for project of this nature.
- A neighbor expressed concern over the current condition of the property, code violations, and any involvement of the current owner in the redevelopment plans.
The applicant stated the current owner would not be involved in the redevelopment. Staff added that Code Enforcement should be notified of any code violation concerns.
- What are the proposed setbacks along Upham Street?
Current standards, under the R-3 zoning require a 25-foot setback. The applicant stated they would likely propose a similar setback, as they would like to provide private front yard space for the units in lieu of the typical rooftop decks seen in recent developments in Denver. The units will not be pushed up to the sidewalk.
- How tall will the units be?

Current standards, under the R-3 zoning allow up to 35 foot tall structures. Due to fire department requirements the applicant stated they will aim to keep the units at 30 feet.

- Are there any plans for the City to widen Upham Street?
The applicant will be required to dedicate a portion of their land to ensure Upham Street is adequately sized for today's street section standards. This, however, will not add any travel lanes to Upham.
- What will the lighting be like on the property?
Lighting will be placed to ensure safety, but is required to be downcast. The City Code requires that light not spill over property lines.
- Are there any plans for fencing the property, especially along the south side adjacent to the single-family residential?
There will likely be a 6-foot tall solid wood fence there.
- Timeline for the project?
The applicant stated they are in the very early stages of development. Best case scenario the applicant would start construction in 2019, with construction being phased and lasting approximately 2 years.
- Will this be a covenant controlled community?
The property will be maintained by an HOA, yes.
- Will any of these units be turned into rentals?
Due to FHA loan requirements, the developer cannot sell to more than a certain number of investors (LLCs). However, they cannot guarantee people will not rent them out, so it is likely a few units will be turned into rentals after they are sold.

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

EXHIBIT 12: PUBLIC COMMENT

see attached

Current Property Management - 16948 S Golden Rd Unit F Golden, CO 80401

January 17, 2019

Re: Upcoming Wheat Ridge Planning Commission Hearing for RidgeTop Village Town Homes on February 7, 2019

To Whom It May Concern:

As the owner of 3955 Upham St, Current Property Management is in support of the RidgeTop Village town home site for the proposed 38 town homes units.

The owners of 4000, 4042, 4062, & 4066 Upham St, Upham Partners LLC, have shared with us their site plan and overall vision for the project. We offer our full support of the project, and believe their project will have a positive economic and esthetic impact on the immediate neighborhood and the Ridge at 38th business district.

If we can be of any further assistance or answer any questions in regards to our opinion of the impact this project on Wheat Ridge and the immediate neighborhood, please don't hesitate to contact us.

Sincerely,

Current Property Management

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a small flourish.

received
1/28/19

Moore Family Trust – 7521 Terry Ct, Arvada, CO 80007

January 15, 2019

Re: Upcoming Wheat Ridge Planning Commission Hearing for RidgeTop Village Town Homes on February 7, 2019

To Whom It May Concern:

As the owner of the 2 properties known as 3900 & 3920 Upham St, Moore Family Trust is in support of the RidgeTop Village town home site for the proposed 38 town homes units.

The owners of 4000, 4042, 4062, & 4066 Upham St, Upham Partners LLC, have met with the Moore family and shared with us their site plan and overall vision for the project. We offer our full support of the project, and believe their project will have a positive economic and esthetic impact on the immediate neighborhood and the Ridge at 38th business district.

If we can be of any further assistance or answer any questions in regards to our opinion of the impact this project on Wheat Ridge and the immediate neighborhood, please don't hesitate to contact us.

Sincerely, *Jeff Moore, TRUSTEE*

Moore Family Trust

JEFF MOORE
214-802-5359

received
1/28/19

Planning Commission, City of Wheat Ridge
Wheat Ridge City Council.

To whom it may concern.

I am writing to enthusiastically support the Ridge Top Village Town Home project at about 4000 Upham St.

I am planning on them being my new next-door neighbors.

My name is Rob McLeod and my wife is Michelle McLeod, we own and reside at 3960 Upham St.

Our home has been in our family, through Michelle's mother and grandparents since the home was new, and her grandparents, Joe and Vera Pearson were newlyweds in 1934. Joe Pearson was even one of the fire chiefs the Wheat Ridge Fire Dept, and his family was deeply involved in early Wheat Ridge history. He was one of Wheat Ridge's carnation growers the city even now celebrates. As a matter of fact, we still get the water bill in his name, my wife has never wanted to change it.

My wife has fond memories of her child-hood here, and Upham Street was once a vibrant part of community.

We've have seen Upham Street begin to stagnate, and perhaps even begin to become very ill, and I am excited that Neil Shea, Vision Acquisitions and others have conceived of a way to bring new life to Upham Street and the community around us.

I know there will be the normal concerns of congestion, traffic, noise and the like, and I expect that. I believe these issues can, will be, and/or have been addressed.

I am excited to see new life and projects happening in the neighborhood, with the Corners and West End 38, and now the Ridge Top Village Town Home project.

I just want the City of Wheat Ridge to know that our family on Upham Street, is strongly supporting the Ridge Top Village Town home project and am looking forward to meeting many of our new neighbors.

Sincerely

Rob and Michelle McLeod

received
1/29/19



City of
Wheat Ridge
PLANNING COMMISSION
Minutes of Meeting
February 7, 2019

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair BUCKNAM at 7:01 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
 Jordan Jefferies, Civil Engineer II
 Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – January 17, 2019

It was moved by Commissioner DORSEY and seconded by Commissioner WEAVER to approve the minutes of January 17, 2019, as written. Motion carried 7-0-1 with Commissioner LARSON 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-18-17, WZ-18-18 and WS-18-02:** an application filed by Upham Partners, LLC for approval of a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an associated Outline Development Plan (ODP), Specific Development Plan (SDP), and subdivision plat for the construction of a 38-unit townhome project for the property located at 4000, 4042, 4062 and 4066 Upham Street.

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

Commissioner VOS asked if the utilities will be underground.

Ms. Mikulak explained that for all new subdivision all utilities are required to be underground.

Commissioner OHM inquired about the Jeffco Schools Letter of Intent with regard to the drainage and detention areas around Steven Elementary and if there can be a condition added to the motions to make sure the easements are in place.

Ms. Mikulak stated there are multiple ways to proceed, but the school is in agreement with the design and there can definitely be a condition in the motions regarding the easements being finalized.

Commissioner OHM asked why the heights are left blank on sheet one of the SDP.

Ms. Mikulak explained that was an oversight and per the ODP the maximum building height is 35 feet and the provided building height will be filled in and can be a condition of approval before going to City Council.

Commissioner PETERSON asked if the community park had been reduced in size due to parking.

Ms. Mikulak said that projects evolve and over time the visitor parking has increased which has shrunk the size of the park. She added the visitor parking is around the park.

Commissioner asked if all the buildings will be 35 feet in height.

Ms. Mikulak explained the roof lines vary and will range in height from 30 to 34 feet.

Commissioner LARSON wondered about having a Metropolitan District over an HOA.

Ms. Mikulak gave a brief explanation about the difference between Metro Districts and HOAs. Like an HOA, a Metropolitan District can be responsible for long term maintenance of shared facilities, including the park, drive aisles and detention. Unlike an HOA, Metro Districts are funded by a mill levy instead of fees. Metro Districts are a quasigovernmental entity and can issue bonds to pay for infrastructure costs associated with new development. The City is seeing more inquiries about Metro Districts because of the infrastructure costs often associated with infill development. She gave examples of existing Metro Districts in the City, explained the process by which they are created, and noted that the applicant is still evaluating the pros and cons of a Metro District versus and HOA.

Commissioner BUCKNAM asked if the community park will be open to the general public.

Ms. Mikulak said it is not intended for the neighborhood at large, but for the residents and their visitors.

Tony Del Grippo, Upham Partners, LLC (Applicant)
19209 W 53rd Loop, Golden

Mr. Del Grippo explained that Upham Partners has the opportunity to do something unique with this property and are excited about the prospect. He gave a brief explanation about the surrounding area and other projects that are currently under construction and their hopes of keeping this project affordable and utilize the density without doing slot homes. Mr. Del Grippo mentioned the opportunity for the park and the infill situation. He also confirmed they are in final agreements for a temporary construction easement with the school district which will be replaced by a long term agreement for the detention area. He added this will be an amazing little village and their vision will have no 2 buildings looking the same.

Commissioner OHM asked about sheets 12 and 13 of the SDP with regards to ornamental trees the City's code states xeric water wise plant material should be used so he wondered why the Poplar tree was chosen.

Julie Gunther (Project Landscape Architect)

Ms. Gunther said the Poplar grows and fills in quickly, but a Columnar Oak could be a nice substitute.

Commissioner OHM asked why the trees were shown in the site triangle.

Ms. Gunter and Ms. Mikulak explained that the trees canopy will be higher than the clear zone area and tree trunks along with utility poles can be allowed by the City, because they are not completely obstructive.

Commissioner OHM also asked about artificial turf possible being used.

Ms. Mikulak stated artificial turf is typically not allowed and the ODP includes a note to allow it in these limited front yard areas.

Commissioner OHM also inquired about the one Blue Spruce which typically provides a lot of shade and can be a risk for residents to the north in the winter time.

Ms. Gunter said a deciduous tree could be substituted.

Commissioner OHM asked if an existing fence on the east side of the property will be removed. If a new one is installed, he asked if it would go around the catch basins.

Mr. Del Grippo confirmed there is a fence that will be removed and replaced by a wood fence and will be maintained by the Metro District; he added the fence will go on top of the catch basins and not impede flows.

Commissioner LARSON asked if there is an issue with the electric service easements for the subdivision plat.

Jessie Donovan, Bright Letter Engineering (Project Engineer)
3265 Gaylor Street, Denver

Mr. Donovan explained there is a preliminary layout with Xcel, and they require building size information first for the load panels then they will know where to place the transformers. Xcel has a 6 week design process, but currently there are 2 transformers within the park area.

Commissioner LARSON asked where the easement will enter the property.

Mr. Donovan stated the utility easement will be along the southern end of the property.

Commissioner VOS asked if the developer has worked in the City of Wheat Ridge before and said she appreciated the 5-foot setback from the sidewalks. She also wondered how the Ridgeway Village name was chosen.

Mr. Del Grippo mentioned this is the first project in the Wheat Ridge area and they are excited about it. He added the team liked the happenings at the Ridge at 38 and wanted to incorporate Ridge with village since the feel of this project is a village.

Commissioner VOS asked the applicant to explain the architectural theme and asked what was intended by the modifications to the Architectural and Site Design Manual.

Buddy Poppitt (Project Architect)
7382 S Odessa Circle, Centennial

Mr. Del Grippo and Mr. Poppitt explained the architecture is a mix of mid-century modern and traditional elements along with creating a vibrant village feel with variations of textures and colors so it does not feel like a cookie cutter architecture.

Ms. Mikulak explained the slight modifications refers to the fact that the project will comply with the ASDM, with the exception of slight modifications to the windows and siding ASDM standards which have been adapted to the proposed architectural themes.

Rhonda Norman
4110 Upham Street

Ms. Norman mentioned she has concerns about the multifamily project and if the zoning will extend to other properties wanting to also do zone changes in the future. She also has concerns about the affordable housing and what it implies. Finally, she is curious about the timeline of construction and if it will overlap with the construction at 38th and Upham. Ms. Norman added she likes the architecture and the feel of the village atmosphere.

Becky Zachmeier
4200 Upham Street

Ms. Zachmeier wondered what the notification process is for projects of this type. She also was curious about affordable housing in this project and how many of these townhomes will be rentals. She mentioned there are also concerns about truck traffic in the surrounding neighborhood and would like to see them go south instead of north on Upham.

Rob McCleod
3960 Upham Street

Mr. McCleod said that he and his wife are very enthusiastic about Ridgetop Village coming to the neighborhood. He mentioned the house they live in south of the property was his wife's grandparents and she has fond memories about the vitality

of the Upham Street community and can't wait for new life coming back to the neighborhood.

Commissioner BUCKNAM had the public's questions answered:

- Zone changes in the neighborhood

Ms. Mikulak explained that each zone change stands alone and there is no plan to change all of Upham and the Comprehensive Plan wants there to be a good mix of housing types.

- Public notifications

Ms. Mikulak said the codified requirement is 600 feet for neighborhood meetings and 300 feet for public hearings, along with posting signs on the property.

- Haul routes

Ms. Mikulak said the Public Works Division will complete a condition analysis regarding the haul routes to determine the best route. She added Upham St is due for a mill and overlay which is scheduled in 2020 after the construction is complete. Ms. Mikulak also mention the West End 38 project should close to completion by the end of 2019, beginning of 2020.

- Time line for construction

Mr. Del Grippo said that vertical construction will hopefully start the 4th quarter of 2019 with approximately 2 ½ years of construction until completion.

- Intent of rentals

Mr. Del Grippo said the intent for these townhomes is owner occupied, but there might be some investors who purchase as well. The starting point for townhome price will be \$400,000 and they will all be market rate home.

Commissioner Larson asked if the City requires a soil sample of the property.

Ms. Mikulak said geotechnical reports are required as a part of the building permits for foundations. Also, a property owner might complete a phase 1 environmental study to see if there is any contaminant when they purchase the home.

Commissioners OHM, WEAVER and BUCKNAM mentioned that they really like this project including the direction the doors face the street, the drainage on the site, along with the pocket park. They think it is a creative infill use.

It was moved by Commissioner OHM and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WZ-18-17, a request for approval of a zone change from Residential –Three to Planned Residential Development with an Outline Development Plan (ODP) for property located at 4000 to 4066 Upham Street, for the following reasons:

- 1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.**
- 2. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.**
- 3. The proposed zoning is consistent with the intent of a planned development, compatible with surrounding land uses, and will result in a high-quality development.**
- 4. The criteria used to evaluate a zone change support the request.**

With the following conditions:

- 1. All minor corrections occur prior to City Council public hearing.**
- 2. Prior to plat SDP and subdivision recordation the applicant enters into a formal agreement with any necessary easements with Jefferson County Public Schools as required by the City.**

Motion carried 8-0.

It was moved by Commissioner OHM and seconded by Commissioner VOS to recommend APPROVAL of Case No. WZ-18-18, a request for approval of a Specific Development Plan on property located at 4000 to 4066 Upham Street, for the following reasons:

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

With the following conditions:

- 1. All minor corrections occur prior to City Council public hearing.**
- 2. Prior to plat SDP and subdivision recordation the applicant enters into a formal agreement with any necessary easements with Jefferson County Public Schools as required by the City.**

Motion carried 8-0.

Commissioner Peterson asked what staff looks at in condition 6 in the following motion.


Ms. Mikulak said common spaces are usually looked at because the City does not regulate the covenants.

It was moved by Commissioner OHM and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WS-18-02, a request for approval of a 38-lot major subdivision plat for property located at 4000 to 4066 Upham Street, for the following reasons:

- 1. All requirements of the subdivision regulations have been met.**
- 2. The plat is consistent with zoning on the property.**
- 3. Utility districts can serve the property with improvements installed at the developer's expense.**

With the following conditions:

- 1. Sheet 2 shall be updated prior to the City Council public hearing to remove the existing parcel line between 4062 and 4066 Upham Street.**
- 2. Note 4 shall be updated prior to recordation to indicate the current zoning as PRD.**
- 3. The applicant shall continue to coordinate utility service with the appropriate agencies and any updated information regarding dry utility easements shall be reflected on the plat at recordation.**
- 4. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.**
- 5. The developer shall pay parks fees at the time of plat recording in the amount of \$84,907.86.**
- 6. The Homeowners' Association covenants and/or metropolitan district service plan shall be reviewed by Staff prior to issuance of a building permit.**
- 7. All minor corrections occur prior to City Council public hearing.**

- 
- 8. Prior to plat SDP and subdivision recordation the applicant enters into a formal agreement with any necessary easements with Jefferson County Public Schools as required by the City.**

Motion carried 8-0.

8. OLD BUSINESS

9. NEW BUSINESS

A. Resolution 01-2019

Commissioners VOS and LARSON asked about the purpose of this resolution.

It was moved by Commissioner WEAVER and seconded by Commissioner LEO to approve Resolution 01-2019

Motion passed 8-0

- B. Ms. Mikulak noted that the NRS study session is March 21 and the week of March 18 is NRS Blitz week which including a City Council study session and 4 public open houses ending with the PC study session. She mentioned more information can be found at www.ci.wheatridge.co.us/nrs**

Commissioner LARSON asked who will be in attendance at the PC study session.

Ms. Mikulak said the czb consultant, some of the steering committee members, staff and co-chairs. The meeting will be televised and is a public meeting.

Commissioner LARSON asked if the Commissioners will be asked to make recommendations.

Ms. Mikulak input from the Commissioners will be needed for draft recommendations for the final report especially if they include code amendments or programs and the committee would like the Commissioners reactions to the recommendations.

10. ADJOURNMENT

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to adjourn the meeting at 8:40 p.m.

Motion passed 8-0.



Scott Ohm, Acting Chair



Tammy Odean, Recording Secretary

Janelle Shaver

From: Kristi Davis
Sent: Monday, April 1, 2019 6:39 PM
To: RL Norman; Zachary Urban
Cc: Janelle Shaver
Subject: RE: Invitation to attend community meeting regarding development at 40th & Upham St.

Good Evening,

Thank you so much for the email and the invitation. I appreciate that you are out discussing these matters with your neighbors and in the community. This item is a quasi-judicial matter so unfortunately we are unable to attend, as all public comment and feedback needs to be shared with and heard by the entire council. I do hope you have a good attendance at the meeting on the 8th. I have shared this with Ms. Shaver so that she can make this a part of the records.

Thanks again Kristi

Kristi Davis
City Council District II
Phone: 303-981-8809



From: RL Norman <rlnormanpowell@gmail.com>
Sent: Monday, April 1, 2019 6:13 PM
To: Kristi Davis <KDavis@ci.wheatridge.co.us>; Zachary Urban <zurban@ci.wheatridge.co.us>
Subject: Invitation to attend community meeting regarding development at 40th & Upham St.

Councilwoman Davis and Councilman Urban,

Recently a group of residents have been meeting regularly to discuss the proposed development at 40th and Upham (for the record, we live at 4110 Upham St.). Below is an email to my husband (who attended) identifying some of group's concerns. More of this conversation can be found on Nextdoor — a sort of neighborhood social media platform I encourage you as council members to join — under a thread titled "Rezoning."

I invite you to attend the group's next meeting, scheduled for this Saturday, April 6, 1:00PM at the Wheat Ridge Co-op (7250 W. 38th Ave.) to hear concerns and provide accurate information. I also encourage you to invite a representative from the developer to attend for the same reason.

The primary issues seem to be density, the effect of the development on traffic, and the aesthetics of the buildings. I admit to sharing that last concern as the conceptual elevation included in the email does not resemble the documents presented at the Planning Commission's January meeting. If the drawing from the email is accurate, then there is a sort of bait-and-switch element here that arouses suspicion of both the developer's intent and City Council's transparency.

It has also been mentioned that once City Council approves the development, the developer is free to ask for — and be granted without public notice — variances to bulk plane requirements, height restrictions, stormwater management and number of units. It would be most unfortunate if these fears were realized; residents would most likely see that as affirmation that their elected representatives do not have their best interests in mind.

Perhaps you can address these concerns and thereby address what, from my point of view, appears to be a growing level of misinformation, disquiet and distrust.

Sincerely,

R. Norman & Bill Powell
303.332.7451

Begin forwarded message:

From: Better Wheat Ridge <betterwheatridge@gmail.com>
Date: March 31, 2019 at 3:45:41 PM MDT
To: Better Wheat Ridge <betterwheatridge@gmail.com>
Subject: Important City Council Meeting coming up

Dear Neighbors,

Please plan to come to the WR City Council Meeting on Monday, April 8, at 7:00 PM.

WE NEED A BIG TURNOUT! BRING YOUR FRIENDS AND NEIGHBORS!

The Council is set to vote on and hear several Important issues:

- A vote on the sale of Discovery Park land to CVS of construction of a building up to 50 feet tall,
- A vote on the rezoning of a 2-acre property at 45th and Tabor to PRD, which will allow the construction of up to 42 “townhomes” (slot homes are coming to Wheat Ridge!),
- A hearing and vote on the proposed rezoning of properties at 40th and Upham to PRD which will allow the construction 38 “townhomes” on 1.8 acres (SLOT HOMES ARE COMING TO WHEAT RIDGE!). Here is an image of the proposed construction on Upham:



The properties to be rezoned are currently zoned R-3 which could be used to construct single-family patio homes rather than the high-density housing that is proposed. As a matter of fact, a regular, single-family home was recently built nearby which proves that such homes continue to be desirable and economically feasible as new construction. The construction of this high-density housing is driven simply by greed to make the maximum profit without regard for our community.

Although the Public Hearing on the sale of Park land is closed (there will be no opportunity for citizens to speak at the meeting on this topic), you can still contact City Council representatives and voice your opinion on this issue prior to the City Council Meeting. Below is a list of WR City Council persons and their contact information.

District 1
David Kueter
(720) 244-1751

Janece Hoppe
(720) 556-9425
jhoppe@ci.wheatridge.co.us

District 2
Kristi Davis
(303) 757-8488
kdavis@ci.wheatridge.co.us
Zachary Urban
(720) 252-5930
zurban@ci.wheatridge.co.us

District 3
Amanda Weaver
(303) 725-8748
aweaver@ci.wheatridge.co.us
George Pond
(303) 880-8729
gpond@ci.wheatridge.cous

District 4
Larry Mathews

(303) 396-5201
lmathews@ci.wheatridge.co.us
Leah Dozeman
(720) 301-9598
ldozeman@ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 19-2019 – A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT PLAN (SDP) FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WZ-18-18 / RIDGETOP VILLAGE)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☒ YES

☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of a Specific Development Plan (SDP) for property located at 4000 to 4066 Upham Street. Approval of an SDP is the second step in the City's approval process for a Planned Residential Development; it provides site plan and design details for the subject property.

PRIOR ACTION:

Planning Commission heard this request at a public hearing on February 7, 2019. Planning Commission gave a recommendation of approval for the SDP for the following reasons:

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

With the following conditions:

1. All minor corrections occur prior to City Council public hearing.
2. Prior to SDP and subdivision recordation the applicant enters into a formal agreement with any necessary easements with Jefferson County Public Schools as required by the City.

All minor corrections have been addressed, so the first condition is not included in City Council's recommended motion. The second condition is recommended as part of the subdivision approval. The staff report and meeting minutes from the February 7 Planning Commission (PC) meeting are attached to the preceding CAF for Council Bill 02-2019.

FINANCIAL IMPACT:

Fees in the amount of \$1,500.00 were collected for the review and processing of Case No. WZ-18-18. Parkland fees in lieu of land dedication in the amount of \$84,907.86 will be paid prior to the issuance of any building permits, as will typical building permit fees and associated use tax.

BACKGROUND:

For background information regarding the property, please refer to the Council Action Form for Council Bill 02-2019 which relates to the proposed rezoning and Outline Development Plan (ODP). The ODP includes general development parameters, whereas the Specific Development (SDP) provides details regarding site design, building design, landscaping, lighting, and utilities. Key components of the site design are described here. The SDP plan set as well as colored three-dimensional renderings are included with the Planning Commission staff report.

Proposed Development

Site Design

The 38 proposed townhomes are distributed among nine buildings ranging in size from two to six units. There is some variety among unit widths, but the applicant has modified the design to ensure that all units accommodate a standard width, alley-loaded, two-car garage. In addition, all townhomes have front yards, which is a unique feature amid the townhome developments the City has recently reviewed.

Landscaping / Open Space

The alleys are arranged in a grid and are designed at the minimum possible width to allow more open space elsewhere in front yards and in a central community park. The central park feature and emphasis on open space distinguish this project and are best illustrated in the colored renderings attached to the PC report. The project exceeds the minimum requirements in terms of plant material with 8 street trees along Upham and 42 trees within the site (where only 25 are required by code). Landscape areas include a mix of sod and planting beds. The SDP prescribes the landscaping in the "public" areas including along walking paths, along the perimeter, and within the park. All front yards include patios and landscape beds and may be further customized to include additional patio space or dog-friendly artificial turf.

Parking

The project provides 76 garage spaces, 9 off-street visitor spaces (including one accessible space), and 8 on-street spaces for a total of 93 spaces in and adjacent to the site. The applicant has responded to staff requests to reduce the size of the central park in order to provide off-street spaces. The developer will be responsible for constructing curb, gutter, and attached sidewalk along Upham where none exists today, and the consolidation of four existing driveways to two increases the existing on-street parking by two spaces.

Architecture

The townhomes are proposed to be three stories in height, and the architectural style is intended to include traditional and contemporary design features with elements of mid-century modern design. The elevations include abundant windows, and variations in the roofline include shed and gable designs. Materials include brick with horizontal and vertical siding. Colors palettes vary to provide interest among the buildings, including two different bricks and several siding and accent colors. Front elevations have variation in plane depth through offsets in the building façade, recessed entries and window bays, and incorporation of balconies. Publicly visible side and rear elevations, including those adjacent to the central park and to Upham also feature enhanced elevations with additional material changes and inset garage doors.

Drainage

The site is relatively flat and there is no storm sewer in Upham Street, so the applicant has worked closely with Jeffco Public Schools to coordinate shared use of an existing detention facility immediately east of the site on the school district's property. The school district has provided written consent to this arrangement and an access and maintenance agreement is prepared to be executed if the project is approved by the City. The developer will be responsible for slight modifications to the existing detention design to accommodate the additional volume from the townhome project.

SDP Criteria for Review

The request appears to comply with the SDP criteria in Section 26-305 of the code, and staff makes the following findings based on the criteria:

- The proposed specific development plan is consistent with the purpose of a planned development. The purpose of utilizing planned development zoning is to provide flexibility while accommodating well-designed, innovative developments that demonstrate efficient use of land and may not be feasible under a standard zone district. The SDP achieves these goals and proposes a particularly unique townhome development with an emphasis on front yard and shared open space that promotes a neighborhood-like character within the development.
- The proposed specific development plan is consistent with the design intent or purpose of the approved outline development plan.
- The proposed uses indicated in the specific development plan are consistent with the uses approved by the outline development plan.

- The site is appropriately designed and is consistent with the development guidelines established in the outline development plan.
- Adequate infrastructure/facilities are available to serve the subject property, or the applicant will upgrade and provide such where they do not exist or are under capacity.
- The proposed specific development plan is in substantial compliance with the applicable standards set forth in the *Architectural and Site Design Manual*, *Streetscape Design Manual*, and other applicable design standards.

RECOMMENDATIONS:

Based on compliance with the SDP review criteria, staff is recommending approval of this request.

RECOMMENDED MOTION:

“I move to approve Resolution No. 19-2019, a resolution approving a Specific Development Plan for property located at 4000-4066 Upham Street, for the following reasons:

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

Or,

“I move to deny Resolution No. 19-2019, a resolution approving a Specific Development Plan for property located at 4000-4066 Upham Street,, for the following reasons:

- 1.
- 2.
3. ”

REPORT PREPARED/REVIEWED BY:

Lauren Mikulak, Planning Manager
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 19-2019

**CITY OF WHEAT RIDGE
RESOLUTION NO. 19
Series of 2019**

**TITLE: A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT
PLAN FOR PROPERTY LOCATED AT 4000-4066 UPHAM
STREET (CASE NO. WZ-18-18 / RIDGETOP VILLAGE)**

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of requests for land use cases; and,

WHEREAS, Upham Partners, LLC submitted a land use application for approval of a Specific Development Plan for property at 4000, 4042, 4062, and 4066 Upham Street; and,

WHEREAS, the Specific Development Plan will allow for reinvestment in the community and provisions of townhomes that fulfill a key value of the Comprehensive Plan by diversifying the housing stock; and,

WHEREAS, all requirements for a Specific Development Plan have been met; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:

THE SPECIFIC DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WZ-18-18 / RIDGETOP VILLAGE) IS HEREBY APPROVED FOR THE FOLLOWING REASONS:

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

DONE AND RESOLVED by the City Council this 8th day of April, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

ATTACHMENT 1

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 20-2019 – A RESOLUTION APPROVING A MAJOR SUBDIVISION FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WS-18-02 / RIDGETOP VILLAGE)

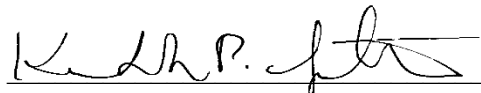
☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☒ YES

☐ NO



Community Development Director



City Manager

ISSUE:

The applicant is requesting approval of a major subdivision for property located at 4000 to 4066 Upham Street. The purpose of this request is to establish lot lines, tracts, easements, and right-of-way dedications for the proposed townhome development.

PRIOR ACTION:

Planning Commission heard this request at a public hearing on February 7, 2019. Planning Commission gave a recommendation of approval for the subdivision plat for the following reasons:

1. All requirements of the subdivision regulations have been met.
2. The plat is consistent with zoning on the property.
3. Utility districts can serve the property with improvements installed at the developer's expense.

With the following conditions:

1. Sheet 2 shall be updated prior to the City Council public hearing to remove the existing parcel line between 4062 and 4066 Upham Street.
2. Note 4 shall be updated prior to recordation to indicate the current zoning as PRD.

3. The applicant shall continue to coordinate utility service with the appropriate agencies and any updated information regarding dry utility easements shall be reflected on the plat at recordation.
4. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.
5. The developer shall pay parks fees at the time of plat recording in the amount of \$84,907.86.
6. The Homeowners' Association covenants and/or metropolitan district service plan shall be reviewed by Staff prior to issuance of a building permit.
7. All minor corrections occur prior to City Council public hearing.
8. Prior to SDP and subdivision recordation the applicant enters into a formal agreement with any necessary easements with Jefferson County Public Schools as required by the City.

Some conditions have been addressed by the applicant, and those which have been addressed are not included in City Council's recommended motion. The staff report and meeting minutes from the February 7 Planning Commission meeting are attached to the preceding CAF for Council Bill 02-2019.

FINANCIAL IMPACT:

Fees in the amount of \$1,400 were collected for the review and processing of Case No. WS-18-02. Park land fees in lieu of land dedication in the amount of \$84,907.86 will be due prior to issuance of building permits. Building permit fees and use tax will be paid for each of the townhome building permits.

BACKGROUND:

Please refer to the Council Action Form for Council Bill 02-2019 for background information regarding the property. The subdivision plat prepares land for development by establishing lot lines, dedicating right-of-way, and establishing easements. Key components of the subdivision are described here. The three-page plat document is included with the Planning Commission staff report.

Lot Configuration

The proposed lot layout corresponds to the SDP with establishment of 38 townhome lots. Because of the proposed yard spaces, the lots are larger than the building footprints, and several lots are irregular in shape or oversized because they include additional side yard space. A plat note on the cover sheet restricts the property from being developed as anything other than attached townhomes.

Tract Configuration

A series of nine tracts are established for a variety of purposes in the development. The purpose of each tract is noted in a table on sheet one of the plat. The tracts accommodate sidewalks, plantings, alleys, parking, the community park, and the right-of-way (ROW) dedication along Upham Street.

The ROW dedication will accommodate construction of the City's local street standard, including on-street parking, curb, gutter, and an attached 5-foot sidewalk. The southern portion of the ROW dedication is wider and effectively dedicates the eastern half of Upham Street because it was never officially deeded to the City and has existed as a prescriptive easement.

Easements

The third sheet of the proposed subdivision shows the easements that traverse the site. Wheat Ridge is not a full-service city, so the applicant has been actively working with utility providers to identify where wet and dry utility service will be located. Some easements are shown on the plat, and some will be created by separate document. Drainage easements are provided at the far eastern end of the property where inlet structures convey flows to the offsite detention facility. A note on the cover sheet provides a blanket cross access easement over all tracts within the property boundary, including for alleys, sidewalks and the park.

Homeowners' Association / Metropolitan District

The City typically requires formation of a Homeowners' Association (HOA) to maintain tracts within a subdivision. A standard condition of approval requires staff review of HOA covenants to ensure maintenance of common areas and drainage. The applicant has been working to form a metropolitan district to serve this function. Formation of such a district would be subject to City Council review and approval; review of the service plan is tentatively scheduled for May 2019.

Fees in Lieu of Parkland

Pursuant to Section 26-414 of the Code of Laws, parkland dedication is required for all new residential subdivisions. When land is not dedicated for a public park, a fee in lieu of parkland is required. The park for the project is not a public park and does not fulfill this requirement. Credit is given, however, for the four pre-existing single-family homes, so the total fee owed will be \$84,907.86. This fee is required to be paid at the time of plat recording as a condition of approval.

RECOMMENDATIONS:

A subdivision plat is a technical document and review is a ministerial action. The plat complies with the requirements of the subdivision regulations (Article VII in Chapter 26 of the Municipal Code) and is consistent with the proposed ODP and SDP. For that reason, staff is recommending approval of the request.

RECOMMENDED MOTION:

"I move to approve Resolution No. 20-2019, a resolution approving a major subdivision for property located at 4000-4066 Upham Street, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.

4. All agencies can provide services to the property with improvements installed at the developer's expense.

and with the following conditions:

1. Note 4 shall be updated prior to recordation to indicate the zoning as PRD.
2. The applicant shall continue to coordinate utility service with the appropriate agencies and any updated information regarding dry utility easements shall be reflected on the plat at recordation.
3. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.
4. The developer shall pay parks fees at the time of plat recording in the amount of \$84,907.86.
5. The Homeowners' Association covenants and/or metropolitan district service plan shall be reviewed by Staff prior to issuance of a building permit.
6. Prior to recordation the applicant shall enter into a formal agreement with Jefferson County Public Schools as required by the City.

Or,

"I move to deny Resolution No. 20-2019, a resolution approving a major subdivision for property located at 4000-4066 Upham Street,, for the following reasons:

- 1.
- 2.
3. "

REPORT PREPARED/REVIEWED BY:

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 20-2019

CITY OF WHEAT RIDGE, COLORADO
Resolution No. 20
Series of 2019

TITLE: A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET (CASE NO. WS-18-02 / RIDGETOP VILLAGE)

WHEREAS, Chapter 26, Articles I and IV of the Wheat Ridge Code of Laws establish the procedures for the City's review and approval of variance requests and subdivision plats; and,

WHEREAS, an application for a subdivision plat was received from Upham Partners, LLC to subdivide property located at the 4000-4066 Upham Street; and,

WHEREAS, all referral agencies have reviewed the request and do not have concerns; and,

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

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

A MAJOR SUBDIVISION PLAT FOR PROPERTY LOCATED AT 4000-4066 UPHAM STREET IS HEREBY APPROVED, FOR THE FOLLOWING REASONS:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.

and with the following conditions:

1. Note 4 shall be updated prior to recordation to indicate the zoning as PRD.
2. The applicant shall continue to coordinate utility service with the appropriate agencies and any updated information regarding dry utility easements shall be reflected on the plat at recordation.
3. The developer shall enter into a subdivision improvement agreement prior to recordation of the subdivision plat.
4. The developer shall pay parks fees at the time of plat recording in the amount of \$84,907.86.
5. The Homeowners' Association covenants and/or metropolitan district service plan shall be reviewed by Staff prior to issuance of a building permit.

6. Prior to recordation the applicant shall enter into a formal agreement with Jefferson County Public Schools as required by the City.

DONE AND RESOLVED by the City Council this 8th day of April, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 03-2019 – AN ORDINANCE AMENDING SECTIONS 2-53 AND 11-52.5 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING APPOINTEES TO BOARDS AND COMMISSIONS AND THE LIQUOR LICENSING AUTHORITY

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (02/25/2019)
☒ ORDINANCES FOR 2ND READING (04/08/2019)
(rescheduled from 03/25/2019)


QUASI-JUDICIAL:

☐ YES

☒ NO



City Attorney



City Manager

ISSUE:

Consideration of an ordinance permitting the Council to appoint out-of-district members to the local liquor licensing authority in the event that no qualified in-district residents apply, and requiring in-district appointments, if available, for all boards and commissions upon the expiration or vacation of an out-of-district member's term.

PRIOR ACTION:

A consensus was reached by City Council at the February 4, 2019 study session to direct the City Attorney to draft this ordinance.

FINANCIAL IMPACT:

None

BACKGROUND:

Recently, and at various times in the past, there have been occasions when no applications have been received from qualified members of the public for various boards and commissions and the liquor authority, because the applicant(s) does not reside in the particular Council district in

which the vacancy occurs. Code section 2-53 already permits Council to make an out-of-district appointment in such cases, but section 11-52.5 does not. This ordinance gives Council the same authority in making liquor board appointments as it has for boards' and commissions' appointments.

Additionally, the ordinance makes it clear that, in the event an out-of-district appointment for the authority or a board or commission seat is necessitated by the lack of in-district applicants, the reappointment of said out-of-district appointee will not occur if eligible in-district applicants are available.

RECOMMENDATIONS:

Adopt the attached ordinance on second reading.

RECOMMENDED MOTION:

"I move to amend Section 4 of Council Bill No. 03-2019, an ordinance amending Sections 2-53 and 11-52.5 of the Wheat Ridge Code of Laws concerning appointees to Boards and Commissions and to the Liquor Licensing Authority by providing for the ordinance to be effective immediately, and as amended on second reading, to adopt the same."

Or,

"I move to postpone indefinitely Council Bill No. 03-2019, an ordinance amending Sections 2-53 and 11-52.5 of the Wheat Ridge Code of Laws concerning appointees to Boards and Commissions and to the Liquor Licensing Authority for the following reason(s):
_____."

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 03-2019

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER URBAN
COUNCIL BILL NO. 03
ORDINANCE NO. _____
Series 2019**

**TITLE: AN ORDINANCE AMENDING SECTIONS 2-53 AND 11-52.5
OF THE WHEAT RIDGE CODE OF LAWS CONCERNING
APPOINTEES TO THE BOARDS AND COMMISSIONS AND
THE LIQUOR LICENSING AUTHORITY**

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

WHEREAS, pursuant to its home rule authority and § 31-23-101, C.R.S., 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 therefore has adopted the Wheat Ridge Code of Laws (the “Code”); and

WHEREAS, the Council previously enacted Code § 2-53, concerning the appointments to City Boards and Commissions, and Code § 11-52.5, establishing its local liquor licensing authority (the “Authority”) and providing for the appointment of members thereto; and

WHEREAS, the Council now wishes to amend the Code to permit the appointment of non-district members to the Authority and confirming the preference for district representation upon re-appointment for all boards, commissions and the Authority.

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

Section 1. Subsection 2-53(c) of the Wheat Ridge Code of Laws concerning appointment of board and commission members is hereby amended as follows:

Sec. 2-53. Qualifications of members; appointment and term; removal; vacancies.

- (c) Members of boards and commissions shall serve terms of three (3) years, and such members may be reappointed to serve additional three-year terms of office. All appointments to all boards and commissions shall be made to achieve equal representation from each council district to each board or commission. If, after reasonable advertisement, no applications are received from residents within the relevant council district for a vacancy on any board or commission, the council may appoint any otherwise qualified resident. UPON THE VACATION OR EXPIRATION OF AN OUT-OF-DISTRICT MEMBER’S INITIAL TERM, THE COUNCIL SHALL NOT REAPPOINT SAID MEMBER UNLESS NO QUALIFIED IN-DISTRICT RESIDENTS HAVE

APPLIED FOR THAT SEAT ON THE BOARD OR COMMISSION. Except as provided HEREIN AND in subsection (e) hereof, all members of boards or commissions presently serving shall be entitled to complete the terms for which they were appointed and shall be subject to reappointment at the discretion of city council.

Section 2. Subsection 11-52.5(b) of the Wheat Ridge Code of Laws concerning Authority members' appointments is hereby amended as follows:

Sec. 11-52.5. - Liquor licensing authority established.

(b) The licensing authority for the City of Wheat Ridge shall consist of eight (8) qualified electors of the city, two (2) from each of the four (4) council districts of the city, who shall be appointed by the city council. IF, AFTER REASONABLE ADVERTISEMENT, NO APPLICATIONS ARE RECEIVED FROM RESIDENTS WITHIN THE RELEVANT COUNCIL DISTRICT FOR A VACANCY ON THE LIQUOR LICENSING AUTHORITY, THE COUNCIL MAY APPOINT ANY OTHERWISE QUALIFIED RESIDENT. UPON THE VACATION OR EXPIRATION OF AN OUT-OF-DISTRICT MEMBER'S INITIAL TERM, THE COUNCIL SHALL NOT REAPPOINT SAID MEMBER UNLESS NO QUALIFIED IN-DISTRICT RESIDENTS HAVE APPLIED FOR THAT SEAT ON THE LIQUOR LICENSING AUTHORITY. In order to stagger the terms of the licensing authority members, one of the first two (2) members REPRESENTING ~~from~~ each council district shall be appointed for a three-year term and one shall be appointed for a two-year term. The length of term for the first licensing authority members shall be determined by lot. Except in the event that a member is appointed to fill a vacancy as provided in subsection (j), all subsequent appointments shall be for three-year terms.

Section 3. 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 4. 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 25th day of February, 2019, 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 March 25, 2019, rescheduled to April 8, 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 _____, 2019.

SIGNED by the Mayor on this ____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: February 28, 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. 04-2019 – AN ORDINANCE AMENDING SECTIONS 11-51, 11-52, 11-53, 11-56, 11-63, 11-64 AND 17-27 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE LICENSING AND USE OF ALCOHOL BEVERAGES AND MAKING ADDITIONAL HOUSEKEEPING REVISIONS TO SAID CODE UPDATING STATUTORY CITATIONS TO CONFORM TO RECENT LEGISLATIVE CHANGES


☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (03/11/2019)
☒ ORDINANCES FOR 2ND READING (04/08/2019)
(rescheduled from 03/25/2019)


QUASI-JUDICIAL:

☐ YES

☒ NO



City Attorney



City Manager

ISSUE:

Consideration of an ordinance updating the Wheat Ridge Code to reflect amendments to the state's Liquor and Beer Codes.

PRIOR ACTION:

At its February 25, 2019 study session, the Council reached consensus to bring this ordinance forward.

FINANCIAL IMPACT:

N/A

BACKGROUND:

Over the last few years, the Colorado legislature has adopted a number of bills amending state Liquor and Beer codes, with the effective date being 1/1/2019.

Additionally, a bill was passed in 2018 that created a new Title 44, entitled *Revenue – Regulation of Activities*. This new Title contains the state’s revised liquor laws, formerly located in Title 12, C.R.S., and necessitates updating and making conforming changes to the Wheat Ridge Code, as it makes numerous references to now out-of-date statutory sections. Non-substantive and other uncontroversial revisions and the updating of new statutory references adopted over the last few years have been included in the attached ordinance.

RECOMMENDATIONS:

Adopt the attached ordinance on second reading.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 04-2019, an ordinance amending Sections 11-51, 11-52, 11-53, 11-56, 11-63, 11-64 and 17-27 of the Wheat Ridge Code of Laws concerning the licensing and use of alcohol beverages and making additional housekeeping revisions to said Code updating statutory citations to conform to recent legislative changes on first reading, order it published, public hearing set for Monday, March 25, 2019, rescheduled to April 8, 2019, at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication.

REPORT PREPARED BY:

Gerald Dahl, City Attorney

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 04-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER KUETER
COUNCIL BILL NO. 04
ORDINANCE NO. _____
Series 2019

TITLE: AN ORDINANCE AMENDING SECTIONS 11-51, 11-52, 11-53, 11-56, 11-63, 11-64 AND 17-27 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE LICENSING AND USE OF ALCOHOL BEVERAGES AND MAKING ADDITIONAL HOUSEKEEPING REVISIONS TO SAID CODE UPDATING STATUTORY CITATIONS TO CONFORM TO RECENT LEGISLATIVE CHANGES

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, the Council has previously adopted laws governing the regulation of liquor licensing and consumption consistent with state law; and

WHEREAS, the Colorado legislature has recently adopted bills amending the Colorado Revised Statutes as they pertain to its liquor code, beer code, and other related codes, and have adopted a new Title 44, entitled "Department of Revenue Activities Regulation Act," which requires conforming changes to the Wheat Ridge Code of Laws;

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

Section 1. Section 11-51 is amended to read as follows:

Sec. 11-51. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALCOHOL BEVERAGE MEANS FERMENTED MALT BEVERAGES OR MALT, VINOUS, OR SPIRITUOUS LIQUORS; EXCEPT THAT ALCOHOL BEVERAGE SHALL NOT INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS PRESCRIBED BY C.R.S. §25-5-410(1)(i)(II).

Applicant means and includes:

- (1) If an individual, OR A HUSBAND AND WIFE, that person OR PERSONS making an application for a license ~~under this chapter~~;
- (2) If a partnership, ~~ALL the~~ partners, ANY OFFICERS, AND ANY MEMBERS owning ten (10) percent or more INTEREST IN ~~of the partnership which is making application for a license under this chapter~~;
- (3) If a corporation, the president, vice-president, secretary, treasurer, ~~the~~ directors, ~~manager~~MANAGING OFFICER, and each stockholder owning ten (10) percent or more of the stock of the corporation; ; AND
- (4) IF AN ASSOCIATION, ORGANIZATION, OR COMPANY NOT LISTED ABOVE, ITS OFFICERS, DIRECTORS, AND ANY OF ITS MEMBERS OWNING A TEN (10) PERCENT OR MORE INTEREST THEREIN.

Authority or licensing authority means the liquor licensing authority of the city.

FERMENTED MALT BEVERAGE Beer, 3.2 percent means BEER AND ANY OTHER BEVERAGE OBTAINED BY THE FERMENTATION OF ANY INFUSION OR DECOCTION OF BARLEY, MALT, HOPS, OR ANY SIMILAR PRODUCT OR ANY COMBINATION THEREOF IN WATER CONTAINING NOT LESS THAN ONE-HALF OF ONE ~~any fermented malt beverages as herein defined containing not more than three point two (0.5 3.2)~~ percent of alcohol by VOLUME ~~weight~~.

Immediate family means spouse, mother, father, children, brothers, sisters, mother-in-law, father-in-law, brothers-in-law, or sisters-in-law.

Investigator means a member of the Wheat Ridge Police Department.

Malt liquors INCLUDES means beer and MEANS any ~~other~~ beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products, or any combination thereof, in water, containing NOT LESS THAN ONE-HALF OF ONE ~~more than three point two (0.5 3.2)~~ percent of alcohol by VOLUME ~~weight~~.

Manager includes the person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this chapter.

Medicinal liquors means any liquor sold by a duly licensed pharmacist or drugstore solely on a bona fide doctor's prescription.

Operator means a person licensed by law to sell FERMENTED MALT BEVERAGES OR malt, vinous, or spirituous liquors, other than medicinal liquors, for beverage purposes at retail, and who is engaged at any time during the calendar year in such operation in the city.

Spirituous liquors means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin, POWDERED ALCOHOL, and every liquid or solid, patented

or not, containing AT LEAST ONE-HALF OF ONE PERCENT alcohol BY VOLUME and which IS ~~are~~ fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as ~~above~~ provided IN THIS SECTION, shall not be construed to be FERMENTED MALT OR malt or vinous liquors, but shall be construed to be spirituous liquors.

Vinous liquors means wines, INCLUDING SAKE, and fortified wines THAT: (1) CONTAIN NOT LESS THAN ONE- HALF OF ONE (0.5) PERCENT AND not MORE THAN ~~exceeding~~ twenty-one (21) percent ~~of~~ alcohol by volume; and (2) ARE PRODUCED ~~shall be construed to mean alcoholic beverages obtained by the~~ fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

All other words and phrases used in this chapter shall have the meanings attached by the Colorado Statutes regulating the sale of ALCOHOL BEVERAGES ~~liquor~~, or if not otherwise defined by law, as used in their common, ordinary and accepted sense and meaning.

Section 2. Section 11-52 is amended to read as follows:

Sec. 11-52. - Purpose.

In pursuance of the authority conferred by C.R.S. Aarticles 3, 4 AND 5 ~~46, 47 and 48~~ of Title 44 ~~12, C.R.S., 1997 Volume~~, this chapter is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the city by regulating, controlling and licensing the sale of malt, vinous or spirituous liquors and fermented malt beverages.

Section 3. Subsection 11-53 (b) is amended to read as follows:

Sec. 11-53. - Governance by state laws, rules and regulations.

- (b) Notwithstanding the provisions in subsection (a) to the contrary, the distance restrictions imposed by C.R.S. § 44-3-313(1)(d) ~~12-47-313(1)(d)(I)~~ prohibiting the sale of ALCOHOL BEVERAGES ~~malt, vinous or spirituous liquor~~ within five hundred (500) feet of any public or parochial school or the principal campus of any college, university or seminary, are eliminated for all hotel and restaurant licenses, beer and wine licenses, brew pub licenses, DISTILLERY PUB LICENSES, arts licenses, and vintner's restaurant licenses issued pursuant to this article.

Section 4. Section 11-56 is amended to read as follows:

Sec. 11-56. - Alcohol beverage tastings.

- (a) Subject to the limitations of this section, alcohol beverage tastings are permitted within the city. For the purposes of this section "tastings" means the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the licensee pursuant to the provisions of this section and C.R.S. § 44-3-301(10). ~~Section 12-47-301(10), C.R.S.~~

- (b) A retail liquor store or liquor-licensed drugstore licensee who wishes to conduct tastings may submit an application or application renewal for that purpose to the liquor licensing authority. The applicant for a tastings permit shall state on the application the days and times that tastings will occur. The applicant shall give at least twenty-four (24) hours' prior notice to the CITY CLERK'S OFFICE AND THE police department of any deviations in the tastings schedule as set forth in the application. The liquor licensing authority may grant, grant with restrictions, or reject the application if the applicant fails to establish that he or she is able to conduct tastings without violating the provisions of this section, OR C.R.S. § 44-3-301(10) ~~Section 12-47-310(10), CRS,~~ or creating a public safety risk to the neighborhood. The liquor licensing authority shall establish its own application procedure and shall charge a reasonable application fee. The liquor licensing authority may delegate review and decision on the application to its clerk or administrative official.
- (c) Tastings ARE ~~shall be~~ subject to the following limitations:
- (1) Tastings shall be conducted only:
 - a. BY A PERSON WHO: HAS ~~by a person who has~~ completed a server training program that meets the standards established by the liquor enforcement division in the department of revenue and IS ~~who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or~~ A REPRESENTATIVE, EMPLOYEE, OR AGENT OF THE LICENSED WHOLESALER, BREW PUB, DISTILLERY PUB, MANUFACTURER, LIMITED WINERY, IMPORTER, OR VINTNER'S RESTAURANT PROMOTING THE ALCOHOL BEVERAGES FOR THE TASTING; AND ~~an employee of a licensee, and only on a licensee's licensed premises.~~
 - b. ON A LICENSEE'S LICENSED PREMISES.
 - (2) The alcohol BEVERAGE used in tastings MUST ~~shall be~~ purchased through a licensed wholesaler, licensed brew pub, LICENSED DISTILLERY PUB, or winery licensed pursuant to C.R.S. § 44-3-403 AT A COST THAT IS NOT LESS THAN THE LAID-IN COST OF THE ALCOHOL BEVERAGE ~~Section 12-47-403 CRS.~~
 - (3) The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (½) ounce of spirituous liquor.
 - (4) Tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive.
 - (5) THE LICENSEE MAY CONDUCT Tastings ~~shall be conducted~~ only during the operating hours in which the licensee on whose

premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.

- (6) The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
 - (7) The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises, ~~or shall~~ destroy the samples immediately following the completion of the tasting, OR STORE ANY OPEN CONTAINERS OF UNCONSUMED ALCOHOL BEVERAGES IN A SECURE AREA OUTSIDE THE SALES AREA OF THE LICENSED PREMISES FOR USE AT A TASTING CONDUCTED AT A LATER TIME OR DATE.
 - (8) The licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.
 - (9) The licensee shall not serve more than four (4) individual samples to a patron during a tasting.
 - (10) Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
 - (11) THE LICENSEE MAY CONDUCT Tastings ~~ON may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred FIFTY-SIX four (156-104) days per year.~~
 - (12) No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The RETAIL LIQUOR STORE OR LIQUOR-LICENSED DRUGSTORE licensee ~~shall bear~~ the financial and all other responsibility for a tasting CONDUCTED ON ITS LICENSED PREMISES.
- (D43) A violation of a limitation specified in this section, OR C.R.S. § 44-3-301(10) ~~Section 12-47-301(10) CRS or Section 12-47-801 (CRS)~~ by a retail liquor store or LIQUOR-LICENSED drug licensee, whether by THE LICENSEE'S ~~his or her~~ employees, agents, or otherwise, ~~shall be~~ OR BY A REPRESENTATIVE, EMPLOYEE, OR AGENT OF THE LICENSED WHOLESALER, BREW PUB, DISTILLERY PUB, MANUFACTURER, LIMITED WINERY, IMPORTER, OR VINTNER'S RESTAURANT THAT PROMOTED THE ALCOHOL BEVERAGES FOR TASTING, IS the responsibility of, AND C.R.S. 44-3-801 APPLIES TO, the retail liquor store or liquor-licensed drugstore licensee THAT CONDUCTED ~~who is conducting~~ the tasting.

- (E14) A retail liquor store or liquor-licensed drugstore licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee.
- (F) NOTHING IN THIS SECTION SHALL AFFECT THE ABILITY OF A COLORADO WINERY LICENSED PURSUANT TO C.R.S. § 44-3-402 OR 44-33-403 TO CONDUCT A TASTING PURSUANT TO THE AUTHORITY OF C.R.S. §44-3-402(2) OR 44-3-403(2)(e).

Section 5. Section 11-63 is amended to read as follows:

Sec. 11-63. - Classification of operators.

The business of selling at retail any FERMENTED MALT BEVERAGE OR ~~three point two (3.2) percent beer, malt,~~ vinous or spirituous liquor other than medicinal liquors for beverage purposes is hereby defined and separately classified as such occupation for the purpose of this chapter as follows:

- (1) *Class "C" operators.* All operators licensed to sell ALCOHOL BEVERAGES ~~malt, vinous or spirituous liquors~~ as clubs are Class "C" operators.
- (2) *Class "D" operators.* All operators licensed as retail stores to sell in original containers ALCOHOL BEVERAGES, ~~malt, vinous or spirituous liquors~~ for consumption off the premises shall be Class "D" operators.
- (3) *Class "E" operators.* All operators licensed as drugstores to sell ALCOHOL BEVERAGES ~~malt, vinous or spirituous liquors~~ in original containers for consumption off the premises shall be Class "E" operators.
- (4) *Class "F" operators.* All operators licensed to sell malt or vinous liquors only by the drink for consumption on the premises shall be Class "F" operators.
- (5) *Class "G" operators.* All operators who are licensed to sell ALCOHOL BEVERAGES ~~beer, wine and spirituous liquors~~ for consumption on the premises either as BREW PUBS, DISTILLERY PUBS, VINTNER'S RESTAURANTS, hotels AND/or restaurants shall be Class "G" operators.
- (6) *Class "J" operators.* All operators licensed to sell only FERMENTED MALT BEVERAGE ~~three point two (3.2) percent beer~~ shall be classified as follows:
 - a. *Class "J1" operators.* All operators licensed to sell or selling FERMENTED MALT BEVERAGE ~~three point two (3.2) percent beer~~ for consumption off the premises of the licensee shall be Class "J1" operators.
 - b. *Class "J2" operators.* All operators licensed to sell or selling FERMENTED MALT BEVERAGE ~~three point two (3.2) percent~~

~~beer~~ for consumption on the premises of the licensee shall be Class "J2" operators.

~~c. Class "J3" operators. All operators licensed to sell or selling three point two (3.2) percent beer for consumption both on and off the premises of the licensee shall be Class "J3" operators.~~

- (7) *Class "T" operators.* All operators selling ALCOHOL BEVERAGES ~~malt, vinous or spirituous liquors~~, by the drink, only for consumption on the premises; and such operators shall have available for consumption on the premises during business hours, sandwiches and light snacks; but they need not have meals available for consumption.

Section 6. Section 11-64 is amended to read as follows:

Sec. 11-64. - Amount of tax levied.

There is hereby levied and assessed for each year an annual occupation tax upon the business of selling ALCOHOL BEVERAGES ~~three point two (3.2) percent beer, malt, vinous or spirituous liquors~~, except medicinal liquors, in the city, as such occupation has been herein classified as follows:

- (1) For all Class "G" operators, nine hundred dollars (\$900.00).
- (2) For all Class "F" operators, six hundred dollars (\$600.00).
- (3) For all Class "D" operators, six hundred fifty dollars (\$650.00).
- (4) For all Class "E" operators, six hundred dollars (\$600.00).
- (5) For all Class "C" operators, nine hundred dollars (\$900.00).
- (6) For all Class "J-1" operators, seven hundred dollars (\$700.00).
- (7) For all Class "J-2" operators, seven hundred dollars (\$700.00).
- (8) ~~For all Class "J-3" operators, two thousand two hundred dollars (\$2,200.00).~~
- (9) For all Class "T" operators, one thousand three hundred dollars (\$1,300.00).

Section 7. Section 17-27 is amended to read as follows:

Sec. 17-27. – ALCOHOL ~~Alcoholic~~ beverages.

- (a) The storage, sale or consumption of any ALCOHOL BEVERAGE ~~malt, vinous or spirituous liquors~~, as defined by the Colorado Liquor Code, is prohibited in any park, recreation area or recreation building within the city except as specifically provided herein or as may be authorized pursuant to a special event permit issued by the city in accordance with C.R.S., Aarticle 5 48, Ttitle 12 44.
NOTWITHSTANDING THE FOREGOING, Tthe consumption and/or storage of ANY fermented malt beverages is permitted in any park or recreation area within the city so long as, and only so long as, such fermented malt beverage has been purchased in a manner

authorized, and is being consumed by persons permitted, by applicable state law. It shall be unlawful to sell any fermented malt beverage within any park or recreation area within the city unless such sales are made pursuant to a special event permit granted by the city and unless such sales are made in accordance with the Colorado Beer Code.

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

Section 8. The revisions described in Exhibit A, attached hereto and incorporated herein by this reference, shall be included in the codification of the Wheat Ridge Code of Laws in order to conform various cross-references to the Colorado Revised Statutes and to delete obsolete provisions.

Section 9. 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 10. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 11th day of March, 2019, 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 March 25, 2019, rescheduled to April 8, 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 _____, 2019.

SIGNED by the Mayor on this ____ day of _____, 2019.

ATTEST:

Bud Starker, Mayor

Janelle Shaver, City Clerk

Approved as to Form:

Gerald E. Dahl, City Attorney

First Publication: March 14, 2019

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

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

EXHIBIT A

to

**Wheat Ridge City Council Ordinance No. _____, Series 2019, Amending Sections 11-51, 1-52, 11-53, 11-56, 11-63, 11-64 and 17-27 of the Wheat Ridge Code of Laws Concerning the Licensing and Use of Alcohol Beverages and Making Additional Housekeeping Revisions to said Code
Updating Statutory Citations to Conform to Recent Legislative Changes**

In addition to the revisions/updates to the Wheat Ridge Liquor code in Sections 11-51, 11-52, 11-53, 11-56, 11-63, 11-64 and 17-27, the following code sections will be updated as follows:

Sections	Current reference	Revised to Read
3-20(b)	Title 12, Article 46 or Article 47	Title 44, Article 4 or Article 3
9-22. Definitions <i>Bar</i>	Article 47 of Title 12	Articles 3 and 4 of Title 44
11-52.5(a), (f) and (h)	articles 46, 47 and 48 of Title 12	Articles 3, 4 and 5 of Title 44
11-250. Definitions <i>Alcohol beverage</i>	§§12-46-103 and 12-47-103	§§44-4-103 and 44-3-103
11-290(7)	Article XVIII Section 14 of the Colorado Constitution	Article XVIII Section 14 of the Colorado Constitution and C.R.S. §44-11-301 et seq. (concerning municipal authority to license and regulate medical marijuana)
11-291. Definitions <i>Colorado Medical Marijuana Code Licensee</i> <i>Medical marijuana center</i> <i>Medical marijuana testing facility</i> <i>Medical marijuana-infused product manufacturer</i> <i>Optional premises cultivation operation</i>	C.R.S., tit. 12, art.43.3 §12-43.3-402 §12-43.3-402 §12-43.3-405 and 408(1)(a) §12-43.3-404 §12-43.3-403	C.R.S., Title 44. Article 11 §44-11-402 §44-11-402 §44-11-405 and 408(1)(a) §44-11-404 §44-11-403
11-298(b)	§12-43.3-302	§44-11-302
11-400(f)	§12-43.4-101 et seq.	§44-12-101 et seq.

11-401. Definitions <i>Colorado Medical Marijuana Code</i> <i>Colorado Retail Marijuana Code</i> <i>Licensee</i> <i>Medical marijuana center</i> <i>Medical marijuana testing facility</i> <i>Medical marijuana-infused product manufacturer</i> <i>Optional premises cultivation operation</i> <i>Retail marijuana cultivation facility</i> <i>Retail marijuana products manufacturer</i> <i>Retail marijuana store</i> <i>Retail marijuana testing facility</i> <i>State licensing authority</i>	Article 43.3 of Title 12 of the Colorado Revised Statutes Article 43.4 of Title 12 of the Colorado Revised Statutes §12-43.4-401 §12-43.3-402 §12-43.3-405 and 408(1)(a) §12-43.3-404 §12-43.3-403 §12-43.4-403 §12-43.4-404 §12-43.4-402 §12-43.4-405 and §12-43.3-408(1)(a) §12-43.4-201	C.R.S., Title 44. Article 11 C.R.S., Title 44, Article 12 §44-12-402 §44-11-402 §44-11-405 and 408(1)(a) §44-11-404 §44-11-403 §44-12-403 §44-12-404 §44-12-402 §44-12-405 and §44-11-408(1)(a) §44-12-201
11-408(b)	§12-43.4-412	§44-12-302
15-34. Definitions <i>Proscribed act(s)</i> --(2) --(9) --(10) --(11)	gambling on premises, C.R.S. § 18-10-102(7) §§12-46-101 and 12-47-101 §12-25.5-101 et seq. A violation of any provision of the Colorado Massage Parlor Code, C.R.S. § 12-48.5-101, et seq.	gambling, C.R.S. § 18-10-102(2) §§44-4-101 and 44-3-101 §29-11.8-101 et seq. [DELETE – Massage Parlor Code has been repealed.]
16-127(h)(1)	Article 46, 47 or 48 of Title 12	Article 3, 4 or 5 of Title 44
16-177(a)(4)a. and (d)	Article 46, 47 or 48 of Title 12	Article 3, 4 or 5 of Title 44
16-227(a)(5) “WARNING”	“AND ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES”	[DELETE as Colo. Massage Code has been repealed.]
16-235(2)	C.R.S.Title 12, Article 59	C.R.S. Title 23, Article 64
17-42	Article 48, title 12	Article 5, Title 44

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL 05-2019 - AN ORDINANCE AMENDING SECTION 16-132 AND SUBSECTION 16-133(H) OF THE WHEAT RIDGE CODE OF LAWS TO EXEMPT NEEDLE-STICK PREVENTION AND SYRINGE EXCHANGE PROGRAM PARTICIPANTS FROM CRIMINAL PROSECUTION

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☒ ORDINANCES FOR 1ST READING (04/08/2019)
☐ ORDINANCES FOR 2ND READING (04/22/2019)

QUASI-JUDICIAL:

☐ YES

☒ NO



City Attorney



City Manager

ISSUE:

Council Bill 05-2019 provides exemptions from criminal prosecution for individuals who actively alert law enforcement or first responders to the presence of injection devices and for participants in clean syringe exchange programs.

PRIOR ACTION:

At the February 25, 2019, Study Session, Council provided consensus to bring forward an ordinance that conforms the Wheat Ridge Code of Laws to the needle-stick prevention and clean syringe program provisions of state law, currently found in C.R.S. §§ 18-18-428 and 18-18-430.5.

FINANCIAL IMPACT:

No financial impact is projected.

BACKGROUND:

The possession of injection devices, such as needles and syringes, and other paraphernalia and devices that are used to ingest controlled substances has long been unlawful, under both state and

local law. Criminalizing the possession of the devices used to consume illegal drugs is one method of deterring the actual consumption.

Injection devices present a serious threat of harm by their capacity to transfer blood and fluid-borne diseases, some of which can be terminal. As such, state laws have been amended to incentivize individuals who have needles or syringes in their possession to actively alert law enforcement and other first responders to the location of these items. The incentive provided is an exemption from criminal prosecution for possessing the injection device.

State law extends this same exemption to individuals who are participating in a clean syringe exchange program. Exchange programs offer educational and referral resources in addition to clean devices.

RECOMMENDATIONS:

Staff recommends approval of the ordinance on first reading.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 05-2019, an ordinance amending Section 16-132 and Subsection 16-133(H) of the Wheat Ridge Code of Laws to Exempt Needle-Stick Prevention and Syringe Exchange Program participants from criminal prosecution, on first reading, order it published, public hearing set for Monday, April 22, 2019, at 7:00 p.m. in City Council Chambers, and that it take effect fifteen (15) days after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 05-2019, an ordinance amending Section 16-132 and Subsection 16-133(H) of the Wheat Ridge Code of Laws to Exempt Needle-Stick Prevention and Syringe Exchange Program participants from criminal prosecution, on first reading, for the following reason(s) _____.”

REPORT PREPARED AND REVIEWED BY:

Carmen Beery, City Attorney's Office

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 05-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 05
Ordinance No. _____
Series of 2019

TITLE: AN ORDINANCE AMENDING SECTION 16-132 AND SUBSECTION 16-133(H) OF THE WHEAT RIDGE CODE OF LAWS TO EXEMPT NEEDLE-STICK PREVENTION AND SYRINGE EXCHANGE PROGRAM PARTICIPANTS FROM CRIMINAL PROSECUTION

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations prohibiting certain conduct and defining general offenses that harm or pose a threat to the public health, safety or welfare; and

WHEREAS, pursuant to such authority, the Council has previously defined and adopted certain general offenses, codified as Chapter 16 of the Wheat Ridge Code of Laws ("Code"), including prohibitions of possessing injection devices, such as needles and syringes, generally consistent with state statute; and

WHEREAS, state statutes have evolved to provide exemptions from criminal prosecution for individuals who actively alert law enforcement and first responder personnel to the presence of syringes and needles in their possession and who possess syringes in connection with a clean syringe exchange program operated by a public health agency; and

WHEREAS, the City Council finds that such criminal exemptions incentivize individuals to protect law enforcement and first responders from potentially grave injury and harm via needle-sticks and to protect the public health generally by participation in approved clean syringe exchange programs; and

WHEREAS, the City Council therefore finds that it would promote the public health, safety and welfare to provide exemptions from City prosecution for such individuals in a manner that mirrors the exemptions provided under state law.

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

Section 1. Section 16-132 of the Wheat Ridge Code of Laws, concerning injection devices, is hereby amended as follows:

Sec. 16-132. Possession of injection devices.

(A) It shall be unlawful for any person to possess any hypodermic needle, syringe or similar device which may be adapted or used for injecting drugs or other substances by subcutaneous or intracutaneous injection into the body, unless such possession has been authorized for medical or physical treatment by a licensed medical doctor or osteopathic physicians; provided,

however, that the prohibitions contained in this section shall not apply to manufacturers, jobbers, licensed medical technicians, hospitals, nursing homes, technologists, nurses, laboratories, research teaching institutes, medical doctors, osteopathic physicians, dentists, veterinarians or persons who lawfully use injection devices for the sole purpose of providing medical treatment to their pets or livestock, pharmacists and embalmers selling or using such devices in the legal course of their respective businesses or professions. A violation of this section shall be subject to the penalty provided in section 16-4 of this Code, together with a surcharge of ten dollars (\$10.00) to be paid to the police department through the court to offset the expense of destruction of drugs, injection devices and drug paraphernalia, whether or not any of those items was confiscated from the defendant.

(B) (1) PRIOR TO SEARCHING A PERSON, A PERSON'S PREMISES, OR A PERSON'S VEHICLE, A PEACE OFFICER MAY ASK THE PERSON WHETHER THE PERSON IS IN POSSESSION OF A HYPODERMIC NEEDLE OR SYRINGE THAT MAY CUT OR PUNCTURE THE OFFICER OR WHETHER SUCH A HYPODERMIC NEEDLE OR SYRINGE IS ON THE PREMISES OR IN THE VEHICLE TO BE SEARCHED. IF A HYPODERMIC NEEDLE OR SYRINGE IS ON THE PERSON, ON THE PERSON'S PREMISES, OR IN THE PERSON'S VEHICLE AND THE PERSON, EITHER IN RESPONSE TO THE OFFICER'S QUESTION OR VOLUNTARILY, ALERTS THE OFFICER OF THAT FACT PRIOR TO THE SEARCH, ASSESSMENT, OR TREATMENT, THE PEACE OFFICER SHALL NOT ARREST OR CITE THE PERSON PURSUANT TO THIS SECTION, NOR SHALL THE CITY PROSECUTOR CHARGE OR PROSECUTE SUCH OFFENSE. THE CIRCUMSTANCES DESCRIBED IN THIS PARAGRAPH (B) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION DETERMINATION OF ANY CRIMINAL OFFENSE IF THE ORIGINAL STOP OR SEARCH WAS LAWFUL.

(2) PRIOR TO ASSESSING OR TREATING A PERSON, AN EMERGENCY MEDICAL SERVICE PROVIDER OR OTHER FIRST RESPONDER MAY ASK THE PERSON WHETHER THE PERSON IS IN POSSESSION OF A HYPODERMIC NEEDLE OR SYRINGE THAT MAY CUT OR PUNCTURE THE TECHNICIAN OR FIRST RESPONDER. IF A HYPODERMIC NEEDLE OR SYRINGE IS ON THE PERSON, AND THE PERSON, EITHER IN RESPONSE TO THE QUESTION OR VOLUNTARILY, ALERTS THE EMERGENCY MEDICAL SERVICE PROVIDER OR FIRST RESPONDER OF THAT FACT, A PEACE OFFICER SHALL NOT ARREST OR CITE THE PERSON PURSUANT TO THIS SECTION, NOR SHALL THE CITY PROSECUTOR CHARGE OR PROSECUTE SUCH OFFENSE.

Section 2. Subsection 16-133(h) of the Wheat Ridge Code of Laws, concerning exemptions to offenses related to drug paraphernalia, is hereby amended as follows:

- (h) The provisions of this section shall not apply to the possession, display, purchase, transport or use in private by any person that is twenty-one (21) years of age or older of drug paraphernalia that is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging,

repackaging, storing, vaporizing, or containing marijuana or for ingesting, inhaling, or otherwise introducing marijuana into the human body; OR TO ANY PERSON PARTICIPATING AS AN EMPLOYEE, VOLUNTEER, OR PARTICIPANT IN AN APPROVED SYRINGE EXCHANGE PROGRAM CREATED PURSUANT TO SECTION 25-1-520, C.R.S.

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

Section 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 _____ to _____ on this 8th day of April, 2019, 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 April 22, 2019, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved As To Form

Gerald E. Dahl, City Attorney

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

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE APPOINTMENTS TO BOARDS AND COMMISSIONS**

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO



City Clerk



City Manager

ISSUE:

At the February 25, 2019, City Council meeting Council appointed several citizens to the various Boards and Commissions. However, due to a code change that needed to be adopted, there remained two seats open that still require a motion by Council to fill. These appointed seats are in District I and District III for the Liquor Licensing Authority.

Due to recent resignations other positions are currently vacant. These include the Cultural Commission (District IV), Planning Commission (District III), and Board of Adjustment (At Large). The positions were advertised in the Wheat Ridge Transcript, on Channel 8, Facebook and the City's Website.

PRIOR ACTION:

None

FINANCIAL IMPACT:

None

BACKGROUND:

In the case of the Liquor Authority vacancies in Districts I and III, extensive advertising has been done but there are no applicants who live in those districts. Consequently, applicants Rocco

Germano and Leonard Ortiz, neither of whom live in District I or III, are eligible for appointment to fill those seats.

In the case of the Planning Commission, the only valid applicants who live in District III are Ihor Figlus, Will Kerns, David Land-Closson, and David Sjaastad.

RECOMMENDED MOTIONS:

“I move to appoint _____ to the Liquor Authority District I, term to expire 03/02/2022.”

“I move to appoint _____ to the Liquor Authority District III, term to expire 03/02/2022.”

“I move to appoint _____ to the Planning Commission District III, term to expire 03/02/2022.”

“I move to appoint _____ to fill the vacant position on the Cultural Commission District IV, term to expire 03/02/2021.”

“I move to appoint _____ to fill the vacant position on the Board of Adjustment – Alternate At Large, term to expire 03/02/2020.”

REPORT PREPARED BY:

Robin Eaton, Deputy City Clerk

Janelle Shaver, City Clerk

Patrick Goff, City Manager

ATTACHMENTS:

1. List of Applicants
2. District I Applications
3. District III Applications
4. District IV Applications
5. At Large Applications



APPLICANT LIST

Current Term Ending	Board District	Current Member / Re-applied	Other Applicants
DISTRICT I			
03/02/2019	Liquor Authority	Robert Alldredge / NO	Rocco Germano*
DISTRICT III			
03/02/2019	Liquor Authority	John Miks / NO	Leonard Ortiz*
03/02/2019	Planning Commission	Amanda Weaver / NO	Shawna Black* Ihor Figlus Will Kerns Cheyanne Kinghorn* David Land-Closson Carol Mathews* David Sjaastad
DISTRICT IV			
03/02/2021	Cultural Commission	Val Nosler Beck / NO	V. Ruth Baranowski
AT LARGE			
03/02/2020	Board of Adjustment Alternate	Open	Cheyanne Kinghorn Tiamo Wright

*DENOTES: Lives out of District



2019 FEB 19 P 3:32

Board & Commission Application CITY OF WHEAT RIDGE

PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION PER APPLICATION

APPLICATION FOR APPOINTMENT TO THE:

LIQUOR LICENSING AUTHORITY
(BOARD/COMMISSION/COMMITTEE)

DATE: 2/19/2019 DISTRICT I 02 TIL

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 8 YRS

ARE YOU A REGISTERED VOTER? YES

WHY ARE YOU SEEKING THIS APPOINTMENT? I HAVE EXPERIENCE ON LIQUOR BOARDS

DO YOU HAVE EXPERIENCE IN THIS AREA? 10 YRS ON ARVADA LIQUOR BOARD & 10 YEARS ON JEFFERSON COUNTY

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG? 5 YRS ALTERNATE ON BOA WHEAT RIDGE

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? NO

SIGNATURE Rocco Germano

PLEASE PRINT OR TYPE NAME: Rocco Germano

ADDRESS: 6410 W 47th AVE ZIP: 80033

HOME PHONE: (303) 902-1202

BUSINESS or CELL PHONE: (303) 234-0546

E-MAIL ADDRESS: RockGermano@gmail.com

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



Board and Commission Application

RECEIVED

2019 JAN 31 A 8:26

CITY OF WHEAT RIDGE

APPLICATION FOR APPOINTMENT TO THE:

Liquor Commission

(Board/Commission/Committee)

DATE: 1/27/19

DISTRICT: 2

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 20 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

Volunteer in my community.

DO YOU HAVE EXPERIENCE IN THIS AREA?

Seventeen years in Law Enforcement

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

Civil Service 2000-2001

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

No

PRINT NAME

Leonard (Lenny) Ortiz

ADDRESS

4945 Newland St Wheat Ridge

HOME PHONE 303 940-4723

BUSINESS PHONE

E-MAIL ADDRESS lennyortiz@comcast.net

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

ATTACHMENT 3

Handwritten signature of Leonard (Lenny) Ortiz
1-27-19
S



Board & Commission Application

PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION PER APPLICATION

APPLICATION FOR APPOINTMENT TO THE:

District 1 Planning Commission

(BOARD/COMMISSION/COMMITTEE)

DATE: January 19, 2019

DISTRICT District 1

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 19 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT? More involvement into the community and how I may be able to give a voice, thoughts and understanding to the city of Wheat Ridge. I enjoy Wheat Ridge the old and the new and being involved in that future sound interesting and fun.

DO YOU HAVE EXPERIENCE IN THIS AREA? I worked in the Technical field as a Systems Consultant and Project Manager field for 25 years, planning and excututing project for companies.

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

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? No

SIGNATURE *Shawnna Black*

PLEASE PRINT OR TYPE NAME: Shawnna Black

ADDRESS: 2915 Pierce Street

ZIP: 80214

HOME PHONE: 303.503.6233

BUSINESS or CELL PHONE: 303.503.6233

E-MAIL ADDRESS: sleab@icloud.com

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

(Board/Commission/Committee)

DATE:

DISTRICT:

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE?

ARE YOU A REGISTERED VOTER?

WHY ARE YOU SEEKING THIS APPOINTMENT?

DO YOU HAVE EXPERIENCE IN THIS AREA?

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

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

PRINT NAME

ADDRESS

HOME PHONE

BUSINESS PHONE

E-MAIL ADDRESS

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Ihor Figlus

Answers:

Why are you seeking this appointment?

As I have seen various development come to Wheat Ridge, I have taken an interest in local matters and learned how vital citizen involvement is in guiding that development to maintain and improve the quality of life of its residents and the vibrancy of the city. I would like to serve my community and I think that I can make a relevant contribution to attain these goals.

Do you Have experience in the area?

Not directly, but I do have community service experience. I hold a B.A. in Economics from the University of Colorado. I am currently President of the Federal Blvd. Partnership, a Registered Neighborhood Organization in Denver, where I own property. The Partnership represents businesses and residents along North Federal Blvd. and interacts with the City of Denver. In 1992, I helped set up the American Chamber of Commerce in Ukraine and served as its Executive Director and President for five years.

Board & Commission Application City of Wheat Ridge



PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION

APPLICATION FOR APPOINTMENT TO THE: Planning Commission

(BOARD/COMMISSION/COMMITTEE) DATE: 3.26.19

DISTRICT 3

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 3 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT? Interested in becoming more

involved in local planning, currently most of my projects are out of state or overseas.

DO YOU HAVE EXPERIENCE IN THIS AREA? Yes, I'm an AICP certified planner with 16
years of planning experience in public, private, and non-profit sectors.

HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A
BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG? I was the
Chair of the River North Neighborhood Design Team, my term ended in 2016.

ARE YOU EMPLOYED BY THE CITY OF WHEAT RIDGE? No

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR
ATTENDANCE OR DUTIES? I might be called away for work projects, but 90% of my time
has been working from home for the past year.

SIGNATURE _____

PLEASE PRINT OR TYPE NAME: William Andrew Kerns

ADDRESS: 8525 W. 32nd Avenue Wheat Ridge, CO ZIP: 80033

HOME PHONE: 303.815.4264

BUSINESS PHONE: 303.815.4264

E-MAIL ADDRESS: wkerns@openplan.net

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



WILL KERNS, AICP
8525 W. 32ND AVENUE
WHEAT RIDGE, CO 80033
303-815-4264
WKERNS@OPENPLAN.NET

Planning Commission District 3 – Applicant Introduction

Dear Wheat Ridge City Council, Planning Commission, and Municipal Staff,

I am interested in filling the role of District 3 Planning Commissioner to become more involved in local planning as most of my projects are out of state or overseas. My background is in transportation planning, originally spent 11 years as the Jefferson County Transportation Planner, then in 2011 founded Open Plan Consultants, LLC.

My experience as a private sector consultant for Open Plan had me involved with a wider variety of land use and transportation planning projects for various clients. I was then hired full time by Hyperloop Transportation Technologies as the Global Planning & System Structure Lead. Currently, we are under construction on a full-scale hyperloop prototype in Toulouse, France. More info at www.hyperloop.global

Some past experience on a board includes my time as Chair of the River North Neighborhood Design Team (RiND) which is the development review committee for the River North Arts District, my term as Chair ended in 2016, by then we were growing tired of living in the city. We decided to move to Wheat Ridge because we liked how quiet and dark at night it is here. We loved the easy access to the mountains and friendly people here, we found our dream house near Crown Hill Park on 32nd Avenue. I've since been building my bonsai garden in the backyard for my seemingly ever-growing collection of bonsai trees sourced from Colorado native plant material.

As a planner I understand the importance of gaining a wide variety of input from different stakeholders on plans. Creating opportunities for high quality development to occur rather than only low-cost and low-quality development. I also favor a balance of housing in Wheat Ridge that includes affordable, accessible housing critical to making a place where people can afford to work and live.

Thank you for your consideration,

Will Kerns, AICP



William A. Kerns, AICP
Open Plan Consultants, LLC
8525 West 32nd Avenue Wheat Ridge, CO 80033
303.815.4264 – wkerns@openplan.net
www.openplan.net

Principal Consultant

Project Management – Healthy Community Design - Transportation Planning

Talented, creative, and accomplished transportation professional with extensive background in multimodal transportation planning, project implementation, and urban design. Highly familiar with public outreach, technical writing and GIS mapping. Adept at developing and implementing plans and policies. Experienced in population forecasting, demographic analysis, geographic analysis, and integrating public health into the planning process.

Knowledgeable in formulating new ideas, gaining both internal and public support, funding procurement and implementation. Experienced, big picture visionary that can drill into the details of any given project. Excellent presentation and communication skills across these and other competencies:

- | | | |
|---------------------------|-------------------------------------|-------------------------------|
| - Public Speaking | - Team Coaching | - Technical Writing |
| - Project Team Lead | - Project Management | - Public/Environmental Health |
| - Transportation Research | - GIS Mapping and Analysis | - Systems Engineering |
| - Cartography | - Inter-jurisdictional Coordination | - Coalition Building |
| - Bike/Ped Planning | - Transit Planning | - Land Planning/Zoning |
-

Professional Experience

Open Plan Consultants LLC – Founded in 2012
Principal Consultant – 2012 to Present

Jefferson County, Colorado – Transportation and Engineering Division
Transportation Planner - 2003 to 2012, *Traffic Engineering Technician* - 2001 to 2003

Open Plan Consultants, LLC - Project Experience

Hyperloop Transportation Technologies, Hyperleader Global Planning and System Structure- Contributing management and planning expertise to Los Angeles based startup Hyperloop Transportation Technologies, Inc. Leading two international teams of planners, engineers, designers and attorneys focused on developing a new form of ultra-high speed transportation poised to disrupt existing non-sustainable forms of transportation. Coordinated a Feasibility Study onsite in the United Arab Emirates to plan a Hyperloop corridor between the cities of Abu Dhabi and Al Ain. Currently planning a Hyperloop prototype at Francal in Toulouse, France.

Jefferson County Public Health - Health Policies Coalition Facilitator- Provided trainings, resources, toolkits, funding opportunities, one-on-one and coalition capacity building to Active Living Coalition members. Used a variety of active living policy and program issues such as: active transportation, connectivity, public transit, park access, shade, Safe Routes to School, and HEAL Cities & Towns Campaign. Led a Jefferson County Active Living Policy Scan which supports a process to develop and adopt an Active Living Plan and included policy, land use code, regulations, initiatives and funding histories.

Safe Routes to School Building Community Coalitions Grant- Managed large community-based coalitions in five selected Colorado towns for a two year CDOT Safe Routes to School pilot program. Served as the lead in implementing all activities for non-profit Action for Healthy Kids, facilitated communications and coalition meetings, developed community tool kits, directed the competitive seed grant process and activated the SRTS target audiences in each community.

Chair, River North Art District Neighborhood Design Team (RiND)- Led the Urban Design and Architectural Review Committee for the rapidly developing RiNo Art District, served as the main neighborhood point of contact for incoming developers, established and followed a set of goals when reviewing conceptual site plans for urban design public/private improvements that are tied to the goals of the RiNo Art District. Collaborated with the members of the RiND to then make recommendations to developers regarding master site plans.

Faculty/Team Coach, Leadership in Healthy Community Design- Assisted with the design and development of the master program curriculum for non-profit Regional Institute for Health and Environmental Leadership (RIHEL). Planned the programs and evaluations for five individual program events. Delivered workshops on various aspects of healthy community design, teamwork, team projects, leadership and communication during the on-site training events. Served as an adviser for the program participant teams meeting with, supporting, and provided transportation planning assistance to the multidisciplinary teams regarding their team projects.

NEPA Experience

Key Achievements:

RTD- Assisted RTD with the Gold Line EIS and on the final steps of the West Corridor EIS, collaborated with RTD staff, consultants, and stakeholders, provided technical assistance as a representative of Jefferson County at working groups and public meetings.

US 36- Worked on the US 36 EIS and helped to point the stakeholders toward a more flexible side running BRT system that covers a smaller, less impactful footprint, later adopted as the preferred alternative for the corridor. Currently implementing a network of secure Bus then Bike shelters along the US 36 Corridor.

I 70 PEIS- Helped to develop the I 70 Programmatic EIS through stakeholder participation meetings, the I 70 Coalition, and the I 70 Coalition Technical Committee which was responsible for reading and making comments on the I 70 PEIS document. Performed this duty on behalf of both Jefferson County and the I 70 Coalition. Project has a long range timeline of over 20 years.

Plan Creation

Key Achievements:

Evergreen Trails Master Plan- Currently managing planning, mapping, and public involvement for this local planning process. Focusing on connecting the downtown area with surrounding library, schools, parks, and retail areas with a walkable/bikeable trails plan. Conducting outreach to area stakeholders and residents. Plan is currently in draft form to be adopted in 2015.

Conifer Trails Plan- Developed the Conifer Walkability Plan which envisions a network of hard and loose surface trails in the Conifer area. This network connects parks, schools, commercial areas and the RTD Park n Ride with a walkable and bike friendly network. Worked with the Conifer Area Council, a community organization to refine the plan, then conducted public outreach and solicited feedback from the community. Jefferson County has finished two of the initial priority projects with the third now in the design phase.

Statewide Transit Plan- Conducted public engagement for the CDOT Statewide Transit Plan. Created an interactive statewide contact database. Provided support and coordination of statewide open houses and work sessions. Assisted in stakeholder engagement and collected and reviewed feedback from stakeholders. The Statewide Transit Plan identifies and evaluates passenger rail and express bus corridors throughout the state and is focused on linking planned improvements with existing local transit providers.

I 70 Studies- Served on the I 70 Coalition Technical Committee and helped prepare the I-70 Land Use Study for Transit. Assisted in selecting and guiding the consultant team, which made recommendations for the land uses surrounding potential I 70 rail stations along the corridor. This study looked at potential rail alignments both inside the I 70 highway corridor and off-corridor. Participated in the Rocky Mountain Rail Authority High Speed Rail Feasibility Study by attending steering committee plus occasional executive committee meetings, provided clear and relevant technical expertise. Both studies were developed concurrently, and each utilized the findings of the other.

Education and Certification

American Planning Association, American Institute of Certified Planners, February 2007
University of Northern Colorado, Bachelor of Science, Applied Geography, Earth Science Minor, May 2001

Personal Accomplishments

2013 Bonsai Artist of the Year, Membership Chair – Rocky Mountain Bonsai Society
2nd Degree Black Belt – Assistant Instructor, Clear Creek Taekwondo
Eagle Scout – Troop 737 Evergreen, Colorado, Boy Scouts of America



3-25-19 R15

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Planning Commission, District I

(Board/Commission/Committee)

DATE: March 11, 2019

DISTRICT: I

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? Since 8/15/2016

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

Because I live in this community, my two young children will grow up here, I have a relevant skill set, and I want to help create the future vision for Wheat Ridge.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I am an attorney. I work for the State holding unemployment appeal hearings. I preside over the hearings, make evidentiary rulings, and issue written decisions. I interpret laws and regulations and apply them to the facts of each case. I work with citizens, employers, attorneys, and other stakeholders daily, and my work impacts public funds.

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

I have served on numerous legal associations at the board level while in private practice. I am no longer in private practice, as I currently serve in the public sector. However, I volunteer each month at an assisted living facility and I am also a voting member of the PTA.

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

No.

PRINT NAME

Cheyenne Kinghorn

ADDRESS

7190 W. 33rd Avenue, Wheat Ridge, CO 80033

HOME PHONE (615) 573-3206

BUSINESS PHONE (615) 573-3206

E-MAIL ADDRESS cheyannez@hotmail.com

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

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

Submit



3/27/19 rle

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Planning Commission

(Board/Commission/Committee)

DATE: 3/27/19

DISTRICT: III

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 15 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

I am interested in working with the Commission and citizens to help to guide the future of development and planning in the Wheat Ridge community.

DO YOU HAVE EXPERIENCE IN THIS AREA?

Yes. I am a Landscape Architect with 25 years of experience in a wide array of project areas and client types. My initial career experience was in residential design and construction. After that I worked on commercial and civic projects with an architecture firm for 18 years. This included work on parks, commercial and public buildings, higher ed and healthcare campuses, as well as sports and recreation projects. The majority of these projects involved public agency approvals and afforded me an opportunity to work with many local municipalities and a variety of regulatory groups.

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

I served on the LocalWorks (then WR2020) board for 3 years. I still volunteer with LocalWorks on various projects.

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

I don't believe I have any conflicts but would like to understand the commitment a bit more.

PRINT NAME

David Land-Closson

ADDRESS

8730 W. 34th Ave

HOME PHONE c. 720-320-6615

BUSINESS PHONE

E-MAIL ADDRESS dlandclosson@gmail.com



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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

RECEIVED

**Board & Commission Application
City of Wheat Ridge**



2019 FEB 14 P 1:53

CITY OF W: **PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION**

APPLICATION FOR APPOINTMENT TO THE:

Planning Commission

(BOARD/COMMISSION/COMMITTEE)

DATE: February 13, 2019

DISTRICT 111 or IV

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 58 years

ARE YOU A REGISTERED VOTER? yes

WHY ARE YOU SEEKING THIS APPOINTMENT? I want to participate in the decision making for the future of our city

DO YOU HAVE EXPERIENCE IN THIS AREA? I was a member of the Denver Downtown Cooalition representing Stage Stores Inc. during the revitalization project for the downtown business district and the Sixteenth Street Mall. I attended the seminars and participated in the activities.
HAVE YOU EVER SERVED, OR ARE YOU CURRENTLY ON A BOARD/COMMISSION/COMMITTEE AND IF SO, WHICH ONE? HOW LONG? Cultural Commission (3 years) NRS study since July 2018

ARE YOU EMPLOYED BY THE CITY OF WHEAT RIDGE? No

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? No

SIGNATURE

Carol Anne Mathews

PLEASE PRINT OR TYPE NAME: Carol Anne Mathews

ADDRESS: 3851 Hoyt Street, Wheat Ridge , Colorado

ZIP: 80033

HOME PHONE: 303-420-8753

BUSINESS PHONE: cell: 720-271-5083

E-MAIL ADDRESS: carolannemathews@gmail.com

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



Board and Commission Application

2019 MAR 15 4:11:15 PM
CITY OF WHEAT RIDGE

APPLICATION FOR APPOINTMENT TO THE:

Planning Commission

(Board/Commission/Committee)

DATE: 3-12-2019

DISTRICT: 3

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 10 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

As a resident and land owner within District 3, I am very interested in supporting my local government's efforts to grow and prosper through a pro-active, thoughtful, and strategic process well into the next 50 years.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I am a recent retired Federal employee, who worked 33 years for the Bureau of Land Management. While working for the country's largest land managers, I have had countless interactions with land use issues from leasing and permitting various activities which sometimes conflict, to land restoration, recovery and improvements.

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

No

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

No

PRINT NAME

David Sjaastad

ADDRESS

12172 West 30th Place, Wheat Ridge, CO. 80215

HOME PHONE 760-608-2132

BUSINESS PHONE same

E-MAIL ADDRESS dsjaastad@gmail.com

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

City Clerk's Office, 7500 W. 29th Ave., Wheat Ridge CO 80033

Submit

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2019 FEB 14 P 1:53

CITY OF WHEAT RIDGE

**Board & Commission Application
City of Wheat Ridge**



PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION

APPLICATION FOR APPOINTMENT TO THE:

Cultural Commission
(BOARD/COMMISSION/COMMITTEE)

DATE: 2/14/2019 DISTRICT Four

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 7 yrs

ARE YOU A REGISTERED VOTER? yes

WHY ARE YOU SEEKING THIS APPOINTMENT? To represent district Four on the commission, my background in non profit fundraising and as an artist I believe would be beneficial for my district and the city
DO YOU HAVE EXPERIENCE IN THIS AREA? _____

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

ARE YOU EMPLOYED BY THE CITY OF WHEAT RIDGE? no

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? no

SIGNATURE V. Ruth Baranowski

PLEASE PRINT OR TYPE NAME: V. Ruth Baranowski

ADDRESS: 10430 W 47th Pl Wheat Ridge ZIP: 80033

HOME PHONE: 720 258 6445

BUSINESS PHONE: 913 687 1302

E-MAIL ADDRESS: vrbaranowski@gmail.com

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Board Of Adjustment, At Large

(Board/Commission/Committee)

DATE: March 11, 2019

DISTRICT: I

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? Since 8/15/2016

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

Because I live in this community, my two young children will grow up here, I have a relevant skill set, and I want to help create the future vision for Wheat Ridge.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I am an attorney. I work for the State holding unemployment appeal hearings. I preside over the hearings, make evidentiary rulings, and issue written decisions. I interpret laws and regulations and apply them to the facts of each case. I work with citizens, employers, attorneys, and other stakeholders daily, and my work impacts public funds.

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

I have served on numerous legal associations at the board level while in private practice. I am no longer in private practice, as I currently serve in the public sector. However, I volunteer each month at an assisted living facility and I am also a voting member of the PTA.

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

No.

PRINT NAME

Cheyanne Kinghorn

ADDRESS

7190 W. 33rd Avenue, Wheat Ridge, CO 80033

HOME PHONE (615) 573-3206

BUSINESS PHONE (615) 573-3206

E-MAIL ADDRESS cheyannez@hotmail.com

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

Submit



Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Board of Adjustment, At Large

(Board/Commission/Committee)

DATE: 3/11/2019

DISTRICT: II

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 2 1/2 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

Working in Downtown and in River North for the last several years I have become really engaged in where I work and I want to become more engaged in where I live. By being on the Board of Adjustment I will be given the opportunity to support my local government and the citizens in a way that will continue to evolve our county for the better.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I worked in commercial real estate development in Denver county and kept updated on the zoning ordinances, temporary use permits, floodplain zoning ordinance, and sign code and interprets these ordinances for our development. While I understand these are different counties I feel like this experience will offer a good deal of tools to reflect on.

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

I am currently on a non-profit board Big Brothers Big Sisters of Colorado as co-chair, and have been active for 2 years.

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

No

PRINT NAME

Tiamo Wright

ADDRESS

4075 Quay Street

HOME PHONE 720-666-5957

BUSINESS PHONE

E-MAIL ADDRESS TiamoWright@gmail.com



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

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

Submit



ITEM NO: 11.
DATE: April 8, 2019

REQUEST FOR CITY COUNCIL ACTION



TITLE: MOTION TO RATIFY MAYORAL APPOINTMENTS TO THE HOUSING AUTHORITY

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES

☒ NO

Janelle Shaver
City Clerk

Patricia Hoff
City Manager

ISSUE:

The members of the Housing Authority are appointed by the Mayor and ratified by City Council. There currently are vacancies in District I, term to expire 3/2/2021, re-appointment in District II, term to expire 3/2/2024 and a City Council Member appointment due to Tim Fitzgerald's resignation.

Three applications were received for the vacant position in District I. Those applicants are Shawanna Black, Jerry DiTullio and Cheyanne Kinghorn, all residents of District I. Current Housing Authority Member Chad Harr, District II, has reapplied for another five-year term.

PRIOR ACTION:

None

FINANCIAL IMPACT:

None

BACKGROUND:

Members of the Housing Authority are appointed by the Mayor and ratified by City Council. Mayor Starker has reviewed the applications and requested input from Council Members regarding the Elected Official position vacancy.

RECOMMENDATIONS:

Mayor Starker is recommending that Cheyenne Kinghorn be appointed to the Housing Authority representing District I, Chad Harr be re-appointed to the District II position and Council Member Amanda Weaver be appointed to the Authority.

RECOMMENDED MOTION:

“I move to ratify the District I Mayoral appointment of Cheyenne Kinghorn to the Housing Authority, term to expire March 2, 2021, and

“I move to ratify the District II Mayoral re-appointment of Chad Harr to the Housing Authority, term to expire March 2, 2024, and

I move to ratify the appointment of Amanda Weaver as the Elected Official Appointee.

Or

“I move to deny the appointment of _____ to the Housing Authority for the following reason(s) _____.”

REPORT PREPARED BY:

Robin Eaton, Deputy City Clerk

Janelle Shaver, City Clerk

Patrick Goff, City Manager

ATTACHMENTS:

1. Housing Authority Applications



Board & Commission Application

PLEASE APPLY ONLY FOR ONE BOARD OR COMMISSION PER APPLICATION

APPLICATION FOR APPOINTMENT TO THE:

District 1 Planning Commission Per 03/12/2019 email use this Planning Commission application for any of the positions and the At Large

(BOARD/COMMISSION/COMMITTEE)

DATE: January 19, 2019

DISTRICT District 1

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE: 19 years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT? More involvement into the community and how I may be able to give a voice, thoughts and understanding to the city of Wheat Ridge . I enjoy Wheat Ridge the old and the new and being involved in that future sound interesting and fun.

DO YOU HAVE EXPERIENCE IN THIS AREA? I worked in the Technical field as a Systems Consultant and Project Manager field for 25 years, planning and excututing project for companies.

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

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? No

SIGNATURE Shawwna Black

PLEASE PRINT OR TYPE NAME: Shawwna Black

ADDRESS: 2915 Pierce Street

ZIP: 80214

HOME PHONE: 303.503.6233

BUSINESS or CELL PHONE: 303.503.6233

E-MAIL ADDRESS: sleab@icloud.com

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

WRHA

(Board/Commission/Committee)

DATE: 3/12/2019

DISTRICT: 1

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? 30+ years

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

To re-engage the WRHA with the City and the Community.

DO YOU HAVE EXPERIENCE IN THIS AREA?

Yes. I was a member of the WRHA for five years as a member of Wheat Ridge City Council and was on City Council when the WRHA was formed in 2000ish.

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

Yes. WRHA - 5 years

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

No

PRINT NAME

Jerry DiTullio

ADDRESS

3250 Newland St.

HOME PHONE 720-253-6785

BUSINESS PHONE N/A

E-MAIL ADDRESS jerryditullio@comcast.net



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

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

Submit



**City of Wheat Ridge
Board & Commission
Application for Reappointment**

Please circle one of the following:

Yes, I would like to reapply for another Five-year term (Go to Section A&B)

No, I do not wish to serve another term (Go to Section B)

**A. APPLICATION FOR REAPPOINTMENT TO THE:
WRHA**

(BOARD/COMMISSION/COMMITTEE)

DATE: **3.6.19** DISTRICT **2**

ARE THERE ANY CONFLICTS WHICH WOULD INTERFERE WITH REGULAR ATTENDANCE OR DUTIES? **No**

B. INFORMATION – PLEASE COMPLETE TO UPDATE RECORDS

NAME: **Chad Harr**

ADDRESS: **7190 W. 48th Ave. Wheat Ridge CO 80033**

HOME PHONE: **303 489 5748**

BUSINESS or CELL PHONE: **Same**

E-MAIL ADDRESS: **Chad@Lakotaskye.com**

I hereby certify and affirm that all the information contained in this application is true, complete and correct. I understand that false or misleading statements or the omission of important information made on this application or any time during the process may disqualify me from serving for this position. I understand that the City Council must appoint or ratify all members to Boards and Commissions.

SIGNATURE 

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR



3-11-19 RLC

Board and Commission Application

APPLICATION FOR APPOINTMENT TO THE:

Housing Authority, District I

(Board/Commission/Committee)

DATE: March 11, 2019

DISTRICT: I

HOW LONG HAVE YOU BEEN A RESIDENT OF WHEAT RIDGE? Since 8/15/2016

ARE YOU A REGISTERED VOTER? Yes

WHY ARE YOU SEEKING THIS APPOINTMENT?

Because I live in this community, my two young children will grow up here, I have a relevant skill set, and I want to help create the future vision for Wheat Ridge.

DO YOU HAVE EXPERIENCE IN THIS AREA?

I am an attorney. I work for the State holding unemployment appeal hearings. I preside over the hearings, make evidentiary rulings, and issue written decisions. I interpret laws and regulations and apply them to the facts of each case. I work with citizens, employers, attorneys, and other stakeholders daily, and my work impacts public funds.

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

I have served on numerous legal associations at the board level while in private practice. I am no longer in private practice, as I currently serve in the public sector. However, I volunteer each month at an assisted living facility and I am also a voting member of the PTA.

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

No.

PRINT NAME

Cheyanne Kinghorn

ADDRESS

7190 W. 33rd Avenue, Wheat Ridge, CO 80033

HOME PHONE (615) 573-3206

BUSINESS PHONE (615) 573-3206

E-MAIL ADDRESS cheyannez@hotmail.com

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

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

Submit