AGENDA

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

May 13, 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

Mental Health Month – Jefferson Center for Mental Health
Principal Jeff Gomez Retirement from Jefferson County Schools
National Police Week
Wheat Ridge Grange Contribution to Feed the Future Program

APPROVAL OF MINUTES Council Minutes of February 11, 2019 and March 11, 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 a contract and approve subsequent payments to Independent Roofing Specialists, LLC Commerce City Colorado in the amount of $478,710 for hail damage repairs to Parks, Forestry, Open Space, and Public Works Structures
   b. Resolution 28-2019 – approving an Intergovernmental Agreement with the City of Lakewood providing for resurfacing of 26th Ave. between Kipling Street and Oak Street
   c. Motion to approve a contribution to the Wheat Ridge Business District for the purpose of funding the Business Improvement Grant Program in the amount of $90,000
   d. Resolution 29-2019 – amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $8,155 for the Foothills Animal Shelter Special Assessment
   e. Resolution 27-2019 – approving the Memorandum of Understanding between Signal Behavioral Health Network and the City of Wheat Ridge to receive and distribute Narcan® Nasal Spray Kits

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution 31-2019 – approving an amended and restated Service Plan and Intergovernmental Agreement with the Ward TOD Metropolitan District NOS. 1-3

3. Resolution 32-2019 – approving a Cooperation Agreement between the City of Wheat Ridge and the Wheat Ridge Urban Renewal Authority for the Applewood Village Redevelopment

4. Council Bill 05-2019 – an 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

5. Council Bill 02-2019 – approving a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with and Outline Development Plan (ODP) for property located at 4000-4066 Upham Street (Case No. WZ-18-17/Ridgetop Village)

6. Resolution 19-2019 – approving a Specific Development Plan (SDP) for property located at 4000-4066 Upham Street (Case No. WZ-18-18/Ridgetop Village)

7. Resolution 20-1019 approving a Major Subdivision for property located at 4000-4066 Upham Street (Case No. WS-18-02/Ridgetop Village)

8. Council Bill 06-2019 – approving the rezoning of property located at 3300 Ames Street from Residential-Three (R-3) to planned Residential Development (PRD) with an Outline Development Plan (ODP) (Case No. WZ-18-25/Feaster)

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING cont

9. Resolution 30-2019 – approving a Specific Development Plan (SDP) for property located at 3300 Ames Street (Case No. WZ-18-26/Feaster)

ORDINANCES ON FIRST READING

10. Council Bill 07-2019 – removing the local historic landmark status from an accessory structure on property located at 11480 W. 44th Avenue (Case No. WHL-19-01/McEntire)

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

February 11, 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
Kristi Davis David Kueter Larry Mathews Leah Dozeman

Absent: George Pond (excused)

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

Mr. Dahl had some questions for Mr. Kueter to establish for the record that he had not yet been appointed to the Council at the January 14 meeting. He affirmed, however, that he had been present in the room for the entire meeting, observed the public hearings for tonight's Items 2 & 5, and subsequently reviewed the packet material and recordings of those two items. Mr. Kueter stated he believes he is capable of making an informed decision on approval of the minutes for January 14, as well as the Council bills for the sale of parkland and the rezoning on Tabor Street.

With that record Mr. Dahl declared he is confident Councilmember Kueter can and should participate in those matters tonight.

APPROVAL OF CITY COUNCIL MINUTES of January 14, 2019

There being no objections, the City Council minutes of January 14, 2019 were approved as published.

PROCLAMATIONS AND CEREMONIES

Appointment of City Treasurer

City Treasurer Jerry DiTullio, having been elected to the office of Jefferson County Treasurer on November 6, 2018, resigned his position as City Treasurer effective midnight, January 7, 2019. Section 3.11 of the Wheat Ridge City Charter requires that when a vacancy occurs in the office of the city clerk or city treasurer, no special election

shall be called but such vacancy shall be filled by appointment by the City Council for the remainder of the term.

The vacancy was properly advertised and two applicants presented verbal resumes to the Council on February 4, 2019.

Motion by Councilmember Hoppe to appoint Christopher Miller as City Treasurer, term to expire November 25, 2019; seconded by Councilmember Kueter.

Substitute Motion by Councilmember Urban to substitute the name Korey Stites as City Treasurer; seconded by Councilmember Mathews; motion failed 2-4, with Councilmembers Dozeman, Hoppe, Davis and Kueter voting no.

The main motion carried 6-0.

Judge Randall administered the oath of office to Christopher Miller. Mr. Miller signed the appropriate documents.

Random Acts of Kindness Week

Mayor Starker read a proclamation designating the week of February 11-17 as Random Acts of Kindness Week. **Robin Baker** from Localworks thanked the Police Department and Compass Elementary school for their participation. **Amy Fleig**, teacher at Compass Montessori, explained what was done this year. Students **Anna Jane Kerr, Camila Hernandez, Julia Stamps, Maya Haines, Ella Haines, Emma Shaw, Cade Arvin, Quinn Matera,** and **Devyn Stevenson** read statements about what they did for acts of kindness.

Love Letters from Wheat Ridge

Rachel Hultin from the Wheaties group called up Chiefs John Simpson and Don Lombardi, a representative from Lutheran Hospital and Police Chief Brennan. The Wheaties group had partnered with 5 schools (Stober, Peak, Prospect Valley, Mountain Phoenix and WR Learning Academy), Boy Scout Troop 613, patrons of Colorado Plus, Lucky's Market and Bardo's Coffee House, and city staff to make sure all first responder in the city received a note of gratitude on Valentine's Day. 440 Thank You notes were presented to be distributed to first responders.

CITIZENS RIGHT TO SPEAK

John Butler (WR) distributed articles to the Council about a list of children who have died due to marijuana. Colorado leads the nation – 13 in the last year 6 years. A second handout was the transcription of a conversation with a doctor from Pueblo (who sees young people every day who smoke marijuana) concerning the erroneous perceptions that marijuana is not harmful, not addictive, safer than cigarettes, and does not damage the brain. He recommended marijuana be a class 2 drug.

Barbara St. John (WR) told of the Denver City Council's 12-1 vote to open a safe heroin injection site (SIS) – the first ever in the Unites States. If passed by the legislature, every City in Colorado could do this. She told how local radio personalities from KNUS 710 visited Vancouver, BC where there are 6 SIS's, and witnessed the bad situation, crime, and deplorable conditions in the 4-8 block area surrounding these sites. She suggested that rehab facilities are a better solution to solve the heroin problem and encouraged folks to look at KNUS Peter Boyles' website for photos and information.

Kelly Baillie (WR) attempted to speak on the rezoning case of Item #5. She had been at the January 14 meeting but was not allowed to speak.

Mayor Starker asked for guidance from the City Attorney on whether she could speak – since the public hearing had been closed.

Mr. Dahl advised that the hearing had indeed been closed [to public comment] at the January 14 meeting. He did however suggest that citizens be allowed to speak on it, with the knowledge that their comments cannot be part of the official record from which the Council makes its decisions.

Mayor Starker allowed her to speak and Ms. Baillie continued with her remarks.

Jeffrey Schitter (WR) lives just off 48th and Wadsworth and believes when the project is finished his property will be 70% of its current size. Has attended all the Wadsworth widening meetings since 2016. All was fine until last June when planners decided to remove access to 48th on the east side and impair access to Wadsworth and I-70 from both sides of 48th. He described how this will affect his and everyone's property values north of 44th within a mile of Wadsworth. That said, his biggest issue is the lack of communication between the project team and the public. He believes staff is trying to keep the plans secret until it is too late. The project manager told the residents it was too late to change the plans. Advertisement for meetings have been advertised to only 5% of the people impacted. He has had fears this will get pushed through so he organized outreach to the neighbors. He advised there are solutions for mitigation that will not hurt eligibility for federal grants; he'd be happy to share them.

Margarete Parker (WR) lives near Wadsworth. She listed a number of problems with the Wadsworth project. She said people are not aware of the plans. The plans are not being presented on the City website. These plans are the best kept secret in WR. She feels this project, as it is now, will lower property values north of 44th by 5-10% and negatively impact quality of life. She feels the project currently only helps pass through traffic from neighboring cities and doesn't benefit the citizens of WR at all. That is what the Council is charged to do. Council needs to dig a little deeper and serve the community. She lives on 48th Circle and didn't even know about the June meeting. She advised the Council that most of the community doesn't know about this, and details are not on the website as promised.

Rachel Hultin (WR) is one of the co-chairs for WRNRS. **Kathleen Martell** and **Korey Stites** were with her. They are working with 26 steering committee members. A citizen survey will be available on the City website starting this Wednesday through March 1. Resident are encouraged to take the survey and send it to their neighbors. Four open houses will be held on March 19 and 20 to review results of the survey and look at next steps towards adoption. Details are available on the City website.

Merissa Silverberg (Lakewood) is the community food mobilizer for Jeffco Public Health. On Friday Feb 22 there will be an event called Health from the Ground Up: Meet Your Local Farmers at St. James Episcopal Church. The idea is to purchase a share of local produce at the beginning of the season. There will be 10 Jeffco farmers and several speakers. More information is on the Jeffco Public Health website.

Ihor Figlus (WR) commented that the Council Rules and Procedures, as used at the January 14 meeting, have caused one of his neighbors to not ever want to attend another Council meeting. He encouraged Council to develop rules that encourage citizens to speak rather than discouraging them -- especially when it involves a topic that is important for particular neighborhoods where some have more time to speak and others are restricted.

John Clark (WR) spoke on zoning. He read from the minutes of a recent Planning Commission meeting which say that Kelly Baillie, the owner of 11661 W. 44th Ave, is open to working with Mr. Lyons to include her property with the development at 4440 Tabor. This 1.5 acres could support another 18 units besides the already proposed 26 units at 4440 Tabor. Mr. Clark added the matter of the single family house at 4430 Tabor that is part of the 20% legal protest. When examining the number of units and the eventual traffic all these future developments need to be considered.

There was discussion about having public comment on Items 2 and 5 because the public hearings are closed.

Suzanna Coates (WR) commented that when two private businesses make a private arrangement, that is their business. There is no reason the City should be involved.

Fran Singer (WR) said Council will be voting on a parcel of land that the neighbors worked hard for with a vision of a link between Crown Hill and Clear Creek. She cited a Jan 14 Denver Post article that says we need more open spaces – that building mania is hurting the residents in the Denver area. Research indicates that direct access to green space is essential and key to a livable quality of life. Commercialization of this space will 1) Impact the health of the residents, 2) Create major traffic congestion, 3) impact safety, 4) dramatically changing the neighborhood forever, and 5) Uglify our park and our City. The greater good is for this land to remain parkland for all to enjoy.

Odarka Figlus (WR) commented on how recommendations are presented to Council.

- 1) The statement that the parkland property proposed for sale is "excess property" is not substantiated. There was no public process or public involvement in that determination. There was no analysis from the Parks Dept on other potential uses or benefits of development as a park.
- 2) The fact that the parcel is "zoned C-1" is irrelevant; all of the park is zoned C-1.
- 3) Saying that unless the land is sold "it has no value" stretches credibility. The appraisal does not even mention the value of the land as parkland, so how impartial was this appraisal?

- 4) "Apple Ridge wants to relocate." Apple Ridge is free to move elsewhere; it's a free market. (And how is it "free market" to subsidize giant CVS at the expense of local WR Pharmacy that has served the community for decades?)
- 5) "CVS will generate revenue." There are no numbers to back this up, and no mention of the subsidy they will likely request in the form of an offsetting TIF.

Generally speaking, the packets need to provide more analysis behind the recommendations that are made by staff – including the possibility of TIF's.

Councilmember Urban responded to comments about 48th Ave. On January 30 he emailed a request to have those drawings put on the website and hoped that would be done soon. Why aren't they? Mr. Goff said the drawings have been there for several weeks. Discussion followed. Further directions will be given on the website to help viewers locate the 48th Ave site.

Councilmember Mathews responded to comments about marijuana shops. He announced that safe injection sites are scheduled for discussion on Feb 25 at a Special Study Session.

Councilmember Davis asked for further explanation about how to find the 48th Ave drawings on the website. Mr. Goff explained. In the Wadsworth Improvement section viewers should scroll down to the last page to see the 48th Ave drawings.

APPROVAL OF AGENDA

Councilmember Hoppe noted the applicant for Item 5 has requested a continuance. She asked that Item 5 be moved up to be taken after the Consent Agenda so potential speakers don't have to wait around all night, only to have it continued.

Councilmember Davis noted that Item 2 requires a vote of all eight councilmembers. Mr. Goff recommended continuing Item 2 until eight councilmembers are seated.

1. CONSENT AGENDA

a. Motion to award Janitorial Services to American Facility Services Group, Lakewood, CO, and approve payments not to exceed $99,586.22 [*budgeted*]

b. Motion to approve payments to Charles Abbott Associates, Inc. for ongoing building permit, plan review and inspection services in the amount of $802,400 as approved in the City's 2019 Budget and authorizing all subsequent payments [*outsourced services contract*]

c. Resolution 10-2019 – amending the Fiscal Year 2019 Budget to reflect the approval of a Supplemental Budget Appropriation for the Re-Appropriation and Re-Encumbrance of 2018 Fiscal Year Encumbered Funds in the amount of $9,789,009.05 [*63 open purchase orders from 2018 for projects that are not fully completed*]

d. Resolution 12-2019 – granting an Easement to Metro Wastewater Reclamation District for the purpose of providing a sewer line metering station in City owned Open Space [*north of 44th Ave, east of Field St*]

Councilmember Hoppe introduced the Consent Agenda.

Councilmember Urban asked to pull Item a).

Motion by Councilmember Hoppe to approve the Consent Agenda items b), c), and d); seconded by Councilmember Mathews; carried 6-0.

Motion by Councilmember Hoppe to approve Item a); seconded by Councilmember Urban;

Councilmember Urban had questions about an entry marked as a "math error". Purchasing Agent Jennifer Nellis explained; it was an error by the bidder. She also confirmed that the winning bidder is the same company currently being used.

carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

5. Council Bill 33-2018: Ordinance 1663 – 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) (continued from January 14, 2019 for Council Action)

The purpose of the request for rezoning is to allow for the development of a twenty-six unit townhome project. The public hearing was held on January 14, 2019 at which time a legal protest was entered into the record. The public hearing was closed and the case was continued to February 11, 2019 for action.

Councilmember Dozeman introduced Council Bill 33-2018 [which has already been assigned Ordinance No.1663 by City Clerk Shaver].

Mr. Goff made note of a letter the City had received that afternoon from the applicant; he had distributed the letter to the Council. The applicant had requested another continuance to April 8.

Motion by Councilmember Dozeman to postpone Item 5 until there is a full Council, April 8; seconded by Councilmember Davis; carried 6-0.

2. Council Bill 34-2018: Ordinance 1664 – 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 (continued from January 14, 2019 for Council Action)

Councilmember Mathews introduced Item 2.

Clerk Shaver advised the ordinance had already been numbered Ordinance 1664.

Motion by Councilmember Mathews to postpone second reading consideration of Council Bill No.34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street to the Council's regular meeting on April 8, 2019; seconded by Councilmember Dozeman.

Councilmember Mathews proposed that postponement was the fair thing to do since a unanimous vote of eight councilmember is required for approval and there are not now eight seated members.

Councilmember Davis inquired of Mr. Goff about other contingencies for CVS related to development of this parcel and potential granting of TIF. Mr. Goff replied there are many contingencies and no guarantees of anything, but the first hurdle is to sell the parkland.

The motion carried 6-0.

3. Resolution 11-2019 – a resolution approving an Eighty-Nine Lot Subdivision Replat for Property Zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) at the Northwest Corner of Yarrow Street and 42nd Avenue (Case No. WS-18-07/Yarrow Gardens Filing No. 3)

The requested subdivision replat does not alter the previously approved number of townhomes (89) or the internal private street network; it simply allows for a slightly different mix of building types, which range from 3-plexes to 6-plexes.

Councilmember Davis introduced Resolution 11-2019.

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

Staff presentation – Lauren Mikulak

- Ms. Mikulak entered into the record the case file, zoning ordinance, subdivision regulations and the digital presentation. She testified that all posting and notice requirements had been met.
- She reviewed the rezoning, platting, and ownership history of the property.
- As the project proceeded into final design by the current owner it became clear that some of the townhomes lots need to be modified.
- She displayed the approved platting as compared to the suggested reconfiguration.
    - The approved platting has units of three, six, and five units.
    - The reconfiguration removes the tri-plexes and redistributes the same number of units into buildings with four and five units.
    - Lot lines and tracts are altered to accommodate the changes. The process for review of a re-plat is the same as the original platting process.
- There are no changes to the total unit count, easements, ROW, overall design, or drainage and traffic.

- No outside agencies expressed concern from the replat.
- No public comment was received on the re-plat.
- The Planning Commission and staff recommend approval, with one change related to payment of fees in lieu of parkland dedication.

Public Comment

Roger Loecher (WR) agrees with the project, but has issues with how the traffic is being managed.

- Traffic is routed to Yarrow Street and dead ends at 44th.
- A traffic light on 44th was considered, but turned down.
- A right-turn-only lane was considered, but that will take away parking spaces.
- Another consideration was the taking of land on 44th to provide room for the right turn lane. This would remove parking for the commercial spaces on the street.
- He's also troubled by the statement that if the Graul property is developed, staff would make them put in a street – i.e. extending 42nd Ave through more commercial property [to Wadsworth].
- He suggested a more logical approach would be to exit traffic to the west on to Ammons Street where a stoplight already exists on 44th.
- He doesn't think it's too late to correct this problem.

Council Questions

Councilmember Mathews asked what changed to require the replatting. Ms. Mikulak said the new owners want to eliminate the tri-plexes because they are not cost efficient.

Councilmember Urban delved deeper about plans for 42nd Ave. Ms. Mikulak said no signal is warranted at 44th at this time and there are no plans to extend 42th at this time. Public Works will continue to monitor this as it comes on line and as there are other changes in the area related to the Wadsworth widening. Mr. Urban said he is fervently against extending 42nd through the Happiness Gardens. Ms. Mikulak confirmed that the failure of warrants for a signal at 44th & Yarrow is based on projected traffic.

Councilmember Davis likes the development company, but expressed her serious concerns about how the traffic will put a burden on the neighborhood to the south. "Keeping an eye on it" isn't good enough.

Councilmember Hoppe noted this agenda item only redraws lines; there is no change in the number of units.

Councilmember Dozeman asked if the retaining wall will be retained. Ms. Mikulak said it is her understanding that it will remain.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Resolution No. 11-2019, a resolution approving an eighty-nine lot subdivision replat for property zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) at the Northwest Corner of 42nd Avenue and Yarrow Street (Case No. WS-18-07/Yarrow Gardens Townhomes), for the following reasons:

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

With the following condition:

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

seconded by Councilmember Dozeman; carried 6-0.

4. 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)

If approved, this ordinance would discontinue administrative approval of a subdivision containing a flag lot, and would require, at a minimum, a Planning Commission public hearing. Administrative approval of other subdivisions of three or fewer lots would remain.

This issue arose due to public concern about the administrative approval of a flag lot subdivition in the Bel-Aire neighborhood last October. At issue are the appropriateness of flag lots and the extent to which subdivisions should be reviewed and approved administratively. A temporary moratorium on this process was enacted and staff was directed to draft an ordinance requiring minor subdivisions with flag lots to be subject to a Planning Commission hearing.

Councilmember Urban introduced Council Bill 01-2019.

City Clerk Shaver assigned Ordinance 1665.

Mayor Starker opened the public hearing.

Staff presentation – Ken Johnstone
Mr. Johnstone noted a handout that was distributed to Council tonight listing the subdivisions that had been granted administratively in 2017 and 2018. None have been submitted in 2019.

Chris Chidley (WR) read parts of letters from Walter Lamendola and Mike Cunningham, who both had to leave, and added his own thoughts.

- Studies show that
  - Neighborhoods that preserve and enhance their housing stock and values include, among other things, restricted traffic access, large lots, ample setbacks, and walkable streetscape.
  - Success is greatest when maximizing the potential of historic residential areas.

  - Neighborhood participation in decisions is not served by administrative approval.
  - There is no security of the future character of a neighborhood if neighbors are not allowed to participate in decisions that affect them.
- Flag lots are a way around R-1 zoning (single family houses) by actually creating duplexes - which are not allowed in R-1. The Community Development Director rushed the recent approval of the flag lot on Everett St; it could have been done with a public process.
- For his statement Mr. Chidley read the intent and purpose of the R-1 zone as stated in the Zoning Code. It is to be a safe, quiet, low density neighborhood. Activities that aren't compatible with the residential character are to be prohibited. In 2014 the definition of minor subdivision was changed from two to three lots. They are requesting that all subdivisions, including flag lots, require public input.

Karen Jenni (WR) thanked Council for making an effort to get more neighborhood input for flag lots. She would like to see that go further. She noted that people who buy property, change its character and don't intend to live there don't have as much of an investment. She would like to see no administrative approval of subdivisions.

George Mayfield (WR) supports getting neighborhood input for approval of flag lots.

Katharyn Grant (WR) spoke also for **Elizabeth Grant** (WR). They support public input for subdivisions and flag lots. They support not allowing flag lots in certain areas that have been planned in a beautiful way. They don't want high density housing in their neighborhood as it will change the character of the neighborhood. When one person buys and changes a property it affects the value of all the properties in the area. It is offensive to her that someone would buy a property and change it drastically just for their investment, to create a rental -- at the expense of the neighborhood. One person who does not live in the neighborhood should not be making that decision.

Carol Mathews suggested that administrative approval discriminates against the citizens of established neighborhoods. When a single administrator makes decisions, behind closed doors, that alter the character of a neighborhood, 1) residents have no incentive to improve their properties, 2) the City administration is villainized and the perception of co-option is created, and 3) prospective home buyers are discouraged because they have no security about the future character of their neighborhood. She read from the zoning code about how arrangement of parcels is to contribute to preserving neighborhood character. To eliminate the hostility between administration and property owners she urged Council to eliminate administrative approval for subdivisions, and restore it to minor subdivision status which requires public notice, neighborhood input, and review by Planning Commission and City Council.

Rachel Hultin (WR) thinks there is a need for public input. If anything is added beyond the published change about flag lots, she requested this be tabled so residents can have an opportunity for input.

Michael Pisney (WR) supports the public hearing component. He related an issue in his neighborhood where people from Bailey are going to split a lot, build a second house in the back yard, make a million dollars and ruin the view of four neighbors. This

should be about Wheat Ridge neighbors, not out of towners who only want to make money.

Jeffrey Schitter (WR) thinks this is an important task. Denver is exploding, and the developers are only interested in making money - not living here. He believes in property rights, but it should go both ways. He would like to see a transparent scenario and have the decisions made by more than a single person; it should be a shared, open process. He left north Denver several years ago and came to Wheat Ridge because it is special. He hopes Council will get a handle on this to ensure changes are smart.

Ihor Figlus (WR) expressed opposition to the proposed ordinance. He believes it creates a free for all. He suggested the existing wording should be retained, but add an element of approval of Planning Commission and City Council.

Council Questions

Councilmember Urban received confirmation from Mr. Johnstone that with the ordinance change would provide that no flag lots could be approved administratively – even if they meet criteria.

Councilmember Mathews appreciated receiving that list of administrative approvals for the last two years. There have been 11 of them, so this is not a rare occurrence; it's about one every other month. He'd like to know why this transparency was removed.

Councilmember Dozeman supports the ordinance. She also wants to discuss all categories of minor subdivisions in a transparent way.

Councilmember Urban suggested that giving some decision-making capabilities to boards and commissions is a good thing. He favors discussing removing the administrative approval of subdivisions and doesn't think it would place an undue work burden on Council.

Councilmember Kueter asked if any of the other subdivisions on the chart included flag lots. Mr. Johnstone wasn't sure, but didn't think so.

Councilmember Davis has mixed feelings about the various types of subdivisions, but favors consistency. She suggested requiring Council approval may lead to Council being swayed by public input – rather than being consistent, because each case is different.

Councilmember Urban countered that since each application is different, he thinks the consistency is about listening to the citizens and judging each case on its merits. He thinks the opinions of adjacent and nearby property owners are important, and that applying the same set of criteria for cases that are drastically different is not good policy.

Councilmember Hoppe asked Mr. Johnstone to go through the subdivision process. He agreed with her that inviting the public to a hearing where they think they will have meaningful input is a bit of a set-up if a proposal meets all development criteria.

Councilmember Kueter inquired how something could be "not encouraged", but permitted. Mr. Johnstone explained the wording that gives him discretion (that is not defined) is being replaced with a requirement that "if three criteria are met."

Mayor Starker closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 01-2019, an ordinance amending the Wheat Ridge Code of Laws to regulate the creation of flag lots, on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Davis.

Discussion followed. Councilmembers expressed their opinions about the ordinance.

Councilmember Hoppe thinks this ordinance sets up expectations for the public that their opinion will matter. She believes the way to address this issue is to change the criteria. If something meets a minimum of criteria, it can be allowed. This topic did not go through a study session and overlay zones have not been discussed.

Councilmember Kueter agreed and added he thinks this is a city-wide solution to a specific problem.

Councilmember Mathews expounded on the people's dislike of things done behind closed doors (and not receiving notice), people wanting to be involved and listened to, and the Council's responsibility to listen to the people and make hard decisions – not hide behind ordinances that provide no discretion.

Motion by Councilmember Mathews to amend Section 3 at the top of page 3 to replace "Community Development Director" with "Planning Commission"; seconded by Councilmember Dozeman.

Following discussion, Councilmember Mathews withdrew his motion.

Councilmember Mathews stated, for the record, that this ordinance was approved unanimously by the Planning Commission.

The motion failed 4-2, with Councilmembers Hoppe and Kueter voting no. (5 votes required for passage)

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Larry Mathews had three announcements.

- Tomorrow, February 12th, CDOT will be having an open house from 5-7 at the Rec Center for final citizen input on the I-70 & Kipling interchange.
- There will be an upcoming discussion about Safe Injection Sites.

- A new street tree planting program will be starting soon. People should watch for notice and consider participating. Guidance will be provided by our Forestry division. Planting will start in June.

Kristi Davis received clarification that the street tree program will only be in identified areas this first time. If successful, the program will be expanded citywide.

Zachary Urban noted he is not in favor of Safe Injection Sites, but hopes the upcoming discussion will bring attention to the opioid crisis. ~ Regarding the issue of 48th & Wadsworth, he announced that he and the Mayor had met with staff about working on a way to meet with CDOT and the Federal Highway Administration to meet with the public about alternatives and solutions. An update is coming shortly.

Janeece Hoppe asked Mr. Dahl why public comment is taken before the agenda is approved. He advised that was what the Council put in their Rules. Ms. Hoppe said in the future she will ask for a change to Approve the Agenda before Public Comment. ~ She added that on Friday, February 22 people can "Meet Their Farmer" at St. James Church. Folks can learn what a "crop share" is and how the program works.

Mayor Starker announced receiving a letter from Councilmember Tim Fitzgerald resigning his position effective February 10 due to ill health.

Motion by Councilmember Hoppe to accept Mr. Fitzgerald's resignation with thanks; seconded by Councilmember Urban; carried 6-0.
Councilmember Urban noted that Councilmember Fitzgerald's attendance and work ethic were unmatched.

The Mayor congratulated Mr. Miller on his appointment as City Treasurer and thanked Mr. Stites for applying. He offered thanks for the Love Notes for the first responders and thanked the students of Compass Montessori for their acts of kindness. .

ADJOURNMENT

The City Council Meeting adjourned at 10:01 pm.

Janelle Shaver

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON MAY 13, 2019

Janeece Hoppe, Mayor Pro tem

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

CITY COUNCIL MINUTES

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

March 11, 2019

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

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

ROLL CALL OF MEMBERS

Zachary Urban	Janeece Hoppe	
Kristi Davis	Tim Fitzgerald	Larry Mathews

Absent: Mayor Starker (excused), George Pond (excused), Leah Dozeman (excused),

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; Parks & Recreation Director, Joyce Manwaring (filling in for Mr. Goff); other staff, guests and interested citizens.

APPROVAL OF CITY COUNCIL MINUTES of February 25, 2019 and Special Council Minutes of March 4, 2019

There being no objections, the City Council minutes of February 25, 2019 and Special Council Minutes of March 4, 2019 were approved as published.

APPROVAL OF THE AGENDA

CITIZENS RIGHT TO SPEAK

Dan Larson (WR), member of Planning Commission and board of Garrison Village Condos, gave an update on the repair of hail damage that has been done. The roofs were repaired. The lawsuit against the insurance company has been settled. Siding will be replaced starting in April. He thanked the City for its help and the residents for their patience.

Abigail Lantz (Golden) Her property is next to Clear Creek Crossing. The developer has been working with the neighbors. She wanted council to know that Evergreen Development Company has raised the height of site PA 5 which will be a hotel – now making the hotel much higher. Now the 5 stories will look into their bedrooms. She expressed other concerns, such as the migrant population on Clear Creek, and drainage. A drainage ditch has been removed. This is all going to affect their property value. The neighbors were told this would be a family friendly development – not on top

of them. She recommended Evergreen should be required to put in a barrier – for safety and privacy.

Rachel Hultin (WR) said 25 people came to Coffee with the Mayor. She is grateful when elected officials take time to meet with the people.

Carol Mathews (WR) congratulated the City for the NRS response by citizens. She announced dates for the Open Houses that will be held and urged people to come and provide input.

- March 19: 9-11 at the Active Adult Center, and 4-6pm at WR High School.
- March 20: 7:30-9:30am at the rec center and 5-7pm at Colorado Plus

There will also be presentations to the Planning Commission on March 18, and to the City Council on March 21. These are also opportunities for the public to come give input about the future of Wheat Ridge.

Andy Rasmussen (WR) presented some letters for former Councilmember Tim Fitzgerald. He explained how Tim helped him learn about Wheat Ridge. He and Rachel Hultin presented the letters and spoke in tribute to Tim Fitzgerald.

Councilmember Mathews responded concerning the problems the Garrison Condos have been having. He has been in contact with them for 2 years on this, and will be attending a meeting with them this week.

ORDINANCES ON FIRST READING

1. Council Bill 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

Consideration of an ordinance updating the Wheat Ridge Code to reflect amendments that have been made to the state's Liquor and Beer Codes.

Councilmember Kueter introduced Council Bill 04-2019.

Motion by Councilmember Kueter 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 at 7:00 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

2. Resolution No. 15-2019 – A Resolution amending the Fiscal Year 2019 Public Art Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $18,500 and approving payment to Nancy Lovendahl in the amount of $79,500 with a $4,000 Contingency for the purchase of "Sweet Grass Dance", a stone sculpture

The sculpture is part of the renovation of Anderson Park.

Councilmember Mathews introduced Item 2.

Staff presentation – Joyce Manwaring
Ms. Manwaring introduced **Dina Miller**, hired by the City to oversee the public art process.

Ms. Miller outlined the selection process as defined in the Public Art Management Plan.

- An art selection Committee made up of citizens, representation from the Cultural Commission and Councilmember Mathews met twice between Oct. and Jan.
- The Committee set the parameters for design and artist selection criteria.
  - They defined the function of the art, the theme and aesthetic quality.
  - They wanted the piece to add to the park – not overwhelm it, celebrate the park as a festival park, and be interactive and immersive.
- They reviewed qualified artists and selected an artist and a design to recommend to the Cultural Commission.
- A limestone sculpture entitled "Sweet Grass Dance" by artist Nancy Lovendahl was selected unanimously by the Committee.
- Ms. Miller explained the message of the piece.
- It will be located at a junction of three paths between the pavilion and the parking lot.
- It will include 8 pieces of stone reminiscent of grass blades, with a dot pattern on one side of each stone to depict dew drops.
- A model was presented. The tallest stones will be 8 feet tall.
- She presented the budget for the project.
- Cost of the acquisition is $79,500 plus a $4,000 contingency for unanticipated issues.
- A summer installation is planned.
- There is a plan to have graffiti proof covering on the stone.
- "Dew drops" will be acid stained onto the nearby sidewalk.

Councilmember Urban asked about the flood plain. Ms. Miller said a flood would not affect the structures.

Councilmember Mathews noted the Committee put a lot of thought and effort into this; he enjoyed working with them. He assured other grumpy old men this will not have any blazing red eyes. It will enhance the park, and he looks forward to seeing it installed.

Clerk Shaver had questions about the aerial view. The dots in the grass are from the landscape overlay. The pinkish ground is crusherfine, so mowers can go around the sculptures without running into them.

Councilmember Mathews added that the layout accommodates emergency vehicles.

Motion by Councilmember Mathews to approve Resolution 15-2019 a resolution amending the Fiscal Year 2019 Public Art Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of $18,500 and approving payment to Nancy Lovendahl in the amount of $79,500 with a $4,000 Contingency for the purchase of "Sweet Grass Dance", a stone sculpture; seconded by Councilmember Urban; carried 6-0.

3. Resolution No. 16-2019 – A Resolution in support of House Bill 19-1009 concerning supports for persons recovering from substance use disorders

House Bill 19-1009 is a bill designed to support individuals recovering from substance abuse addiction in Colorado communities through the regulation of substance abuse recovery residences and establishment of state funding and support services for housing assistance for qualified individuals.

Councilmember Urban introduced Item 3.

In lieu of a staff presentation, Councilmember Urban took questions – as he has done a great deal of research on this.

- Regarding the status of the bill, it has passed out of the House and will go to the Senate.
- Councilmember Urban will make sure the legislature is aware of the support from the City of Wheat Ridge.
- Mr. Urban noted that to allay citizen concerns about recovery houses/facilities, this bill requires that such houses be certified by the Colorado Association of Recovery Residences. This will help deal with issues that arise and ensure the facilities are safe for the individuals in recovery.
- Councilmember Hoppe thanked Councilmember Urban for bringing this to the Council so they can support it.

Motion by Councilmember Urban to approve Resolution 16-2019, a resolution in support of House Bill 19-1009 concerning supports for persons recovering from substance abuse disorders; seconded by Councilmember Davis.

The motion carried 6-0.

4. Resolution No. 17-2019 – A Resolution in support of Senate Bill 19-008 concerning treatment of individuals with substance use disorders who come into contact with the Criminal Justice System

SB 19-008 is designed to provide services and treatment to addicted individuals in lieu of entering the criminal justice system. It adds low level drug crimes to a simplified record sealing process and identifies funding to expand the Law Enforcement Assisted Diversion (LEAD) programs. in Colorado communities through the regulation of substance abuse recovery residences and establishment of state funding and support services for housing assistance for qualified individuals.

Councilmember Urban introduced Item 4.

There was no staff presentation or questions from the Council.

Motion by Councilmember Urban to approve Resolution 17-2019, a resolution in support of Senate Bill 19-008 concerning treatment of individuals with substance abuse disorders who come into contact with the Criminal Justice System; seconded by Councilmember Mathews; carried 6-0.

5. Resolution No. 18-2019 – A Resolution authorizing Wheat Ridge's participation in the 2019 Metro Mortgage Assistance Plus Program and delegating to the City and County of Denver the Authority of Wheat Ridge to take action and exercise power under a Delegation and Participation Agreement on behalf of Wheat Ridge with respect to the program

This is the renewal of an agreement with the City and County of Denver to participate in the Metro Mortgage Assistance (MMA) Plus Program. MMA helps low- and moderate-income persons or families with competitive mortgage loans, down payments and closing costs. The City has participated in this program since 2013.

Councilmember Davis introduced Item 5.

Councilmember Davis listed some of the particulars of the program. She noted that since 2013 this program has helped originate nine loans in Wheat Ridge - totaling $2,172,307 in loan amount and $86,892 in closing costs.

Councilmember Mathews noted there is no cost to the City and it helps folks out.

Councilmember Urban encouraged first–time home buyers to attend a HUD approved homebuyers' education class. They are free. There will be classes on March 15 and 23, and April 12 and 27 in Edgewater.

Councilmember Davis remarked that she had used a program like this when she bought her first home in Denver, and the classes are very helpful.

Motion by Councilmember Davis to approve Resolution 18-2019, a resolution authorizing Wheat Ridge's participation in the 2019 Metro Mortgage Assistance Plus Program and delegating to the City and County of Denver the Authority of Wheat Ridge to take action and exercise power under a Delegation and Participation Agreement on behalf of Wheat Ridge with respect to the program, seconded by Councilmember Urban; carried 6-0.

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Kristi Davis asked for someone to join her in putting the Clear Creek Crossing issues on a study session agenda so Council, as a body, can follow up on the concerns of the neighbors. Mr. Urban agreed to join her on that.

David Keuter congratulated Mayor pro tem Hoppe on the short length of the meeting.

Mayor pro tem Hoppe welcomed Councilmember Weaver and thanked Carol Mathews for reminding folks about the NRS open houses coming up. She added that all the gatherings except the one at Colorado Plus will have an ASL interpreter. ~ She announced that the NRS will be reporting to Council at the March 18 Study Session and on March 21 to the Planning Commission.

Larry Mathews asked if those meetings were on the website. Ms. Hoppe said they were.

ADJOURNMENT

The meeting adjourned at 7:51 pm.

Janelle Shaver

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON May 13, 2019

_____

Janeece Hoppe, Mayor Pro tem

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ITEM NO: 1a.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO AWARD A CONTRACT AND APPROVE SUBSEQUENT PAYMENTS TO INDEPENDENT ROOFING SPECIALISTS, LLC COMMERCE CITY COLORADO IN THE AMOUNT OF $478,710 FOR HAIL DAMAGE REPAIRS TO PARKS, FORESTRY, OPEN SPACE, AND PUBLIC WORKS STRUCTURES

- ☐ 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 May 8, 2017 hailstorm caused extensive damage to a majority of Parks, Forestry, Open Space and Public Works structures. CIRSA, the City's insurance company, evaluated the damage and provided insurance estimates to the City to repair the damage. Repair services were formally solicited by the Purchasing and Contracting Division and Independent Roofing Specialists, LLC is the low bidder in the amount of $478,710.

PRIOR ACTION:
None

FINANCIAL IMPACT:
Funding was appropriated in the 2019 Central Charges budget for these repairs. CIRSA will reimburse the City was the work is completed.

BACKGROUND:
Three bids were accepted for ITB-19-04 on April 16, 2019. Independent Roofing Specialists, LLC is the low bidder at $478,710. Awarding this contract will provide the funds necessary to

repair or replace roofs, siding and paint at all Parks, Forestry, Open Space and Public Works structures damaged during the May 8, 2017 hailstorm.

RECOMMENDATIONS:
Staff recommends the award of the contract to Independent Roofing Specialists LLC, for hail damage repair to Parks, Forestry, Open Space, and Public Works structures.

RECOMMENDED MOTION:
"I move to award a contract and approve subsequent payments to Independent Roofing Specialists LLC, Commerce City, Co., in the amount of $478,710 for hail damage repair to Parks, Forestry, Open Space, and Public Works structures.

Or,

"I move to deny award of a contract and subsequent payments to Independent Roofing Specialists LLC, Commerce City, Co., in the amount of $478,710 for the hail damage repair to Parks, Forestry, Open Space, and Public Works structures.

REPORT PREPARED/REVIEWED BY:
Mark Ruote, Park Project Coordinator
Joyce Manwaring, Director of Parks and Recreation
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:
1. Bid Tabulation Sheet (as corrected)

As corrected

Subject to review for completeness and accuracy.

City of Wheat Ridge

PROJECT: ITB-19-04
HAIL DAMAGE REPAIRS for PFOS and PW Ops Structures
DUE DATE/TIME: THURSDAY, ~~JANUARY 17~~ APRIL 16, 2019 BY 1:00 P.M. LOCAL TIME

REQUESTED BY: MARK RUOTE, PARKS, FORESTRY and OPEN SPACE
OPENED BY: KIRBY HOLLUMS, BUYER II
WITNESSED BY: ALLISON SCHECK, ADMIN SERVICES DIR.

ALLOWED VENDOR (PRIME)	Alpine Roofing Ltd	B&M Roofing of CO	Horn Bros Roofing	Independent Roofing Specialists	Progressive Roofing
LOCATION	Denver, CO	Frederick, CO	Denver, CO	Commerce City, CO	Denver, CO
BIDDER ATTENDED MANDATORY PRE-BID	x	x	x	x	x
BIDDER ACKNOWLEDGEMENT FORM	x	x	x	x	x
ACKNOWLEDGE ADDENDA (2)	x	N/A	x	x	x
CONTRACTOR'S QUALIFICATION FORM	x		x	x	N/A
LIST OF SUB-CONTRACTORS	No subcontructors		and Residential Painting;	No subcontractors	No subcontractors
NON-DISCRIMINATION ASSURANCE FORM	x		x	x	x
ILLEGAL ALIEN COMPLIANCE	x		x	x	x
NON-COLLUSION AFFADAVIT	x		x	x	x
KEEP JOBS IN COLORADO FORM	x		x	x	x
BID BOND	x		x	x	x
BID FORM, Revised PAGES 54 and 55	x		x	x	x
ROOFING TOTAL, PAGE 69	964,324.00		714,099.00	460,060.00	
PAINTING TOTAL, PAGE 71	97,450.00		18,403.00	18,650.00	
BASE BID TOTAL, PAGE 71	1,061,774.00	0.00	$748,522.00*	478,710.00	0.00
COMPOSITE SHINGLES PER SQUARE	$ 413.00		$ 265.00	$ 280.00	
BID ALT 1 - HD SHINGLES PER SQUARE	$ 436.00		$ 300.00	$ 305.00	

* $16,020.00 added for bond

ATTACHMENT 1

Subject to review for completeness and accuracy.

City of Wheat Ridge

PROJECT: ITB-19-04
HAIL DAMAGE REPAIRS for PFOS and PW Ops Structures
DUE DATE/TIME: THURSDAY, JANUARY 17, 2019 BY 1:00 P.M. LOCAL TIME

REQUESTED BY: MARK RUOTE, PARKS, FORESTRY and OPEN SPACE
OPENED BY: KIRBY HOLLUMS, BUYER II
WITNESSED BY: ALLISON SCHECK, ADMIN SERVICES DIR.

ALLOWED VENDOR (PRIME)	Top That Roofing				
LOCATION					
BIDDER ATTENDED MANDATORY PRE-BID					
BIDDER ACKNOWLEDGEMENT FORM					
ACKNOWLEDGE ADDENDA (2)					
CONTRACTOR'S QUALIFICATION FORM					
LIST OF SUB-CONTRACTORS					
NON-DISCRIMINATION ASSURANCE FORM					
ILLEGAL ALIEN COMPLIANCE					
NON-COLLUSION AFFADAVIT					
KEEP JOBS IN COLORADO FORM					
BID BOND	N/A				
BID FORM, Revised PAGES 54 and 55					
ROOFING TOTAL, PAGE 69					
PAINTING TOTAL, PAGE 71					
BASE BID TOTAL, PAGE 71	0.00	0.00	0.00	0.00	0.00
COMPOSITE SHINGLES PER SQUARE					
BID ALT 1 - HD SHINGLES PER SQUARE					

ITEM NO: 1b.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 28-2019 - A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAKEWOOD PROVIDING FOR RESURFACING OF 26TH AVENUE BETWEEN KIPLING STREET AND OAK STREET

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Director of Public Works

City Manager

ISSUE:

The cities of Wheat Ridge and Lakewood both engage in annual pavement rehabilitation and resurfacing projects. 26th Avenue serves as a common boundary between the two cities between Kipling Street and Oak Street. In accordance with the pavement management and maintenance schedules for both cities, this stretch of 26th Avenue is scheduled for resurfacing in 2019.

In such instances where more than one municipality shares a common boundary or street, it has consistently proven more cost effective and less disruptive if a single project is performed by a single entity, rather than each individual city conducting its own project. As such, staff from each city have mutually identified and developed a project that meets the needs of both cities and have prepared an Intergovernmental Agreement (IGA). This IGA provides for the street resurfacing to be administered by the City of Lakewood with the City of Wheat Ridge compensating Lakewood for its appropriate share of the project costs. Such arrangement has occurred on 26th Avenue in the past and the cities have alternated being the lead agency.

PRIOR ACTION:
None

FINANCIAL IMPACT:
Funding for this work was approved in the 2019 Capital Improvement Program budget, Preventive Maintenance Projects (30-303-800-884). The total approved budget for this budget line item is $1,900,000, which includes asphalt resurfacing, miscellaneous concrete work, patching, and crack sealing. The estimated contribution from the City of Wheat Ridge for 26th Avenue resurfacing between Kipling Street and Oak Street is $42,252.56, which easily fits within the total budget that includes other resurfacing, concrete, and maintenance work identified for 2019.

BACKGROUND:
The annual Street Resurfacing Program was developed to provide needed maintenance to a number of selected streets by priority in accordance with the citywide maintenance plan. The program is intended to extend the life of pavement on streets that are structurally sound. For the 2019 project, 26th Avenue between Kipling Street and Oak Street will be resurfaced along with other selected local streets. The overall program also includes the following: concrete and curb ramp replacements on streets being resurfaced, striping maintenance of high volume streets throughout the City by priority, spot pavement patching citywide and crack sealing.

26th Avenue is shared as a common boundary between Wheat Ridge and Lakewood between Kipling Street and Oak Street, and both cities have identified and scheduled this street for resurfacing in 2019. As a result of meetings between staff from both cities, it was collectively determined that a single project administered by the City of Lakewood with Wheat Ridge contributing its fair share would serve as the most efficient means of performing the resurfacing work.

RECOMMENDATIONS:
Staff recommends approving the attached resolution authorizing approval of an Intergovernmental Agreement (IGA) with the City of Lakewood.

RECOMMENDED MOTION:
"I move to approve Resolution No. 28-2019, a Resolution approving an Intergovernmental Agreement with the City of Lakewood, providing for resurfacing of 26th Avenue between Kipling Street and Oak Street"

Or:

"I move to postpone indefinitely Resolution No. 28-2019, a Resolution approving an Intergovernmental Agreement with the City of Lakewood, providing for resurfacing of 26th Avenue between Kipling Street and Oak Street for the following reason(s):"
_____."

REPORT PREPARED/REVIEWED BY:
Steve Nguyen, Engineering Manager
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 28-2019
2. Intergovernmental Agreement

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 28
Series of 2019

TITLE: A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAKEWOOD FOR RESURFACING OF 26th AVENUE BETWEEN KIPLING STREET AND OAK STREET

WHEREAS, 26th Avenue between Oak Street and Kipling Street serves as the boundary between the cities of Wheat Ridge and Lakewood, with each city being responsible for the portion of the street lying within its corporate boundary; and

WHEREAS, 26th Avenue is in need of maintenance and resurfacing work in accordance with the maintenance needs and policies of both cities; and

WHEREAS, the cities of Lakewood and Wheat Ridge desire to complete the resurfacing work as a single project, with costs split in accordance with the amount of pavement surface located in each respective city; and

WHEREAS, the project will be administered by the city of Lakewood with the city of Wheat Ridge compensating Lakewood for its appropriate share of the cost; and

WHEREAS, an Intergovernmental Agreement (IGA) between the city of Wheat Ridge and the city of Lakewood has been prepared to govern the administration and cost sharing for the project, as permitted by Section 14.2 of the Wheat Ridge Charter.

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

Section 1. Agreement Approved.

The Intergovernmental Agreement between the city of Lakewood and the city of Wheat Ridge for resurfacing of 26th Avenue, attached as **Exhibit A**, is hereby approved, and the Mayor and City Clerk are authorized and directed to execute the same.

This Resolution shall be effective immediately upon adoption.

DONE AND RESOLVED this _____ day of _____, 2019.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

Exhibit A
Intergovernmental Agreement
[Attached]

INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF LAKEWOOD AND CITY OF WHEAT RIDGE
REGARDING 32ND AVENUE MILLING/PATCHING/OVERLAY PROJECT

THIS INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF LAKEWOOD AND CITY OF WHEAT RIDGE REGARDING 26th AVENUE MILLING/PATCHING/OVERLAY PROJECT (the "IGA") is made and entered into this _____ day of _____, 2019 (the "Effective Date"), by and between the **CITY OF LAKEWOOD**, a Colorado home rule municipal corporation whose principal business address is 480 South Allison Parkway Lakewood, Colorado 80226 ("Lakewood"), and between the **CITY OF WHEAT RIDGE**, a home rule municipal corporation of the State of Colorado, whose principal business address is 7500 W. 29th Avenue, Wheat Ridge, Colorado 80033 ("Wheat Ridge").

WHEREAS, Article XIV, Section 18(2)(a), of the Constitution of the State of Colorado and Part 2, Article 1, Title 29, C.R.S., encourage and authorize intergovernmental agreements;

WHEREAS, C.R.S. § 29-1-203 authorizes governments to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each;

WHEREAS, the parties desire to enter into this IGA to engage in a shared Milling/Patching/Overlay project on 26th Avenue between Oak Street and Kipling Steet (the "Project");

WHEREAS, Wheat Ridge is responsible for approximately forty-five percent (45%) of the maintenance responsibilities along the north side of 26th Avenue between Oak Street and Kipling Street;

WHEREAS, the total area for the Project is approximately 101,304 square feet with Lakewood responsible for approximately 55,979 square feet thereof, Wheat Ridge responsible for approximately 45,325 square feet thereof;

WHEREAS, on January 18, 2018, Lakewood entered into a contract with Martin Marietta Materials, Inc. ("Contractor"), to perform Lakewood's Overlay Program (the "Overlay Contract"), which Contract was renewed on March 1, 2019, for Lakewood's 2019 Overlay Program; and

WHEREAS, the parties desire to enter into this IGA to extend Contractor's work under the Overlay Contract to include milling/patching/overlay work along 26th Avenue as desired by Wheat Ridge.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the sufficiency of which is expressly acknowledged, the parties hereby agree as follows:

1. WORK. Pursuant to this IGA, Contractor shall perform the Wheat Ridge maintenance obligations on 26th Avenue between Oak Street and Kipling Street, as set forth in the Scope of Work in **Attachment A**, attached hereto and incorporated herein by this reference, and in accordance with the standards set forth in the Overlay Contract.

2. CONSIDERATION. In exchange for Contractor's services, Wheat Ridge shall pay Lakewood in accordance with the following table. Payment shall be made in a lump sum within thirty (30) days following substantial completion and acceptance by Wheat Ridge.

ATTACHMENT 2

Item	Unit	Quantity	Price	TOTAL
Remove Asphalt Mat 2" Full Width	S.Y.	5,036	$1.26	$6,345.36
HBP (Overlay) (SX 64-22)	TON	560	$64.12	$35,907.20
				$42,252.56

Pricing does not reflect any patching that may be required. If patching is required, Wheat Ridge shall compensate Lakewood in accordance with the costs set forth in Attachment A. In the event there are unforeseen and/or additional work items not covered in this Agreement, such additional work (including costs) will proceed only upon mutual agreement between the two cities.

3. TERM. The Term of this IGA shall be from the Effective Date through _____, 2019.

4. LIABILITY/GOVERNMENTAL IMMUNITY.

   A. Liability of the Parties. Each party shall be liable and responsible for the acts and omissions of its own employees, agents and elected and appointed, and neither party shall be responsible for the acts or omissions of the other party's employees, agents or elected or appointed officials.

   B. CGIA. Both parties are governmental entities subject to and protected by the limitations on liability set forth in the Colorado Governmental Immunity Act, C.R.S. Title 24, Article 10 (the "CGIA"). Nothing herein shall be deemed to waive any rights or immunities established pursuant to the CGIA or otherwise provided by law.

5. NOTICES. Notices provided to a party pursuant to this IGA shall be in writing, addressed to the parties as follows:

If to Lakewood:

Infrastructure Maintenance/Ops. Engineer
City of Lakewood Public Works Dept.
480 S. Allison Pkwy
Lakewood, CO 80226

If to Wheat Ridge:

Public Works Director
City of Wheat Ridge
7500 W. 29th Avenue
Wheat Ridge, Colorado 80033

6. GENERAL PROVISIONS.

   A. INTEGRATED AGREEMENT. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties.

   B. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this IGA and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than Lakewood and Wheat Ridge shall be deemed to be only an incidental beneficiary under this IGA.

   C. Governing Law and Venue. This IGA shall be governed by the laws of the State of Colorado. Venue shall be in the County of Jefferson, State of Colorado, or, for federal claims, in the United States District Court for the District of Colorado.

D. Headings. Paragraph headings used in this IGA are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this IGA.

E. Severability. In the event a court of competent jurisdiction holds any provision of this IGA invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this IGA.

F. Counterparts; Electronic Disposition. This IGA may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this IGA, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original of this IGA, may be used for any purpose as if it were the original, including proof of the content of the original writing.

G. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this IGA on behalf of the parties and to bind the parties to its terms.

[Remainder of page intentionally blank – signatures follow.]

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

CITY OF WHEAT RIDGE

_____
[Signature]

_____
[Name & Title]

ATTEST:

_____
[Signature]

_____
[Name & Title]

Approved as to legal form:

_____
[Signature]

_____
[Name & Title]

CITY OF LAKEWOOD

_____
Kathleen E. Hodgson, City Manager

ATTEST:

_____
Margy Greer, City Clerk

Approved as to form:

_____
Gregory D. Graham, Deputy City Attorney

Recommended for Approval:

_____
Jay Hutchison, Director
Department of Public Works

_____
Kyle Beck, Infrastructure Maintenance/Ops. Engineer
Department of Public Works

ATTACHMENT A – SCOPE OF WORK

Contractor will perform the following work for Wheat Ridge:

- A two-inch (2") full mill of 26th Avenue between Oak Street and Kipling Street.
    - Necessary patching will follow the milling operation
        - Patching shall be at six inches (6") thick or match existing mat thickness, whichever is greater
        - 2019 pricing for patching is $119.60 per ton for HBP 'A' Patch (grade S) (Haul & Asphalt (Collector))
        - Any patching required will be discussed among the parties and paid for by the responsible party
    - Once patching is complete, Contractor will overlay the milled portion of 26th Avenue with a two-inch (2") final lift Overlay using SX 58-28 Hot Mix Asphalt
    - Striping will be installed by Lakewood's in-house striping crew

City of Wheat Ridge

ITEM NO: 1c.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE A CONTRIBUTION TO THE WHEAT RIDGE BUSINESS DISTRICT FOR THE PURPOSE OF FUNDING THE BUSINESS IMPROVEMENT GRANT PROGRAM IN THE AMOUNT OF $90,000

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

QUASI-JUDICIAL: ☐ YES ☒ NO

City Manager

ISSUE:
The 2019 City budget includes a contribution to the Wheat Ridge Business District (WRBD) in the amount of $90,000 for a matching grant program. An invoice was received from the WRBD for this funding. Expenditures over $75,000 require City Council approval.

PRIOR ACTION:
City Council approved $90,000 in funding during the 2019 budget process for the WRBD Grant Program.

FINANCIAL IMPACT:
The 2019 budget includes a total of $90,000 for the Wheat Ridge Business District.

The City has contributed funding to the WRBD beginning in 2011 in the following amounts:

Year	WRBD Contribution	Year	WRBD Contribution
2011	$95,000	2015	$45,000
2012	$40,000	2016	$45,000
2013	$90,000	2017	$45,000
2014	$45,000	2018	$45,000

BACKGROUND:
The Wheat Ridge Business District (WRBD) was formed in a joint partnership between local business owners and the City of Wheat Ridge to help revitalize 38th Avenue – the City's traditional "Main Street." The effort has been expanded to serve businesses throughout the City of Wheat Ridge.

The Wheat Ridge Business District administers several grant programs for Wheat Ridge businesses. The grant programs are matching grants up to specified limits. WRBD offers the following programs:

- Revitalization Incentive Program (RIP) provides assistance for facade (including architectural design fees) and sign improvements.
- Accessibility Grant Program offers assistance for accessibility issues such as handicap bathrooms and ramps.
- Commercial Exterior Paint Program is for businesses painting the exterior of their business.
- Commercial Landscape Grant is a one-time grant for landscape improvements.
- Façade Plus Program is an effort to have a larger category to consider larger in scope projects that include substantial changes to the façade.

The grant programs are matching grants up to specified limits. This means for every $1 spent by the business, the WRBD will match $1 up to the specified limits.

Grants include:

- Up to $3,750 for sign improvements
- Up to $6,000 for conversion of pole signs to monument signs
- Up to $7,500 for facade improvements
- Up to $2,500 for architectural/design assistance
- Up to $6,000 towards a completed accessibility project
- Up to $3,000 towards a Visual Impact Special Project that increases curb appeal
- Up to $900 for a landscaping project
- Up to $600 for exterior painting project supplies

RECOMMENDATIONS:
Staff recommends approval of the contribution to the WRBD in the amount of $90,000 for the Business Improvement Grant Program.

RECOMMENDED MOTION:
"I move to approve a contribution to the Wheat Ridge Business District for the purpose of funding the Business Improvement Grant Program in the amount of $90,000."

Or,

"I move to deny approval of a contribution to the Wheat Ridge Business District for the purpose of funding the Business Improvement Grant Program in the amount of $90,000 for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Steve Art, Economic Development and Urban Renewal Manager
Patrick Goff, City Manager

ATTACHMENTS:
1. Wheat Ridge Business District invoice

Wheat Ridge Business District

4465 Kipling Street, Suite 103
Wheat Ridge CO 80033

Invoice

Date	Invoice #
2/28/2019	13

Bill To
City of Wheat Ridge 7500 W. 29th Ave. Wheat Ridge, CO 80033

Description	Amount
2019 Business Improvement Grant Program	45,000.00
Facade Plus Program	45,000.00

OK TO PAY – NOT TO EXCEED $4,999.99
Date: 4-23-19
Account: 01-105-700-710
Amount: $90,000
Description:

Signature

	Total	$90,000.00

ATTACHMENT 1

ITEM NO: 1d.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 29-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF $8,155 FOR THE FOOTHILLS ANIMAL SHELTER SPECIAL ASSESSMENT

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

QUASI-JUDICIAL: ☐ YES ☒ NO

Chief of Police **City Manager**

ISSUE:
Since 2011, entities in Jefferson County have paid a special assessment to the Foothills Animal Shelter in order to continue operations of this facility. The Police Department budgeted $47,040 for 2019; however, the actual assessment is $55,195.

PRIOR ACTION:
City Council approved a budgeted amount of $47,040 as part of the 2019 Budget approval process.

FINANCIAL IMPACT:
The supplemental budget request is $8,155. There are adequate reserves in the General Fund to meet this request.

BACKGROUND:
The Foothills Animal Shelter serves as Jefferson County's animal shelter, providing essential animal welfare services to eleven entities in the County. On July 16, 2018, the Foothills Animal Shelter Board of Directors met with Jefferson County and City Managers to review expenditures,

financial projections and licensing and assessment revenue opportunities. The Board expressed a need to maintain a revenue stream in the amount of $1.6 million from dog licensing revenue and assessments from the Jefferson County jurisdictions in 2019. In September 2018, Foothills Animal Shelter provided a Pet Licensing Program Activity Report that pet licensing goals were below the goals established for all jurisdictions resulting in lower overall revenue numbers.

The city budgeted $47,040 for a special assessment in the 2019 Budget. Written notification was received on October 9, 2018, of a special assessment in the amount of $55,195, resulting in a gap of $8,155.

RECOMMENDATIONS:
Staff recommends approval of this supplemental budget request.

RECOMMENDED MOTION:
"I move to approve Resolution No. 29-2019 – a resolution amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of $8,155 for the Foothills Animal Shelter Special Assessment."

Or,

"I move to postpone indefinitely Resolution No. 29-2019 – a resolution amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of $8,155 for the Foothills Animal Shelter Special Assessment for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:
Daniel Brennan, Chief of Police
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 29-2019
2. FAS Pet Licensing Program Activity Report
3. FAS memorandum dated October 9, 2018
4. FAS memorandum dated January 24, 2019

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 29
Series of 2019

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF $8,155 FOR THE FOOTHILLS ANIMAL SHELTER SPECIAL ASSESSMENT

WHEREAS, the City Council recognizes the important role that the Foothills Animal Shelter plays in providing animal welfare services to the City of Wheat Ridge and Jefferson County; and

WHEREAS, the 2019 Special Assessment is required in order to continue to provide quality services at the animal shelter; and

WHEREAS, the 2019 Special Assessment request from Foothills Animal Shelter is $8,155 more than the amount budgeted for this year; and

WHEREAS, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a Resolution.

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

A. The City Council authorizes the transfer of $8,155 from the General Fund undesignated reserves to account number 01-203-700-721 and amending the 2019 fiscal year budget accordingly.

DONE AND RESOLVED this 13th day of May 2019.

_____
William “Bud” Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

PET LICENSING PROGRAM ACTIVITY REPORT
Fiscal Year July 1, 2018-June 30, 2019

September 2018

Jurisdiction	Est Dog Population	GOAL	Licenses issued or renewed SEP	Licenses issued or renewed YTD 7/1-9/30	License Revenue SEP	License Revenue YTD 7/1-9/30	Current Compliance Rate 10/17-9/18	Percentage Obtained Toward Compliance Goal Licenses issued or renewed/GOAL = 2018-2019	2017-2018
Arvada	32,263	6,453	512	1,839	$10,220	$37,135	21%	28%	29%
Edgewater	1,665	333	8	23	$220	$600	7%	7%	11%
Golden	5,510	1,102	76	290	$1,530	$5,965	23%	26%	29%
Lakewood	47,076	9,415	712	2,459	$14,355	$49,900	22%	26%	25%
Westminster	30,100	6,020	446	1,425	$8,785	$28,795	18%	24%	25%
Wheat Ridge	10,245	2,049	119	466	$2,560	$9,555	17%	23%	24%
Jeffco	53,772	10,754	1,031	3,645	$21,200	$73,395	28%	34%	37%
JURISDICTION TOTALS	**180,631**	**36,126**	**2,904**	**10,147**	$58,870	$205,345	23%	28%	29%

VOLUNTARY: Bowmar, Lakeside, Littleton Morrison, Mountain View, Other, Superior	16	49	$360	$980
LICENSING PROGRAM TOTALS: Jurisdiction & Voluntary	**2920**	**10196**	**$59,230**	**$206,325**

LICENSE REVENUE DATA:
License revenue data obtained from completed license sales, replacement license sales and license exceptions

FORMULAS:
Est. dog population: Household numbers x .425 (Est. dog population) x 1.6 (number of dogs per household) = TOTAL
Goal: (Number of licenses need to reach 20% compliance rate). Est. Dog population x 20%

SOURCES:
Dog Population: 2012 US Pet Ownership and Demographic Sourcebook - American Veterinary Medical Association.
Household Data: 2016 State Demography Office. Numbers updated yearly beginning on July 1st.

ATTACHMENT 2

FOOTHILLS ANIMAL SHELTER

MEMORANDUM

October 9, 2018

TO: Jefferson County and City Managers

FROM: Foothills Animal Shelter Board of Directors

SUBJECT: 2019 Operational Assessment and FAQs

Operational Assessment

The Foothills Animal Shelter Board of Directors met with the Jefferson County and City Managers on July 16, 2018, to review expenditures, financial projections, and licensing and assessment revenue opportunities. The Board expressed a need to remain at a stable revenue stream from licensing and assessments of $1,600,000 in 2019.

Per that meeting, the Board of Directors proposes to move forward with a modified licensing and assessment charge. Each jurisdiction would be expected to contribute, from both licensing and assessments, a proportion of the $1,600,000 based on estimated dog population. All licensing revenue would then be applied to the proportional charge, with any remaining balance charged as an assessment. The 2019 estimate for budgeting is as follows:

	Total	Estimated Licensing Revenue	Net - Requested to Budget as 2019 Assessment
Jefferson County	$477,120	$304,485	$172,635
Arvada	$283,680	$137,070	$146,610
Edgewater	$14,880	$2,560	$12,320
Golden	$49,120	$26,000	$23,120
Lakewood	$415,840	$202,110	$213,730
Westminster	$268,480	$110,745	$157,735
Wheat Ridge	$91,040	$35,845	$55,195
TOTAL	**$1,600,160**	**$818,815**	**$781,345**

ATTACHMENT 3

Questions from Elected Officials:

At the Quarterly Commissioners / Municipalities Breakfast on June 7, 2018, a number of important questions were asked of the Foothills Animal Shelter. The Board seeks to respond below.

- Does Foothills Animal Shelter track actual usage by jurisdiction? Could that be used to allocate costs?
    - FAS does track usage by each entity, in terms of total animal intake from animal control officers, citizens, and strays. This usage could be utilized to allocate the costs of operating the FAS back to each entity. That said, allocation in this manner presents an issue with providing stable estimates for costs by jurisdiction, because certain cases (like hoarding incidents) can cause a greatly increased utilization of the FAS by a single jurisdiction. Because of this volatility, the Board has sought to strike a balance for financial planning by using the estimated dog population.
- Larimer County has mandatory rabies reporting. What are their penalties?
    - Pursuant to Larimer County Code, Section 6-151, "The penalty for violation of any provision of article II (dog licensing), article III (rabies control), section 6-76 (dogs at large), or section 6-77 (disturbance of peace and quiet) shall be $40.00 for the first offense, $100.00 for the second offense, and $150.00 for subsequent offenses."
- How do I register my pet? Is it online?
    - You can register your pet online, by mail, or in person at one of nearly 50 locations or a licensing clinic. You may register your pet online at https://foothillsanimalshelter.org/services/license-your-pet/.
- Why does FAS bring in animals from outside Jefferson County?
    - Foothills Animal Shelter maintains a transfer program that brings in desirable animals from outside of Jefferson County to:
        - Raise additional revenue (in 2017, the program experienced $57,745 in gross profit);
        - Ensure we have adoptable animals on a more regular basis; and
        - Bring in traffic that helps other animals be adopted.
- Have the FAS expenses been reviewed to find cost savings?
    - The Board of Directors of the Foothills Animal Shelter is appointed to represent each jurisdiction. The Board of Directors monthly reviews expenses and revenues. Additionally, the Board of Directors approves an annual budget. Additionally, the Board of Directors and the City Managers reviewed FAS expenditures prior to their meeting on July 16, 2018.
- Can FAS implement a three-year license to match the three-year rabies vaccinations?
    - The Board of Directors will review the possibility of implementing a three-year license with the ongoing discussion of mandatory rabies reporting.

FOOTHILLS ANIMAL SHELTER

January 24, 2019

Marianne Schilling
Assistant to the City Manager
City of Wheat Ridge
7500 W. 29th Avenue
Wheat Ridge, CO 80033

Dear Marianne:

As Foothills Animal Shelter continues to provide necessary animal sheltering services to the Jefferson County community, Wheat Ridge's contribution to the Shelter's operating budget is crucial to maintaining adequate animal shelter support to the Wheat Ridge Police Department, as well as the residents and citizens of Wheat Ridge.

Based on the Foothills Animal Shelter 2019 budget, the IGA formula calculation for the 2019 Special Assessment (tied to the long-term sustainability plan) for the City of Wheat Ridge is $55,195.

If you would, please forward this request to the appropriate parties for review and processing. Checks may be sent to:

Foothills Animal Shelter
580 McIntyre Street
Golden, CO 80401
Attn: Tiffany Hurst

Please do not hesitate to contact me if you have questions. I can be reached by phone at 720-407-5219, or via email at thurst@fas4pets.org.

On behalf of the animals and people served by Foothills Animal Shelter, we appreciate your support and look forward to our continued partnership.

Sincerely,

Tiffany Hurst
Director of Administration

ATTACHMENT 4

ITEM NO: 1e.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 27-2019 – A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN SIGNAL BEHAVIORAL HEALTH NETWORK AND THE CITY OF WHEAT RIDGE TO RECEIVE AND DISTRIBUTE NARCAN® NASAL SPRAY KITS

☐ 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 is undertaking the development and deployment of a Narcan program for all uniformed personnel in order to proactively impact opioid overdose situations as they are encountered.

PRIOR ACTION:
None

FINANCIAL IMPACT:
There will be no financial impact to the City of Wheat Ridge for the purchase of Narcan kits. The department will spend approximately $678.96 from Fund 17 for individual storage kits for the Narcan.

BACKGROUND
The Wheat Ridge Police Department is undertaking the development and deployment of a Narcan program for all uniformed personnel in order to proactively impact opioid overdose situations as they are encountered. To that end, the police department has secured 72 full Narcan kits, a total of 144 doses of Narcan at no cost through a program administered by the Colorado Association of Chiefs of Police (CACP). These 72 Narcan kits would otherwise have a cost to

law enforcement of $75 per kit, or $5,400. However, by entering into an MOU with Signal Behavioral Health Network, through the program administered by CACP, the Narcan kits will carry no cost to the organization.

A policy is currently being developed to ensure industry best practices are met with respect to the acquisition and deployment of Narcan. The MOU directs WRPD to obtain standing orders from the Colorado Department of Public Health and Environment within six months of execution. This process has been initiated. The MOU also requires training to be provided to individuals before they administer Narcan. Steps to meet the training requirements have already been initiated. The final requirement of the MOU is with regard to reporting, which will be met by the Narcan program administrator in compliance with the MOU and to be set forth by policy currently being written.

Equipping uniformed personnel with Narcan, and providing them with the training and support to deploy such on scenes of cases involving opioid overdose, provides the police department a recognized method and course of action to save lives in such events.

RECOMMENDATIONS:
Staff recommends that City Council approve the Memorandum of Understanding between Signal Behavioral Health Network and the City of Wheat Ridge.

RECOMMENDED MOTION:
"I move to approve Resolution No. 27-2019, a Resolution approving the Memorandum of Understanding between Signal Behavioral Health Network and the City of Wheat Ridge to received and distribute Narcan® Nasal Spray kits."

Or,

"I move to postpone indefinitely Resolution No. 27-2019, a Resolution approving the Memorandum of Understanding between Signal Behavioral Health Network and the City of Wheat Ridge to receive and distribute Narcan® Nasal Spray kits for the following reason(s) ____ _____."

REPORT PREPARED/REVIEWED BY:
Darrel Guadnola, Investigations Bureau Commander
Daniel Brennan, Chief of Police
Patrick Goff, City Manager

ATTACHMENTS:
1. Resolution No. 27-2019
2. Signal Behavioral Health Network MOU

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 27-2019
Series of 2019

TITLE: A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN SIGNAL BEHAVIORAL HEALTH NETWORK AND THE CITY OF WHEAT RIDGE TO RECEIVE AND DISTRIBUTE NARCAN® NASAL SPRAY KITS

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, Signal Behavioral Health Network ("Signal") is the State of Colorado's largest Managed Services Organization (MSO), responsible for providing a continuum of substance use disorder (SUD) services on behalf of the State of Colorado; and

WHEREAS, in such capacity, Signal has obtained grant funding from the Substance Abuse Mental Health Services Administration (SAMHSA), regarding State Targeted Response (STR) and the State Opioid Response (SOR) to the Opioid Crisis Grants, to purchase and distribute Naloxone kits; and

WHEREAS, Naloxone is a medication that reverses an opiate overdose, and Narcan® nasal spray is a Food and Drug Administration (FDA) approved product that allows a lay person to administer Naloxone to someone experiencing an overdose; and

WHEREAS, Signal wishes to make Narcan® nasal spray kits available to first responders who may encounter individuals experiencing a potentially fatal opioid/opiate overdose, and the City wishes to receive and use such kits through its Police Department, in furtherance of the mutual goal of reducing deaths in Colorado due to opiate/opioid overdose; and

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

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

Section 1. The attached Memorandum of Understanding between Signal Behavioral Health Network and the City of Wheat Ridge, concerning Narcan® Nasal Spray Kits, is hereby approved. The Mayor and Clerk are authorized to execute the same.

ATTACHMENT 1

DONE AND RESOLVED this ____ day of _____, 2019.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

SIGNAL BEHAVIORAL HEALTH NETWORK
MEMORANDUM OF UNDERSTANDING
Narcan® Nasal Spray

This Memorandum of Understanding (MOU) sets forth the terms and understanding between Signal Behavioral Health Network (Signal) and the City of Wheat Ridge (Agency) to receive and distribute Narcan® Nasal Spray kits.

Background
The Office of Behavioral Health (OBH) under the Colorado Department of Human Services received a Notice of Award from the Substance Abuse Mental Health Services Administration (SAMHSA) regarding State Targeted Response (STR) and the State Opioid Response (SOR) to the Opioid Crisis Grants.

The purchase and distribution of Naloxone kits is one of the primary activities funded through the STR and SOR grants. Funding for Narcan® nasal spray is made available through the Federal Cures Act and the subsequent grant from the Substance Abuse and Mental Health Services Administration.

Purpose
The overall goal is to reduce deaths in Colorado due to opiate/opioid overdose. Naloxone is a medication that reverses an opiate overdose. Narcan® nasal spray is a Food and Drug Administration (FDA) approved product that allows a lay person to easily administer naloxone to someone experiencing an overdose. Narcan® nasal spray is to be distributed to first responders who may encounter individuals experiencing a potentially fatal opioid/opiate overdose.

Requirements
It is strongly recommended for all organizations receiving Narcan® nasal spray overdose reversal kits to complete the steps required to distribute or administer naloxone through standing orders. This can be done by using the process outlined on the Colorado Department of Public Health and Environment (CDPHE) website at: https://www.colorado.gov/pacific/cdphe/naloxoneorders unless the organization has a medical provider who shall develop their own standing orders. For agencies who currently do not have a standing order, by signing this MOU, the agency is committing to obtain a standing order within six months of MOU execution date.

Agency shall provide training to each recipient of the Narcan® kit on administering the medication. Additionally, Agency will be provided, by Signal, printed handouts including information on the OpiRescue mobile application and online training resources. These resources must accompany each kit that is distributed to a client or individual. Further information about OpiRescue can be found here at https://opirescue.com/

Agency is prohibited from selling kits to other organizations. Kits are only for law enforcement use and/or distribution to clients.

Reporting
Agency shall report all reversals in the OpiRescue app within 3 days of the administration of Naloxone.

Distribution
Agency will receive a total of 72 Narcan® Nasal Spray kits from Adapt Pharma at the following address:

Wheat Ridge PD
Commander Darrel Guadnola
7500 W. 29th Ave.
Wheat Ridge, CO 80033

All kits must be distributed to clients or individuals by December 31, 2019.

This MOU shall become effective upon signature by the authorized officials from the list below and will remain in effect until modified or terminated by any one of the partners by mutual consent. In the absence of mutual agreement by the authorized officials from the list below this MOU shall end on September 30, 2020.

Contact Information

Signal Behavioral Health Network
Daniel Darting
Chief Executive Officer
6130 Greenwood Plaza Blvd., Suite 150
Greenwood Village, CO 80111

City of Wheat Ridge
Bud Starker, Mayor
7500 W. 29th Ave.
Wheat Ridge, CO 80033

By signing below, the Agency attests that they meet all the necessary requirements (as described in the Requirements section) to receive and distribute Narcan® Nasal Spray kits.

Signatures/Dates

Daniel Darting

_____ _____
Signal Behavioral Health Network Date

Mayor Bud Starker

_____ _____
Agency Representative Date

ITEM NO: 2.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION 31-2019 - A RESOLUTION APPROVING AN AMENDED AND RESTATED SERVICE PLAN AND INTERGOVERNMENTAL AGREEMENT WITH THE WARD TOD METROPOLITAN DISTRICT NOS. 1-3

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

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney

City Manager

ISSUE:
State statute requires that special districts conform so far as practical to their approved service plan. The current service plan for the Ward TOD Metropolitan District was approved on April 9, 2012 based on development plans for 477 residential units and approximately 225,000 sq. ft. of commercial development, and anticipated public parking for the Wheat Ridge Ward commuter rail station. The current development plan includes only 200 residential units, significantly less commercial development and no public parking for the commuter rail station. Because of these development changes, the developer for this project is requesting that City Council approve an amended and restated service plan.

PRIOR ACTION:
City Council approved the current Ward TOD Service Plan in 2012 based on a proposed development at that time. City Council received a presentation from Megan Murphy with White Bear Ankele Tanaka & Waldron at the May 6, 2019 study session requesting the approval of an amended service plan.

FINANCIAL IMPACT:
No financial impacts on the City. The District would be authorized to impose a mill levy on the properties within the District for the purpose of supporting bonds for construction of improvements and for the purpose of maintaining them.

BACKGROUND:
On April 22, 2019, City Council approved a major subdivision for a 13-acre property located at 5060 Ward Road, adjacent to the Wheat Ridge Ward commuter rail station, for the 200-unit Ridge at Ward Station townhome project. The City received a draft Amended and Restated Service Plan for the Ward TOD Metropolitan District Nos. 1-3 on April 4, 2019.

The proposed Service Plan describes and sets forth those powers and authorities the District shall have as allowed by Colorado law. The exercise of such powers, however, will at all times be governed by and subject to the terms of a City IGA. State law allows local governments to exert significant control over the organization and operation of special districts. The service plan approval process is the key to exercising that control.

Metropolitan districts in Colorado are a common tool for financing the public infrastructure portion of development projects. All special districts in Colorado organized under Title 32 of the Colorado Revised Statutes (C.R.S.) are required to file a service plan with the city council of the municipality in which the district is proposed. The purpose of the District is to provide public infrastructure improvements within and without the Property. The District will acquire and/or design, finance, construct and install public improvements for the use and benefit of the residents and taxpayers located with the boundaries of the District.

RECOMMENDATION:
Staff recommends approval of the resolution.

RECOMMENDED MOTION:
"I move to approve Resolution No. 31-2019, a resolution approving an Amended and Restated Service Plan and Intergovernmental Agreement with the Ward TOD Metropolitan District Nos. 1-3."

Or,

"I move to postpone indefinitely Resolution No. 31-2019, a resolution approving an Amended and Restated Service Plan and Intergovernmental Agreement with the Ward TOD Metropolitan District Nos. 1-3, for the following reason(s): _____ _____"

REPORT PREPARED BY;
Gerald Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution 31-2019
2. Amended and Restated Service Plan for Ward TOD Metropolitan District Nos. 1-3 (Intergovernmental Agreement attached at Exhibit D)
3. Certificate Concerning Notice of Public Hearing

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 31
Series of 2019

TITLE: A RESOLUTION APPROVING AN AMENDED AND RESTATED SERVICE PLAN AND INTERGOVERNMENTAL AGREEMENT WITH THE WARD TOD METROPOLITAN DISTRICT NOS. 1-3

WHEREAS, the Ward TOD Metropolitan District Nos. 1-3 ("District") was organized pursuant to the Colorado Special District Act §§ 32-1-101, *et seq.*, C.R.S.; and

WHEREAS, the District has submitted the District's Amended and Restated Service Plan for City Council approval (the "Service Plan"); and

WHEREAS, the Service Plan provides for the District's provision and financing of public improvements and services for the development of a residential project within the City.

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

1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City.

2. The City further finds and determines that all applicable requirements of §§ 32-1-202(2), 32-1-203(2) and 32-1-204.5, C.R.S. relating to the submittal and requirements of the Service Plan and the consideration thereof by the City, have been met.

3. Based upon the Service Plan, the City hereby determines as follows:

    - The Service Plan meets the requirements of § 32-1-202 (2), C.R.S. regarding the contents thereof.

    - The Service Plan meets the requirements of §32-1-203(2) as follows:

        - The Service Plan demonstrates a sufficient existing and projected need for the provision of organized service within the District's boundaries.

        - Without the District, the existing service in the area is inadequate to serve the services proposed to be provided within the District's boundaries.

ATTACHMENT 1

- The District is capable of providing economical and sufficient service to the area within its proposed boundaries.

- The area included within the District's boundaries and financing mechanisms contemplated in the Service Plan have, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

4. Pursuant to § 32-1-204.5(1), C.R.S., the City does hereby approve the Service Plan as submitted to the City on April 4, 2019.

5. A certified copy of this Resolution shall be attached to the Service Plan as Exhibit H, filed in the records of the City, and the Petition for the organization of the District shall be required to comply with all other filings required by law.

6. All resolutions or parts thereof in conflict with the provisions hereof shall be and the same are hereby repealed.

DONE AND RESOLVED this 13th day of May 2019.

By: _____
Bud Starker, Mayor

ATTEST:

_____
Janelle, Shaver, City Clerk

AMENDED AND RESTATED
SERVICE PLAN
FOR WARD TOD METROPOLITAN DISTRICT NOS. 1-3

Prepared
By:

WHITE BEAR ANKELE TANAKA & WALDRON
2154 E. Commons Avenue, Suite 2000
Centennial, CO 80122

Approved May 13, 2019

ATTACHMENT 2

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EXHIBIT E Capital Plan

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I. BACKGROUND

The Service Plan for WARD TOD Metropolitan District Nos. 1-3 was approved by the City of Wheat Ridge on April 9, 2012 (the "**Original Service Plan**"). Since April 9, 2012, no development has occurred within the Project.

This Amended and Restated Service Plan for WARD TOD Metropolitan District Nos. 1-3 is in compliance with the Special District Act.

II. INTRODUCTION

A. Purpose and Intent.

The purpose of the Districts will be to provide all or a portion of Public Improvements as further defined and described in this Service Plan (within and without the Districts' boundaries as will be determined by the Board to be in the best interest of the Districts and in accordance with the Service Plan), for the benefit of the residents and taxpayers located within the Project. The primary purpose of the Districts will be to finance the construction of these Public Improvements and have authorization as is necessary to own, operate and maintain Public Improvements not otherwise transferred to another public entity. The Districts shall also be authorized, but not required, to provide covenant enforcement and design review services in accordance with the Special District Act. Upon completion to City standards, the Districts will convey to the City such Public Improvements as are constructed by the Districts in accordance with the Approved Development Plan. The Districts are independent units of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Service Plan, their activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Service Plan.

B. Need for the Districts.

The Project is not presently served with the facilities and/or services proposed to be provided by the Districts, nor does the City nor any other special district have any plans to provide such services within a reasonable time and on a comparable basis. There are currently no other governmental entities, including the City, located in the immediate vicinity of the Districts that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment and financing of the Public Improvements needed for the Project. The Districts are therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible. Approval of this Service Plan shall not indicate, implicitly or expressly, that any land use applications now on file with the City or any land use applications filed in the future will be approved by the City.

C. Objective of the City Regarding Service Plan.

The City's objective in approving the Service Plan for the Districts is to authorize the Districts to provide for the planning, design, acquisition, demolition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the Districts and to further authorize the Districts to own, operate and maintain

certain of the Public Improvements. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term and at a mill levy no higher than the Maximum Debt Mill Levy, and/or repaid by Fees as limited by Section IV.A.7. Debt which is issued within these parameters will insulate property owners from excessive tax and Fee burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt. It is the intent of this Service Plan to assure to the extent possible that no property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no property bear an economic burden for Debt that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the Districts.

This Service Plan is intended to establish financial constraints and requirements associated with the Districts that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements and services associated with the Project and regional needs.

III. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context clearly requires otherwise:

Approved Development Plan: means a development plan, subdivision improvement plan, or other process established by the City (including but not limited to approval of a final plat, minor development plat or site plan) for identifying, among other things, Public Improvements necessary for facilitating development for property within the Service Area, as approved by the City pursuant to the City Code, and as may be amended pursuant to the City Code from time to time.

Board: means the board of directors of one District or the boards of directors of all Districts, in the aggregate, as the context may require.

Capital Plan: means the capital plan attached hereto as **Exhibit E** and referenced in Section IV.B which includes (i) a description of the type of capital facilities to be developed by the Districts; (ii) an estimate of the cost of the proposed facilities; and (iii) a capital expenditure plan correlating expenditures with development.

City: means the City of Wheat Ridge, Colorado.

City Council: means the City Council of the City of Wheat Ridge, Colorado.

C.R.S.: means Colorado Revised Statutes.

Debt: means bonds, notes or other multiple fiscal year financial obligations for the payment of which the District has pledged to impose an ad valorem property tax mill levy. The definition of Debt shall not include intergovernmental agreements between and among any of the Districts.

District: means any one of the WARD TOD Metropolitan District No. 1, WARD TOD Metropolitan District No. 2, or WARD TOD Metropolitan District No. 3.

Districts: means WARD TOD Metropolitan District No. 1, WARD TOD Metropolitan District No. 2, and WARD TOD Metropolitan District No. 3 collectively.

District Boundaries: means the legal boundaries of the District as described in **Exhibit A** attached hereto.

District Boundary Map: means the map attached hereto as **Exhibit B**, depicting the boundaries of the District.

District No. 1: means WARD TOD Metropolitan District No. 1.

District No. 2: means WARD TOD Metropolitan District No. 2.

District No. 3: means WARD TOD Metropolitan District No. 3.

End User: means any owner, or tenant of any owner, of any platted Taxable Property within the District for which a certificate of occupancy has been issued. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

External Financial Advisor: means a consultant that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the Districts and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Fees: means any fee imposed by the District for services, programs or facilities provided by the District, as described in Section IV.A.7. below.

Financial Plan: means the Financial Plan described in Section V which generally describes (i) how the Public Improvements are anticipated to be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from property taxes for the first budget year. Such Financial Plan may be adjusted by the Board in the future as is necessary to accommodate phasing or other financial or development considerations so long as any such adjustment does not exceed either the Maximum Debt Mill Levy or the Maximum Debt Mill Levy Imposition Term. The Financial Plan is based upon current estimates and will change based on actual development of the Project.

Maximum Debt Mill Levy: means the maximum mill levy the District is permitted to impose for payment of Debt as further set forth in Section V.C below, including adjustments to the Maximum Debt Mill Levy as are permitted under Section V.C.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a debt service mill levy on a particular property as set forth in Section V.D below.

Original Service Plan: means the Service Plan for WARD TOD Metropolitan District Nos. 1-3 approved by the City on April 9, 2012.

Project: means the development or property commonly referred to as Ridge at Ward Station.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Special District Act, except as specifically limited in Section IV below, to serve the future taxpayers and inhabitants of the Service Area as determined by the Board.

Service Area: means the property within the District Boundaries.

Service Plan: means this Amended and Restated Service Plan for the Districts approved by City Council.

Service Plan Amendment: means an amendment to the Service Plan approved by City Council in accordance with the City Code and applicable state law.

Special District Act: means Section 32-1-101, et seq., C.R.S., as amended from time to time.

State: means the State of Colorado.

TABOR: the Colorado Taxpayer's Bill of Rights.

Taxable Property: means real or personal property within the Service Area subject to ad valorem taxes imposed by the District.

IV. BOUNDARIES PROPOSED LAND USE/POPULATION PROJECTIONS/ ASSESSED VALUATION

The area of the District Boundaries includes approximately 12.905 acres. A legal description of the District Boundaries is attached hereto as **Exhibit A**. A District Boundary Map is attached hereto as **Exhibit B**. A vicinity map is attached hereto as **Exhibit C**. It is anticipated that a District's boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Section 32-1-401, et seq., C.R.S., and Section 32-1-501, et seq., C.R.S., subject to the limitations set forth in Section IV below.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the Service Area, nor does it imply approval of the number of residential units identified in this Service Plan or any of the exhibits attached thereto, unless the same is contained within an Approved Development Plan.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the Districts and Service Plan Amendment.

The Districts shall have the power and authority to provide the Public Improvements and related ownership, operation and maintenance services within and without the boundaries of the Districts as such power and authority is described in the Special District Act, and other applicable statutes, common law and the State constitution, subject to the limitations set forth herein.

1. Operations and Maintenance Limitation. The purpose of the Districts is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The Districts shall dedicate the Public Improvements to the City or other appropriate jurisdiction in a manner contemplated under the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The Districts shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise dedicated to the City or other public entity.

2. Fire Protection Limitation. The Districts shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision. Fire protection and emergency response services will be provided by the Arvada Fire Protection District.

3. Construction Standards Limitation. The Districts will ensure that Public Improvements constructed by the Districts are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction, including the Colorado Department of Health, and other applicable local, state or federal agencies.

4. Inclusion Limitation. The Districts shall not include within their boundaries any property outside the Service Area without the prior written consent of the City.

5. Overlap Limitation. The Districts shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the Districts unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the Districts.

6. Total Debt Issuance Limitation. The Districts collectively shall not issue Debt in excess of Twenty Five Million Dollars ($25,000,000). Debt that is issued for the purpose of refunding outstanding Debt shall not be counted against such total debt issuance limitation, provided, however, that if the aggregate principal amount of the refunding Debt exceeds the outstanding aggregate principal amount of the refunded Debt, the increase in principal amount shall be counted against such debt limitation.

7. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, the issuing District shall obtain the certification of an External Financial Advisor substantially as follows:

> We are [I am] an External Financial Advisor within the meaning of the Districts' Service Plan.
>
> We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

8. Fee Limitation. The Districts may impose and collect Fees as a source of revenue for repayment of Debt, capital costs, and/or for operations and maintenance. No Fee related to repayment of Debt shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the Districts, including the establishment of a reserve fund for future repairs or replacement costs.

9. Consolidation Limitation. The Districts shall not file a request with any Court to consolidate with another district organized under the Special District Act, without the prior written consent of the City.

10. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the

City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) are, together with all other requirements of State law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

11. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the Districts to provide Public Improvements and services and facilities under evolving circumstances without the need for numerous amendments. The Districts may seek formal approval from the City of modifications to this Service Plan which are not material, but for which the Districts may desire a written amendment and approval by the City. Such approval may be evidenced by any instrument executed by the City Manager, City Attorney, or other designated representative of the City as to the matters set forth therein and shall be conclusive and final.

B. Preliminary Engineering Survey.

The Districts shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance and financing of the Public Improvements within and without the boundaries of the Districts. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the preliminary zoning on the property in the Service Area and is approximately ($4,626,427.78). The Capital Plan attached hereto as **Exhibit E** includes a description of the types of capital facilities to be developed by the Districts, an estimate of the cost of the proposed facilities, and a capital expenditure plan correlating expenditures with development. The actual Public Improvements to be constructed will be determined by the Approved Development Plan, notwithstanding the Capital Plan, and are necessary and for the benefit of all homeowners, residents and property owners within the Districts in order to provide for a coordinated system of Public Improvements for the development of the Project.

All of the Public Improvements constructed by the Districts will be designed in such a way as to assure that the Public Improvements will be compatible with those of the City and shall be in accordance with the requirements of the City. All construction cost estimates are

based on the assumption that construction conforms to applicable local, State or Federal requirements. The actual Public Improvements to be constructed will be determined by the City and the Districts, and variations from the Capital Plan or Financial Plan shall not constitute a material modification of this Service Plan. All Public Improvements contemplated for the Project benefit the residents, property owners, and taxpayers of the District, and such benefit accrues to such residents, property owners, and taxpayers of the District regardless of the specific or general location of the various Public Improvements.

The Public Improvements generally depicted and described in the Capital Plan or Financial Plan have been presented for illustration only, and the exact design, subphasing of construction and location of the Public Improvements will be determined at the time of City approvals and public works approval and such decisions shall not be considered to be a material modification of the Service Plan.

C. Other Powers.

The Districts shall also have the following authority:

1. Service Plan Amendments. To amend the Service Plan as needed, subject to the appropriate statutory procedures and City Code.

2. Phasing, Deferral. Without amending this Service Plan, to defer, forego, reschedule, or restructure the financing and/or construction of Public Improvements and facilities, to better accommodate the pace of growth, resource availability, and potential inclusions of property within the Districts.

3. Additional Services. Except as specifically provided herein, to provide such additional services and exercise such powers as are expressly or impliedly granted by Colorado law, as may be amended from time to time.

D. Facilities to be Constructed and/or Acquired.

The Districts propose to provide and/or acquire Public Improvements necessary and for the benefit of the Project, and the residents, property owners and taxpayers of the Districts as are set forth in the Approved Development Plan.

Notwithstanding anything in this Service Plan to the contrary, the Districts shall have the authority to enter into any intergovernmental agreements deemed necessary to effectuate the plans of the Districts without further approval from the City. In addition, the Districts shall have the authority to seek electorate authorization to effectuate all purposes set forth in this Service Plan in order to comply with all applicable constitutional and statutory requirements.

VI. FINANCIAL PLAN

A. General.

The Districts shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements by and through the proceeds of Debt to be issued by the Districts. The Financial Plan for the Districts shall be to issue such Debt as the Districts can reasonably pay within the Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Fees and other legally available revenues. A Financial Plan is attached hereto as **Exhibit F**, which provides preliminary projections demonstrating that the Districts can reasonably discharge the proposed Debt, consistent with the requirements of the Special District Act. The total Debt that the Districts collectively shall be permitted to issue shall not exceed Twenty Five Million Dollars ($25,000,000) and shall be permitted to be issued in amounts and on a schedule in such year or years as the issuing District, in its discretion, determines is necessary to serve development as it occurs and can be issued within the parameters established herein. All bonds and other Debt issued by the Districts may be payable from any and all legally available revenues of the Districts, including, but not limited to, ad valorem taxes and Fees. The Districts will also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), C.R.S., as amended from time to time.

The parameters in the Financial Plan are based upon current estimates and will change based on actual development of the Project. The Financial Plan is one projection of the issuance of Debt by the Districts based on certain development assumptions. It is expected that actual development (including, but not limited to product types, market values, and absorption rates) will vary from that projected and illustrated in the Financial Plan, which variations and deviations shall not constitute a material modification of this Service Plan.

Notwithstanding anything in this Service Plan to the contrary, the projections set forth in this Service Plan and the Financial Plan are projections based upon current market conditions. The actual amounts, interest rates, and terms of any Debt will likely change from that reflected in the Financial Plan, and each issue of Debt will be based upon the actual conditions existing at the time of issuance, subject to the limitations of the Service Plan.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

The "**Maximum Debt Mill Levy**" shall be the maximum mill levy a District is permitted to impose upon the taxable property within such District for payment of Debt, and shall be determined as follows:

1. For the portion of any aggregate Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall

be sixty (60) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section V.C.2 below; provided that if, on or after January 1, 2018, changes are made in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2018, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. For the portion of any aggregate Debt which is equal to or less than fifty percent (50%) of the District's assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

3. For purposes of the foregoing, once Debt has been determined to be within Section V.C.2 above, such that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, such District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in such District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1- 1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term "District" as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of the definitions and limitations herein.

D. Maximum Debt Mill Levy Imposition Term.

The District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such Debt mill levy unless a majority of the Board of the District imposing the mill levy are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S.; et seq., as may be amended from time to time.

E. Debt Repayment Sources.

All bonds and other Debt issued by the Districts may be payable from any and all legally available revenues of the Districts, including, but not limited to, general ad valorem taxes and Fees. The Districts will also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), C.R.S., as amended from time to time. In no event shall the debt service

mill levy in the District exceed the Maximum Debt Mill Levy or the Maximum Debt Mill Levy Imposition Term, except pursuant to an intergovernmental agreement between a District and the City.

F. Security for Debt.

The Districts shall not pledge any revenue or property of the City as security for the indebtedness. Approval of this Service Plan shall not be construed as a guarantee by the City of payment of any of the Districts' obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by any District in the payment of any such obligation.

G. TABOR Compliance.

The Districts will comply with the provisions of TABOR. In the discretion of the Board, a District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by a District will remain under the control of the District's Board.

H. District's Operating Costs.

The estimated cost of planning services, engineering services, legal services and administrative services, together with the estimated costs of the Districts' initial operations, are anticipated to be One Hundred Thousand Dollars ($100,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the Districts will require operating funds for administration and to plan and cause the Public Improvements to be constructed owned, operated and maintained by the Districts. The 2019 operating budget is estimated to be Fifty Thousand Dollars ($50,000) which is anticipated to be derived from property taxes and other revenues.

The Maximum Debt Mill Levy for the repayment of Debt shall not apply to the District's ability to increase its mill levy as necessary for the provision of administrative, operation and maintenance services.

VII. ANNUAL REPORT

A. General.

The Districts shall be responsible for submitting an annual report to the City Clerk at the City's administrative offices no later than September 1st of each year following the year in which the Service Plan is approved by the City Council. The annual report shall reflect activity and financial events of the District through the preceding December 31st (the "Report Year").

B. Reporting of Significant Events.

1. The annual report shall include information as to any of the following:

2. A narrative summary of the progress of the Districts in implementing its service plan for the Report Year.

3. Except when an exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the Districts for the Report Year including a statement of financial condition (i.e. balance sheet) as of December 31 of the report year and the statement of operations (i.e. revenues and expenditures) for the Report Year.

4. Unless disclosed within a separate schedule to the financial statements, a summary of the capital expenditures incurred by the Districts in development of public facilities in a Report Year, as well as any capital improvements or projects proposed to be undertaken in the five (5) years following the report year.

5. Unless disclosed within a separate schedule to the financial statements, a summary of the financial obligations of the Districts at the end of the report year, including the amount of outstanding indebtedness, the amount and terms of any new District indebtedness or long-term obligations issued in the Report Year, the amount of payment or retirement of existing indebtedness of the Districts in the Report Year, the total assessed valuation of all taxable properties within the Districts as of January 1 of the Report Year, and the current mill levy of the Districts pledged to debt retirement in the Report Year.

6. The Districts' budget for the calendar year in which the annual report is submitted.

7. A summary of residential and commercial development which has occurred within the Districts for the report year.

8. A summary of all fees, charges and assessments imposed by the Districts as of January 1 of the Report Year.

9. The name, business address and telephone number of each member of the Board and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the Board.

VIII. DISSOLUTION

Upon an independent determination of the City Council that the purposes for which the Districts was created have been accomplished, the Districts agree to file a petition in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the Districts have provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

IX. DISCLOSURE TO PURCHASERS

The Districts will use reasonable efforts to assure that all developers of the property located within the Districts provides written notice to all purchasers of property in the Districts

regarding the Maximum Debt Mill Levy, as well as a general description of the Districts' authority to impose and collect rates, Fees, tolls and charges. The form of notice shall be filed with the City prior to the initial issuance of the Debt of the Districts and shall be recorded in the Service Area.

X. INTERGOVERNMENTAL AGREEMENT

The form of the intergovernmental agreement, relating to the limitations imposed on the Districts' activities, is attached hereto as **Exhibit D**. The Districts shall approve the intergovernmental agreement in the form attached as **Exhibit D** at their first Board meeting after approval of the Service Plan by the City. The City Council shall approve the intergovernmental agreement in the form attached as **Exhibit D** at the public hearing approving the Service Plan.

XI. CONCLUSION

It is submitted that this Service Plan for the Districts, as required by Section 32-1-203(2), C.R.S., establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;

2. The existing service in the area to be served by the Districts is inadequate for present and projected needs;

3. The Districts are capable of providing economical and sufficient service to the area within its proposed boundaries; and

4. Adequate service is not, and will not be, available to the area through the City or county or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.

5. The facility and service standards of the Districts are compatible with the facility and service standards of the City within which the special districts are to be located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.

6. The proposal is in substantial compliance with a master plan adopted pursuant to Section 30-28-108, Colorado Revised Statutes;

7. The proposal is in compliance with any duly adopted City, regional or state long-range water quality management plan for the area.

8. The creation of the Districts is in the best interests of the area proposed to be served.

EXHIBIT A

Legal Description of the Districts

EXHIBIT A

THE RIDGE AT WARD STATION, METRPOLITAN DISTRICT NO. 1

PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER ¼ CORNER OF SAID SECTION 17, BEING MONUMENTED BY A NO. 6 REBAR AND 2.5" ALUMINUM CAP SET BY COLORADO PLS 27609;

THENCE SOUTH 82°16'16" EAST A DISTANCE OF 201.98 FEET TO THE **POINT OF BEGINNING,** BEING A POINT ON THE SOUTH RIGHT OF WAY OF WEST 52ND AVENUE AND BEING MONUMENTED BY A NO. 5 REBAR WITH 1.25" RED PLASTIC CAP, PLS NO. 34591 AND CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17, BEING MONUMENTED AT THE CENTER QUARTER BY A NO. 6 REBAR AND 2.5" ALUMINUM CAP SET BY COLORADO PLS 27609 AND AT THE EAST QUARTER CORNER BY A 2" PIPE WITH 3.25" BRASS CAP SET BY COLORADO PLS 13212, TO BEAR NORTH 89°11'14" EAST A DISTANCE OF 2646.81 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE THE FOLLOWING TWENTY THREE (23) COURSES;

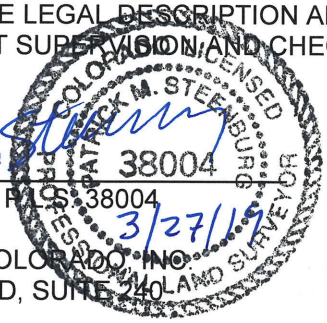
1. NORTH 89°11'14" EAST ALONG SAID SOUTH RIGHT OF WAY OF WEST 52ND AVENUE A DISTANCE OF 348.12 FEET;
2. SOUTH 00°18'39" EAST A DISTANCE OF 414.96 FEET;
3. NORTH 88°57'32" EAST A DISTANCE OF 518.08 FEET;
4. SOUTH 00°17'58" EAST A DISTANCE OF 367.85 FEET TO THE PROPOSED NORTHERLY RIGHT OF WAY OF WEST 50TH AVENUE;
5. SOUTH 88°44'38" WEST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 45.49 FEET;
6. NORTH 00°18'05" WEST A DISTANCE OF 126.80 FEET TO A POINT OF CURVATURE;
7. NORTHWESTERLY A DISTANCE OF 20.64 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING THE FOLLOWING CURVE INFORMATION (RADIUS = 13.00 FEET, CENTRAL ANGLE = 90°57'17", CHORD BEARING = NORTH 45°46'43" WEST AND A CHORD LENGTH OF 18.54 FEET);
8. SOUTH 88°44'38" WEST A DISTANCE OF 69.96 FEET;
9. SOUTH 01°15'22" EAST A DISTANCE OF 57.00 FEET;
10. NORTH 88°44'38" EAST A DISTANCE OF 20.00 FEET;
11. SOUTH 01°15'22" EAST A DISTANCE OF 83.00 FEET TO A POINT ON THE PROPOSED NORTHERLY RIGHT OF WAY OF SAID WEST 50TH AVENUE;
12. SOUTH 88°44'38" WEST ALONG SAID PROPOSED NORTHERLY RIGHT OF WAY A DISTANCE OF 482.01 FEET TO A POINT OF CURVATURE;
13. NORTHWESTERLY A DISTANCE 20.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING THE FOLLOWING CURVE INFORMATION (RADIUS = 13.00 FEET, CENTRAL ANGLE = 90°00'00", CHORD BEARING = NORTH 46°15'22" WEST AND A CHORD LENGTH OF 18.38 FEET);
14. SOUTH 88°44'38" WEST A DISTANCE OF 63.00 FEET;

15. SOUTHWESTERLY A DISTANCE OF 20.42 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING THE FOLLING CURVE INFORMATION (RADIUS = 13.00 FEET, CENTRAL ANGLE = 90°00'00", CHORD BEARING = SOUTH 43°44'38" WEST AND A CHORD LENGTH OF 18.38 FEET) TO A POINT ON THE PROPOSED NORTHERLY RIGHT OF WAY OF SAID WEST 50TH AVENUE;
16. SOUTH 88°44'38" WEST ALONG SAID PROPOSED NORTHERLY RIGHT OF WAY A DISTANCE OF 344.37 FEET TO ITS INTERSECTION WITH THE PROPOSED EASTERLY RIGHT OF WAY OF WARD ROAD;
17. NORTH 00°18'34" WEST ALONG SAID PROPOSED EASTERLY RIGHT OF WAY A DISTANCE OF 274.24 FEET TO A POINT OF CURVATURE;
18. NORTHEASTERLY A DISTANCE OF 20.42 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING THE FOLLOWING CURVE INFORMATION (RADIUS = 13.00 FEET, CENTRAL ANGLE = 90°00'00", CHORD BEARING = NORTH 44°41'26" EAST AND A CHORD LENGTH OF 18.38 FEET);
19. NORTH 00°18'34" WEST A DISTANCE OF 63.00 FEET;
20. NORTHWESTERLY A DISTANCE OF 20.42 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING THE FOLLOWING CURVE INFORMATION (RADIUS = 13.00 FEET, CENTRAL ANGLE = 90°00'00", CHORD BEARING = NORTH 45°18'34" WEST AND A CHORD LENGTH OF 18.38 FEET) TO A POINT ON SAID PROPOSED EASTERLY RIGHT OF WAY;
21. NORTH 00°18'34" WEST ALONG SAID PROPOSED EASTERLY RIGHT OF WAY A DISTANCE OF 275.41 FEET;
22. NORTH 89°11'14" EAST A DISTANCE OF 155.50 FEET;
23. NORTH 00°18'34" WEST A DISTANCE OF 150.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINING A CALCULATED AREA OF 552,350 SQUARE FEET OR 12.680 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND/OR RIGHTS OF WAY OF WHATSOEVER NATURE.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

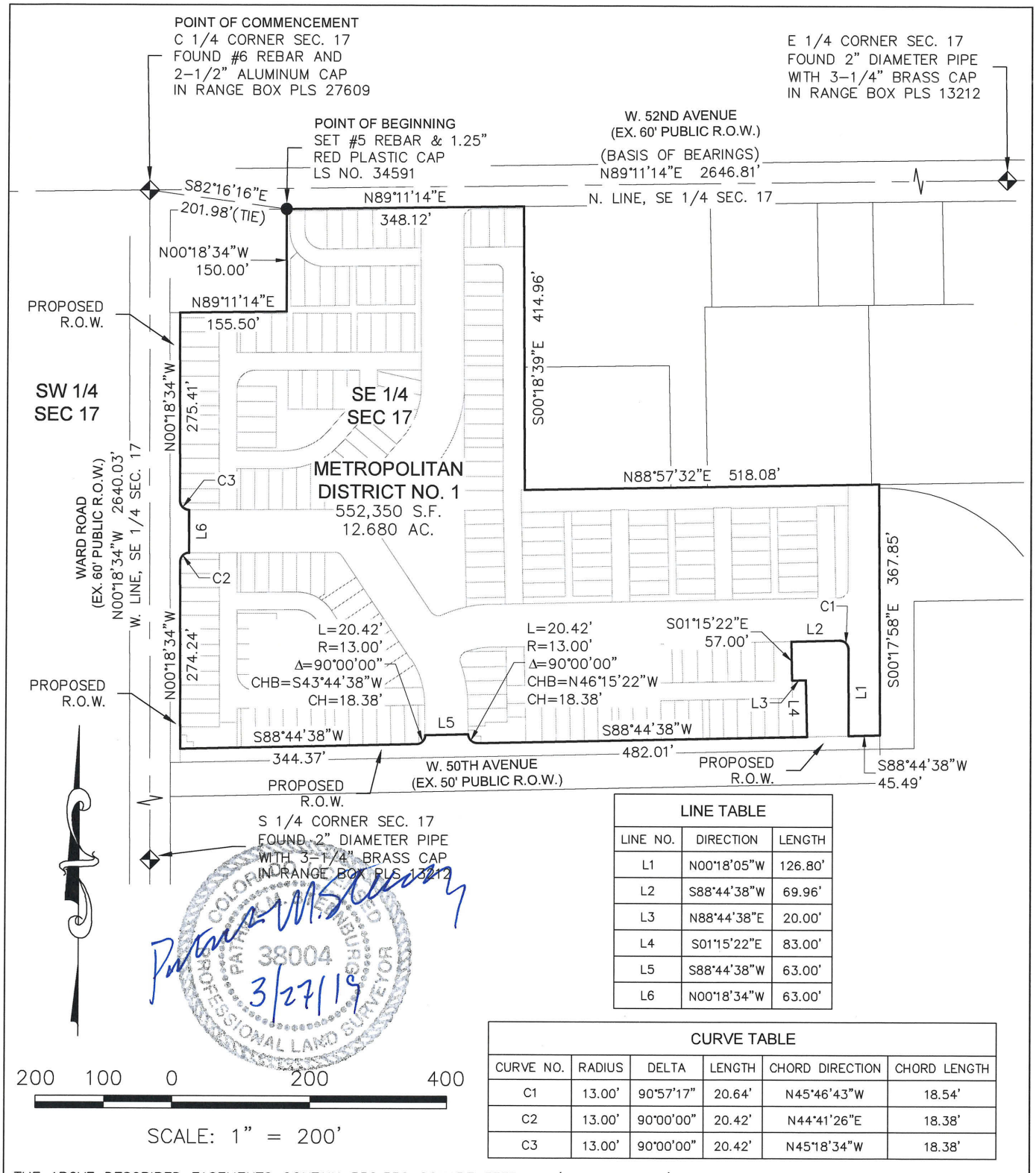
I, PATRICK M. STEENBURG, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.



Patrick M. Steenburg

PATRICK M. STEENBURG, P.L.S. 38004
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 340
ENGLEWOOD, CO 80112

3/27/19



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N00°18'05"W	126.80'
L2	S88°44'38"W	69.96'
L3	N88°44'38"E	20.00'
L4	S01°15'22"E	83.00'
L5	S88°44'38"W	63.00'
L6	N00°18'34"W	63.00'

CURVE TABLE					
CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	13.00'	90°57'17"	20.64'	N45°46'43"W	18.54'
C2	13.00'	90°00'00"	20.42'	N44°41'26"E	18.38'
C3	13.00'	90°00'00"	20.42'	N45°18'34"W	18.38'

THE ABOVE DESCRIBED EASEMENTS CONTAIN 552,350 SQUARE FEET OR (12.680 ACRES) MORE OR LESS.
This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

THE RIDGE AT WARD STATION METROPOLITAN DISTRICT NO. 1

JEFFERSON COUNTY, COLORADO

CVL CONSULTANTS
10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 1 OF 1

DATE: MARCH 27, 2019

EXHIBIT A

THE RIDGE AT WARD STATION, METRPOLITAN DISTRICT NO. 2

PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LEGAL DESCRIPTION

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COMMENCING AT THE CENTER ¼ CORNER OF SAID SECTION 17, BEING MONUMENTED BY A NO. 6 REBAR AND 2.5" ALUMINUM CAP SET BY COLORADO PLS 27609;

THENCE SOUTH 55°01'13" EAST A DISTANCE OF 1148.49 FEET TO THE **POINT OF BEGINNING,** BEING A POINT ON THE SOUTH RIGHT OF WAY OF PROPOSED WEST 51ST AVENUE AND BEING MONUMENTED BY A NO. 5 REBAR WITH 1.25" RED PLASTIC CAP, PLS NO. 34591 AND CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17, BEING MONUMENTED AT THE CENTER QUARTER BY A NO. 6 REBAR AND 2.5" ALUMINUM CAP SET BY COLORADO PLS 27609 AND AT THE EAST QUARTER CORNER BY A 2" PIPE WITH 3.25" BRASS CAP SET BY COLORADO PLS 13212, TO BEAR NORTH 89°11'14" EAST A DISTANCE OF 2646.81 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE THE FOLLOWING SEVEN (7) COURSES;

1. NORTH 88°44'38" EAST ALONG SAID PROPOSED SOUTH RIGHT OF WAY OF WEST 51ST AVENUE A DISTANCE OF 69.96 FEET TO A POINT OF CURVATURE;

2. SOUTHEASTERLY A DISTANCE OF 20.64 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING THE FOLLOWING CURVE INFORMATION (RADIUS = 13.00 FEET, CENTRAL ANGLE = 90°57'17", CHORD BEARING = SOUTH 45°46'43" EAST AND A CHORD LENGTH OF 18.54 FEET) TO A POINT ON THE WESTERLY RIGHT OF WAY OF PROPOSED UNION COURT;

3. SOUTH 00°18'05" EAST ALONG SAID PROPOSED WESTERLY RIGHT OF WAY A DISTANCE OF 126.80 FEET TO ITS INTERSECTION WITH THE PROPOSED NORTHERLY RIGHT OF WAY OF WEST 50TH AVENUE;

4. SOUTH 88°44'38" WEST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 60.85 FEET;

5. NORTH 01°15'22" WEST A DISTANCE OF 83.00 FEET;

6. SOUTH 88°44'38" WEST A DISTANCE OF 20.00 FEET;

7. NORTH 01°15'22" WEST A DISTANCE OF 57.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINING A CALCULATED AREA OF 9,784 SQUARE FEET OR 0.225 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EXISTING EASEMENTS AND/OR RIGHTS OF WAY OF WHATSOEVER NATURE.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS LEGAL DESCRIPTION IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, PATRICK M. STEENBURG, A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

Patrick M. Steenburg

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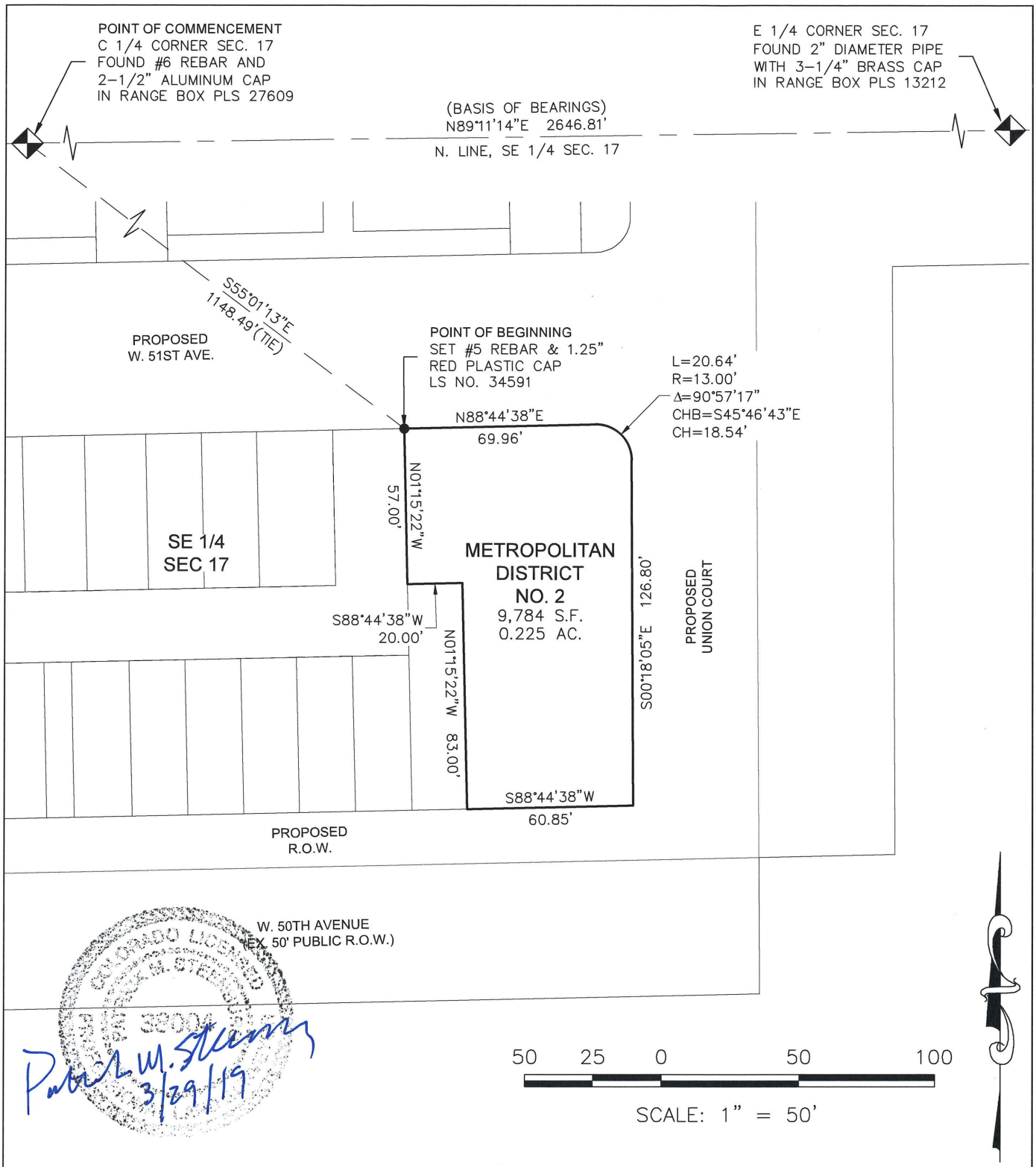
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112



THE ABOVE DESCRIBED EASEMENTS CONTAIN 9,784 SQUARE FEET OR (0.225 ACRES) MORE OR LESS.
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THE RIDGE AT WARD STATION METROPOLITAN DISTRICT NO. 2

JEFFERSON COUNTY, COLORADO

CVL CONSULTANTS
10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 1 OF 1

DATE: MARCH 27, 2019

EXHIBIT A

THE RIDGE AT WARD STATION, METRPOLITAN DISTRICT NO. 3

PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LEGAL DESCRIPTION

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THENCE THE FOLLOWING SEVEN (7) COURSES;

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3. SOUTH 00°18'05" EAST ALONG SAID PROPOSED WESTERLY RIGHT OF WAY A DISTANCE OF 126.80 FEET TO ITS INTERSECTION WITH THE PROPOSED NORTHERLY RIGHT OF WAY OF WEST 50TH AVENUE;

4. SOUTH 88°44'38" WEST ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 60.85 FEET;

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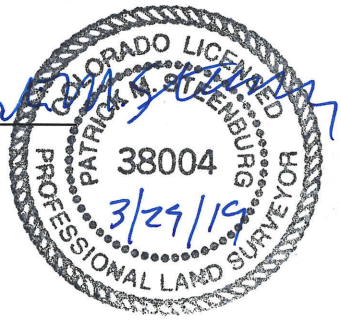

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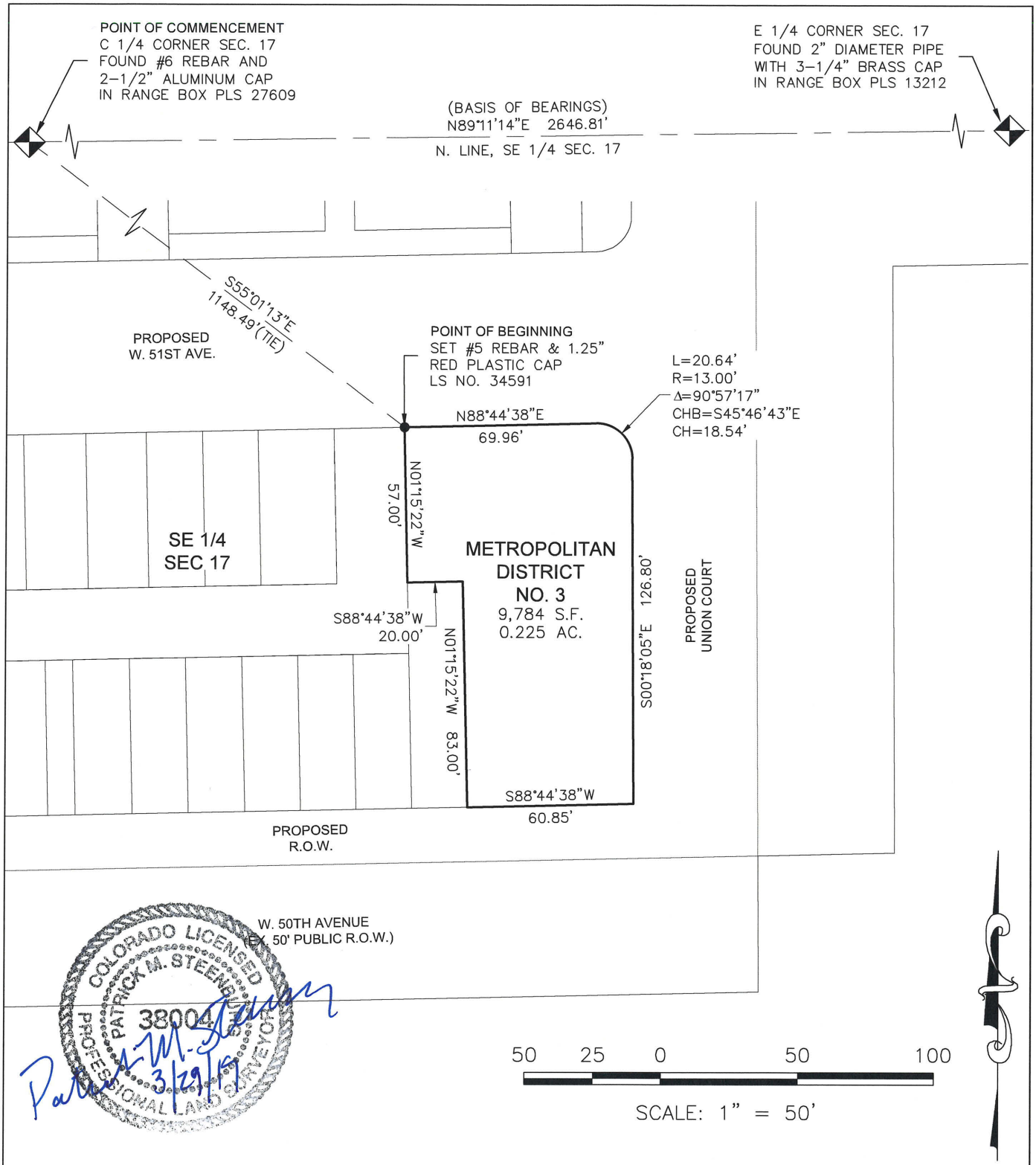

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This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

THE RIDGE AT WARD STATION METROPOLITAN DISTRICT NO. 3

JEFFERSON COUNTY, COLORADO

CVL CONSULTANTS
10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 1 OF 1 DATE: MARCH 27, 2019

EXHIBIT B

District Boundaries Map

W. 52ND AVENUE
(EX. 60' PUBLIC R.O.W.)

METROPOLITAN
DISTRICT NO. 1

METROPOLITAN
DISTRICT NO. 1

WARD ROAD
(EX. 60' PUBLIC R.O.W.)

PROPOSED
VIVIAN STREET

PRIVATE ALLEY A

PRIVATE ALLEY B

PRIVATE ALLEY C

PRIVATE ALLEY D

PRIVATE ALLEY E

PRIVATE ALLEY F

PRIVATE ALLEY G

PRIVATE ALLEY H

PRIVATE ALLEY I

PRIVATE ALLEY J

PRIVATE ALLEY K

PRIVATE ALLEY

PROPOSED
W. 51ST AVE.

PROPOSED
W. 51ST AVE.

PROPOSED
VIVIAN STREET

PROPOSED
UNION COURT

W. 50TH AVENUE
(EX. 50' PUBLIC R.O.W.)

METROPOLITAN
DISTRICT NO. 2 & 3

50 25 0 50 100
SCALE: 1" = 50'

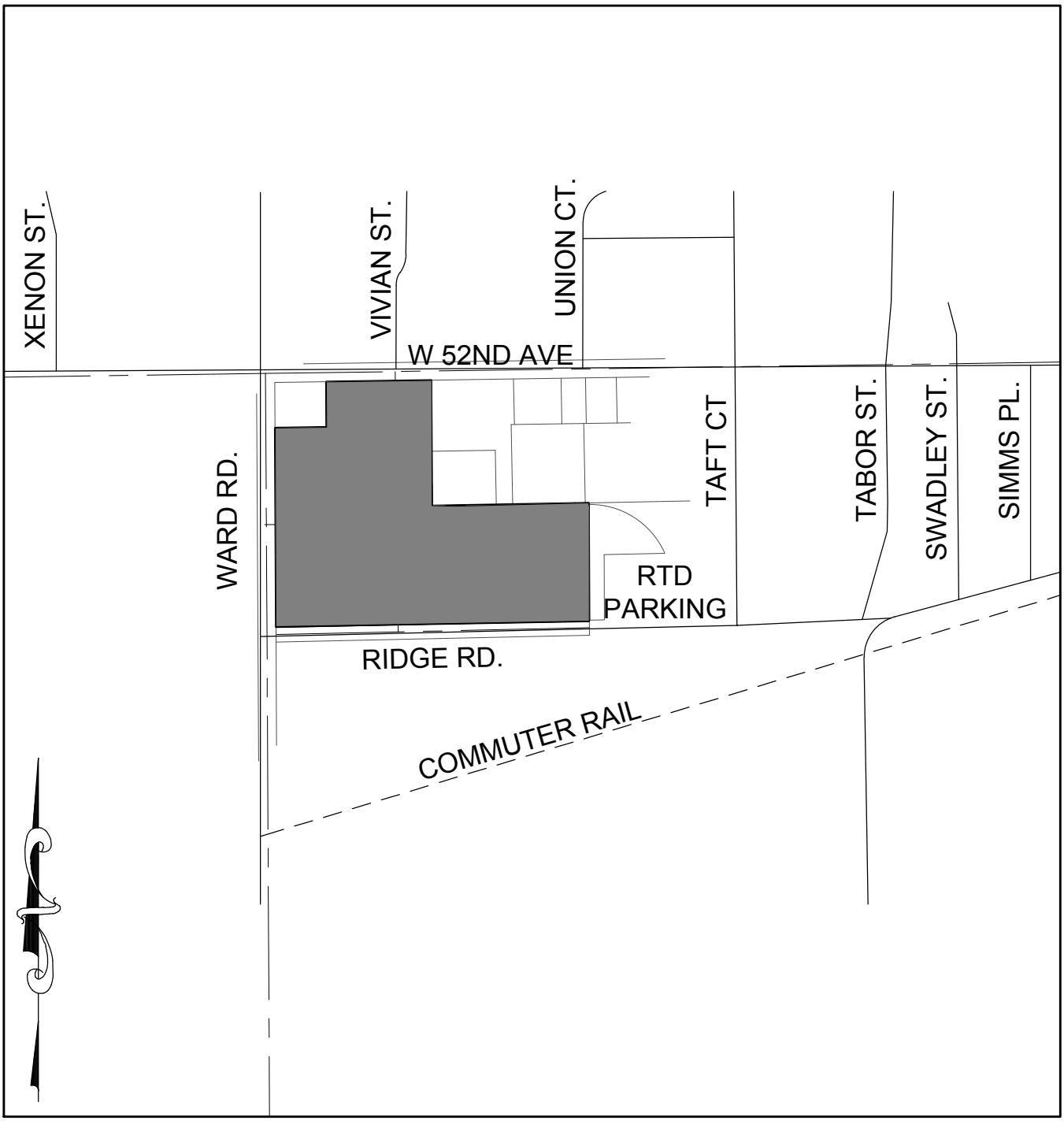
ENGINEER/SURVEYOR
CVL CONSULTANTS
10333 E. Dry Creek Rd., Suite 240
Englewood, CO 80112
Tel: (720) 482-9526 / Fax: (720) 482-9546

DATE:3-27-2019 PATH: N:\DWG\.DWG

THE RIDGE AT WARD STATION

EXHIBIT C

City of Wheat Ridge Vicinity Map



500 250 0 500 1000

SCALE: 1" = 500'

VICINITY MAP

THE RIDGE AT WARD STATION METROPOLITAN DISTRICT NO. 1, 2 &3

JEFFERSON COUNTY, COLORADO

CVL CONSULTANTS
10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80111
Tel: (720) 482-9526
Fax: (720) 482-9546

SHEET 1 OF 1

DATE: MARCH 27, 2019

EXHIBIT D

Intergovernmental Agreement between District and City of Wheat Ridge

AMENDED AND RESTATED

INTERGOVERNMENTAL AGREEMENT BETWEEN

THE CITY OF WHEAT RIDGE, COLORADO

AND WARD TOD METROPOLITAN DISTRICT NOS. 1-3

THIS INTERGOVERNMENTAL AGREEMENT (the "**Agreement**") is made and entered into as of this ___ day of _____, 2019, by, between and among the CITY OF WHEAT RIDGE, Colorado ("City"), and WARD METROPOLITAN DISTRICT NO. 1, a quasi-municipal corporation and political subdivisions of the State of Colorado; WARD TOD METROPOLITAN DISTRICT NO. 2, a quasi-municipal corporation and political subdivision of the State of Colorado; and WARD TOD METROPOLITAN DISTRICT NO. 3, a quasi-municipal corporation and political subdivision of the State of Colorado (each a "**District**" and collectively the "**Districts**"). The City and the Districts are each referred to herein as a "**Party**" and collectively referred to herein as the "**Parties**".

RECITALS

WHEREAS, the Districts was organized to provide those services and to exercise powers as are more specifically set forth in the Amended and Restated Service Plan for WARD TOD Metropolitan District Nos. 1-3, approved by the City on May 13, 2019 ("**Service Plan**"); and

WHEREAS, the Service Plan requires that the Districts approve this Agreement after approval of the Service Plan by the City; and

WHEREAS, the City and the Districts have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Agreement; and

WHEREAS, all defined terms set forth herein shall have the same meaning as set forth in the Service Plan.

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Operations and Maintenance. The Districts shall dedicate the Public Improvements to the City or other appropriate jurisdiction in a manner contemplated under the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The Districts shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise dedicated to the City or other public entity. The Parties anticipate the division of operations and maintenance responsibilities as set forth in Exhibit A attached hereto.

2. Construction Standards. The Districts will ensure that Public Improvements constructed by the Districts are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction, including the Colorado Department of Health, and other applicable local, state or federal agencies.

3. Inclusion of Property. The Districts shall not include within its boundaries any property outside the Service Area without the prior written consent of the City.

4. Total Debt Issuance. The Districts collectively shall not issue Debt in excess of Twenty Five Million Dollars ($25,000,000). Debt that is issued for the purpose of refunding outstanding District Debt shall not be counted against such $25,000,000 debt limitation, provided, however, that if the aggregate principal amount of the refunding Debt exceeds the outstanding aggregate principal amount of the refunded Debt, the increase in principal amount shall be counted against such debt limitation.

5. Bankruptcy. All of the limitations contained in the Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the City to approve the Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) are, together with all other requirements of State law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

7. Dissolution. Upon an independent determination of the City Council that the purposes for which the Districts was created have been accomplished, the Districts agrees to file a petition in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the Districts have provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations as required pursuant to State statutes.

8. Disclosure to Purchasers. The Districts will use reasonable efforts to assure that all developers of the property located within the Districts provide written notice to all purchasers of property in the Districts regarding the Maximum Debt Mill Levy, as well as a general description of the Districts' authority to impose and collect rates, Fees, tolls and charges. The

form of notice shall be filed with the City prior to the initial issuance of the Debt by the Districts and shall be recorded in the Service Area.

9. Annual Report. The Districts shall be responsible for submitting an annual report to the City Clerk at the City's administrative offices by no later than September 1st of each year following the year in which the Service Plan is approved by the City Council. The annual report shall reflect activity and financial events of the District during the Report Year.

10. Maximum Debt Mill Levy. The "**Maximum Debt Mill Levy**" shall be the maximum mill levy a District is permitted to impose upon the taxable property within such District for payment of Debt, and shall be determined as follows:

(a) For the portion of any aggregate Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be Sixty (60) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section V.C.2 below; provided that if, on or after January 1, 2018, changes are made in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2018, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

(b) For the portion of any aggregate Debt which is equal to or less than fifty percent (50%) of the District's assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

(c) For purposes of the foregoing, once Debt has been determined to be within Section V.C.2 above, such that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, such District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in such District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term "District" as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of the definitions and limitations herein.

11. Notices. All notices, demands, requests or other communications to be sent by one Party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier

delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	WARD TOD Metropolitan District Nos. 1-3 2154 East Commons Ave., Suite 2000 Centennial, CO 80122 ATTN: Clint C. Waldron, Esq. Phone: (303) 858-1800 Fax: (303) 858-1801 Email: cwaldron@wbapc.com
To the City:	City of Wheat Ridge 7500 W. 29th Ave., Wheat Ridge, CO 80033 ATTN: Patrick Goff, City Manager Phone: (303) 235-2805 Email: pgoff@ci.wheatridge.co.us
With a copy to:	Murray Dahl Kuechenmeister & Renaud LLP 710 Kipling Street, Suite 300 Lakewood, CO 80215 ATTN: Gerald Dahl Phone: (303) 493-6670 Email: gdahl@mdkrlaw.com

All notices, demands, requests or other communications shall be effective upon such personal delivery or 1 business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or 3 business days after deposit in the United States mail. By giving the other party hereto at least 10 days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

12. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Service Plan.

13. Assignment. No Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of all other Parties, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

14. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Parties shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party/Parties in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

15. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado and venue shall be in the District Court in and for the county in which the Districts are located.

16. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

17. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

18. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

19. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

21. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

22. Defined Terms. Capitalized terms used herein and not otherwise defined shall have meanings ascribed to them in the Service Plan.

(*Signature page follows)*

IN WITNESS WHEREOF, this Agreement is executed by the City and District as of the date first above written.

WARD TOD METROPOLITAN DISTRICT NOS. 1-3

By: _____
President

Attest:

By: _____
Secretary

CITY OF WHEAT RIDGE, COLORADO

By: _____
Mayor

Attest:

By: _____
Secretary

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A TO INTERGOVERNMENTAL AGREEMENT
Operations and Maintenance Chart

The Parties anticipate that operations and maintenance responsibilities will be as set forth below.

	City	**District**	**HOA**
Adjacent to Right-of-way	The City will maintain the following within the right-of-way: -Sidewalks -Curb, gutter -Street -Street/ped lights -Traffic/safety signs	As it pertains to the right-of-way the District will be responsible for: -Storm sewer -Landscaping -Irrigation -Street furnishings (e.g. trash cans, benches—including maintenance of furniture and emptying trash) -Entry documentation or fencing in the ROW	
Within Tracts		-Landscaping, irrigation, and sidewalks on Tract U and Tract W -Entry monumentation -Paseo (Tract U) - Park amenities (Tract W)	-All other landscaping -All other irrigation -All other sidewalks -Lighting (not in right-of-way) -Mail kiosks -Snow removal for alleys and walkways -Signage in private tracts, not monumentation

EXHIBIT E

Capital Plan

Engineer's Opinion of Estimated Costs for Public Improvements
The Ridge at Ward Station

*** All Quantities provided as courtesy. Contractor to verify all quanities per plans.*

4/8/2019

All Costs Include Labor and Materials. 'Street furniture' does *not* include labor costing

Item #	Description	Quantity	Unit	Unit Cost	Total Cost
	ON-SITE PUBLIC IMPROVEMENTS				
	Earthwork (In Public ROW)				
	Mobilizaton	1	LS	$5,000.00	$5,000.00
	Cut to Place	9,400	C.Y.	$2.50	$23,500.00
	Transportation				
	Asphalt Paving	7,860	S.Y.	$25.00	$196,500
	Subgrade Prep	7,860	S.Y.	$1.30	$10,218
	Mill & Overlay	29,400	S.F.	$3.00	$88,200
	Concrete Alleys	10,400	S.Y.	$60.00	$624,000
	Enhanced Pavement Crossing	1,130	S.F.	$15.00	$16,950
	Curb Gutter	4,775	L.F.	$18.00	$85,950
	Cross Pans	1,425	S.F.	$11.00	$15,675
	Sidewalks (6' Wide)	3,875	L.F.	$30.00	$116,250
	Sidewalks (8' Wide)	900	L.F.	$45.00	$40,500
	Hardscape (off street-paseos)	2,275	L.F.	$25.00	$56,875
	Handicap Ramps	16	E.A.	$2,300.00	$36,800
	Striping	1,100	L.F.	$3.00	$3,300
	Signage	18	E.A.	$300.00	$5,400
	Public Street Lighting	17	E.A.	$3,500.00	$59,500
	Public Street Lighting (Pedestrian)	18	E.A.	$2,500.00	$45,000
	Decomposed Granite (Crusher Fines)	509	S.F.	$2.75	$1,400
	Water				
	Water Main 4 inch (Includes all fittings and thrust blocks)	525	L.F.	$25.00	$13,125
	Water Main 8 inch (Includes all fittings and thrust blocks)	4,160	L.F.	$39.00	$162,240
	Connections to Existing WL	4	E.A.	$1,000.00	$4,000
	Saw Cut & Pavement Replacement	150	L.F.	$15.00	$2,250
	Reducer 8"x4"	5	E.A.	$550.00	$2,750
	Tees 8"x8"	11	E.A.	$750.00	$8,250
	Crosses 8"x8"	1	E.A.	$950.00	$950
	Horizontal Bends (22.5, 45)	15	E.A.	$400.00	$6,000
	Vertical Bends (45)	8	E.A.	$450.00	$3,600
	8" Gate Valve	28	E.A.	$1,750.00	$49,000
	Blow-Offs 2"	9	E.A.	$800.00	$7,200
	Fire Hydrant Assembly	6	E.A.	$5,400.00	$32,400
	Fire Hydrant Relocate Existing	4	E.A.	$3,500.00	$14,000
	Water Meters 3/4"	200	E.A.	$1,400.00	$280,000
	Irrigation Meters 1 1/2" & Meter Pit	1	E.A.	$2,000.00	$2,000
	Sanitary Sewer				
	Sanitary Main 8 inch	4,720	L.F.	$48.00	$226,560
	Connections to Existing San Sewer	2	E.A.	$1,900.00	$3,800
	Saw Cut & Pavement Replacement	1,000	L.F.	$15.00	$15,000
	4' Sanitary Sewer MH	41	E.A.	$3,300.00	$135,300
	Service Line Connections including WYE tap	201	E.A.	$1,050.00	$211,050
	Drainage				
	18" Storm Sewer (RCP)	400	L.F	$50.00	$20,000
	24" Storm Sewer (RCP)	930	L.F	$65.00	$60,450
	30" Storm Sewer (RCP)	350	L.F	$85.00	$29,750
	5' Storm MH	6	E.A.	$3,300.00	$19,800
	5' Type R Inlet	7	E.A.	$7,200.00	$50,400
	10' Type R Inlet	8	E.A.	$9,200.00	$73,600
	Valley Inlet	2	E.A.	$4,500.00	$9,000
	Underground Detention A (North)	1	E.A.	$350,000.00	$350,000
	Underground Detention B (South)	1	E.A.	$215,000.00	$215,000
	Retaining Walls	80	L.F.	$75.00	$6,000

Item #	Description	Quantity	Unit	Unit Cost	Total Cost
	Monuments				
	Primary	1	L.S	$18,000.00	$18,000
	Secondary	3	L.S	$7,500.00	$22,500
	Park Equipment				
	Body Curl Station	1	E.A	$1,536.00	$1,536
	Parallel Bar	1	E.A	$739.00	$739
	Accessible Chin Up	1	E.A	$1,357.00	$1,357
	Street Furniture				
	Bench	35	E.A.	$1,123.00	$39,305
	Bike rack	8	L.S.	$2,900.00	$2,900
	Removeable Bollard	4	E.A.	$244.00	$976
	Fence Type 1 (wood)	1,192	L.F.	$55.00	$65,560
	Fence Type 2 (metal) - Labor included	119	L.F	$58.52	$6,964
	Pedestrian Gate	2	E.A.	$650.00	$1,300
	Landscape (ROW & Tract U & Tract W)				
	Turf	40,402	S.F.	$1.00	$40,402
	Shrub Bed (includes edger)	14,346	S.F.	$5.50	$78,904
	Large Deciduous Tree	138	E.A.	$550.00	$75,900
	Evergreen Tree	11	E.A.	$550.00	$6,050
	Ornamental Tree	3	E.A.	$450.00	$1,350
	ENT	6,400	S.F.	$0.50	$3,200
	Irrigation	54,748	S.F.	$1.50	$82,122
	Rock Mulch in shrub beds	190	TN	$45.60	$8,664
	Wood Mulch in shrub beds	27	C.Y.	$19.25	$512
					$3,902,733.48
	15% Contingency				$585,410.02
	Total On-Site Public Improvements				$4,488,143.50

	WARD RD (CDOT)				
	Transportation				
	Paving	1,060	S.Y.	$32.07	$33,994
	Subgrade Prep	1,060	S.Y.	$1.30	$1,378
	Curb Gutter	700	L.F.	$18.00	$12,600
	Cross Pans	675	S.F.	$11.00	$7,425
	Sidewalks (5' Wide)	0	L.F.	$25.00	$0
	Sidewalks (8' Wide)	650	L.F.	$40.00	$26,000
	Handicap Ramps	4	E.A.	$2,300.00	$9,200
	Utility Relocation (Telephone)	1	E.A.	$7,500.00	$7,500
	Striping	650	L.F.	$3.00	$1,950
	Signage	4	E.A.	$300.00	$1,200
	Public Street Lighting	4	E.A.	$3,500.00	$14,000
	Public Street Lighting (Pedestrian)	2	E.A.	$2,500.00	$5,000
					$120,247
	15% Contingency				$18,037.1
	Total CDOT Improvements				$138,284.3

	Grand Total	**$4,626,427.78**

EXHIBIT F

Financial Plan

WARD TOD METROPOLITAN DISTRICT

Development Projection at 60.000 (target) District Mills for Debt Service -- SERVICE PLAN -- 04/01/2019

Series 2021, G.O. Bonds, Non-Rated, 100x, 30-yr. Maturity

	< < < < < < < < Residential > > > > > > > >				< Platted/Developed Lots >						
YEAR	Total Res'l Units	Mkt Value Biennial Reasses'mt @ 6.0%	Cumulative Market Value	As'ed Value @ 7.20% of Market (2-yr lag)	Cumulative Market Value	As'ed Value @ 29.00% of Market (2-yr lag)	Total Assessed Value	District D/S Mill Levy [60.000 Target] [60.000 Cap]	District D/S Mill Levy Collections @ 98%	District S.O. Taxes Collected @ 6%	Total Available Revenue
2017	0		0		0						
2018	0	0	0		0				$0	$0	$0
2019	0		0	0	0	0	$0	60.000	0	0	0
2020	0	0	0	0	1,018,249	0	0	60.000	0	0	0
2021	23		10,593,864	0	1,638,053	0	0	60.000	0	0	0
2022	37	635,632	28,612,644	0	1,638,053	295,292	295,292	60.000	17,363	1,042	18,405
2023	37		46,343,455	762,758	1,638,053	475,035	1,237,794	60.000	72,782	4,367	77,149
2024	37	2,780,607	67,209,490	2,060,110	1,638,053	475,035	2,535,146	60.000	149,067	8,944	158,011
2025	37		85,656,626	3,336,729	1,283,879	475,035	3,811,764	60.000	224,132	13,448	237,580
2026	29	5,139,398	105,543,761	4,839,083	0	475,035	5,314,119	60.000	312,470	18,748	331,218
2027	0		105,543,761	6,167,277	0	372,325	6,539,602	60.000	384,529	23,072	407,600
2028	0	6,332,626	111,876,387	7,599,151	0	0	7,599,151	60.000	446,830	26,810	473,640
2029	0		111,876,387	7,599,151	0	0	7,599,151	60.000	446,830	26,810	473,640
2030	0	6,712,583	118,588,970	8,055,100	0	0	8,055,100	60.000	473,640	28,418	502,058
2031	0		118,588,970	8,055,100	0	0	8,055,100	60.000	473,640	28,418	502,058
2032	0	7,115,338	125,704,309	8,538,406	0	0	8,538,406	60.000	502,058	30,123	532,182
2033	0		125,704,309	8,538,406	0	0	8,538,406	60.000	502,058	30,123	532,182
2034	0	7,542,259	133,246,567	9,050,710	0	0	9,050,710	60.000	532,182	31,931	564,113
2035	0		133,246,567	9,050,710	0	0	9,050,710	60.000	532,182	31,931	564,113
2036	0	7,994,794	141,241,361	9,593,753	0	0	9,593,753	60.000	564,113	33,847	597,959
2037	0		141,241,361	9,593,753	0	0	9,593,753	60.000	564,113	33,847	597,959
2038		8,474,482	149,715,843	10,169,378	0	0	10,169,378	60.000	597,959	35,878	633,837
2039			149,715,843	10,169,378	0	0	10,169,378	60.000	597,959	35,878	633,837
2040		8,982,951	158,698,793	10,779,541	0	0	10,779,541	60.000	633,837	38,030	671,867
2041			158,698,793	10,779,541	0	0	10,779,541	60.000	633,837	38,030	671,867
2042		9,521,928	168,220,721	11,426,313	0	0	11,426,313	60.000	671,867	40,312	712,179
2043			168,220,721	11,426,313	0	0	11,426,313	60.000	671,867	40,312	712,179
2044		10,093,243	178,313,964	12,111,892	0	0	12,111,892	60.000	712,179	42,731	754,910
2045			178,313,964	12,111,892	0	0	12,111,892	60.000	712,179	42,731	754,910
2046		10,698,838	189,012,802	12,838,605	0	0	12,838,605	60.000	754,910	45,295	800,205
2047			189,012,802	12,838,605	0	0	12,838,605	60.000	754,910	45,295	800,205
2048		11,340,768	200,353,570	13,608,922	0	0	13,608,922	60.000	800,205	48,012	848,217
2049			200,353,570	13,608,922	0	0	13,608,922	60.000	800,205	48,012	848,217
2050		12,021,214	212,374,784	14,425,457	0	0	14,425,457	60.000	848,217	50,893	899,110
2051			212,374,784	14,425,457	0	0	14,425,457	60.000	848,217	50,893	899,110
	200	115,386,660							16,236,336	974,180	17,210,517

WARD TOD METROPOLITAN DISTRICT

Development Projection at 60.000 (target) District Mills for Debt Service -- SERVICE PLAN -- 04/01/2019

Series 2021, G.O. Bonds, Non-Rated, 100x, 30-yr. Maturity

YEAR	Net Available for Debt Svc	Ser. 2021 $8,560,000 Par [Net $6.035 MM] Net Debt Service	Annual Surplus	Surplus Release @ to $1,712,000	Cumulative Surplus* $1,712,000 Target	Debt/ Assessed Ratio	Debt/ Act'l Value Ratio	Cov. of Net DS: @ 60.000 Target	Cov. of Net DS: @ 60.000 Cap
2017									
2018	$0								
2019	0								
2020	0					n/a	n/a	0.0%	0.0%
2021	0	$0	0		***770,000***	2899%	28%	0.0%	0.0%
2022	18,405	0	18,405	0	788,405	692%	18%	0.0%	0.0%
2023	77,149	0	77,149	0	865,554	338%	12%	0.0%	0.0%
2024	158,011	0	158,011	0	1,023,565	225%	10%	0.0%	0.0%
2025	237,580	428,000	(190,420)	0	833,144	161%	8%	55.5%	55.5%
2026	331,218	428,000	(96,782)	0	736,363	131%	8%	77.4%	77.4%
2027	407,600	428,000	(20,400)	0	715,963	113%	8%	95.2%	95.2%
2028	473,640	473,000	640	0	716,603	112%	8%	100.1%	100.1%
2029	473,640	470,750	2,890	0	719,493	105%	7%	100.6%	100.6%
2030	502,058	498,500	3,558	0	723,051	104%	7%	100.7%	100.7%
2031	502,058	499,750	2,308	0	725,359	97%	7%	100.5%	100.5%
2032	532,182	530,750	1,432	0	726,791	96%	7%	100.3%	100.3%
2033	532,182	530,000	2,182	0	728,973	89%	6%	100.4%	100.4%
2034	564,113	559,000	5,113	0	734,086	88%	6%	100.9%	100.9%
2035	564,113	561,250	2,863	0	736,948	81%	5%	100.5%	100.5%
2036	597,959	593,000	4,959	0	741,908	79%	5%	100.8%	100.8%
2037	597,959	597,750	209	0	742,117	72%	5%	100.0%	100.0%
2038	633,837	631,750	2,087	0	744,204	70%	5%	100.3%	100.3%
2039	633,837	633,500	337	0	744,541	63%	4%	100.1%	100.1%
2040	671,867	669,500	2,367	0	746,908	60%	4%	100.4%	100.4%
2041	671,867	668,000	3,867	0	750,775	54%	4%	100.6%	100.6%
2042	712,179	710,750	1,429	0	752,205	50%	3%	100.2%	100.2%
2043	712,179	710,500	1,679	0	753,884	44%	3%	100.2%	100.2%
2044	754,910	754,250	660	0	754,544	40%	3%	100.1%	100.1%
2045	754,910	749,750	5,160	0	759,704	33%	2%	100.7%	100.7%
2046	800,205	799,250	955	0	760,659	29%	2%	100.1%	100.1%
2047	800,205	800,000	205	0	760,863	23%	2%	100.0%	100.0%
2048	848,217	844,250	3,967	0	764,830	18%	1%	100.5%	100.5%
2049	848,217	844,750	3,467	0	768,297	12%	1%	100.4%	100.4%
2050	899,110	898,500	610	0	768,907	6%	0%	100.1%	100.1%
2051	899,110	897,750	1,360	770,267	0	0%	0%	100.2%	100.2%
	17,210,517	17,210,250	267	770,267					

[FApr0119 19nrspF]

[*] Assumes $770K Deposit @ Closing (tbd)

WARD TOD METROPOLITAN DISTRICT

District Operations Revenue and Expense Projection -- 04/01/2019

YEAR	Total Assessed Value	Oper'ns Mill Levy	Total Collections @ 98%	Specific Ownership Tax @ 6%	Total Available For O&M	Total Mills
2017						
2018						
2019	$0	10.000	0	0	0	70.000
2020	0	10.000	0	0	0	70.000
2021	0	10.000	0	0	0	70.000
2022	295,292	10.000	2,894	174	3,067	70.000
2023	1,237,794	10.000	12,130	728	12,858	70.000
2024	2,535,146	10.000	24,844	1,491	26,335	70.000
2025	3,811,764	10.000	37,355	2,241	39,597	70.000
2026	5,314,119	10.000	52,078	3,125	55,203	70.000
2027	6,539,602	10.000	64,088	3,845	67,933	70.000
2028	7,599,151	10.000	74,472	4,468	78,940	70.000
2029	7,599,151	10.000	74,472	4,468	78,940	70.000
2030	8,055,100	10.000	78,940	4,736	83,676	70.000
2031	8,055,100	10.000	78,940	4,736	83,676	70.000
2032	8,538,406	10.000	83,676	5,021	88,697	70.000
2033	8,538,406	10.000	83,676	5,021	88,697	70.000
2034	9,050,710	10.000	88,697	5,322	94,019	70.000
2035	9,050,710	10.000	88,697	5,322	94,019	70.000
2036	9,593,753	10.000	94,019	5,641	99,660	70.000
2037	9,593,753	10.000	94,019	5,641	99,660	70.000
2038	10,169,378	10.000	99,660	5,980	105,639	70.000
2039	10,169,378	10.000	99,660	5,980	105,639	70.000
2040	10,779,541	10.000	105,639	6,338	111,978	70.000
2041	10,779,541	10.000	105,639	6,338	111,978	70.000
2042	11,426,313	10.000	111,978	6,719	118,697	70.000
2043	11,426,313	10.000	111,978	6,719	118,697	70.000
2044	12,111,892	10.000	118,697	7,122	125,818	70.000
2045	12,111,892	10.000	118,697	7,122	125,818	70.000
2046	12,838,605	10.000	125,818	7,549	133,367	70.000
2047	12,838,605	10.000	125,818	7,549	133,367	70.000
2048	13,608,922	10.000	133,367	8,002	141,369	70.000
2049	13,608,922	10.000	133,367	8,002	141,369	70.000
2050	14,425,457	10.000	141,369	8,482	149,852	70.000
2051	14,425,457	10.000	141,369	8,482	149,852	70.000
			2,706,056	162,363	2,868,419	

WARD TOD METROPOLITAN DISTRICT

Development Projection -- Buildout Plan (updated 4/1/19)

	Residential Development					Residential Summary			
			SFD 60'						
YEAR	# Lots Devel'd	Incr/(Decr) in Finished Lot Value @ 10%	# Units Completed 200 target	Price Inflated @ 2%	Market Value	Total Residential Market Value	Total Res'l Units	Value of Platted & Developed Lots Adjustment	Adjusted Value
2017	0	0		$442,717	0	$0	0	*0*	0
2018	0	0		442,717	0	0	0	*0*	0
2019	0	0		442,717	0	0	0	*0*	0
2020	23	1,018,249		451,571	0	0	0	*0*	1,018,249
2021	37	619,804	23	460,603	10,593,864	10,593,864	23	*0*	619,804
2022	37	0	37	469,815	17,383,148	17,383,148	37	*0*	0
2023	37	0	37	479,211	17,730,811	17,730,811	37	*0*	0
2024	37	0	37	488,795	18,085,428	18,085,428	37	*0*	0
2025	29	(354,174)	37	498,571	18,447,136	18,447,136	37	*0*	(354,174)
2026	0	(1,283,879)	29	508,543	14,747,738	14,747,738	29	*0*	(1,283,879)
2027	0	0	0	518,714	0	0	0	*0*	0
2028	0	0	0	529,088	0	0	0	*0*	0
2029	0	0	0	539,670	0	0	0	*0*	0
2030	0	0	0	550,463	0	0	0	*0*	0
2031	0	0	0	561,472	0	0	0	*0*	0
2032	0	0	0	572,702	0	0	0	*0*	0
2033	0	0	0	584,156	0	0	0	*0*	0
2034	0	0	0	595,839	0	0	0	*0*	0
2035	0	0	0	607,756	0	0	0	*0*	0
2036	0	0	0	619,911	0	0	0	*0*	0
2037		0	0	632,309	0	0	0	*0*	0
	200	0	200		96,988,125	96,988,125	200	0	0

SOURCES AND USES OF FUNDS

WARD TOD METROPOLITAN DISTRICT
GENERAL OBLIGATION BONDS, SERIES 2021
60.000 (target) Mills
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 6.00% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Dated Date	12/01/2021
Delivery Date	12/01/2021

Sources:	
Bond Proceeds:	
Par Amount	8,560,000.00
	8,560,000.00

Uses:	
Project Fund Deposits:	
Project Fund	6,034,800.00
Other Fund Deposits:	
Capitalized Interest Fund	1,284,000.00
Cost of Issuance:	
Other Cost of Issuance	300,000.00
Delivery Date Expenses:	
Underwriter's Discount	171,200.00
Other Uses of Funds:	
Deposit to Surplus Fund	770,000.00
	8,560,000.00

BOND SUMMARY STATISTICS

WARD TOD METROPOLITAN DISTRICT
GENERAL OBLIGATION BONDS, SERIES 2021
60.000 (target) Mills
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 6.00% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Dated Date	12/01/2021
Delivery Date	12/01/2021
First Coupon	06/01/2022
Last Maturity	12/01/2051
Arbitrage Yield	5.000000%
True Interest Cost (TIC)	5.151697%
Net Interest Cost (NIC)	5.000000%
All-In TIC	5.428615%
Average Coupon	5.000000%
Average Life (years)	23.211
Weighted Average Maturity (years)	23.211
Duration of Issue (years)	13.600
Par Amount	8,560,000.00
Bond Proceeds	8,560,000.00
Total Interest	9,934,250.00
Net Interest	10,105,450.00
Bond Years from Dated Date	198,685,000.00
Bond Years from Delivery Date	198,685,000.00
Total Debt Service	18,494,250.00
Maximum Annual Debt Service	898,500.00
Average Annual Debt Service	616,475.00
Underwriter's Fees (per $1000)	
Average Takedown	
Other Fee	20.000000
Total Underwriter's Discount	20.000000
Bid Price	98.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	PV of 1 bp change
Term Bond due 2051	8,560,000.00	100.000	5.000%	23.211	02/15/2045	13,268.00
	8,560,000.00			23.211		13,268.00

	TIC	All-In TIC	Arbitrage Yield
Par Value	8,560,000.00	8,560,000.00	8,560,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-171,200.00	-171,200.00	
- Cost of Issuance Expense		-300,000.00	
- Other Amounts			
Target Value	8,388,800.00	8,088,800.00	8,560,000.00
Target Date	12/01/2021	12/01/2021	12/01/2021
Yield	5.151697%	5.428615%	5.000000%

BOND DEBT SERVICE

WARD TOD METROPOLITAN DISTRICT
GENERAL OBLIGATION BONDS, SERIES 2021
60.000 (target) Mills
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 6.00% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2022			214,000	214,000	
12/01/2022			214,000	214,000	428,000
06/01/2023			214,000	214,000	
12/01/2023			214,000	214,000	428,000
06/01/2024			214,000	214,000	
12/01/2024			214,000	214,000	428,000
06/01/2025			214,000	214,000	
12/01/2025			214,000	214,000	428,000
06/01/2026			214,000	214,000	
12/01/2026			214,000	214,000	428,000
06/01/2027			214,000	214,000	
12/01/2027			214,000	214,000	428,000
06/01/2028			214,000	214,000	
12/01/2028	45,000	5.000%	214,000	259,000	473,000
06/01/2029			212,875	212,875	
12/01/2029	45,000	5.000%	212,875	257,875	470,750
06/01/2030			211,750	211,750	
12/01/2030	75,000	5.000%	211,750	286,750	498,500
06/01/2031			209,875	209,875	
12/01/2031	80,000	5.000%	209,875	289,875	499,750
06/01/2032			207,875	207,875	
12/01/2032	115,000	5.000%	207,875	322,875	530,750
06/01/2033			205,000	205,000	
12/01/2033	120,000	5.000%	205,000	325,000	530,000
06/01/2034			202,000	202,000	
12/01/2034	155,000	5.000%	202,000	357,000	559,000
06/01/2035			198,125	198,125	
12/01/2035	165,000	5.000%	198,125	363,125	561,250
06/01/2036			194,000	194,000	
12/01/2036	205,000	5.000%	194,000	399,000	593,000
06/01/2037			188,875	188,875	
12/01/2037	220,000	5.000%	188,875	408,875	597,750
06/01/2038			183,375	183,375	
12/01/2038	265,000	5.000%	183,375	448,375	631,750
06/01/2039			176,750	176,750	
12/01/2039	280,000	5.000%	176,750	456,750	633,500
06/01/2040			169,750	169,750	
12/01/2040	330,000	5.000%	169,750	499,750	669,500
06/01/2041			161,500	161,500	
12/01/2041	345,000	5.000%	161,500	506,500	668,000
06/01/2042			152,875	152,875	
12/01/2042	405,000	5.000%	152,875	557,875	710,750
06/01/2043			142,750	142,750	
12/01/2043	425,000	5.000%	142,750	567,750	710,500
06/01/2044			132,125	132,125	
12/01/2044	490,000	5.000%	132,125	622,125	754,250
06/01/2045			119,875	119,875	
12/01/2045	510,000	5.000%	119,875	629,875	749,750
06/01/2046			107,125	107,125	
12/01/2046	585,000	5.000%	107,125	692,125	799,250
06/01/2047			92,500	92,500	
12/01/2047	615,000	5.000%	92,500	707,500	800,000
06/01/2048			77,125	77,125	
12/01/2048	690,000	5.000%	77,125	767,125	844,250
06/01/2049			59,875	59,875	
12/01/2049	725,000	5.000%	59,875	784,875	844,750
06/01/2050			41,750	41,750	
12/01/2050	815,000	5.000%	41,750	856,750	898,500
06/01/2051			21,375	21,375	
12/01/2051	855,000	5.000%	21,375	876,375	897,750
	8,560,000		9,934,250	18,494,250	18,494,250

NET DEBT SERVICE

WARD TOD METROPOLITAN DISTRICT
GENERAL OBLIGATION BONDS, SERIES 2021
60.000 (target) Mills
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 6.00% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Period Ending	Principal	Interest	Total Debt Service	Capitalized Interest Fund	Net Debt Service
12/01/2022		428,000	428,000	428,000	
12/01/2023		428,000	428,000	428,000	
12/01/2024		428,000	428,000	428,000	
12/01/2025		428,000	428,000		428,000
12/01/2026		428,000	428,000		428,000
12/01/2027		428,000	428,000		428,000
12/01/2028	45,000	428,000	473,000		473,000
12/01/2029	45,000	425,750	470,750		470,750
12/01/2030	75,000	423,500	498,500		498,500
12/01/2031	80,000	419,750	499,750		499,750
12/01/2032	115,000	415,750	530,750		530,750
12/01/2033	120,000	410,000	530,000		530,000
12/01/2034	155,000	404,000	559,000		559,000
12/01/2035	165,000	396,250	561,250		561,250
12/01/2036	205,000	388,000	593,000		593,000
12/01/2037	220,000	377,750	597,750		597,750
12/01/2038	265,000	366,750	631,750		631,750
12/01/2039	280,000	353,500	633,500		633,500
12/01/2040	330,000	339,500	669,500		669,500
12/01/2041	345,000	323,000	668,000		668,000
12/01/2042	405,000	305,750	710,750		710,750
12/01/2043	425,000	285,500	710,500		710,500
12/01/2044	490,000	264,250	754,250		754,250
12/01/2045	510,000	239,750	749,750		749,750
12/01/2046	585,000	214,250	799,250		799,250
12/01/2047	615,000	185,000	800,000		800,000
12/01/2048	690,000	154,250	844,250		844,250
12/01/2049	725,000	119,750	844,750		844,750
12/01/2050	815,000	83,500	898,500		898,500
12/01/2051	855,000	42,750	897,750		897,750
	8,560,000	9,934,250	18,494,250	1,284,000	17,210,250

BOND SOLUTION

WARD TOD METROPOLITAN DISTRICT
GENERAL OBLIGATION BONDS, SERIES 2021
60.000 (target) Mills
Non-Rated, 100x, 30-yr. Maturity
(SERVICE PLAN: Full Growth + 6.00% Bi-Reassessment Projections)
[Preliminary -- for discussion only]

Period Ending	Proposed Principal	Proposed Debt Service	Debt Service Adjustments	Total Adj Debt Service	Revenue Constraints	Unused Revenues	Debt Serv Coverage
12/01/2022		428,000	-428,000		18,405	18,405	
12/01/2023		428,000	-428,000		77,149	77,149	
12/01/2024		428,000	-428,000		158,011	158,011	
12/01/2025		428,000		428,000	237,580	-190,420	55.50926%
12/01/2026		428,000		428,000	331,218	-96,782	77.38747%
12/01/2027		428,000		428,000	407,600	-20,400	95.23372%
12/01/2028	45,000	473,000		473,000	473,640	640	100.13528%
12/01/2029	45,000	470,750		470,750	473,640	2,890	100.61389%
12/01/2030	75,000	498,500		498,500	502,058	3,558	100.71379%
12/01/2031	80,000	499,750		499,750	502,058	2,308	100.46188%
12/01/2032	115,000	530,750		530,750	532,182	1,432	100.26976%
12/01/2033	120,000	530,000		530,000	532,182	2,182	100.41165%
12/01/2034	155,000	559,000		559,000	564,113	5,113	100.91461%
12/01/2035	165,000	561,250		561,250	564,113	2,863	100.51005%
12/01/2036	205,000	593,000		593,000	597,959	4,959	100.83633%
12/01/2037	220,000	597,750		597,750	597,959	209	100.03504%
12/01/2038	265,000	631,750		631,750	633,837	2,087	100.33035%
12/01/2039	280,000	633,500		633,500	633,837	337	100.05319%
12/01/2040	330,000	669,500		669,500	671,867	2,367	100.35358%
12/01/2041	345,000	668,000		668,000	671,867	3,867	100.57892%
12/01/2042	405,000	710,750		710,750	712,179	1,429	100.20109%
12/01/2043	425,000	710,500		710,500	712,179	1,679	100.23635%
12/01/2044	490,000	754,250		754,250	754,910	660	100.08750%
12/01/2045	510,000	749,750		749,750	754,910	5,160	100.68823%
12/01/2046	585,000	799,250		799,250	800,205	955	100.11944%
12/01/2047	615,000	800,000		800,000	800,205	205	100.02558%
12/01/2048	690,000	844,250		844,250	848,217	3,967	100.46987%
12/01/2049	725,000	844,750		844,750	848,217	3,467	100.41040%
12/01/2050	815,000	898,500		898,500	899,110	610	100.06788%
12/01/2051	855,000	897,750		897,750	899,110	1,360	100.15148%
	8,560,000	18,494,250	-1,284,000	17,210,250	17,210,517	267	

CERTIFICATE CONCERNING NOTICES OF PUBLIC HEARING ON THE SERVICE PLAN

IN RE THE SERVICE PLAN FOR WARD TOD METROPOLITAN DISTRICT NOS. 1-3, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

I, Allison L. Hanson, a paralegal at the law firm of White Bear Ankele Tanaka & Waldron Professional Corporation, acting on behalf of Ward TOD Metropolitan District Nos. 1-3 (collectively the "Districts"), do hereby certify as follows:

1. That the City of Wheat Ridge (the "City") set a public hearing for May 13, 2019 at 7:00 p.m. at 7500 West 29th Avenue, Wheat Ridge, Colorado (the "Hearing"), for the purpose of considering the Amended and Restated Service Plan (the "Service Plan") for the Districts and to form a basis for adopting a resolution approving, conditionally approving or disapproving the Service Plan;

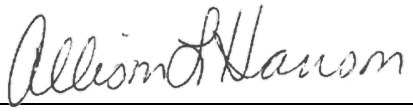
2. That, pursuant to § 32-1-204(1), C.R.S., the Notice of Public Hearing on the Service Plan, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference, was provided by U.S. mail on April 18, 2019, to the Petitioners and to the governing body of any existing municipality or special district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the proposed Districts' boundaries, as set forth on the list attached hereto as **Exhibit B** and incorporated herein by this reference;

3. That, pursuant to § 32-1-204(1), C.R.S., the Notice of Public Hearing on the Service Plan, a copy of which is attached hereto as **Exhibit A**, was published on April 18, 2019, in the *Wheat Ridge Transcript*. A copy of the Affidavit of Publication of Notice of Public Hearing on the Service Plan is attached hereto as **Exhibit C** and incorporated herein by this reference;

4. That, pursuant to § 32-1-204(1.5), C.R.S., the Notice of Public Hearing on the Service Plan, a copy of which is attached hereto as **Exhibit A**, was sent by U.S. mail on April 18, 2019 (which date is no more than thirty days nor less than twenty days prior to the Hearing), to the property owners within the proposed Districts as listed on the records of the County Assessor, as set forth on the list attached hereto as **Exhibit D** and incorporated herein by this reference; and

5. That, pursuant to § 32-1-202(1)(a), C.R.S., the Notice of Public Hearing on the Service Plan, a copy of which is attached hereto as **Exhibit A**, was provided by U.S. mail on April 18, 2019 to the Division of Local Government.

Signed this 6th day of May, 2019.

By: 

Allison L. Hanson, Paralegal

EXHIBIT A
TO CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE SERVICE PLAN

(Notice of Public Hearing on the Service Plan)

NOTICE OF PUBLIC HEARING FOR SERVICE PLAN OF A SPECIAL DISTRICT

IN RE THE SERVICE PLAN FOR WARD TOD METROPOLITAN DISTRICT NOS. 1-3, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-204(1), C.R.S., an Amended and Restated Service Plan (the "**Service Plan**") for the WARD TOD Metropolitan District Nos. 1-3 (collectively, the "**Districts**") has been filed and is available for public inspection in the office of the City Clerk of the City of Wheat Ridge, Colorado.

A study session on the Service Plan will be held by the City Council of the City of Wheat Ridge (the "**City Council**") on Monday, May 6, 2019, at 6:30 p.m., at 7500 West 29th Avenue, Wheat Ridge, Colorado, or as soon thereafter as the City Council may hear such matter.

A public hearing on the Service Plan will be held by the City Council on Monday, May 13, 2019, at 7:00 p.m., at 7500 West 29th Avenue, Wheat Ridge, Colorado, or as soon thereafter as the City Council may hear such matter.

The Districts are existing metropolitan districts organized under the provisions of Title 32, Colorado Revised Statutes. The purpose of the Districts is to finance, construct, acquire, own, operate and maintain public improvements such as water, streets, traffic and safety control, sanitation, storm sewers and drainage, parks and recreation, transportation, television relay and translation, mosquito and pest control and other improvements and services within the Districts' boundaries. The maximum mill levy the Districts are permitted to impose upon the taxable property within the Districts for payment of Debt and shall be 60 mills, subject to the limitations set forth in the Service Plan.

A description of the land contained within the boundaries of the proposed Districts is as follows: the southeast corner of West 52nd Avenue and Ward Road, City of Wheat Ridge, County of Jefferson, State of Colorado, containing approximately 14 acres, as further described in the Service Plan.

All protests and objections must be submitted in writing to the City Manager at or prior to the public hearing or any continuance or postponement thereof in order to be considered. All protests and objections to the District shall be deemed to be waived unless presented at the time and in the manner specified herein.

BY ORDER OF THE CITY COUNCIL OF
THE CITY OF WHEAT RIDGE

PUBLISHED IN: *Wheat Ridge Transcript*
PUBLISHED ON: April 18, 2019

1549; 964656

EXHIBIT B
TO CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE SERVICE PLAN

(Mailing List of 3-Mile Taxing Entities)

APPLEWOOD SANITATION DISTRICT
C/O LEROY O. BANKS
P.O. BOX 1109
GOLDEN, CO 80402-1109

APEX PARK & REC DISTRICT
C/O LAURI DANNEMILLER
13150 W 72ND AVE
ARVADA, CO 80005

BOYD PONDS METROPOLITAN DISTRICT NO. 2
C/O SETER & VANDER WALL PC
7400 E ORCHARD RD, SUITE 3300
GREENWOOD VILLAGE, CO 80111

ARVADA FIRE PROTECTION DISTRICT
C/O JON GREER
7903 ALLISON WAY
ARVADA, CO 80005

CITY OF GOLDEN
C/O FINANCE DIRECTOR
911 10TH ST
GOLDEN, CO 80401

CITY OF ARVADA
C/O CITY OF ARVADA FINANCE DEPT
8101 RALSTON RD
ARVADA, CO 80002

CITY OF WHEAT RIDGE
C/O CITY OF WHEAT RIDGE
7500 W 29TH AVE
WHEAT RIDGE, CO 80033

CITY OF LAKEWOOD
C/O LARRY DORR
480 S ALLISON PKWY
LAKEWOOD, CO 80226-3127

DENVER WEST METROPOLITAN DISTRICT
C/O WHITE BEAR ANKELE TANAKA &
WALDORN
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

CLEAR CREEK VALLEY W&S DISTRICT
C/O FONDA WILHELM
5420 HARLAN ST
ARVADA, CO 80002

FRUITDALE SANITATION DISTRICT
4990 MILLER ST
WHEAT RIDGE, CO 80033

FAIRMOUNT FIRE PROTECTION DISTRICT
C/O ALAN FLETCHER
4755 ISABELL ST
GOLDEN, CO 80403

GEOS NEIGHBORHOOD METROPOLITAN
DISTRICT
C/O NORMAN F. KRON, JR
1700 LINCOLN ST, SUITE 2000
DENVER, CO 80203

HOME TOWN METROPOLITAN DISTRICT NO. 2
C/O MC GEADY BECHER
450 E 17TH AVE, SUITE 400
DENVER, CO 80203-1254

JEFFERSON CENTER METROPOLITAN DISTRICT NO. 1
C/O SPECIAL DISTRICT MANAGEMENT SERVICE, INC.
141 UNION BLVD, SUITE 150
LAKEWOOD, CO 80228-1898

JEFFERSON COUNTY SCHOOL R-1
P.O. BOX 4001
GOLDEN, , C O 80401

KIPLING RIDGE METROPOLITAN DISTRICT
C/O SANDY BRANDENBURGER
8390 E CRESCENT PKWY, SUITE 300
GREENWOOD VILLAGE, CO 80111-2814

LONGS PEAK METROPOLITAN DISTRICT
C/O SETER & VANDER WALL P.C.
7400 E ORCHARD RD, SUITE 3300
GREENWOOD VILLAGE, CO 80111

MOFFAT TUNNEL IMPROVEMENT DISTRICT
100 JEFFERSON COUNTY PKWY
GOLDEN, CO 80419

NORTH TABLE MOUNTAIN W&S DISTRICT
C/O BART SPERRY
14806 W 52ND AVE
GOLDEN, CO 80403-1228

NORTHWEST LAKEWOOD SANITATION DISTRICT
C/O SPECIAL DISTRICT MANAGEMENT SERVICE, INC.
141 UNION BOULEVARD, STE 150
LAKEWOOD, CO 80228-1898

PLEASANT VIEW METROPOLITAN DISTRICT
955 MOSS ST
GOLDEN, CO 80401

PLEASANT VIEW W&S DISTRICT
C/O DAVID COUNCILMAN
955 MOSS ST
GOLDEN, CO 80401-1556

PROSPECT REC & PARK DISTRICT
C/O MIKE HANSON
4198 XENON ST
WHEAT RIDGE, CO 80033

RALSTON VALLEY W&S DISTRICT
C/O PHIL WATHIER
P.O. BOX 749
ARVADA, CO 80001

REGIONAL TRANSPORTATION DISTRICT
C/O JANNETTE SCARPINO
1600 BLAKE ST
DENVER, CO 80202-1399

RICHARDS FARM METROPOLITAN NO. 1
C/O WHITE BEAR ANKELE TANAKA & WALDORN
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

RICHARDS FARM METROPOLITAN NO. 2
C/O WHITE BEAR ANKELE TANAKA & WALDORN
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

TABLE MOUNTAIN METRO
C/O ANGELA ELLIOTT
191 UNIVERSITY BLVD, SUITE 358
DENVER, CO 80206

URBAN DRAINAGE & FLOOD CONTROL DISTRICT
C/O PAUL A HINDMAN
2480 W 26TH AVE, SUITE 156B
DENVER, CO 80211

VALLEY WATERDISTRICT
12101 W 52ND AVE
WHEAT RIDGE, CO 80033

WARD TOD METROPOLITAN DISTRICT NO. 1
C/O WHITE BEAR ANKELE TANAKA & WALDORN
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

WARD TOD METROPOLITAN DISTRICT NO. 2
C/O WHITE BEAR ANKELE TANAKA & WALDORN
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

WARD TOD METROPOLITAN DISTRICT NO. 3
C/O WHITE BEAR ANKELE TANAKA & WALDORN
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

WEST METRO FIRE PROTECTION DISTRICT
C/O CHIEF DON LOMBARDI
433 S ALLISON PKWY
LAKEWOOD, CO 80226

WESTOWN METROPOLITAN
C/O CENTENNIAL CONSULTING GROUP LLC
2619 CANTON CT, SUITE A
FORT COLLINS, CO 80525

WESTRIDGE SANITATION DISTRICT
C/O KIM DAHLIN
3705 KIPLING ST, SUITE 101
WHEAT RIDGE, CO 80033

WHEAT RIDGE SANITATION DISTRICT
C/O MICHAEL BAKARICH
7100 W 44TH AVE, SUITE 104
WHEAT RIDGE, CO 80033

WHEAT RIDGE WATER DISTRICT
C/O WALT PETTIT
P.O. BOX 637
WHEAT RIDGE, CO 80034

YARROW GARDENS METRO
C/O WHITE BEAR ANKELE TANAKA & WALDRON
2154 E COMMONS AVE, SUITE 2000
CENTENNIAL, CO 80122

DIVISION OF LOCAL GOVERNMENT
1313 SHERMAN STREET, ROOM 521
DENVER, CO 80203

ADAMS COUNTY
BOARD OF COUNTY COMMISSIONERS
4430 S ADAMS COUNTY PKWY, 5TH FLOOR,
SUITE C5000A
BRIGHTON, CO 80601

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS
100 JEFFERSON COUNTY PKWY, SUITE 5550
GOLDEN CO 80419

CITY AND COUNTY OF DENVER
201 W COLFAX AVE, DEPARTMENT 1010
DENVER, CO 80202

EXHIBIT C
TO CERTIFICATE OF MAILING AND PUBLICATION OF
NOTICE OF PUBLIC HEARING ON THE SERVICE PLAN

(Affidavit of Publication of Notice of Public Hearing on the Service Plan)

Colorado Community Media
750 W. Hampden Ave, Suite 225
Englewood, CO 80110

AFFIDAVIT OF PUBLICATION

State of Colorado)ss
County of Jefferson

This Affidavit of Publication for the Wheat Ridge Transcript, a weekly newspaper, printed and published for the County of Jefferson, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made the 18th day of April A.D., 2019, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.

for the Wheat Ridge Transcript
State of Colorado)
County of Arapahoe)ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 18th day of April A.D., 2019. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

LINDSAY L NICOLETTI
Notary Public
State of Colorado
Notary ID # 20134073610
My Commission Expires 02-22-2022

My Commission Expires 02/22/22

Notary Public

Public Notice

NOTICE OF PUBLIC HEARING
FOR SERVICE PLAN
OF A SPECIAL DISTRICT

IN RE THE SERVICE PLAN FOR WARD TOD METROPOLITAN DISTRICT NOS. 1-3,
CITY OF WHEAT RIDGE,
COUNTY OF JEFFERSON,
STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-204(1), C.R.S., an Amended and Restated Service Plan (the "Service Plan") for the WARD TOD Metropolitan District Nos. 1-3 (collectively, the "Districts") has been filed and is available for public inspection in the office of the City Clerk of the City of Wheat Ridge, Colorado.

A study session on the Service Plan will be held by the City Council of the City of Wheat Ridge (the "City Council") on Monday, May 6, 2019, at 6:30 p.m., at 7500 West 29th Avenue, Wheat Ridge, Colorado, or as soon thereafter as the City Council may hear such matter.

A public hearing on the Service Plan will be held by the City Council on Monday, May 13, 2019, at 7:00 p.m., at 7500 West 29th Avenue, Wheat Ridge, Colorado, or as soon thereafter as the City Council may hear such matter.

The Districts are existing metropolitan districts organized under the provisions of Title 32, Colorado Revised Statutes. The purpose of the Districts is to finance, construct, acquire, own, operate and maintain public improvements such as water, streets, traffic and safety control, sanitation, storm sewers and drainage, parks and recreation, transportation, television relay and translation, mosquito and pest control and other improvements and services within the Districts' boundaries. The maximum mill levy the Districts are permitted to impose upon the taxable property within the Districts for payment of Debt and shall be 60 mills, subject to the limitations set forth in the Service Plan.

A description of the land contained within the boundaries of the proposed Districts is as follows: the southeast corner of West 52nd Avenue and Ward Road, City of Wheat Ridge, County of Jefferson, State of Colorado, containing approximately 14 acres, as further described in the Service Plan.

All protests and objections must be submitted in writing to the City Manager at or prior to the public hearing or any continuance or postponement thereof in order to be considered. All protests and objections to the District shall be deemed to be waived unless presented at the time and in the manner specified herein.

BY ORDER OF THE CITY COUNCIL
OF THE CITY OF WHEAT RIDGE

Legal Notice No.: 404748
First Publication: April 18, 2019
Last Publication: April 18, 2019
Publisher: Wheat Ridge Transcript

EXHIBIT D
TO CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE OF PUBLIC HEARING ON THE SERVICE PLAN

(Mailing List of Property Owners)

IBC DENVER II, LLC
1101 W 48TH AVE, SUITE 100
DENVER, CO 80221

ITEM NO: 3.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 32-2019 – A RESOLUTION APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE AND THE WHEAT RIDGE URBAN RENEWAL AUTHORITY FOR THE APPLEWOOD VILLAGE REDEVELOPMENT

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

QUASI-JUDICIAL: ☐ YES ☒ NO

City Manager

ISSUE:
On March 19, 2019, Renewal Wheat Ridge (RWR) entered into a Tax Increment Financing (TIF) Agreement with Regency Centers, the owners of the Applewood Shopping Center, for redevelopment of the vacant Walmart building at the southeast corner of 38th Avenue and Youngfield Street. The TIF Agreement utilizes property and sales tax increment to finance public improvements associated with the redevelopment project. A request is being made of City Council to adopt a resolution approving a Cooperation Agreement between the City and RWR to share up to a maximum of $2,000,874 in sales tax increment generated from the project for a period of 5 years.

PRIOR ACTION:
On April 15, 2019, City Council was briefed on this issue during its study session.

BACKGROUND:
When Walmart ceased operations in July 2017, Regency began plans to re-tenant the building. In early 2018, Regency entered into letters of intent with Hobby Lobby, Sierra

Trading Post, HomeGoods and Ulta to backfill the vacant Walmart space. To attract these quality, national retail tenants, significant improvements to the 35-year old structure and site would be necessary.

The new uses would require dividing the space into five separate spaces for four retail tenants and a yet to be determined 17,000 sq. ft. space. The redevelopment also includes a complete reface of the building façade, reconstruction of the parking lot for more efficient use, creation of a new retail pad at the corner of 38th and Youngfield, and streetscape improvements along Youngfield and 38th. The City is also utilizing a portion of its 1% Xcel funding to underground all the utilities from 32nd and Youngfield to the terminus of the old Walmart building on 38th Avenue.

In total, Regency will invest approximately $20 million into this redevelopment project. Over $5.4 million of this investment has been determined to be eligible public improvements including general site improvements, Youngfield streetscape and signalized intersection improvements, façade upgrades, wet utilities, 38th Avenue right of way improvements, demolition of blighted buildings and environmental remediation of asbestos. Regency has requested that RWR assist in paying these eligible public improvements through a property tax TIF Agreement in the amount of $6.1 million and sales tax TIF Agreement in the amount $2.0 million.

In order for RWR to consider the use of TIF, the project is required to demonstrate a need for public assistance. RWR hired Economic and Planning Systems (EPS) to conduct an analysis of the project and the need for the use of TIF for this project. For a project of this type, a typical developer's return on cost is somewhere between 6-8%. If this redevelopment project received no public assistance through the TIF, it would generate a return of 5.13%, which equates to a financial gap of $4,878,360 in present value (real value). In order for this project to achieve a 6.75% return, a subsidy totaling $8,143,573 million dollars in nominal dollars or $4,878,360 in present value dollars is required for the developer to meet a 6.75% return.

In addition to the TIF Agreement between RWR and Regency, the a Cooperation Agreement between RWR and the City is necessary to obligate the City to deposit the pledged sales tax increment revenues into a special fund of RWR to reimburse Regency for eligible public improvements associated with the redevelopment project.

FINANCIAL IMPACT:

If approved, the City will share one (1.0) cent of its three and one-half (3½) cent sales tax generated from this project in an amount not-to-exceed $2,000,874. At stabilization, redevelopment of the Walmart site is estimated to generate just under $1.0 million per year in City sales tax, increasing to roughly $2.0 million per year in 2040 for a total of just over $31 million over the next 21 years.

RECOMMENDATIONS:

Staff recommends the adoption of the Resolution approving the Cooperation Agreement for the following reasons:

- The costs associated with the redevelopment and the requested participation by the City of Wheat Ridge and RWR have been thoroughly vetted by an independent third party working on behalf of the City of Wheat Ridge and RWR; and
- The improvements to the shuttered Walmart building will provide a needed facelift to the almost 50-year old building; and
- The participation will provide for a higher quality tenant mix in the repurposed building; and
- The overall development will create an additional retail pad space at the corner of Youngfield and W. 38th Avenue that provides for potential sales tax generation to the City of Wheat Ridge; and
- The new tenants will draw new shoppers from a larger geographic area (app. 3 miles) compared to Walmart (app. 1 mile).

RECOMMENDED MOTION:

"I move to approve Resolution No. 32-2019, a resolution approving a Cooperation Agreement between the City of Wheat Ridge and the Wheat Ridge Urban Renewal Authority for the Applewood Village Redevelopment."

Or,

"I move to postpone indefinitely Resolution No. 32-2019, a resolution approving a Cooperation Agreement between the City of Wheat Ridge and the Wheat Ridge Urban Renewal Authority for the Applewood Village Redevelopment for the following reason(s) _____."

ATTACHMENTS:

1. Resolution No. 32-2019
    a. Exhibit A – Cooperation Agreement
2. RWR Redevelopment Agreement
3. EPS Financial Model
4. Regency Presentation

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 32
Series of 2019

TITLE: RESOLUTION NO. 32-2019 - A RESOLUTION APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WHEAT RIDGE AND THE WHEAT RIDGE URBAN RENEWAL AUTHORITY FOR THE APPLEWOOD VILLAGE REDEVELOPMENT

WHEREAS, the City is a home rule municipality and political subdivision of the State of Colorado organized and existing under a home rule charter pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the City Council of the City (the "City Council") established the Wheat Ridge Urban Renewal Authority d/b/a/ Renewal Wheat Ridge (the "Authority") on October 18, 1981, as an urban renewal authority pursuant to Colorado Revised Statutes, Part 1 of Title 31, Article 25, as amended; and

WHEREAS, the City Council has adopted the I-70/Kipling Corridors Urban Renewal Plan (the "Urban Renewal Plan" or the "Plan") for the area described therein (the "Urban Renewal Area"); and

WHEREAS, Regency LLC (the "Developer") owns and is rehabilitating a building located at the northern end of the Applewood Village Shopping Center (the "Property"), which is in the Urban Renewal Area; and

WHEREAS, the Developer has submitted a proposal to the City and the Authority to redevelop the Property (the "Project") and has identified four new users within the building; and

WHEREAS, the City has determined and hereby determines that it is in the best interests of the City and its citizens to assist in the redevelopment of the Project; and

WHEREAS, the Authority has determined that the redevelopment of the Project, in order to remediate blight, is consistent with and in furtherance of the purposes of the Authority and the Plan; and

WHEREAS, the Urban Renewal Plan contemplates that a primary method of financing projects within the Urban Renewal Area will be through the use of property tax increment revenues and City sales tax increment revenues; and

WHEREAS, the Plan adopted the utilization of property and sales tax increment for the Property and authorizes the Authority to pledge such property tax increment revenues and City sales tax increment revenues to finance public infrastructure that benefits the Urban Renewal Area pursuant to one or more Cooperation Agreements (as defined therein); and

ATTACHMENT 1

WHEREAS, the Authority and the Developer entered into a Redevelopment Agreement on March 15, 2019 (the "Redevelopment Agreement") that sets forth the rights and responsibilities of each party with respect to the financing and construction of the Project; and

WHEREAS, in order to finance certain eligible improvements for the Project, the Redevelopment Agreement provides that, upon compliance with certain conditions precedent, the Authority will reimburse the Developer for eligible costs incurred in connection with such eligible improvements in the maximum amount of $8,441,138 (the "Reimbursement Amount ") with the Reimbursement Amount to be payable solely from property tax increment revenues and sales tax increment revenues to be generated from the redevelopment of the Project; and

WHEREAS, in connection with the execution and delivery of the Redevelopment Agreement and the repayment of the Reimbursement Amount in accordance therewith, the City and the Authority believe it is in the best interests of the City and the Authority to enter into a Cooperation Agreement (the "Cooperation Agreement") **EXHIBIT A** related to the Project; and

WHEREAS, there has been filed with the City Clerk of the City (the "City Clerk") the proposed form of the Cooperation Agreement.

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

Section 1. Finding of Best Interests and Public Purpose. The City Council hereby finds and determines, pursuant to the Constitution, the laws of the State and the City's home rule charter (the "Charter"), and in accordance with the foregoing recitals, that adopting this Resolution, redeveloping the Project and entering into the Cooperation Agreement are in the best interests of the inhabitants of the City.

Section 2. Approval of Cooperation Agreement. The Cooperation Agreement, in substantially the form on file with the City Clerk, is in all respects approved, authorized and confirmed. The Mayor is hereby authorized and directed to execute and deliver the Cooperation Agreement, for and on behalf of the City, in substantially the form and with substantially the same contents as is on file with the City Clerk, provided that such document may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Resolution. The execution of the Cooperation Agreement by the Mayor shall be conclusive evidence of the approval by the City Council of such document in accordance with its terms.

Section 3. Direction to Act. The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this Resolution and to place the seal of the City on any document authorized and approved by this Resolution. The Mayor, the City Manager, the City Clerk, the City Attorney, and all other appropriate officials or employees of the City

are hereby authorized and directed to execute and deliver for and on behalf of the City any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to facilitate the redevelopment of the Project and implement and carry out the transactions and other matters authorized by this Resolution.

Section 4. Ratification. All actions (not inconsistent with the provisions of this Resolution) heretofore taken by the City Council or the officers, employees or agents of the City directed toward the redevelopment of the Project and the execution and delivery of the Cooperation Agreement are hereby ratified, approved and confirmed.

Section 5. Severability. If any section, subsection, paragraph, clause or provision of this Resolution or the documents hereby authorized and approved shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution or such documents, the intent being that the same are severable.

Section 6. Repealer. All prior resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. Effectiveness. This Resolution shall take effect immediately.

DONE AND RESOLVED this 13th day of May, 2019.

_____
Bud Starker, Mayor

Attest:

_____
Janelle Shaver, City Clerk

EXHIBIT A

COOPERATION AGREEMENT
BETWEEN THE CITY OF WHEAT RIDGE AND
WHEAT RIDGE URBAN RENEWAL AUTHORITY

THIS COOPERATION AGREEMENT (this "Agreement") dated as of May 13, 2019, is made and entered into between the CITY OF WHEAT RIDGE, COLORADO (the "City") and the WHEAT RIDGE URBAN RENEWAL AUTHORITY d/b/a/ RENEWAL WHEAT RIDGE (the "Authority").

WHEREAS, the City is a Colorado home rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its home rule charter (the "Charter"); and

WHEREAS, the Authority is a Colorado Urban Renewal Authority, with all the powers and authority granted to it pursuant to Title 31, Article 25, Part 1, Colorado Revised Statutes ("C.R.S.") (the "Urban Renewal Law"); and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and Title 29, Article 1, Part 2, C.R.S., the City and the Authority are authorized to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each governmental entity; and

WHEREAS, the City Council of the City (the "City Council") has previously adopted the I-70/Kipling Corridors Urban Renewal Plan, as amended (the "Urban Renewal Plan" or the "Plan") for the area described therein (the "Urban Renewal Area"); and

WHEREAS, U.S. Retail Partners, LLC, a Delaware limited liability company (the "Developer"), has the desire to redevelop the vacant Walmart retail building consisting of approximately 126,000 square feet within the Applewood Shopping Center, which is in the Urban Renewal Area; and

WHEREAS, the redeveloped property will be divided into five new spaces which will include Ulta, Hobby Lobby, Sierra Trading Post, and HomeGoods; and

WHEREAS, the Developer has submitted a proposal to the City and the Authority to redevelop the Property (the "Project"); and

WHEREAS, the Project is being undertaken to facilitate the elimination and prevention of blighted areas and to promote redevelopment, conservation and rehabilitation of the Urban Renewal Area; and

WHEREAS, pursuant to section 31-25-112, C.R.S., the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, to enter into agreements with the Authority respecting such actions to be taken by the City, and appropriating funds and making such expenditures of its funds to aid and cooperate with the Authority in undertaking the Project and carrying out the Plan; and

WHEREAS, the Authority and the Developer expect to enter into a Redevelopment Agreement (the "Redevelopment Agreement") that sets forth the rights and responsibilities of each party with respect to the financing and construction of the Project; and

WHEREAS, in order to finance certain eligible improvements for the Project, the Redevelopment Agreement provides that, upon compliance with certain conditions precedent, the Authority will provide reimbursement of $8,441,138 (the "Payment") with such Payment to be payable from the Pledged Property Tax Increment Revenue and Pledged Sales Tax Increment Revenues as the same are defined in the Redevelopment Agreement to be generated from the redevelopment of the Project; and

WHEREAS, the maximum amount of sales tax pledged will be for a period of five years, ending December 31, 2025 or $2,000,874, whichever shall occur first; and

WHEREAS, in order to implement the provisions regarding the use of Pledged Sales Tax Increment Revenues generated from the Project, this Cooperation Agreement is necessary to cause the City to deposit such Pledged Sales Tax Increment Revenues into the Special Fund of the Authority to reimburse the Developer for Eligible Costs of the Project as defined in the Redevelopment Agreement; and

WHEREAS, capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Redevelopment Agreement.

NOW, THEREFORE, in consideration of the mutual promises set forth below, the City and the Authority agree as follows:

I. **COOPERATION.**

a. The City shall continue to make available such employees of the City as may be necessary and appropriate to assist the Authority in carrying out any authorized duty or activity of the Authority pursuant to the Urban Renewal Law, the Plan, or any other lawfully authorized duty or activity of the Authority.

b. The City agrees to assist the Authority by pursuing all lawful procedures and remedies available to it to collect and transfer to the Authority on a timely basis all Pledged Sales Tax Increment Revenues for deposit into the Project Account of the Special Fund until the total amount of Pledged Revenues as defined in the Redevelopment Agreement paid to Developer equals the Reimbursement Amount, or December 31, 2025, whichever first occurs. .

c. To the extent lawfully possible, the City will take no action that would have the effect of reducing tax collections that constitute Pledged Sales Tax Increment Revenues.

II. **GENERAL PROVISIONS**.

(a) Separate Entities. Nothing in this Agreement shall be interpreted in any manner as constituting the City or its officials, representatives, consultants, or employees as the agents of the Authority, nor as constituting the Authority or its officials, representatives, consultants, or employees as agents of the City. Each entity shall remain a separate legal entity pursuant to applicable law. Neither party shall be deemed hereby to have assumed the debts, obligations, or liabilities of the other.

(b) Third Parties. Neither the City nor the Authority shall be obligated or liable under the terms of this Agreement to any person or entity not a party hereto, provided, however, that the Lender is a third party beneficiary to the provisions hereof related to the collection and remittance to the Authority of the Pledged Revenues.

(c) Modifications. No modification or change of any provision in this Agreement shall be made, or construed to have been made, unless such modification is mutually agreed to in writing by both parties and incorporated as a written amendment to this Agreement. Memoranda of understanding and correspondence shall not be construed as amendments to the Agreement.

(d) Entire Agreement. This Agreement shall represent the entire agreement between the parties with respect to the subject matter hereof and shall supersede all prior negotiations, representations, or agreements, either written or oral, between the parties relating to the subject matter of this Agreement and shall be independent of and have no effect upon any other contracts.

(e) Severability. If any provision of this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

(f) Assignment. Except for the pledge under the Loan Documents, this Agreement shall not be assigned, in whole or in part, by either party without the written consent of the other.

(g) Waiver. No waiver of a breach of any provision of this Agreement by either party shall constitute a waiver of any other breach or of such provision. Failure of either party to enforce at any time, or from time to time, any provision of this Agreement shall not be construed as a waiver thereof. The remedies reserved in this Agreement shall be cumulative and additional to any other remedies in law or in equity.

IN WITNESS WHEREOF, this Agreement is executed by the Parties as of _____ __, 2019

CITY OF WHEAT RIDGE, COLORADO

By:_____
Bud Starker, Mayor

(SEAL)

Attest:

_____
Janelle Shaver, City Clerk

APPROVED AS TO FORM

_____
Gerald Dahl, City Attorney

WHEAT RIDGE URBAN RENEWAL AUTHORITY

_____
ATTEST: Tim Rogers, Chairperson

_____
Steve Art, Executive Director

20657920 v2

WHEAT RIDGE URBAN RENEWAL AUTHORITY
RESOLUTION 06-2019

TITLE: **A RESOLUTION APPROVING THE REDEVELOPMENT AGREEMENT BETWEEN THE WHEAT RIDGE URBAN RENEWAL AUTHORITY D/B/A RENEWAL WHEAT RIDGE AND U.S. RETAIL PARTNERS FOR THE REDEVELOPMENT OF A SHUTTERED WALMART BULDING WITHIN THE APPLEWOOD SHOPPING CENTER**

THEREFORE, BE IT RESOLVED by the Wheat Ridge Urban Renewal Authority as follows:

~~Section 1.~~ The Redevelopment Agreement between the Wheat Ridge Urban Renewal Authority d/b/a Renewal Wheat Ridge (the "Authority") and U.S. Retail Partners for the redevelopment of a shuttered Walmart building within the Applewood Shopping Center hereto as **Exhibit A**, is hereby approved, and the is hereby authorized to execute the Redevelopment Agreement on behalf of the Authority.

ADOPTED the 15th day of March, 2019

WHEAT RIDGE URBAN RENEWAL AUTHORITY

Tim Rogers, Chairperson

ATTEST:

Steve Art, Executive Director

APPROVED AS TO FORM:

Corey Y. Hoffmann, WRURA Attorney

WHEAT RIDGE URBAN RENEWAL AUTHORITY CORPORATE SEAL COLORADO

ATTACHMENT 2

REDEVELOPMENT AGREEMENT

THIS REDEVELOPMENT AGREEMENT (this "**Agreement**") dated as of March 19, 2019, is made by and between WHEAT RIDGE URBAN RENEWAL AUTHORITY d/b/a/ RENEWAL WHEAT RIDGE, an urban renewal authority and a body corporate and politic of the State of Colorado (the "**Authority**"), U.S. RETAIL PARTNERS, LLC, a Delaware limited liability company (the "**Developer**"). The Authority and Developer are sometimes collectively called the "**Parties**," and individually, a "**Party**."

RECITALS

All capitalized terms used, but not defined, in these Recitals, have the meanings ascribed to them in this Agreement. The Recitals are incorporated to this Agreement as though fully set forth in the body of this Agreement.

WHEREAS, the City of Wheat Ridge, Colorado (the "**City**") is a home rule municipality and political subdivision of the State of Colorado organized and existing under a home rule charter pursuant to Article XX of the Constitution of the State of Colorado;

WHEREAS, the City Council of the City (the "**City Council**") established the Authority on October 18, 1981;

WHEREAS, the City Council has adopted the I-70/Kipling Corridors Urban Renewal Plan, as amended (the "**Urban Renewal Plan**" or the "**Plan**");

WHEREAS, the Developer seeks to construct Eligible Improvements (hereinafter defined) within the Applewood Shopping Center (the "**Project**") upon the property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "**Redevelopment Property**");

WHEREAS, the Authority has determined that the redevelopment of the Project in order to remediate blight is consistent with and in furtherance of the purposes of the Authority and the Urban Renewal Plan;

WHEREAS, in order to facilitate the acquisition, construction and installation of the Project, the Authority seeks to reimburse the Developer for the cost of certain eligible Improvements up to a maximum aggregate amount of Eight Million Four Hundred Forty One Thousand, One Hundred and Thirty Eight Dollars ($8,441,138.00) (as further defined below, the "**Reimbursement Amount**") as set forth in this Agreement through utilization of property tax increment and sales tax increment;

WHEREAS, pursuant to the Colorado Urban Renewal Law , C.R.S. § 31-25-101, *et seq.*, and the Urban Renewal Plan, the Authority may finance undertakings pursuant to the Plan by any method authorized under the Act or any other applicable law, including, without limitation, issuance of notes, bonds and other obligations in an amount sufficient to finance all or part of the Plan; borrowing of funds and creation of indebtedness; advancement of reimbursement agreements; agreements with public or private entities; and loans, advances and grants from any other available sources; and the Plan authorizes the Authority to pay the principal and interest on any such

indebtedness from property and sales tax increments, or any other funds, revenues, assets or properties legally available to the Authority;

WHEREAS, the Urban Renewal Plan, as amended, contemplates that a primary method of financing projects within the urban renewal area will be through the use of property tax increment revenues and sales tax increment revenues; and

WHEREAS, the Parties have agreed to enter into this Agreement for the redevelopment of the Property in accordance with the Urban Renewal Plan and the Act.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the Parties contained in this Agreement, and other valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree to the terms and conditions in this Agreement.

AGREEMENT

1. **DEFINITIONS.** In this Agreement, unless a different meaning clearly appears from the context, capitalized terms mean:

"**Act**" means the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes, as amended.

"**Agreement**" means this Redevelopment Agreement, as it may be amended or supplemented in writing. References to Sections or Exhibits are to this Agreement unless otherwise qualified. All exhibits attached to and referenced in this Agreement are hereby incorporated into this Agreement.

"**Authority**" means Wheat Ridge Urban Renewal Authority d/b/a Renewal Wheat Ridge, an urban renewal authority and a body corporate and politic of the State of Colorado which has been duly created, organized, established and authorized by the City to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Act, and its successors and assigns.

"**Certificate Relating to Reimbursement Amount**" means the certification in substantially the form of Exhibit C, attached hereto relating to the satisfaction of the conditions precedent set forth in Section 3.1 relating to the payment of the Reimbursement Amount.

"**City**" means the City of Wheat Ridge, Colorado, a home rule municipality and political subdivision of the State of Colorado organized and existing under a home rule charter pursuant to Article XX of the Constitution of the State of Colorado.

"**City Requirements**" means, collectively, the Wheat Ridge Zoning and Development Code, Architectural and Site Design Manual, Streetscape Design Manual, International (Building) Codes and Site Drainage Requirements, except as may be amended by mutual written agreement of the City and Developer through land use or building permit approvals or otherwise.

"**Commence Construction**" means the commencement by Developer or a tenant of Developer of actual physical work on the Project, including without limitation deconstruction, demolition and/or site grading on the Property as required for the Project.

"**Default**" or "**Event of Default**" means any of the events described in Section 15; provided, however, that such events will not give rise to any remedy until effect has been given to all grace periods, cure periods and periods of enforced delay provided for in this Agreement.

"**Developer**" means U.S. RETAIL PARTNERS, LLC, a Delaware limited liability company, and any successors and assigns approved in accordance with this Agreement.

"**Developer Advances**" means, collectively, amounts advanced or incurred by Developer to pay any Eligible Costs.

"**Effective Date**" means the date of this Agreement.

"**Eligible Costs**" means, collectively, the reasonable and customary expenditures for the acquisition, design, construction and installation of the Eligible Improvements, including, without limitation, reasonable and customary soft costs and expenses, as set forth in **Exhibit B** attached hereto, as it may be amended hereunder. Eligible Costs also includes all reasonable and customary costs and expenses related to the engineering and design work for the Eligible Improvements. The maximum amount of Eligible Costs to be paid or reimbursed pursuant to this Agreement shall be the Reimbursement Amount as defined in this Agreement.

"**Eligible Improvements**" means the improvements set forth on **Exhibit B** attached hereto, as amended in accordance with this Agreement.

"**Executive Director**" means the Executive Director of the Authority.

"**Exhibits**" The following Exhibits attached to this Agreement are hereby incorporated into and made a part of this Agreement:

Exhibit A: Legal Description of the Property

Exhibit B: Eligible Improvements

Exhibit C: Certificate Relating to Reimbursement Amount

"**Party**" or "**Parties**" means one or both of the parties to this Agreement.

"**Pledged Property Tax Increment Revenue**" means one hundred percent (100%) of the annual ad valorem property tax revenue received by the Authority from the Jefferson County Treasurer in excess of the amount produced by the levy of those taxing bodies that levy property taxes against the Property Tax Base Amount in the TIF Area in accordance with the Act and the regulations of the Property Tax Administrator of the State of Colorado, but not including, any offsets collected by the Jefferson County Treasurer for return of overpayments or any reserve funds retained by the Authority for such purposes in accordance with C.R.S. §§ 31-25-107(9)(a)(III) and (b). Provided however, Pledged Property Tax Revenue shall not include fifty percent (50%) of

the TIF Revenue generated from the mill levy of the West Metro Fire Protection District (the "District"), which is shared back with the District.

"**Pledged Sales Tax Increment Revenues**" means, for each year that this Agreement remains in effect, one third (1/3) or one percent (1%) of the three percent (3%) sales tax rate of that portion of the Sales Tax revenue received by the City, and remitted to the Authority in accordance with the Act and the Plan, equal to the product of the Sales Tax rate of [three percent (3.00%)] times the amount of the taxable transactions subject to the Sales Tax in the TIF Area, less the Sales Tax Base Amount.

"**Pledged Revenues**" means the total aggregate principal amount of the Reimbursement Amount as defined in this Agreement.

"**Pledged Tax Increment Revenues**" means, collectively, the Pledged Property Tax Increment Revenues and the Pledged Sales Tax Increment Revenues.

"**Project**" means the redevelopment of the Property by performing the Eligible Improvements.

"**Project Account**" means the account of the Special Fund created in Section 5.2 into which the Authority shall deposit the Pledged Tax Increment Revenues.

"**Property**" means the real property described in Exhibit A attached hereto.

"**Property Tax Base Amount**" means the amount certified by the Jefferson County Assessor as the valuation for assessment of all taxable property within the TIF Area in accordance with Section 31-25-107(9)(a)(I) of the Act. The Property Tax Base Amount and increment value shall be calculated and adjusted from time to time by the Jefferson County Assessor in accordance with C.R.S. § 31-25-107(9) and the rules and regulations of the Property Tax Administrator of the State of Colorado.

"**Property Tax Increment Termination Date**" shall be December 31, 2040, or payment of the Reimbursement Amount in full, whichever first occurs.

"**Reimbursement Amount**" means a maximum amount equal to Eight Million Four Hundred Forty One Thousand, One Hundred and Thirty Eight Dollars ($8,441,138.00), which is the maximum amount that will be paid to the Developer to reimburse the Developer for Eligible Costs in accordance with the terms and provisions hereof. No interest shall accrue on the Reimbursement Amount.

"**Sales Tax**" means the municipal sales tax of the City on sales of goods and services that are subject to municipal sales taxes pursuant to the Wheat Ridge City Code.

"**Sales Tax Base Amount**" means the total collection of Sales Taxes levied at the rate of [three percent (3.00%)] within the TIF Area for the applicable twelve-month period in accordance with Section 31-25-107(9)(a)(I) of the Act.

"**Sales Tax Increment Termination Date**" shall be five years from the date Sales Tax is first collected on the Property.

"**Special Fund**" means the special fund of the Authority defined in C.R.S. § 31-25-107(9)(a)(II).

"**TIF Area**" means that part of the urban renewal area described in the Urban Renewal Plan within which the tax increment provisions of C.R.S. § 31-25-107(9) apply. The TIF Area is the same as the Property.

"**Urban Renewal Plan**" or "**Plan**" means the I-70/Kipling Corridors Urban Renewal Plan, approved by the City Council, as amended, and as may hereinafter be amended from time to time.

2. FINANCING AND CONSTRUCTION OF PROJECT.

2.1 Construction of Project. As set forth in Section 4, if Developer proceeds with the Project, then Developer shall be responsible for acquiring, constructing and installing the Eligible Improvements, and shall be responsible for compliance in all respects with the City Requirements.

2.2 Financing the Eligible Improvements. Developer shall be responsible for initially financing the costs and expenses in connection with the acquisition, construction and installation of the Eligible Improvements, including, without limitation, all design costs, engineering costs and other soft costs incurred in connection therewith.

3. CONDITIONS PRECEDENT TO PAYMENT OF REIMBURSEMENT AMOUNT.

3.1 Conditions Precedent. Unless waived in writing by the Executive Director, the following conditions precedent shall be satisfied prior to Developer receiving reimbursement for Eligible Costs pursuant to the terms and provisions of this Agreement:

(a) Substantially all of the Eligible Improvements (except for the Youngfield Road streetscape improvements, which work does not have to be completed before Developer begins receiving reimbursement for Eligible Costs) are completed.

(b) No Events of Default by Developer shall have occurred and be continuing under this Agreement.

4. DEVELOPER.

4.1 Acquisition, Construction and Installation of Project. This Agreement shall not obligate the Developer to proceed with the Project. If Developer proceeds with the Project, Developer shall be responsible for the financing, design, acquisition, construction and installation of the Eligible Improvements, subject to the provisions in this Agreement regarding reimbursement of Eligible Costs in accordance herewith. The design and construction of the Project shall comply in all material respects with all applicable codes and regulations of entities having jurisdiction, including the City Requirements. Notwithstanding any provisions to the contrary contained herein, the Developer shall be entitled to reimbursement for Eligible Costs incurred in connection with an Eligible Improvement only if such Eligible Improvement complies with City Requirements.

If Developer proceeds with the Project, Developer will pay or cause to be paid all required fees and costs, including those imposed by the City, in connection with the design, construction, applicable warranty requirements, and use of the Project.

The Parties agree that if the Developer has not Commenced Construction of the Project by June 1, 2019, that this shall not constitute an Event of Default hereunder, but that the Authority shall have the right to terminate this Agreement as set forth in Section 17 prior to the date Developer has Commenced Construction.

4.2 Eligible Improvements. The list of Eligible Improvements set forth in **Exhibit B**, attached hereto may be amended at the written request of Developer with the written consent of the Executive Director, unless such consent is not required pursuant to the terms of **Exhibit B**.

4.3 Access to Property. Subject to the terms and restrictions of any leases and/or other documents encumbering the Property, Developer will permit representatives of the City and the Authority access to the Property and the Project at reasonable times during regular business hours and with prior notice as necessary for the purpose of carrying out or determining compliance with this Agreement, the Urban Renewal Plan, the City Requirements or any City code or ordinance, including, without limitation, inspection of any work being conducted. The City and the Authority shall not interfere with the operation or use of the Property in connection with any such access.

4.4 Appeal of Property Taxes. Developer shall provide written notice to the Authority of any requested reduction by Developer in any portion of the Property's real property tax assessed valuation or abatement of any portion of the Property's real property taxes.

4.5 Notification of Sale of Property. Developer shall provide written notice to the Authority of the sale of all or any portion of the Property by Developer during the term of this Agreement.

5. THE AUTHORITY.

5.1 Payment of Reimbursement Amount. Upon compliance with the conditions precedent set forth in Section 3.1 relating to the payment of the Reimbursement Amount, or the Executive Director's waiver of any such conditions precedent, the Authority agrees that it shall reimburse Developer for Eligible Costs incurred in connection with the acquisition, construction and installation of Eligible Improvements in an amount equal to the Reimbursement Amount, but solely from the Pledged Revenues received by the Authority as described in Section 6 below. The Authority will have thirty (30) days after the Developer has submitted the Certificate Relating to Reimbursement Amount to confirm whether or not such Certificate complies with the terms and provisions of this Agreement and whether the conditions precedent set forth in Section 3.1 have been satisfied or waived by the Executive Director. If the Authority does not provide written approval or disapproval within such thirty (30) day period, the Certificate shall be deemed approved by the Authority. If the Authority notifies Developer in writing within such thirty (30) day period that the Authority disputes that the conditions precedent set forth in Section 3.1 have been satisfied or waived, or that there is not sufficient documentation relating to all or any portion of the Eligible Costs that have been incurred by the Developer, and sets forth a detailed explanation why the conditions precedent have not been satisfied, waived or sufficiently documented, such portion of the Reimbursement Amount that is in dispute shall not become due and payable until

Developer and Authority have resolved the dispute. The Parties agree to cooperate in good faith to resolve any dispute relating to the satisfaction of the conditions precedent set forth in Section 3.1 within thirty (30) days after either Party's written request therefor.

5.2 Special Fund; Project Account. The Authority agrees to establish the Special Fund in accordance with the provisions of the Act and to establish the Project Account as a separate trust account within the Special Fund. The Authority agrees to deposit the Pledged Tax Increment Revenues into the Project Account of the Special Fund upon receipt of the same. All Pledged Tax Increment Revenues on deposit in the Project Account of the Special Fund are hereby pledged to the payment of the Reimbursement Amount as set forth herein.

5.3 No Election Required. The Parties acknowledge that according to the decision of the Colorado Court of Appeals in Olson v. City of Golden, 53 P.3d 747 (2002), an urban renewal authority is not a local government and therefore is not subject to the provisions of Article X, Section 20 of the Colorado Constitution. Accordingly, the Authority may enter into this Agreement with Developer, and agree to remit the Pledged Revenues to Developer to reimburse Developer for Eligible Costs in accordance with the provisions of this Agreement without electoral authorization, and such obligations are not subject to annual appropriation.

5.4 No Impairment. The Authority will not enter into any agreement or transaction that impairs the rights of the Parties, including without limitation, the right to receive and apply the Pledged Revenue in accordance with the terms and provisions of this Agreement.

6. PAYMENT OR REIMBURSEMENT OF ELIGIBLE COSTS. Upon compliance with the conditions precedent set forth in Section 3.1, Developer shall be reimbursed annually by the Authority for Eligible Costs, but solely from Pledged Revenues deposited into the Special Fund as defined herein, in an amount not to exceed the Reimbursement Amount as follows:

6.1 Pledged Property Tax Increment Revenue. The Authority shall reimburse one hundred percent (100%) of the Pledged Property Tax Increment Revenue to Developer received by the Authority from the Jefferson County Treasurer as defined herein until the total amount of Pledged Revenues paid to Developer equals the Reimbursement Amount.

6.2 Pledged Sales Tax Increment Revenues. The Authority shall reimburse one percent (1%) of the three percent (3%) sales tax rate of that portion of the Sales Tax revenue received by the City, and remitted to the Authority in accordance with the Act and the Plan until the Sales Tax Increment Termination Date for a period of five (5) years. After the Sales Tax Increment Termination Date, the City shall no longer be obligated to pay the Sales Tax Increment into the Special Fund of the Authority.

7. INSURANCE. On or prior to the Commencement of Construction, Developer will provide the City and the Authority with certificates of insurance showing that Developer is carrying, or causing prime contractors to carry, the following insurance: General Liability, with a general aggregate of Two Million Dollars ($2,000,000); fire damage of One Hundred Thousand Dollars ($100,000); medical expense of Five Thousand Dollars ($5,000); products/completed operations aggregate of Two Million Dollars ($2,000,000); personal and advertising injury of One Million Dollars ($1,000,000) with each occurrence up to One Million Dollars ($1,000,000), with deductible of Twenty-five Hundred Dollars ($2,500) per claim. Excess liability shall be

covered in an amount equal to Ten Million Dollars ($10,000,000) per occurrence/ Ten Million Dollars ($10,000,000) aggregate.

8. INDEMNIFICATION. From Commencement of Construction of the Project through Completion of Construction of the Project, and for any action arising during that time period, Developer agrees to indemnify, defend and hold harmless the City and the Authority, its officers, agents and employees, from and against all liability, claims, demands, and expenses, including fines imposed by any applicable state or federal regulatory agency, court costs and attorney fees, on account of any injury, loss, or damage to the extent arising out of any of the work to be performed by Developer, any subcontractor of Developer, or any officer, employee, agent, successor or assign of Developer under this Agreement, but only to the extent such injury, loss, or damage is caused by the negligent act or omission, error, professional error, mistake, accident, or other fault of Developer, any subcontractor of Developer, or any officer, employee, agent, successor or assign of Developer, but excluding any injuries, losses or damages which are due to the gross negligence, breach of contract or willful misconduct of the Authority.

9. REPRESENTATIONS AND WARRANTIES.

9.1 Representations and Warranties by the Authority. The Authority represents and warrants as follows:

(a) The Authority is a body corporate and politic of the State of Colorado, duly organized under the Act, and has the power to enter into and has taken all actions to date required to authorize this Agreement and to carry out its obligations.

(b) The Authority knows of no litigation, proceeding, initiative, referendum, investigation or threat of any of the same contesting the powers of the Authority or its officials with respect to this Agreement that has not been disclosed in writing to Developer.

(c) The execution and delivery of this Agreement and the documents required and the consummation of the transactions contemplated by this Agreement will not (i) conflict with or contravene any law, order, rule or regulation applicable to the Authority or to its governing documents, (ii) result in the breach of any of the terms or provisions or constitute a default under any agreement or other instrument to which the Authority is a party or by which it may be bound or affected, or (iii) permit any party to terminate any such agreement or instruments or to accelerate the maturity of any indebtedness or other obligation of the Authority.

(d) The Pledged Revenues are not subject to any other or prior pledge or encumbrance, and the Authority will not pledge or encumber the Pledged Revenues prior to full payment of the Reimbursement Amount without the prior written consent of Developer.

(e) This Agreement constitutes a valid and binding obligation of the Authority, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.

9.2 Representations and Warranties by Developer. Developer represents and warrants as follows:

(a) Developer is a Delaware limited liability company in good standing and authorized to do business in the State of Colorado and has the power and the authority to enter into and perform in a timely manner its obligations under this Agreement.

(b) The execution and delivery of this Agreement has been duly and validly authorized by all necessary action on its part to make this Agreement valid and binding upon Developer.

(c) The execution and delivery of this Agreement will not (i) conflict with or contravene any law, order, rule or regulation applicable to Developer or to Developer's governing documents, (ii) result in the breach of any of the terms or provisions or constitute a default under any agreement or other instrument to which Developer is a party or by which it may be bound or affected, or (iii) permit any party to terminate any such agreement or instruments or to accelerate the maturity of any indebtedness or other obligation of Developer.

(d) Developer knows of no litigation, proceeding, initiative, referendum, or investigation or threat or any of the same contesting the powers of Developer or any of its principals or officials with respect to this Agreement that has not been disclosed in writing to the Authority.

(e) This Agreement constitutes a valid and binding obligation of Developer, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity.

10. TERM. The term of this Agreement is the period commencing on the Effective Date and terminating on the date that the Reimbursement Amount is paid in full by the Authority from the Pledged Revenues as defined in this Agreement; or December 31, 2040, whichever first occurs, provided, that the following provisions shall continue beyond the term of this Agreement: (A) any rights and remedies that a Party has for an Event of Default hereunder; (B) any rights that a Party has to inspect books and records as set forth herein for a period of four (4) years following termination of this Agreement; and (C) the indemnification provisions set forth in Section 8.

11. CONFLICTS OF INTEREST. None of the following will have any personal interest, direct or indirect, in this Agreement: a member of the governing body of the Authority or the City, an employee of the Authority or of the City who exercises responsibility concerning the Urban Renewal Plan, or an individual or firm retained by the City or the Authority who has performed consulting services to the Authority or the City in connection with the Urban Renewal Plan or this Agreement. None of the above persons or entities will participate in any decision relating to the Agreement that affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested.

12. ANTI-DISCRIMINATION. Developer, for itself and its successors and assigns, agrees that in the construction of the Eligible Improvements and in the use and occupancy of the Property and the Eligible Improvements, Developer will not discriminate against any employee or applicant

for employment because of race, color, creed, religion, sex, sexual orientation, disability, marital status, ancestry, or national origin.

13. NOTICES. Any notice required or permitted by this Agreement will be in writing and will be deemed to have been sufficiently given for all purposes if delivered in person, by prepaid overnight express mail or overnight courier service, by certified mail or registered mail, postage prepaid return receipt requested, addressed to the Party to whom such notice is to be given (and such Party's additional persons to copy) at the address(es) set forth on the signature page below or at such other or additional addresses as may be furnished in writing to the other Parties. The Parties may also agree on a different means of providing written notice hereunder, including without limitation, notice via electronic mail.

Notice shall be deemed received: (i) if delivered in person, upon actual receipt (or refusal to accept delivery), (ii) if by prepaid overnight express mail or overnight courier service, on the first business day following sending of the notice, and (iii) if by certified mail or registered mail, postage prepaid return receipt requested, on the earlier of the date of the receipt or the third business day following sending of the notice.

14. DELAYS; FORCE MAJEURE. Subject to the following provisions, time is of the essence. Any delays in or failure of performance by any Party of its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, earthquake, strikes, labor disputes, regulation or order of civil or military authorities, or other causes, similar or dissimilar, which are beyond the control of such Party.

15. EVENTS OF DEFAULT. The following events shall constitute an Event of Default under this Agreement:

(a) Any representation or warranty made by any Party in this Agreement proves to have been untrue or incomplete in any material respect when made and which untruth or incompletion would have a material adverse effect upon the other Party.

(b) So long as the Reimbursement Amount has not been paid in full, the Authority fails to remit the Pledged Revenues on deposit with the Authority to Developer on or prior to February 15 of each year.

(c) Except as otherwise provided in this Agreement, any Party fails in the performance of any other covenant in this Agreement and such default continues for thirty (30) days after written notice specifying such default and requiring the same to be remedied is given by a non-defaulting Party to the defaulting Party. If such default is not of a type which can be cured within such thirty (30) day period and the defaulting Party gives written notice to the non-defaulting Party or Parties within such thirty (30)-day period that it is actively and diligently pursuing such cure, the defaulting Party shall have a reasonable period of time given the nature of the default following the end of such thirty (30)-day period to cure such default, provided that such defaulting Party is at all times within such additional time period actively and diligently pursuing such cure in good faith.

16. REMEDIES. Upon the occurrence and continuation of an Event of Default, the non-defaulting Party's remedies will be limited to the right to enforce the defaulting Party's obligations by an action for injunction, specific performance, or other appropriate equitable remedy or for

mandamus, or by an action to collect and enforce payment of sums owing hereunder, and no other remedy, and no Party will be entitled to or claim damages for an Event of Default by the defaulting Party, including, without limitation, lost profits, economic damages, or actual, direct, incidental, consequential, punitive or exemplary damages. In the event of any litigation or other proceeding to enforce any of the terms, covenants or conditions of this Agreement, the prevailing party in such litigation or other proceeding shall receive, as part of its judgment or award, its reasonable attorneys' fees and costs.

17. TERMINATION. This Agreement may be terminated by the Developer at any time prior to the Commencement of Construction of the Project. In the event that Developer has not Commenced Construction of the Project on or prior to June 1, 2019, then the Authority shall each have the option to terminate this Agreement at any time prior to such Commencement of Construction.

In order to terminate this Agreement, a Party shall provide written notice of such termination to the other Party. Such termination shall be effective thirty (30) days after the date of such notice, without any further action by the Parties, unless prior to such time, the Parties are able to negotiate in good faith to reach an agreement to avoid such termination. Upon such termination, this Agreement shall be null and void and of no effect, and no action, claim or demand may be based on any term or provision of this Agreement, except as otherwise expressly set forth herein. In addition, the Parties agree to execute a mutual release or other instruments reasonably required to effectuate and give notice of such termination.

18. PAYMENT OF FEES AND EXPENSES. Each Party agrees to pay for its own fees, costs and expenses incurred by such Party in connection with the execution and delivery of this Agreement and related agreements and documents.

19. NONLIABILITY OF OFFICIALS, AGENTS, MEMBERS, AND EMPLOYEES. Except for willful or wanton actions, no trustee, board member, commissioner, official, employee, consultant, manager, member, shareholder, attorney or agent of any Party, nor any lender to any Party or to the Project, will be personally liable under the Agreement or in the event of any default or for any amount that may become due to any Party.

20. ASSIGNMENT. Except as hereinafter provided, this Agreement shall not be assigned in whole or in part by any Party without the prior written consent of the other Party; provided, however, Developer has the right to assign this Agreement to any party that acquires fee title to the Property without the prior written consent of any other Party.

21. SECTION CAPTIONS. The captions of the Sections are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.

22. ADDITIONAL DOCUMENTS OR ACTION.

22.1 The Parties agree to execute any additional documents or take any additional action, including, without limitation, estoppel documents requested or required by third parties, including, without limitation, lenders, tenants or potential purchasers, that is necessary to carry out this Agreement or is reasonably requested by any Party to confirm or clarify the intent of the provisions of this Agreement and to effectuate the agreements and the intent. Notwithstanding the foregoing, however, no Party shall be obligated to execute any additional document or take any additional action unless such document or action is reasonably acceptable to such Party.

22.2 If all or any portion of this Agreement, or other agreements approved in connection with this Agreement are asserted or determined to be invalid, illegal or are otherwise precluded, the Parties, within the scope of their powers and duties, will cooperate in the joint defense of such documents and, if such defense is unsuccessful, the Parties will use reasonable, diligent good faith efforts to amend, reform or replace such precluded items to assure, to the extent legally permissible, that each Party substantially receives the benefits that it would have received under this Agreement.

22.3 The Executive Director shall have the authority to act on behalf of the Authority under this Agreement.

23. AMENDMENT. This Agreement may be amended only by an instrument in writing signed and delivered by the Parties.

24. WAIVER OF BREACH. A waiver by any Party to this Agreement of the breach of any term or provision of this Agreement must be in writing and will not operate or be construed as a waiver of any subsequent breach by any Party.

25. GOVERNING LAW. The laws of the State of Colorado govern this Agreement.

26. BINDING EFFECT. This Agreement will inure to the benefit of and be binding upon the Parties and their respective legal representatives, successors, heirs, and assigns, provided that nothing in this paragraph permits the assignment of this Agreement except as set forth in Section 20.

27. EXECUTION IN COUNTERPARTS. This Agreement may be executed in several counterparts, each of which will be deemed an original and all of which will constitute but one and the same instrument.

28. LIMITED THIRD-PARTY BENEFICIARIES. Except as hereinafter provided, this Agreement is not intended and shall not be deemed to confer any rights on any person or entity not named as a Party to this Agreement; provided, however, that the City shall be deemed to be a third-party beneficiary under this Agreement to the extent that Developer or Authority have agreed to undertake certain actions for the benefit of the City.

29. NO PRESUMPTION. The Parties and their attorneys have had a full opportunity to review and participate in the drafting of the final form of this Agreement. Accordingly, this Agreement will be construed without regard to any presumption or other rule of construction against the Party causing the Agreement to be drafted.

30. SEVERABILITY. If any provision of this Agreement as applied to any Party or to any circumstance is adjudged by a court to be void or unenforceable, the same will in no way affect any other provision of this Agreement, the application of any such provision in any other circumstances or the validity, or enforceability of the Agreement as a whole.

31. DAYS. If the day for any performance or event provided for herein is a Saturday, a Sunday, a day on which national banks are not open for the regular transactions of business, or a legal holiday pursuant to Section 24-11-101(1), C.R.S., such day will be extended until the next day on which such banks and state offices are open for the transaction of business.

32. GOOD FAITH OF PARTIES. In the performance of this Agreement or in considering any requested approval, consent, acceptance, or extension of time, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition, or delay any approval, acceptance, or extension of time required or requested pursuant to this Agreement.

33. PARTIES NOT PARTNERS. Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the Parties will not be deemed to be partners or joint venturers, and no Party is responsible for any debt or liability of any other Party.

34. NO WAIVER OF IMMUNITY. Nothing contained in this Agreement constitutes a waiver of sovereign immunity or governmental immunity by the Authority under applicable state law.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, this Agreement is executed by the Parties as of _____, 2019.

WHEAT RIDGE URBAN RENEWAL AUTHORITY

ATTEST: Tim Rogers, Chairperson

Steve Art, Executive Director

Notice Address:
Wheat Ridge Urban Renewal Authority
7500 West 29th Avenue
Wheat Ridge, Colorado 80033
Attention: Steve Art, Executive Director
Email: sart@ci.wheatridge.co.us

STATE OF COLORADO)
) ss.
COUNTY OF Jefferson)

The foregoing instrument was subscribed, sworn to and acknowledged before me this 25 day of March, 2019 by Tim Rogers as the Chairperson of the Wheat Ridge Urban Renewal Authority.

My commission expires:

(S E A L)

Notary Public

ALLISON MENARD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184031292
MY COMMISSION EXPIRES AUG. 6, 2022

DEVELOPER

U.S. RETAIL PARTNERS, LLC
a Delaware limited liability company

By: U.S. Retail Partners Holding, LLC,
a Delaware limited liability company,
its sole member

By: GRI-Regency, LLC,
a Delaware limited liability company,
its sole member

By: Regency Centers, L.P.,
a Delaware limited partnership,
its managing member

By: Regency Centers Corporation,
a Florida corporation,
its general partner

By: _____
Name: _____
Title: _____

Notice Address:
c/o Regency Centers Corporation
8480 East Orchard Road, Suite 6900
Greenwood Village, Colorado 80111
Attention: Property Management

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND BEING ALL OF LOTS 1-3 & TRACT A, APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2, LOT 1, APPLEWOOD VILLAGE SOUTHWEST CORNER TOGETHER WITH UNPLATTED PARCELS SITUATED WITHIN THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 29 AND CONSIDERING THE SOUTH LINE OF SAID NORTHWEST QUARTER TO BEAR S89°29'29"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N64°01'19"W, A DISTANCE OF 358.74 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF WRIGHT COURT (A PUBLIC RIGHT-OF-WAY) AND THE SOUTHEAST CORNER OF SAID TRACT A, APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2;

THENCE S89°29'29"W ALONG THE SOUTHERLY LINE OF SAID TRACT A, A DISTANCE OF 155.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 3, APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 22, APPLEWOOD VILLAGE;

THENCE S00°54'01"E, ALONG THE LINE COMMON TO SAID LOTS 3 AND 22, A DISTANCE OF 113.19 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 32ND AVENUE (A PUBLIC RIGHT-OF-WAY);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOURTEEN (14) COURSES:

1) N82°31'21"W, A DISTANCE OF 83.71 FEET;
2) N88°13'59"W, A DISTANCE OF 72.17 FEET;
3) N88°14'22"W, A DISTANCE OF 58.35 FEET;
4) N01°45'38"E, A DISTANCE OF 7.49 FEET;
5) S89°05'15"W, A DISTANCE OF 96.86 FEET;
6) S58°00'42"W, A DISTANCE OF 14.67 FEET;
7) S89°07'49"W, A DISTANCE OF 12.50 FEET;
8) S00°24'32"E, A DISTANCE OF 8.00 FEET;
9) S89°07'49"W, A DISTANCE OF 126.48 FEET TO A POINT OF NON-TANGENT CURVATURE;
10) ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 8.76 FEET, HAVING A RADIUS OF 9.50 FEET, THROUGH A CENTRAL ANGLE OF 52°48'54", AND WHICH CHORD BEARS N26°35'55"W, A DISTANCE OF 8.45 FEET;
11) N00°11'28"W, A DISTANCE OF 2.00 FEET;
12) S89°48'32"W, A DISTANCE OF 32.54 FEET;
13) S00°54'01"E, A DISTANCE OF 2.64 FEET;
14) S89°29'29"W, A DISTANCE OF 246.67 FEET TO A POINT OF TANGENT CURVATURE;

THENCE TRANSITIONING FROM THE SAID NORTH RIGHT-OF-WAY OF WEST 32ND AVENUE TO THE EAST RIGHT-OF-WAY OF YOUNGFIELD STREET ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 58.65 FEET, HAVING A RADIUS OF 37.50 FEET, THROUGH A CENTRAL ANGLE OF 89°36'30", AND WHICH CHORD BEARS N45°42'16"W, A DISTANCE OF 52.85 FEET TO A POINT ON THE SAID EAST RIGHT-OF-WAY OF YOUNGFIELD STREET (A PUBLIC RIGHT-OF-WAY);

THENCE N00°54'01"W, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 1223.87 FEET TO A POINT ON THE SOUTH LINE OF UNPLATTED LANDS DESCRIBED AT RECEPTION NO. F1790462;

THENCE ALONG THE COMMON LINE OF SAID LOT 1 AND SAID UNPLATTED LANDS THE FOLLOWING THREE (3) COURSES:

1) N89°26'17"E, A DISTANCE OF 144.00 FEET;
2) N00°54'01"W, A DISTANCE OF 200.00 FEET;
3) S89°26'17"W, A DISTANCE OF 144.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF YOUNGFIELD STREET;

THENCE N00°54'01"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 135.62 FEET TO A CURVE TO THE RIGHT;

THENCE TRANSITIONING FROM THE SAID EAST RIGHT-OF-WAY OF YOUNGFIELD STREET TO THE SOUTH RIGHT-OF-WAY OF WEST 35TH AVENUE (A PUBLIC RIGHT-OF-WAY) ALONG SAID CURVE TO THE RIGHT AN ARC LENGTH OF 240.55 FEET, HAVING A RADIUS OF 178.00 FEET, THROUGH A CENTRAL ANGLE OF 77°25'48", AND WHICH CHORD BEARS N37°48'53"E, A DISTANCE OF 222.66 FEET;

THENCE N76°31'47"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 698.77 FEET TO THE NORTHEAST CORNER OF SAID APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2 AND THE NORTHWEST CORNER OF RIDGEVIEW ACRES 3RD FILING, FILED IN THE JEFFERSON COUNTY CLERK AND RECORDER'S OFFICE IN BOOK 23, PAGE 14;

THENCE ALONG THE COMMON LINE BETWEEN SAID APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2 STARTING ALONG SAID RIDGEVIEW ACRES 3RD FILING AND ENDING AT SAID APPLEWOOD VILLAGE THE FOLLOWING FOUR (4) COURSES:

1) S00°46'08"E, A DISTANCE OF 666.27 FEET;
2) S89°26'17"W, A DISTANCE OF 0.68 FEET;
3) S00°53'19"E, A DISTANCE OF 896.32 FEET;
4) S48°30'24"E, A DISTANCE OF 234.05 FEET TO A NON-TANGENT CURVE TO THE LEFT AND THE NORTHERY RIGHT-OF-WAY OF SAID WRIGHT COURT;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND SAID CURVE TO THE LEFT AN ARC LENGTH OF 148.16 FEET, HAVING A RADIUS OF 45.00 FEET, THROUGH A CENTRAL ANGLE OF 188°38'41", AND A CHORD WHICH BEARS S37°10'16"W, A DISTANCE OF 89.74 FEET;

THENCE S00°54'01"E, CONTINUING ALONG SAID WRIGHT COURT, A DISTANCE OF 38.91 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

ELIGIBLE IMPROVEMENTS

Table 3
Eligible Cost Summary
TIF Request Review: Applewood Village - Option 1

Description	Total	% of Total	% of Org. Amount	Total	% of Total
SUMMARY					
38th Avenue ROW Improvements	$ 609,943	11.4%	100%	$ 609,943	5.7%
Wet Utilities	$ 624,952	11.7%	100%	$ 624,952	5.8%
Environmental Remediation (asbestos abatement)	$ 100,000	1.9%	100%	$ 100,000	0.9%
General Site Improvements - To Meet City Dev. Standards	$ 1,978,670	36.9%	100%	$ 1,978,670	18.4%
Wal-Mart Building Improvements	$ -	0.0%	0%	$ 2,103,255	19.6%
Wal-Mart Building - Multi-Tenant Reconfiguration	$ -	0.0%	0%	$ 2,519,910	23.5%
Wal-Mart Building - Façade Upgrade	$ 574,912	10.7%	50%	$ 1,149,824	10.7%
Youngfield Streetscape & Signalized Intersection Improvements Budget	$ 1,172,898	21.9%	100%	$ 1,172,898	10.9%
Demolition of Blighted Buildings	$ 295,000	5.5%	100%	$ 295,000	2.7%
Hacienda Project - Required City ROW Improvements in Excess of TIF Estimate	$ -	0.0%	0%	$ 130,000	1.2%
Mattress Firm property (not owned by US Retail Partners)	$ -	0.0%	0%	$ 58,800	0.5%
Total	**$ 5,356,375**	**100.0%**	**50%**	**$ 10,743,253**	**100.0%**

Description	Unit	Quantity	Unit Price	Total	% of Total
DETAIL					
38th Avenue ROW Improvements				**$ 609,943**	**5.7%**
West Driveway to Youngfield (corner parcel - not yet designed)				**$ 85,160**	
Survey & Layout	LS	1.0	$ 2,500	$ 2,500	0.0%
Demolish attached sidewalk	SF	640.0	$ 4	$ 2,560	0.0%
Earthwork, erosion control	LS	1.0	$ 2,500	$ 2,500	0.0%
New detached 8' sidewalk	SF	1,280.0	$ 10	$ 12,800	0.1%
Landscaping & irrigation	SF	1,920.0	$ 15	$ 28,800	0.3%
Street lights (supply & install)	EA	4.0	$ 4,000	$ 16,000	0.1%
Pedestrian lights (supply & install)	EA	4.0	$ 5,000	$ 20,000	0.2%
Service Alley to west entry driveway (on Hobby Lobby plans)				**$ 442,929**	
Survey & Layout	LS	1.0	$ 12,805	$ 12,805	0.1%
Demolition/Earthwork	LS	1.0	$ 40,197	$ 40,197	0.4%
Erosion Control	LS	1.0	$ 9,785	$ 9,785	0.1%
Earthwork	LS	1.0	$ 40,197	$ 40,197	0.4%
Asphalt Paving	LS	1.0	$ 25,960	$ 25,960	0.2%
ROW concrete - curb/gutter/sidewalk	LS	1.0	$ 77,973	$ 77,973	0.7%
Striping & Signage	LS	1.0	$ 9,794	$ 9,794	0.1%
Landscaping & Irrigation	LS	1.0	$ 114,010	$ 114,010	1.1%
Electrical distribution, meter & street lights installation	LS	1.0	$ 73,396	$ 73,396	0.7%
Street & Pedestrian lights - material only	LS	1.0	$ 38,812	$ 38,812	0.4%
Engineering	**% of costs**	**$528,089**	**10.0%**	**$ 52,809**	**0.5%**
Project Management	**% of costs**	**$580,898**	**5.0%**	**$ 29,045**	**0.3%**
Wet Utilities				**$ 624,952**	**5.8%**
Water-Consolidated Mutual Water Main Extension to meet fire marshall requirements	LS	1.0	$ 130,000	$ 130,000	1.2%
Water-Consolidated Mutual Fire Hydrants	EA	2.0	$ 8,300	$ 16,600	0.2%
Stormwater-Collection piping, inlets & water quality structures to comply with city requirements	LS	1.0	$ 312,225	$ 312,225	2.9%
Sanitary Sewer-Sewer main extension to comply with tenant leases for direct connection to main	LS	1.0	$ 93,025	$ 93,025	0.9%
Engineering (water main)	LS	1.0	$ 15,000	$ 15,000	0.1%
Project Management	% of costs	$566,850	5.0%	$ 28,343	0.3%
Contingency (water main only)	% of costs	$595,193	5.0%	$ 29,760	0.3%
Environmental Remediation (asbestos abatement)				**$ 100,000**	**0.9%**
Asbestos Abatement	LS	1.0	$ 100,000	$ 100,000	0.9%

General Site Improvements - To Meet City Dev. Standards					**$ 1,978,670**	**18.4%**
Survey & Layout	LS	1.0	$	35,469	$ 35,469	0.3%
Structural steel/rebar	LS	1.0	$	103,527	$ 103,527	1.0%
Electrical distribution, site lighting installation	LS	1.0	$	51,291	$ 51,291	0.5%
Site demolition and regrading/earthwork	LS	1.0	$	242,884	$ 242,884	2.3%
Erosion Control	LS	1.0	$	10,115	$ 10,115	0.1%
New asphalt paving	LS	1.0	$	666,581	$ 666,581	6.2%
Curb for landscape islands, pedestrian walkways, bldg plazas	LS	1.0	$	288,525	$ 288,525	2.7%
Striping & Signage	LS	1.0	$	53,426	$ 53,426	0.5%
New fence on east property line with residential	LS	1.0	$	104,663	$ 104,663	1.0%
Site furnishings - benches, trash cans for public plazas	LS	1.0	$	19,270	$ 19,270	0.2%
Parking lot landscaping & irrigation	LS	1.0	$	116,909	$ 116,909	1.1%
Misc wet utilities	LS	1.0	$	35,816	$ 35,816	0.3%
Site lighting - material only supplied by On-Site Lighting	LS	1.0	$	66,236	$ 66,236	0.6%
Engineering	% of costs	$1,794,712		5.0%	$ 89,736	0.8%
Project Management	% of costs	$1,884,448		5.0%	$ 94,222	0.9%
Wal-Mart Building Improvements					**$ 2,103,255**	**19.6%**
Roof bar joists repair and lateral brace frames - plug	LS	1.0	$	400,000	$ 400,000	3.7%
R-30 roof insulation and new roofing	LS	1.0	$	1,148,252	$ 1,148,252	10.7%
New fire protection system for multi-tenant building	LS	1.0	$	280,666	$ 280,666	2.6%
Architecture & Engineering	% of costs	$1,828,918		10.0%	$ 182,892	1.7%
Project Management	% of costs	$1,828,918		5.0%	$ 91,446	0.9%
Wal-Mart Building - Multi-Tenant Reconfiguration					**$ 2,519,910**	**23.5%**
Multi-tenant electrical system	LS	1.0	$	389,324	$ 389,324	3.6%
Multi-tenant demising walls - Hobby Lobby, HomeGoods	LS	1.0	$	398,805	$ 398,805	3.7%
Sierra Trading entry, demised shell, electrical service	LS	1.0	$	738,944	$ 738,944	6.9%
Ulta entry, demised shell, electrical service	LS	1.0	$	664,153	$ 664,153	6.2%
Architecture & Engineering	% of costs	$2,191,227		10.0%	$ 219,123	2.0%
Project Management	% of costs	$2,191,227		5.0%	$ 109,561	1.0%
Wal-Mart Building - Façade Upgrade					**$ 1,149,824**	**10.7%**
Masonry - new brick and stone	LS	1.0	$	525,437	$ 525,437	4.9%
New stucco	LS	1.0	$	355,063	$ 355,063	3.3%
Architectural wood features - Hobby Lobby & HomeGoods	LS	1.0	$	115,018	$ 115,018	1.1%
Architectural entry features - Sierra Trading & Ulta	*accounted for in multi-tenant reconfig costs*					
Architecture & Engineering	% of costs	$995,518		10.0%	$ 99,552	0.9%
Project Management	% of costs	$1,095,070		5.0%	$ 54,754	0.5%
Youngfield Streetscape & Signalized Intersection Improvements Budget					**$ 1,172,898**	**10.9%**
Road Section: 3500 Youngfield north to 38th Ave					**$ 120,080**	**1.1%**
Demolish attached sidewalk	SF	820	$	4	$ 3,280	0.0%
Demolish exist cross pan, curb returns	LS	1	$	-	$ -	0.0%
Survey & Layout	LS	1	$	2,500	$ 2,500	0.0%
Earthwork, erosion control	LS	1	$	10,000	$ 10,000	0.1%
New concrete cross pan & curb returns	LS	1	$	15,000	$ 15,000	0.1%
New detached 8' sidewalk	SF	1,640	$	10	$ 16,400	0.2%
Landscaping & irrigation	SF	2,460	$	15	$ 36,900	0.3%
Street lights	EA	4	$	4,000	$ 16,000	0.1%
Pedestrian lights	EA	4	$	5,000	$ 20,000	0.2%
Wells Fargo Bank Frontage					**$ 120,260**	**1.1%**
Demolish attached sidewalk	SF	1,040	$	4	$ 4,160	0.0%
Survey & Layout	LS	1	$	2,500	$ 2,500	0.0%
Earthwork, erosion control	LS	1	$	10,000	$ 10,000	0.1%
New detached 8' sidewalk	SF	2,080	$	10	$ 20,800	0.2%
Landscaping & irrigation	SF	3,120	$	15	$ 46,800	0.4%
Street lights	EA	4	$	4,000	$ 16,000	0.1%
Pedestrian lights	EA	4	$	5,000	$ 20,000	0.2%
Youngfield Traffic Signal Realignment					**$ 524,000**	**4.9%**
WE O'Neil estimate	LS	1.0	$	205,000	$ 205,000	1.9%
Remove & replace monument sign - YESCO quote	LS	1.0	$	319,000	$ 319,000	3.0%
3348 Youngfield (Smashburger) north to Traffic Signal					**$ 68,700**	**0.6%**
Demolish attached sidewalk	SF	800.0	$	4	$ 3,200	0.0%
Survey & Layout	LS	1.0	$	2,500	$ 2,500	0.0%
Earthwork, erosion control	LS	1.0	$	10,000	$ 10,000	0.1%
New detached 4' sidewalk	SF	800.0	$	10	$ 8,000	0.1%
Landscaping & irrigation	SF	1,200.0	$	15	$ 18,000	0.2%
Street lights	EA	3.0	$	4,000	$ 12,000	0.1%
Pedestrian lights	EA	3.0	$	5,000	$ 15,000	0.1%
Chili's to Access Drive south of 3348 Youngfield (Smashburger)					**$ 50,000**	**0.5%**
Add median in Youngfield near Chili's	LS	1.0	$	50,000	$ 50,000	0.5%
Engineering	**% of costs**	**$883,040**		**15.0%**	**$ 132,456**	**1.2%**
Project Management	**% of costs**	**$1,015,496**		**5.0%**	**$ 50,775**	**0.5%**
Contingency	**% of costs**	**$1,066,271**		**10.0%**	**$ 106,627**	**1.0%**
Demolition of Blighted Buildings					**$ 295,000**	**2.7%**
3250 Youngfield (Old Chicago)/12625 W. 32nd Ave (gun shop)	UNIT	1.0	$	75,000	$ 75,000	0.7%
12601 W. 32nd Ave	UNIT	1.0	$	145,000	$ 145,000	1.3%
3490 Youngfield (Holly West) - Proposed	UNIT	1.0	$	75,000	$ 75,000	0.7%

Hacienda Project - Required City ROW Improvements in Excess of TIF Estimate					**$ 130,000**	**0.0%**
City street lights in excess of Hacienda TIF estimate	EA	3.0	$	5,000	$ 15,000	0.0%
City pedestrian lights	EA	6.0	$	5,000	$ 30,000	0.0%
Relocate entry drive between Chili's and Hacienda	LS	1.0	$	50,000	$ 50,000	0.0%
Rebuild entry drive south of 3348 Youngfield	LS	1.0	$	35,000	$ 35,000	0.0%
Mattress Firm property (not owned by US Retail Partners)					**$ 58,800**	**0.5%**
Demolish attached sidewalk	SF	800.0	$	4	$ 3,200	0.0%
New detached 6' sidewalk	SF	1,200.0	$	10	$ 12,000	0.1%
Landscaping	SF	1,200.0	$	8	$ 9,600	0.1%
Street lights	EA	4.0	$	5,000	$ 20,000	0.2%
Pedestrian lights	EA	4	$	3,500	$ 14,000	0.1%
TOTAL ELIGIBLE COSTS					**$ 10,743,252**	**100.0%**

Source: Regency Centers; Economic & Planning Systems

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EXHIBIT C

FORM OF CERTIFICATE RELATING TO REIMBURSEMENT AMOUNT

Wheat Ridge Urban Renewal Authority
7500 West 29th Avenue
Wheat Ridge, Colorado 80033
Attention: Executive Director

The undersigned representative of _____ (the "Developer") hereby makes the following certifications in accordance with the terms and provisions of section 3.1 of the Redevelopment Agreement dated as of _____ __, 2019 (the "Redevelopment Agreement"), between the Wheat Ridge Urban Renewal Authority and Developer. All capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Redevelopment Agreement.

The following conditions have been satisfied or waived in writing by the Executive Director:

1. Intentionally Deleted.

2. Substantially all of the Eligible Improvements set forth in Section 3.1(a) of the Redevelopment Agreement have been completed.

3. No Events of Default by Developer have occurred and are continuing under the Redevelopment Agreement.

The total amount of Eligible Costs for which reimbursement is requested is $_____. Attached to this Certificate is documentation related to the Eligible Costs incurred by the Developer in connection with the financing, acquisition, construction and installation of the Eligible Improvements for which such reimbursement is requested.

The foregoing certification shall constitute the Certificate Relating to Reimbursement Amount under the Redevelopment Agreement.

[Developer],

Date:_____ By:_____
Name:
Title:

Within thirty (30) days of receipt of this Certificate by the Authority, the Authority shall complete the applicable provision below and remit to Developer:

The Authority hereby verifies that: (a) this Certificate Relating to Reimbursement Amount complies with the terms and conditions of the Redevelopment Agreement and that the conditions precedent set forth in Section 3.1 of the Redevelopment Agreement have been satisfied or waived in writing by the Executive Director, and (b) the documentation submitted with this Certificate is sufficient to verify that the Reimbursement Amount requested pursuant to this Certificate has been allocated to the reimbursement of Eligible Costs incurred in connection with Eligible Improvements in accordance with the Redevelopment Agreement.

The Authority hereby notifies Developer that (a) the Authority disputes that the conditions precedent set forth in Section 3.1 of the Redevelopment Agreement have been satisfied or waived, and/or (b) that the documentation submitted with this Certificate is not sufficient to verify that the total Reimbursement Amount requested pursuant to this Certificate is for the reimbursement of Eligible Cost incurred in connection with Eligible Improvements. Set forth below is a detailed explanation of the reasons why the Authority disputes that these conditions precedent have been satisfied or waived or that such documentation is insufficient:

_____

_____

_____

_____

_____

_____

_____

WHEAT RIDGE URBAN RENEWAL AUTHORITY

Date:_____ By:_____

Name:

Title:

REQUEST FOR TAX INCREMENT FINANCING

Applewood Village Redevelopment

Economic & Planning Systems, Inc.
The Economics of Land Use

730 17th Street, Suite 630 ▪ Denver, CO 80202
303.623.3557 ▪ www.epsys.com

ATTACHMENT 3

OVERVIEW

APPLEWOOD VILLAGE TIF REQUEST

PURPOSE

- Regency Centers has submitted a request for property tax and sales tax increment to help fund a portion of the redevelopment of Applewood Village.
- The URA approved the request for property tax increment on March 19th, 2019.
- The purpose of this presentation is to provide the Wheat Ridge City Council with an overview of the project and a summary of the request for TIF.

PRESENTATION OVERVIEW

- Project Description
- I-70/Kipling Urban Renewal Plan Overview
- Eligible Cost Summary
- "But for" Analysis
- TIF Revenue Sharing Proposal

EPS

REAL ESTATE ECONOMICS

PUBLIC FINANCE

LAND USE & TRANSPORTATION

ECONOMIC DEVELOPMENT & REVITALIZATION

FISCAL & ECONOMIC IMPACT ANALYSIS

HOUSING POLICY

PUBLIC PRIVATE PARTNERSHIPS (P3)

PARKS & OPEN SPACE ECONOMICS

PROJECT DESCRIPTION

APPLEWOOD VILLAGE REDEVELOPMENT

Location

- 38th Avenue and Youngfield Street
- Northern section of Applewood Village

Redevelopment Program

- Redevelopment of the vacant Walmart
- Program is anticipated to include roughly 126,000 sf of retail space
- Current tenant line-up includes Hobby Lobby, HomeGoods, Sierra Trading Post, and Ulta

Project Value

- Total redevelopment costs are estimated at $20.3 million

URBAN RENEWAL PLAN

I-70/KIPLING URBAN RENEWAL AREA

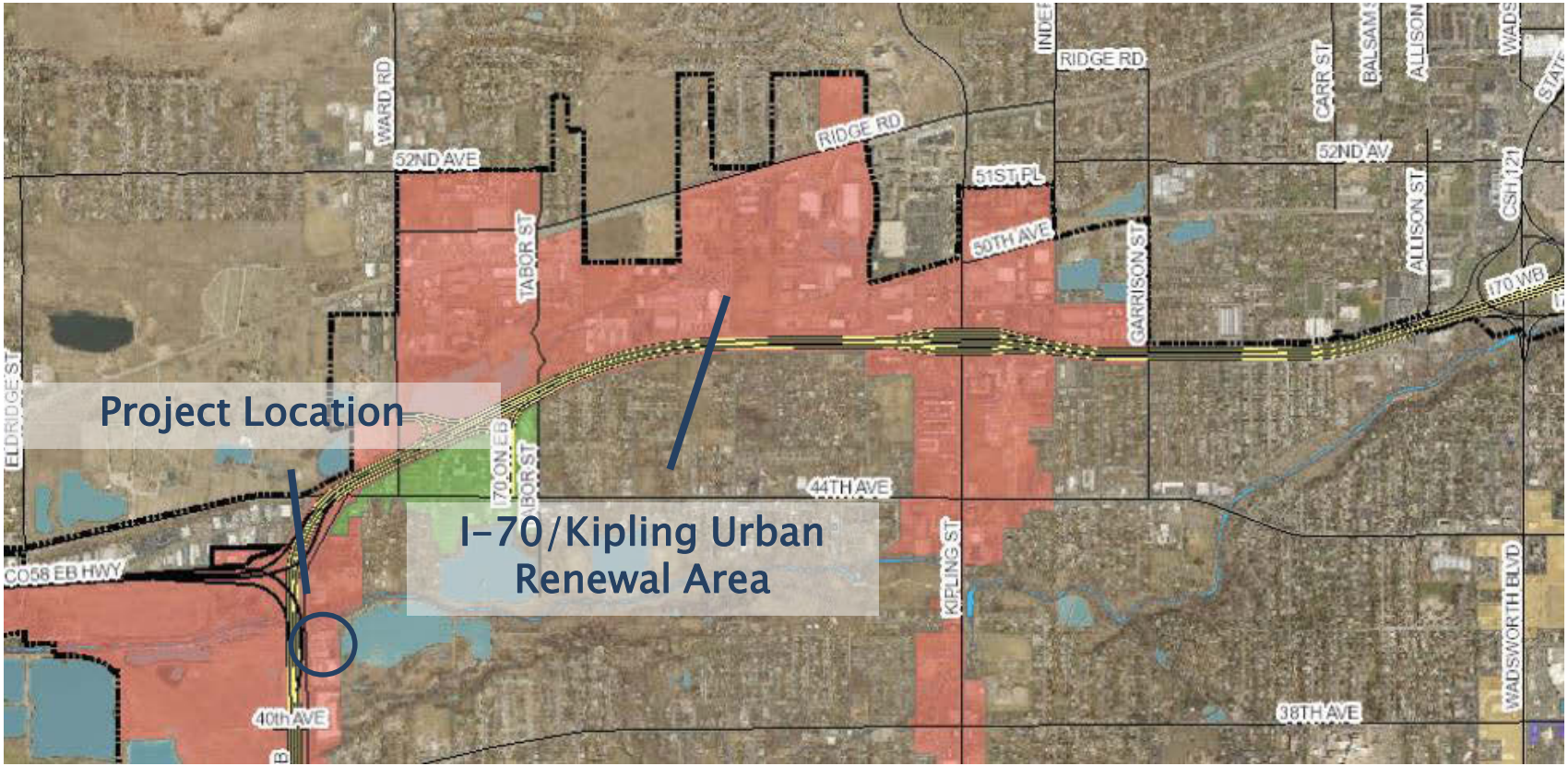
PURPOSE

- To reduce, eliminate and prevent the spread of blight within the Area and to stimulate growth and investment within the Area boundaries.

FINANCING MECHANISMS

- Approved to utilize sales tax and property tax increment for projects located in the plan area.
- It is at the discretion of the Authority to determine the appropriate projects, funding periods, and revenue sharing amounts.
- The City must agree to any proposed sales tax sharing agreements between the URA and a developer
- Approved December, 2015
- 25 Year TIF Clock (exp. 2040)

I-70/KIPLING PLAN AREA AND PROJECT AREA



PROJECT EVALUATION CRITERIA

APPLEWOOD VILLAGE REDEVELOPMENT

Three primary criteria for evaluating project requests for TIF:

1. Eligible Costs
2. Developer Returns ("But-for" analysis)
3. Project Revenue Generation Potential

#1 – ELIGIBLE COSTS

APPLEWOOD REDEVELOPMENT

Description	Total	% of Total
General Site Improvements	$1,978,670	33.40%
Youngfield Streetscape & Signalized Intersection Improvements Budget	$1,172,898	19.80%
Wal-Mart Building - Façade Upgrade (50% of total cost)	$574,912	19.40%
Wet Utilities	$624,952	10.50%
38th Avenue ROW Improvements	$609,943	10.30%
Demolition of Blighted Buildings	$295,000	5.00%
Environmental Remediation (asbestos abatement)	$100,000	1.70%
TOTAL PUBLIC IMPROVEMENTS	**$5,356,375**	**100.0%**

#2 – DEVELOPER RETURNS ("BUT FOR" ANALYSIS)

APPLEWOOD VILLAGE

PURPOSE: To use market-based metrics of return to evaluate the need for public financing and identity the extent of gap closure funding needed to make the project feasible.

METHODOLOGY

1. Summarize total project costs and annual net operating income (NOI)
2. Determine appropriate performance metric
   - For the purposes of this analysis we are using return on cost (Annual NOI / Total Cost)
   - Typical developer target = 6.0% to 8.0%
   - **This project = 6.75%**
3. Estimate amount of public subsidy necessary for developer to realize an appropriate rate of return

DEVELOPER RETURN

WITH AND WITHOUT PUBLIC INVESTMENT

PROJECT COST

- Includes site work, infrastructure, architecture & engineering, vertical construction, and others.

ANNUAL REVENUE

- Assumes a weighted average rental rate of $9.00/sf (NNN) and a stabilized vacancy rate of 7.0%
- Rental rates reflects current LOIs that the developer has received from potential tenants

DEVELOPER RETURN GAP ESTIMATE
= $4.88 million

← Gap Closure Target

ELIGIBLE COST ESTIMATE
= $5.36 million (not a limiting factor)

Description	Without Public Investment	With Public Investment
Return on Cost Target	**6.75%**	**6.75%**
Project Cost		
Total Project Cost	-$20,277,155	-$20,277,155
URA/City Investment	$0	$4,878,360
Net Cost	**-$15,398,795**	**-$15,398,795**
Net Operating Income	**$1,039,419**	**$1,039,419**
Calculated Return on Cost	**5.13%**	**6.75%**
Project Gap	**-$4,878,360**	**$0**

Source: Economic & Planning Systems

PUBLIC REVENUE SOURCES

POTENTIAL FUNDING SOURCES

Property Tax Increment

- The URA has approved the use of property tax increment to fund eligible public improvements.
- The URA board has agreed to provide the Project with 100% of property tax increment through 2040. The present value of the future property tax increment revenues are estimated at **$3.25 million**. There is a remaining gap of **$1.63 million**.

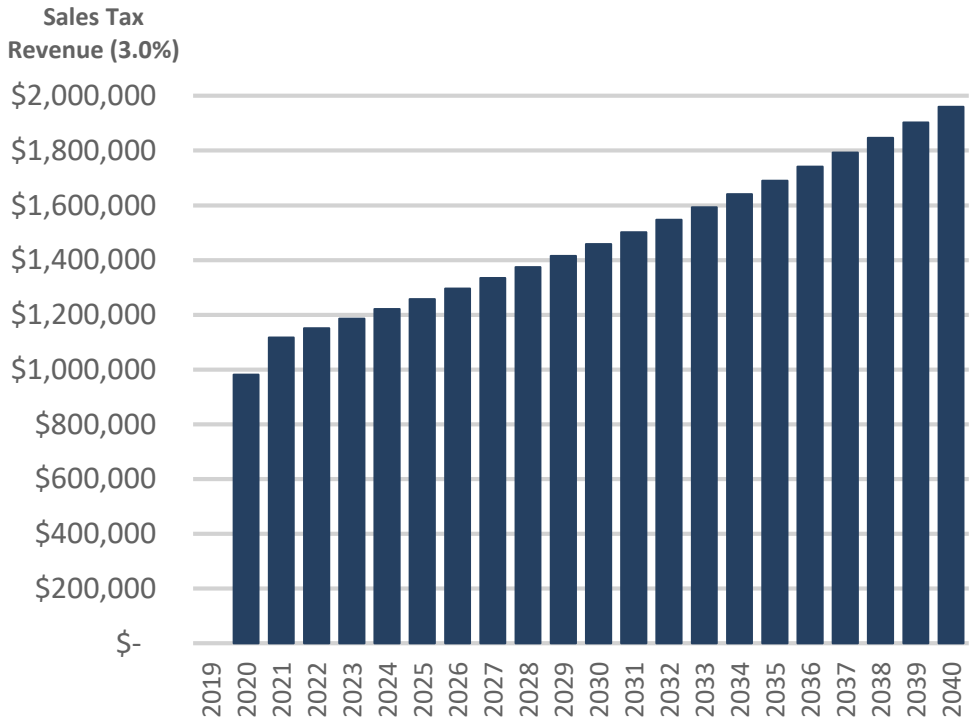
Sales Tax Revenue

- **The Wheat Ridge City Council** can approve the use of sales tax generated by the new development to fund eligible improvements and close the remaining gap.
- Potential sales tax sharing strategy:
  - 1.0% through 2025 (total City tax rate is 3.5%)

PUBLIC REVENUE SOURCES

TOTAL SALES TAX REVENUE

- Average Annual Sales Tax Revenue = $1.35 million (based on 3.0% tax rate)
- Total Revenue through 2040 = $31.0 million
- This analysis is solely focused on the additional sales tax revenue generated by the redeveloped portion of the site
- While it is outside the scope of this analysis, the redevelopment of this portion of the center is likely to have a positive impact on sales in other areas of the center
- If sales increase by 5% elsewhere in the center, annual sales tax revenues could increase by roughly $160,000 per year or a total of $3.7 million through 2040.



PUBLIC REVENUE SOURCES

NOMINAL VS REAL VALUE OF FUTURE PUBLIC REVENUES

- This analysis accounts for the nominal and real value of future public revenues.
- The real value or present value of future revenues is used when determining the total amount of public revenues required to close a project gap.
- Future public revenues are discounted at a 5.0% rate to account for a number of factors that include the following:
  - 5.0% is a rough estimate for the cost of public debt (i.e. the interest rate the City or the URA would have to pay in order to secure financing)
  - Recognizes the fact that the developer will need to fund improvements upfront and finance these costs through a loan that is typically at an interest rate higher than 5.0%
  - Accounts for a certain degree of risk associated with future public revenues (i.e. leasing challenges, economic downturn, etc.)

PUBLIC REVENUE SOURCES

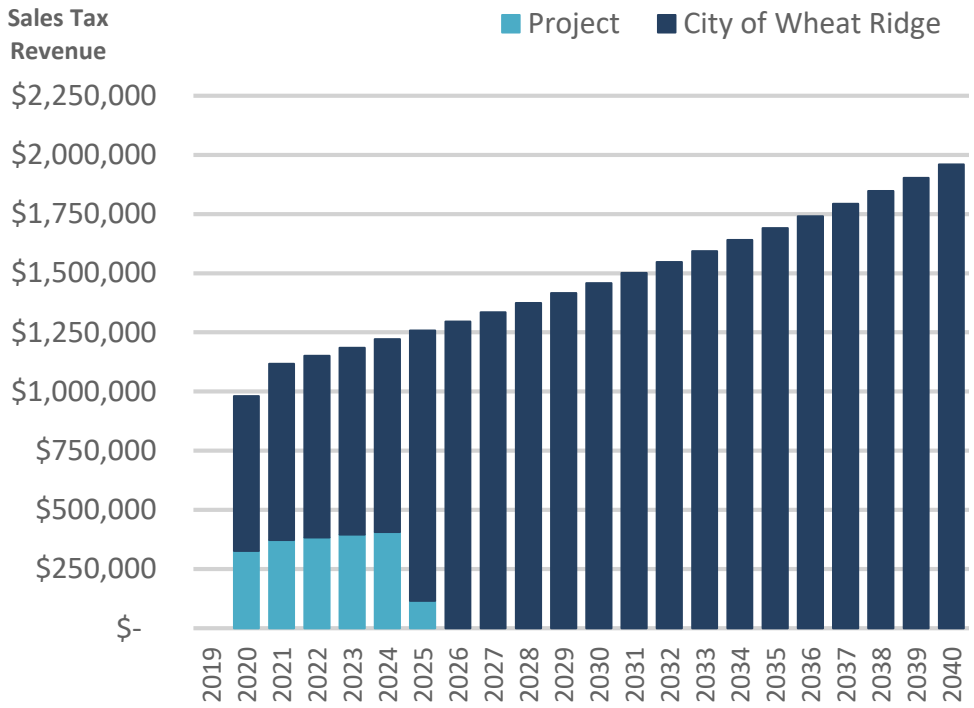
SALES TAX SHARING

Project

- Average Annual Shareback: $333,479
- Total Shareback: $2.0 million
- Present Value (@ 5.0%): $1.63 million

City of Wheat Ridge

- Average Annual Revenue: $1.4 million
- Total Revenue: $29.0 million
- Present Value (@ 5.0%): $15.4 million
- Percent of Total Revenue: 94%



PUBLIC REVENUE SOURCES

SUMMARY OF SALES TAX SHARING STRATEGY

	Nominal Value	Present Value
Total Gap	**N/A**	**$4.88M**
Public Revenues		
Property Tax Increment	$6.14M	$3.25M
Sales Tax Increment	$2.00M	$1.63M
Total Revenue	**$8.14M**	**$4.88M**

About Regency

Headquarters
Jacksonville, FL

21
Market Offices

443
Employees

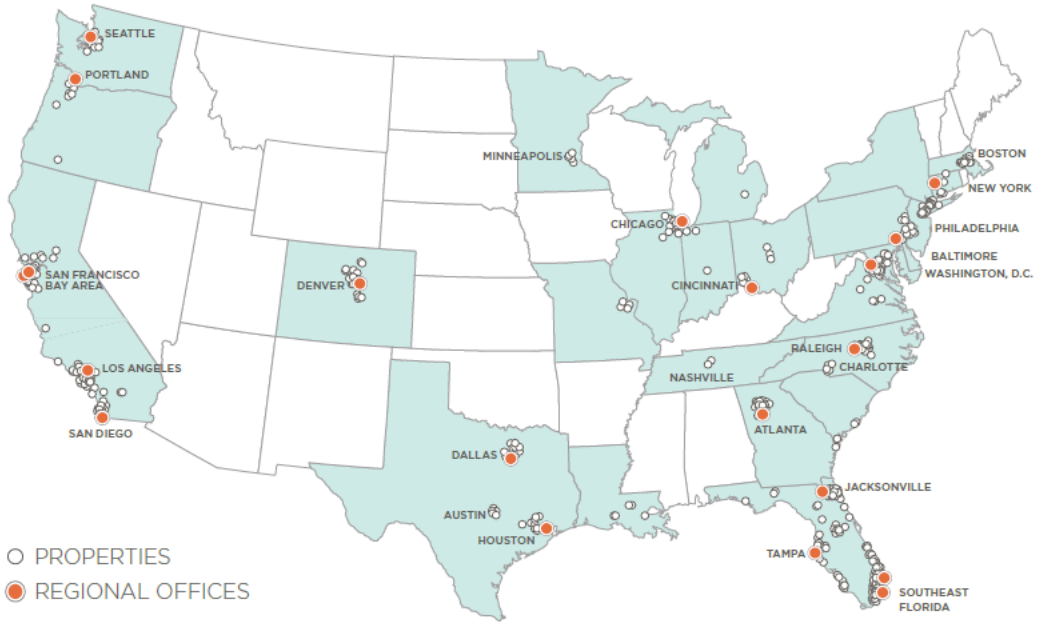
426
Properties

$16B
Market Capitalization

59M
SF GLA

95.3%
Leased

9,000
Tenants



For more information:

About Regency
regencycenters.com/regency

Board of Directors
investors.regencycenters.com/corporate-governance/board-of-directors

Leadership
regencycenters.com/regency/leadership

Annual Reports and Proxy
investors.regencycenters.com/financial-information/annual-reports

Property Portfolio
regencycenters.com/properties

In Development
regencycenters.com/in-development

Corporate Governance
investors.regencycenters.com/corporate-governance/governance-overview

Investor Relations
investors.regencycenters.com

ATTACHMENT 4

Regency's Approach to Corporate Responsibility

HOBBY LOBBY
HOMEGOODS
SIERRA TRADING POST
ULTA BEAUTY
RETAIL - WHSE
EXISTING PETSMART 25,050sf
EXISTING SHOP 3000sf
EXISTING KING SOOPERS 71,074sf
EXISTING SHOPS 7190sf
STORMWATER DETENTION
NOT A PART
EXISTING SHOPS 10,820sf
KING SOOPERS FUEL CENTER
FUTURE OUTPARCEL
EXISTING APPLEJACK WINE & SPIRITS 37,315sf
EXISTING SHOPS 8376sf
EXISTING SHOPS 7428sf
EXISTING OFFICE 1980sf
EXISTING SHOPS 14,950sf
EXISTING SHOPS 14,900sf
FUTURE OUTPARCEL
PARCEL UNDER SEPARATE OWNERSHIP
EXISTING BANK 6423sf
HACIENDA
EXISTING CHILI'S 6000sf
STARBUCKS
POTENTIAL STREETSCAPE IMPROVEMENTS
POTENTIAL STREETSCAPE IMPROVEMENTS
POTENTIAL STREETSCAPE IMPROVEMENTS
MATCHLINE THIS SHEET
WEST 38th AVENUE
WEST 32nd AVENUE
YOUNGFIELD STREET

APPLEWOOD VILLAGE SHOPPING CENTER PLANNED COMMERCIAL DEVELOPMENT
OVERALL SITE PLAN

CITY OF WHEAT RIDGE, COLORADO
MARCH 18, 2019

NORTH 0 30 60 120
SCALE: 1"= 60'

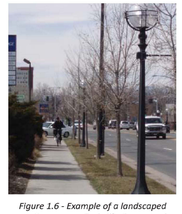


Figure 1.6 - Example of a landscaped amenity zone, or the buffer between the sidewalk and roadway, also called a tree lawn (W. 38th Ave in Wheat Ridge)

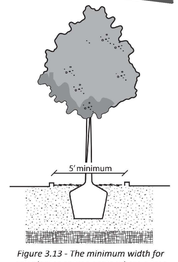


Figure 3.13 - The minimum width for any planter or tree grate where a tree is planted should be 5 feet. Where tree vaults, or pits, are used, the width below-grade may be wider to provide adequate soil volume

Regency Centers.
REGENCY CENTERS
8480 ORCHARD RD. SUITE 6900
GREENWOOD VILLAGE, CO 80111
TEL: (303) 300-5300

Sterling Design Associates, llc
CIVIL ENGINEERS - LANDSCAPE ARCHITECTS
2009 W. Littleton Blvd. #300
Littleton, CO 80120
303.794.4727 ph
www.SterlingDesignAssociates.com

THIS DOCUMENTS IS FOR REVIEW ONLY. DOCUMENTS MUST BE APPROVED BY THE JURISDICTION AND THE DEVELOPER. DIMENSIONS AND AREAS ARE APPROXIMATE.

APPLEWOOD VILLAGE

CONCEPTUAL RENDERING - SIERRA TRADING POST

WHEAT RIDGE, CO | SEPTEMBER 17, 2018

REGENCY CENTERS | Farnsworth GROUP

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APPLEWOOD VILLAGE

CONCEPTUAL RENDERING - SIERRA TRADING POST

WHEAT RIDGE, CO | SEPTEMBER 17, 2018

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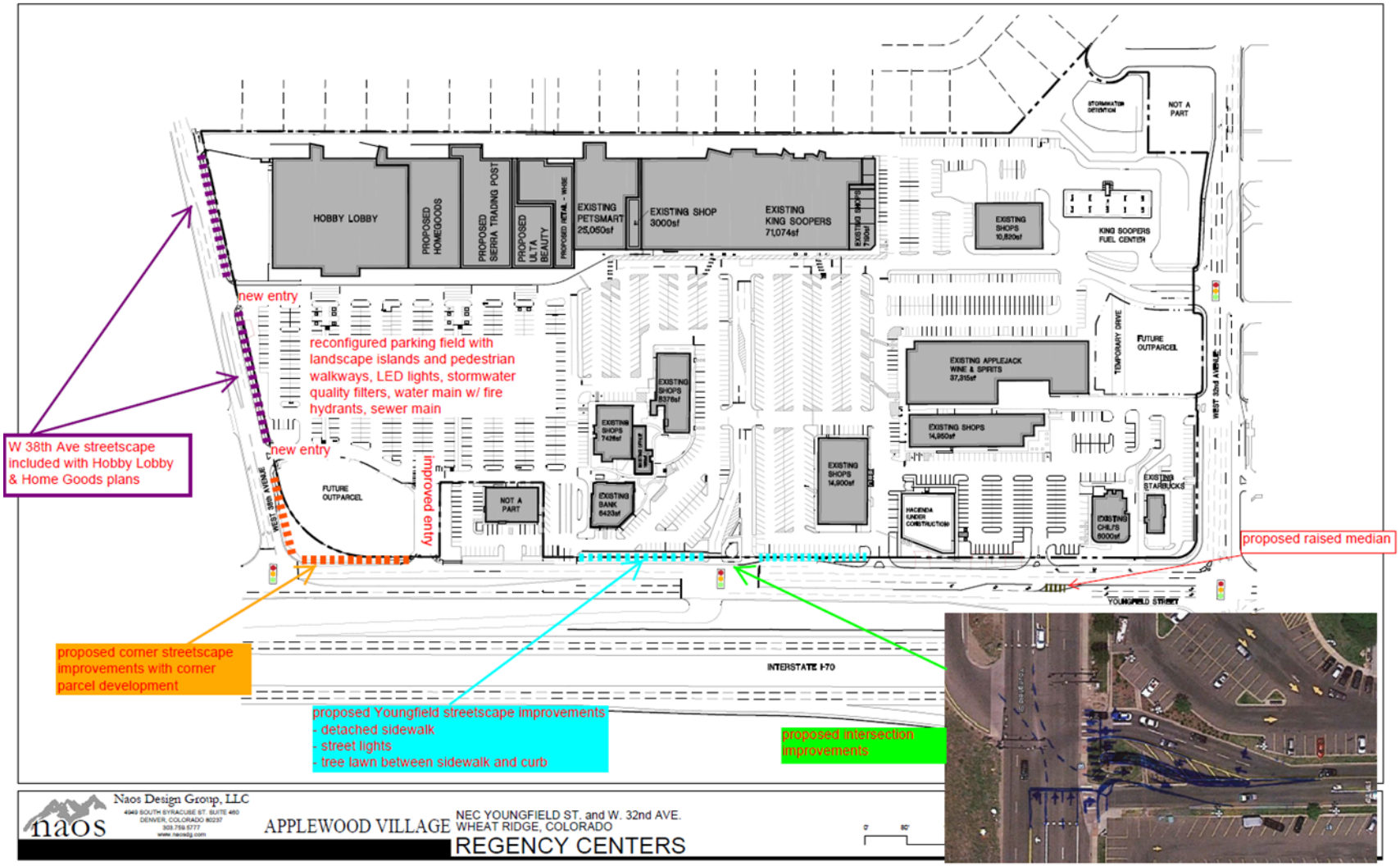
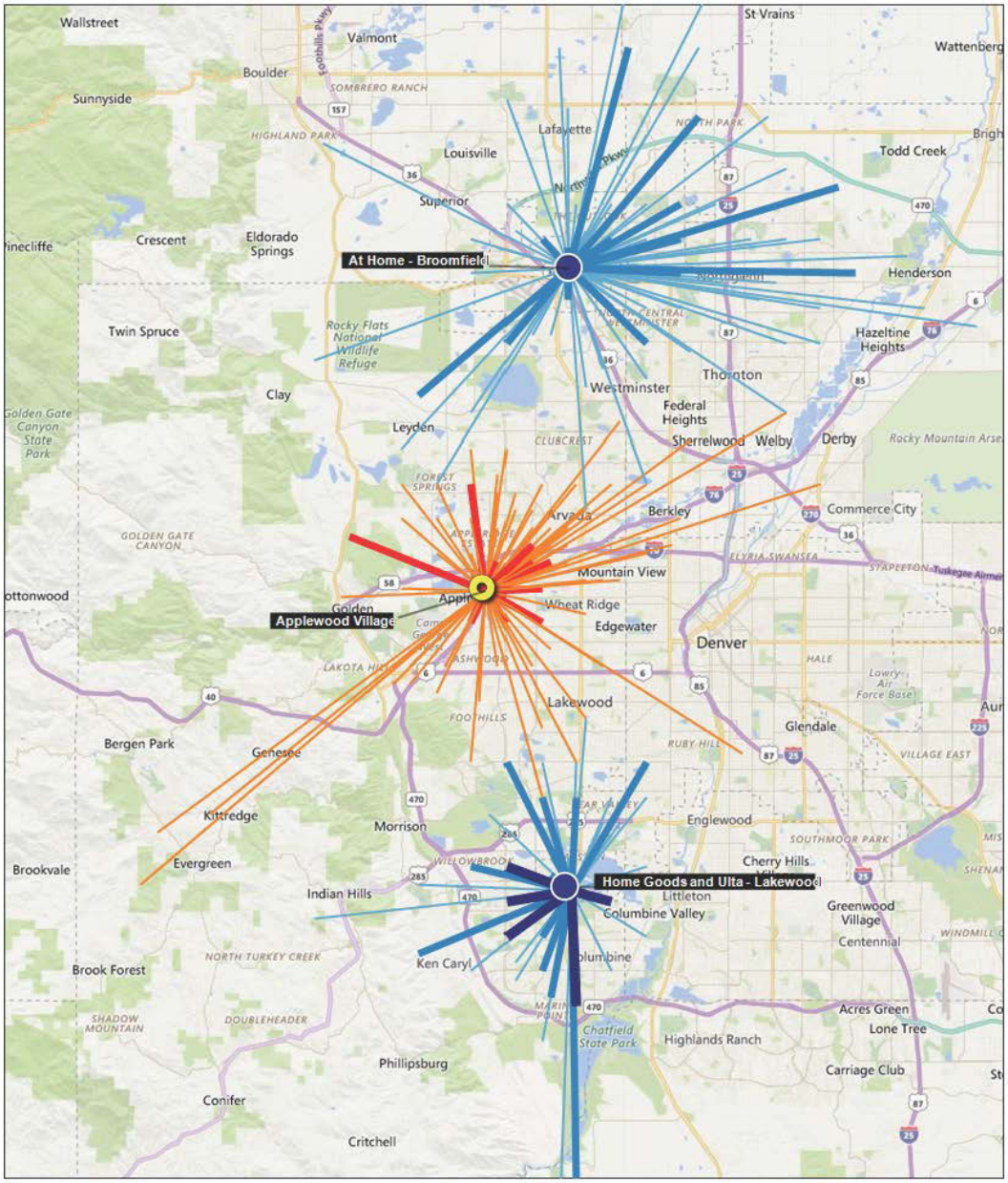

HOBBY LOBBY
PROPOSED HOMEGOODS
PROPOSED SIERRA TRADING POST
PROPOSED ULTA BEAUTY
PROPOSED RETAIL - WHSE
EXISTING PETSMART 25,050sf
EXISTING SHOP 3000sf
EXISTING KING SOOPERS 71,074sf
EXISTING SHOPS 7700sf
EXISTING SHOPS 10,820sf
KING SOOPERS FUEL CENTER
STORMWATER DETENTION
NOT A PART
new entry
reconfigured parking field with landscape islands and pedestrian walkways, LED lights, stormwater quality filters, water main w/ fire hydrants, sewer main
new entry
improved entry
W 38th Ave streetscape included with Hobby Lobby & Home Goods plans
EXISTING SHOPS 8376sf
EXISTING SHOPS 7426sf
EXISTING APPLEJACK WINE & SPIRITS 37,315sf
EXISTING SHOPS 14,950sf
TEMPORARY DRIVE
FUTURE OUTPARCEL
WEST 32nd AVENUE
WEST 38th AVENUE
FUTURE OUTPARCEL
NOT A PART
EXISTING BANK 6433sf
EXISTING SHOPS 14,900sf
HACIENDA UNDER CONSTRUCTION
EXISTING CHILI'S 6000sf
EXISTING STARBUCKS
proposed raised median
YOUNGFIELD STREET
proposed corner streetscape improvements with corner parcel development
INTERSTATE I-70
proposed Youngfield streetscape improvements
- detached sidewalk
- street lights
- tree lawn between sidewalk and curb
proposed intersection improvements
Naos Design Group, LLC
4949 SOUTH SYRACUSE ST. SUITE 460
DENVER, COLORADO 80237
303.759.5777
www.naosdg.com
naos
APPLEWOOD VILLAGE
NEC YOUNGFIELD ST. and W. 32nd AVE.
WHEAT RIDGE, COLORADO
REGENCY CENTERS
0'
60'

Summary of Public Benefit/ Eligible Costs at Applewood Village Shopping Center		
38th Ave Safety/Accesss and Streetscape Code Compliance	$	609,943
Water, Sewer & Stormwater Infrastructure to Code	$	624,952
Environmental Remediation - asbestos abatement	$	100,000
Site Paving, Landscape & Lighting Improvements to Code	$	1,978,670
Façade Upgrades to Meet City Planning Standards	$	1,149,824
Youngfield Safety/Accesss and Streetscape Code Compliance	$	1,172,898
Demoliton of Blighted Buildings		
3250 Youngfield (Old Chicago)/12625 W. 32nd Ave (gun shop)	$	75,000
12601 W. 32nd Ave	$	145,000
3490 Youngfield (Holly West)	$	75,000
Total	**$**	**5,931,287**

Applewood Village, Wheat Ridge, CO

Customer geofencing comparison



Regency Centers.

Source: Geofenced by UberRetail

Jan 15, 2019

City of Wheat Ridge

ITEM NO: 4.
DATE: May 13, 2019

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 (04/22/2019)
☒ ORDINANCES FOR 2ND READING (05/13/2019)

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.

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 second reading, 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, 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 URBAN
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 proivde 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 8 to 0 on this 22nd day of April, 2019 (continued from April 8, 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 May 13, 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: April 25, 2019
Second Publication:
Wheat Ridge Transcript
Effective Date:

ITEM NO: 5.
DATE: May 13, 2019

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)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING (02/25/2019)
☒ ORDINANCES FOR 2ND READING (05/13/2019)
(hearing on 04/08/2019, approved for reconsideration 04/22/2019)

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.

On April 8, 2019, a public hearing was conducted for these related cases, and City Council voted five (5) to three (3) to approve this Council Bill. However, a legal protest was received for this case; therefore an affirmative vote of six (6) councilmembers was required to approve. On April 22, the bill was approved for reconsideration. The public hearing will not be reopened, but a new vote will take place. If approved, the SDP and subdivision plat will also be voted upon.

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—were 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 was 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 took 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 DOZEMAN
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. (Failed 5-3); reconsidered at Council Meeting, April 22, 2019 passed 6-2 to schedule Council Action for **May 13, 2019 at 7:00 p.m.** , in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ 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; April 23, 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

ATTACHMENT 2

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 incudes 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 OPD 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 <u>has</u> 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

Upham Partners LLC - 4251 Kipling St, Suite 310, Wheat Ridge, CO 80033

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,

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.

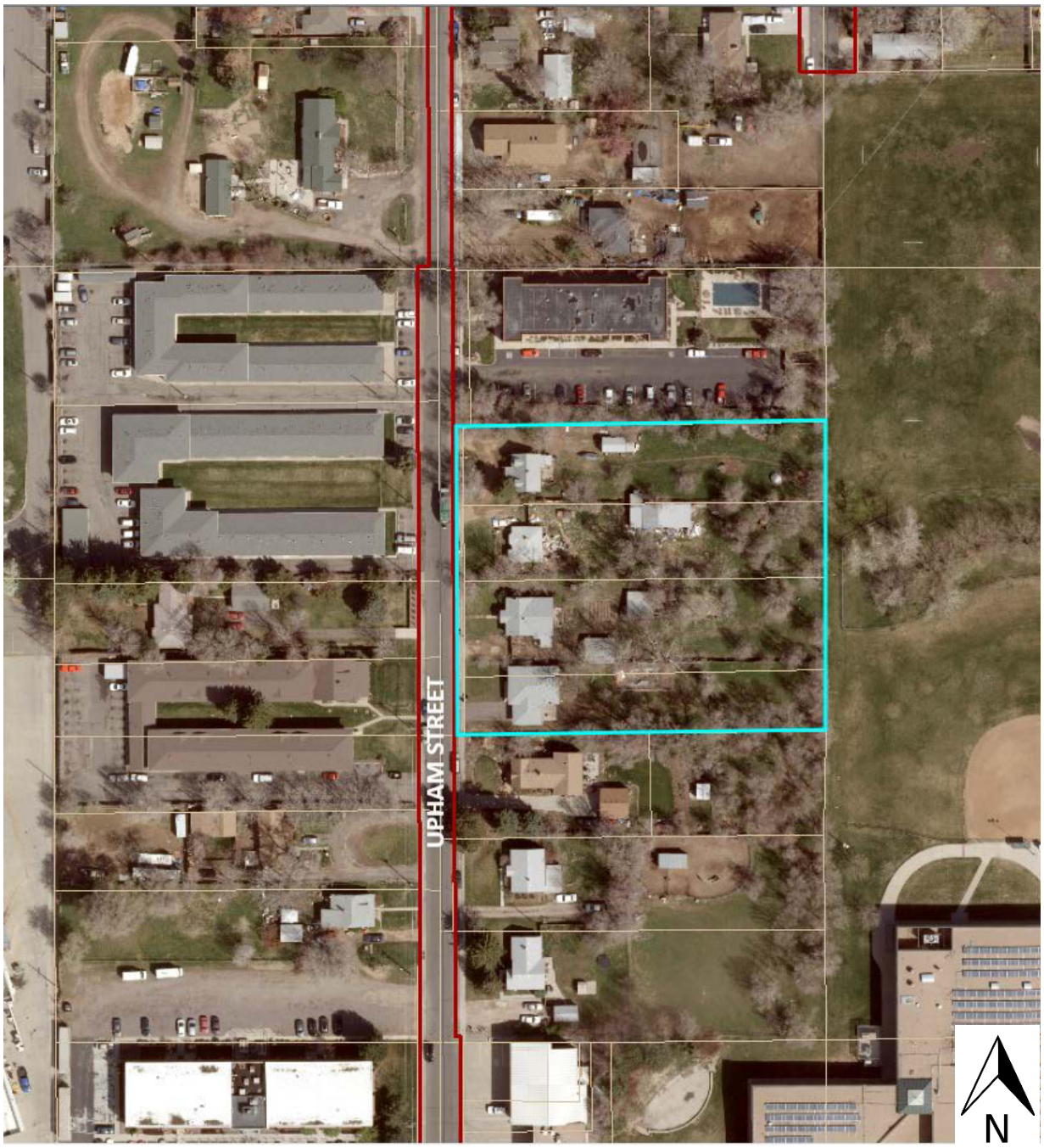


EXHIBIT 3: ZONING MAP

The subject site is located at 4000-4066 Upham Street and is outlined in blue.

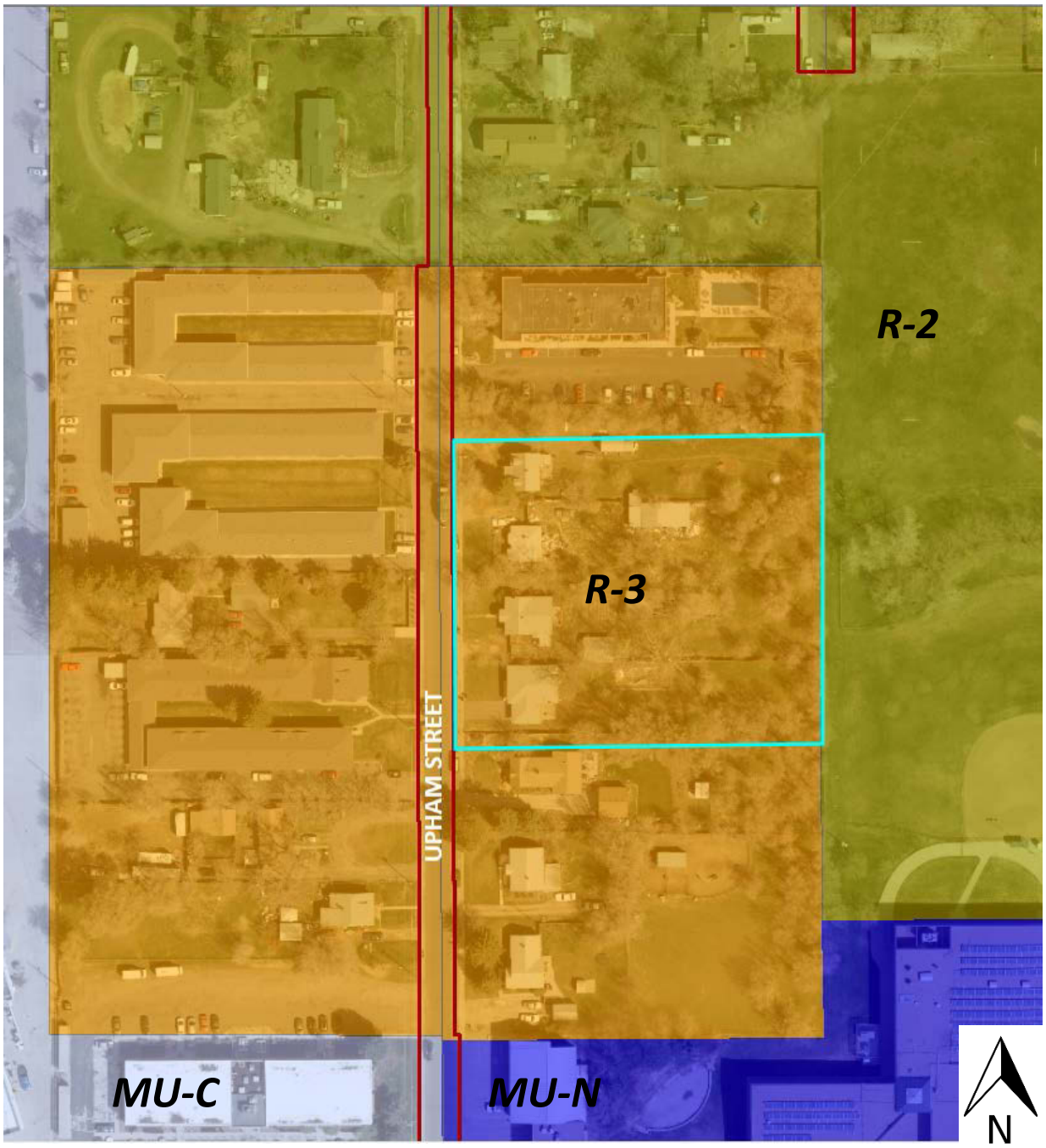


EXHIBIT 4: LAND USE PATTERN

The shading depicts the land use pattern for properties along Upham Street. The subject site is unshaded.

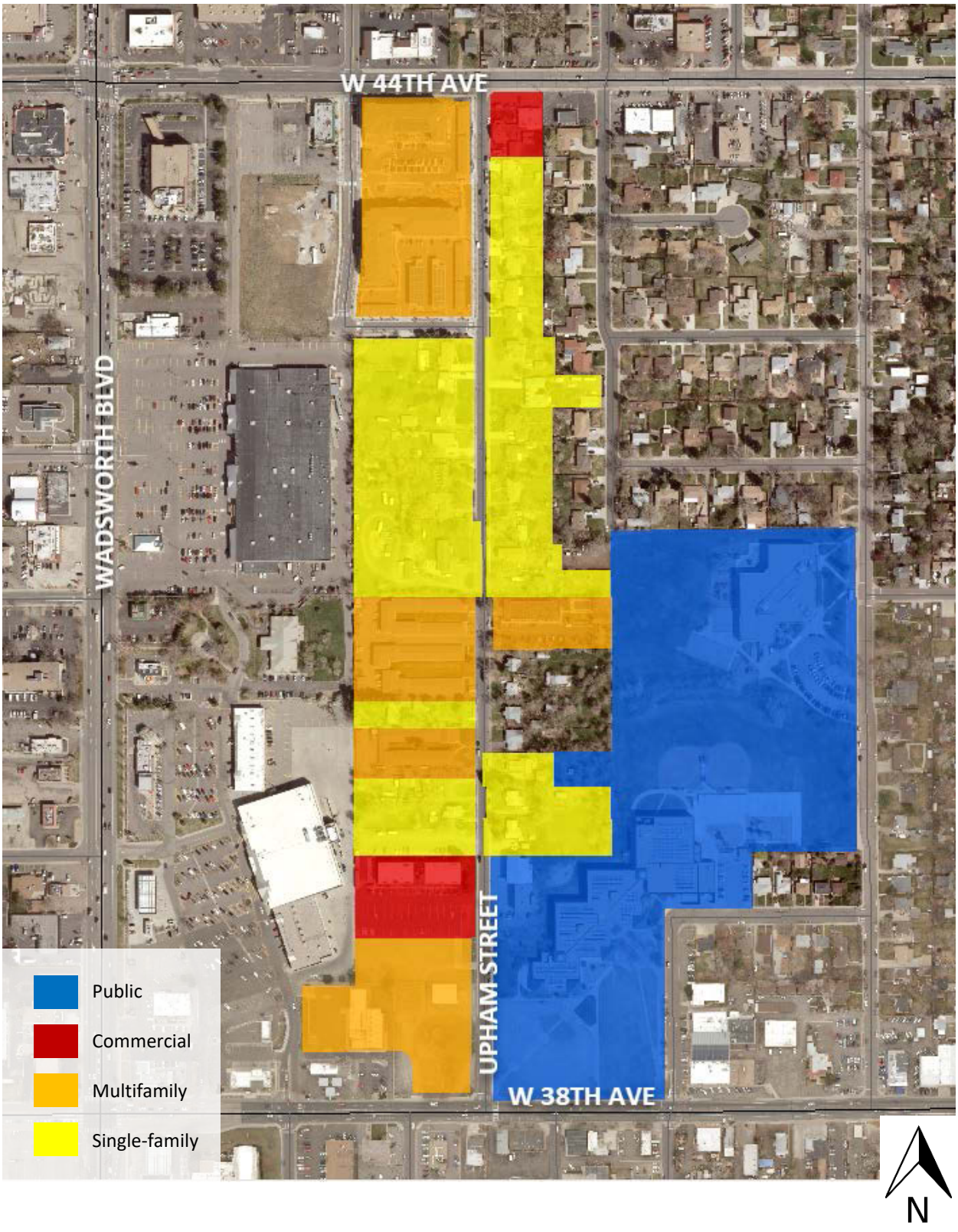
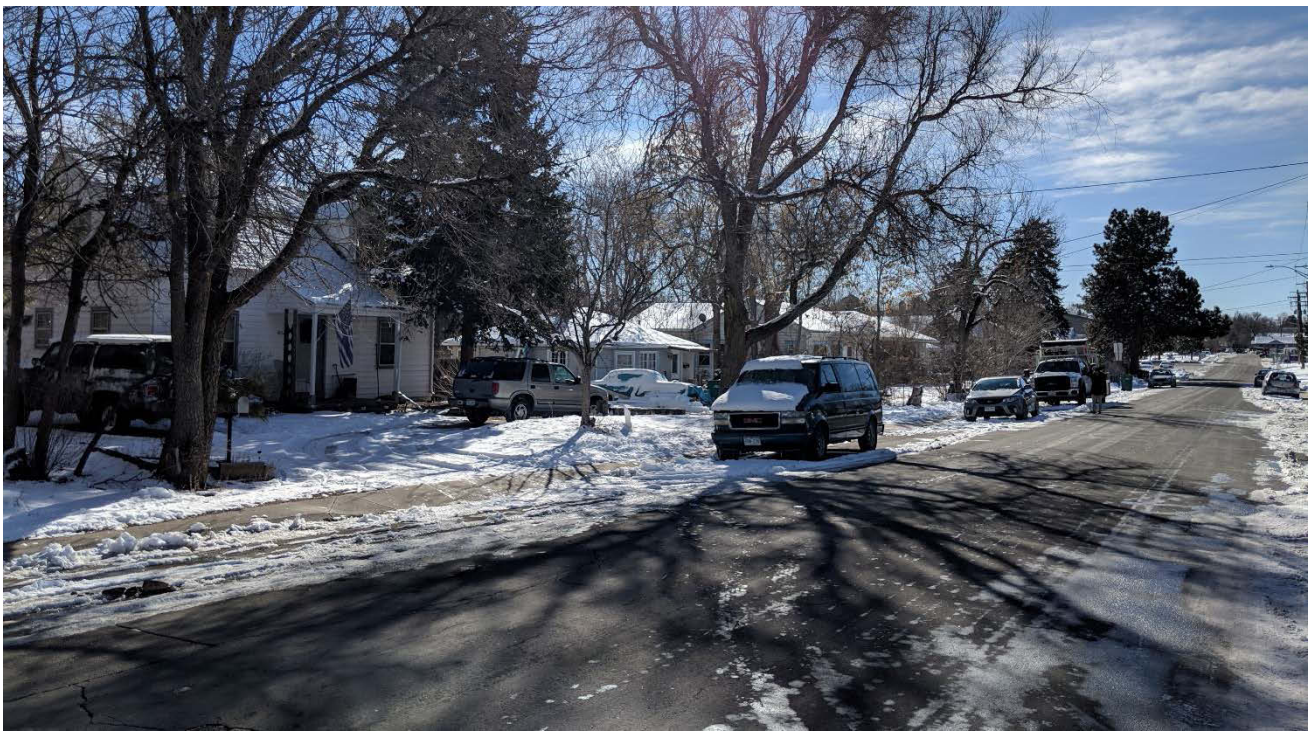
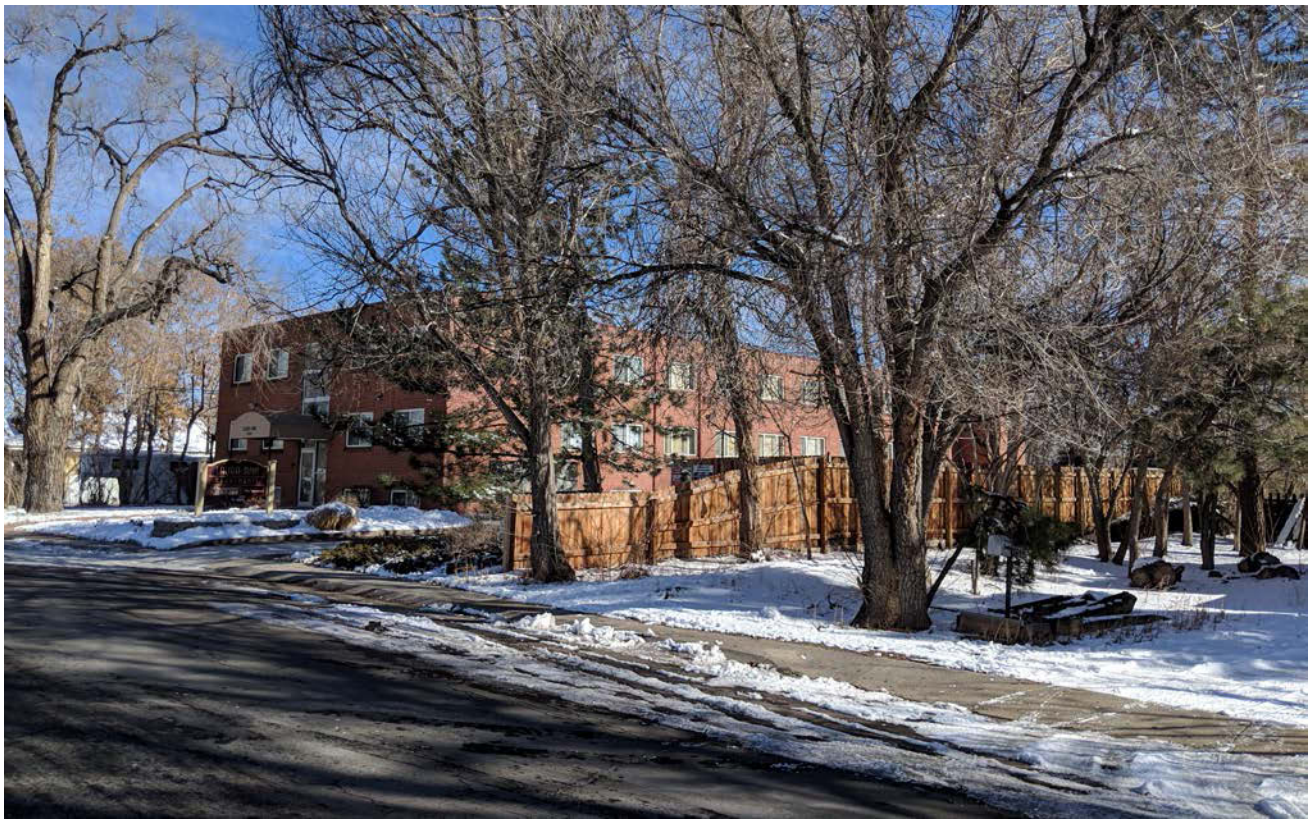


EXHIBIT 5: SITE PHOTOS

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-storyp multifamily apartments.

EXHIBIT 6: OUTLINE DEVELOPMENT PLAN

see attached

NOT FOR CONSTRUCTION

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

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)
)SS
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)
) SS
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

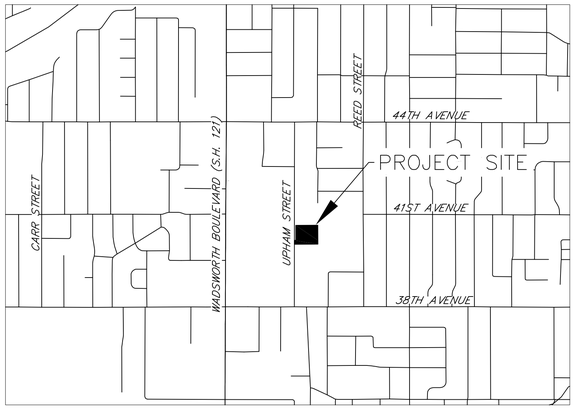
PLANNING COMMISSION CERTIFICATION

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

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OUTDOOR DESIGN GROUP, INC.
590 WEBSTER STREET
ARVADA, CO 80002
CONTACT: MATT CORRION, PLA
303-993-4811
mcorrion@odgdesign.com

LIGHTING DESIGN
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1737 CENTRAL STREET, SUITE 201
DENVER, CO 80211
CONTACT: THERESA SANTOS
303-480-5144
theresa@c3sengineeringinc.com

CIVIL ENGINEER
BRIGHTLIGHTER ENGINEERING LLC
3253 NORTH GAYLORD STREET
DENVER, CO 80205
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720-540-8629
jesse@brightlightereng.com

SURVEYOR
ENGINEERING SERVICE COMPANY
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GEOTECHNICAL ENGINEER
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2180 SOUTH IVANHOE STREET, SUITE 5
DENVER, CO 80222
CONTACT: KEITH SEATON, PE
303-759-8100
www.agwassenaar.com

DEVELOPMENT STANDARDS:

1. USE AREAS:
   - i. USE AREA "A" AS TOWNHOME UNITS DEFINED AS LOTS 1–38 DISTRIBUTED INTO 9 BUILDINGS
   - ii. USE AREA "B" AS THE CENTRAL AREA OF THE DEVELOPMENT AND SHALL UTILIZED AS A COMMUNITY PARK
   - iii. PERMITTED ACCESSORY USES: HOME OCCUPATIONS AND HOUSEHOLD PETS
   - iv. PROHIBITED ACCESSORY USES: ACCESSORY STRUCTURES, RV/BOAT/TRAILER STORAGE
2. MAXIMUM HEIGHT: 35 FEET
3. TOWNHOME MAXIMUM DENSITY: 38 UNITS
4. MINIMUM SETBACKS, AS SHOWN ON OUTLINE DEVELOPMENT SITE PLAN (MEASURED TO FOUNDATION)
   - i. SINGLE FAMILY ATTACHED:
     - a. FRONT SETBACK=15'
     - b. SIDE SETBACK=10' AT FRONT 25%, 20' AT REAR 75% OF LOT FROM PRIMARY STREET FRONT
     - c. REAR SETBACK=5'
5. BUILDING SETBACK ENCROACHMENTS: ARE PERMITTED BY CONFORMANCE WITH SECTION 26 611 OF THE WHEAT RIDGE MUNICIPAL CODE.
6. PARKING
   - i. OFF-STREET PARKING: ALL TOWNHOMES WILL HAVE TWO-CAR GARAGES.
   - ii. VISTOR PARKING:
     - a. GUEST PARKING 9 SPACES PER 38 UNITS (.24/UNIT)
7. LANDSCAPING
   - i. MINIMUM OPEN SPACE:30%
   - ii. ALL LANDSCAPE SHALL BE IN CONFORMANCE WITH SECTION 26-502 LANDSCAPE REQUIREMENTS OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
8. EXTERIOR LIGHTING: ALL LIGHTING SHALL BE IN CONFORMANCE WITH SECTION 26-503 EXTERIOR LIGHTING OF THE CITY OF WHEAT RIDGE CODE OF LAWS
9. SIGNAGE: ALL SIGNAGE SHALL BE CONFORMANCE WITH ARTICLE VII SIGN CODE OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
10. FENCING: ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 26-603 FENCING OF THE CITY OF WHEAT RIDGE CODE OF LAWS.
11. ARCHITECTURAL AND STREETSCAPE DESIGN
    - i. STREETSCAPE DESIGN SHALL BE IN CONFORMANCE WITH THE STREETSCAPE DESIGN MANUAL.
    - II. ARCHITECTURAL DESIGN ELEMENTS SHALL BE IN CONFORMANCE WITH THE ASDM, SECTION 4.3 EXCEPT IN THE FOLLOWING MODIFICATIONS:
      - a. FACADE ARTICULATION:
        - a.a. 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
      - b. MATERIALS:
        - b.a. DESIGN SHALL MODIFY ASDM MATERIAL REQUIREMENTS:
          1. 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;
          2. 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;
          3. 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.

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.

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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;
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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, 4066 UPHAM STREET
MATTHEW JONER 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
##	##	##
##	##	##

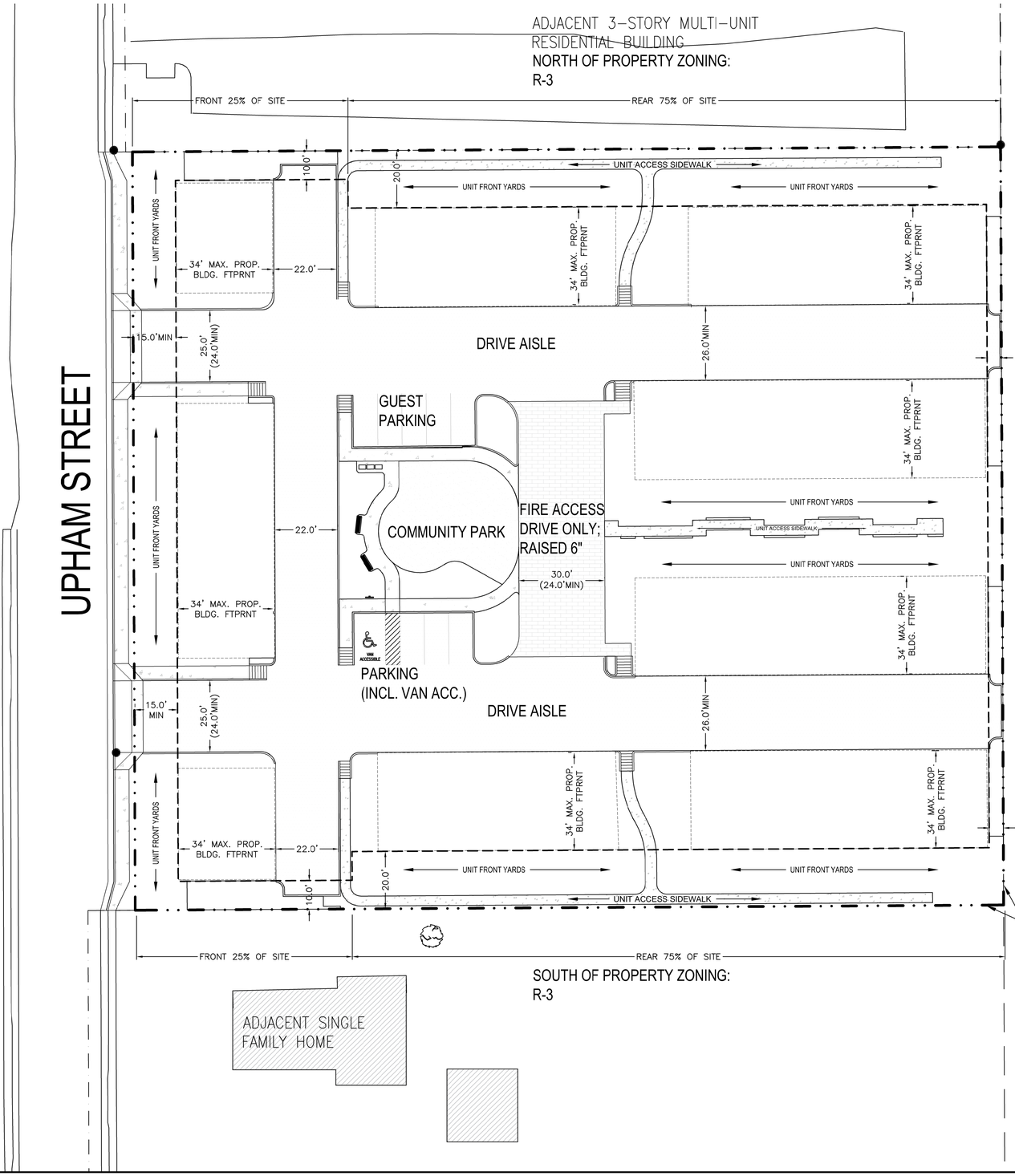
COVER SHEET

NOT FOR CONSTRUCTION

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



LEGEND

- PROPERTY LINES
- SETBACK LINES
- PROPOSED BUILDING FOOTPRINT
- CURB / GUTTER
- CONCRETE SIDEWALK
- DRIVE AISLE SURFACE
- RASIED DRIVE AISLE

PROJECT NUMBER	UP1801
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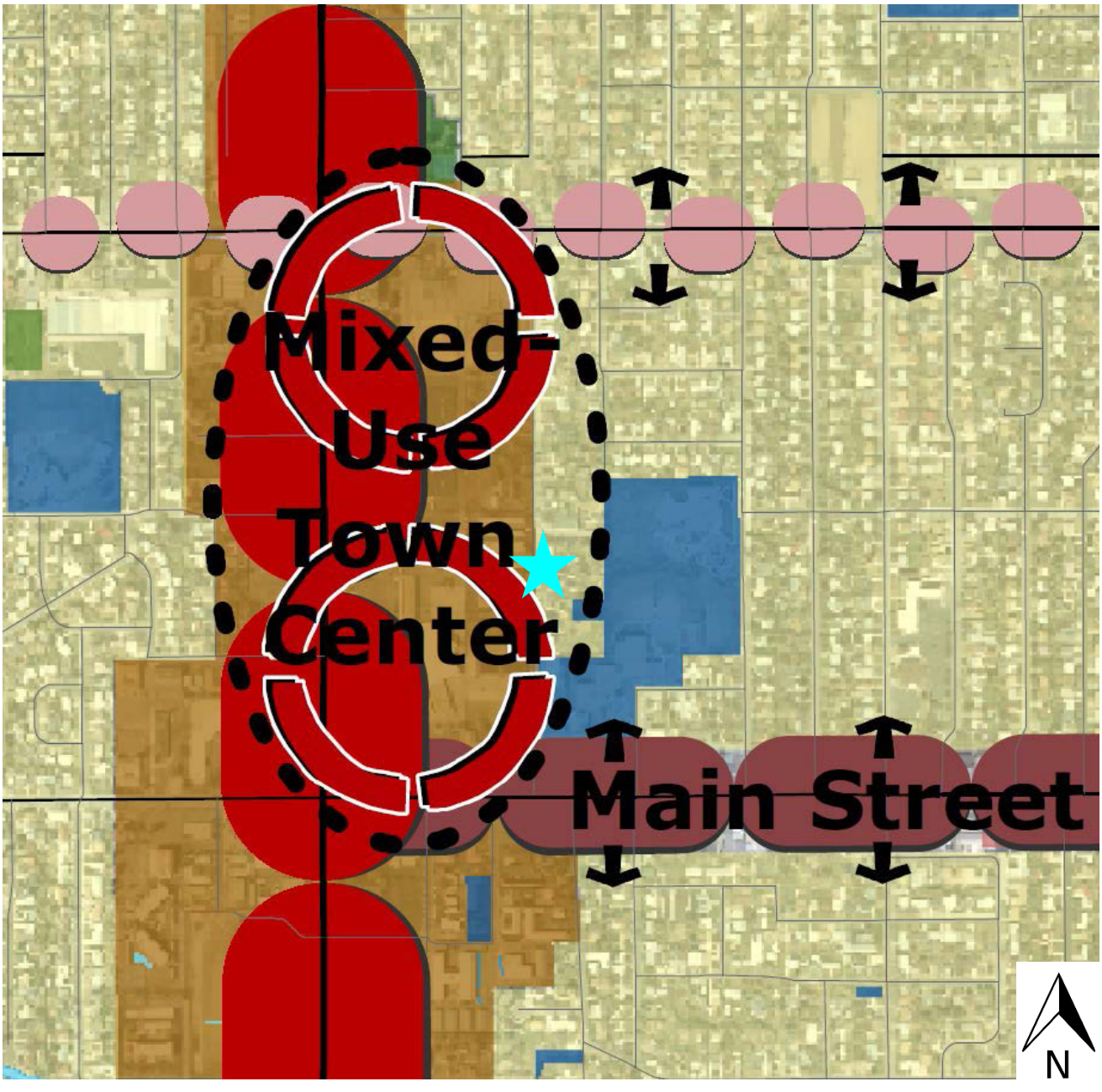
OUTLINE DEVELOPMENT SITE PLAN

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
Neighborhood Buffer
Neighborhood
Main Street (38th Ave)
Primary Commercial Corridor (Wadsworth Blvd)
Community Commercial Center
Neighborhood Commercial Corridor (44th 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."

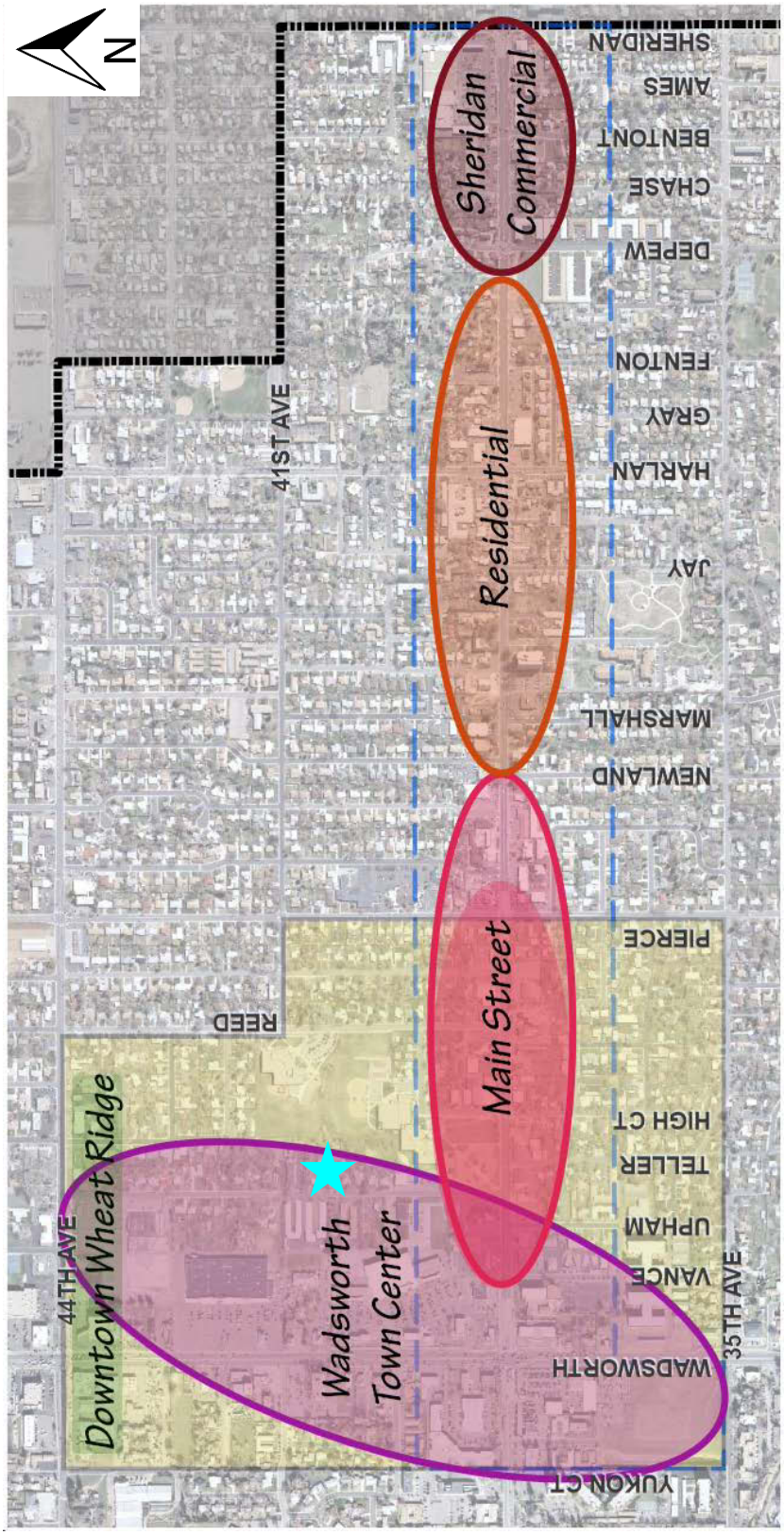


EXHIBIT 8: SPECIFIC DEVELOPMENT PLAN

see attached

NOT FOR CONSTRUCTION

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

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)
)SS
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)
) SS
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

PLANNING COMMISSION CERTIFICATION

RECOMMENDED FOR APPROVAL THIS____DAY OF_____,
_____, BY THE WHEAT RIDGE PLANNING COMMISSION.

_____
CHAIRPERSON

CHARACTER OF DEVELOPMENT

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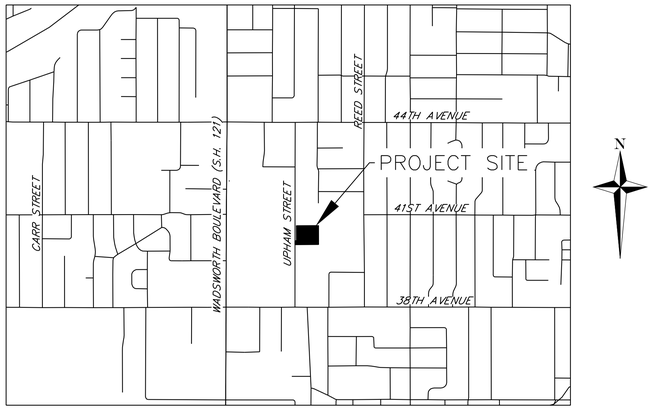
VICINITY MAP



PREPARED BY

BRIGHTLIGHTER ENGINEERING
3253 NORTH GAYLORD STREET
DENVER, CO 80205
CONTACT: JESSE DONOVAN, PE
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	
SHEET NUMBER	SHEET TITLE
1	COVER SHEET
2	SITE PLAN
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
WZ-18-18
WS-18-02

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
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theresa@c3sengineeringinc.com

CIVIL ENGINEER
BRIGHTLIGHTER ENGINEERING LLC
3253 NORTH GAYLORD STREET
DENVER, CO 80205
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720-540-8629
jesse@brightlightereng.com

SURVEYOR
ENGINEERING SERVICE COMPANY
14190 EAST EVANS AVENUE
AURORA, CO 80014
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303-337-1393 x101
bmiller@engineeringserviceco.com

ARCHITECT
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825 SANTA FE DRIVE
DENVER, CO 80204
CONTACT: MATT JOINER
303-954-0933
mjoiner@hangar-41.com

GEOTECHNICAL ENGINEER
A.G. WASSENAAR, INC
2180 SOUTH IVANHOE STREET, SUITE 5
DENVER, CO 80222
CONTACT: KEITH SEATON, PE
303-759-8100
www.agwassenaar.com

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

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PROJECT NUMBER	UP1801
PROJECT DATE	08/20/2018
DESIGNER	CWK
REVIEWER	JSD

BRIGHTLIGHTER ENGINEERING

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
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COVER SHEET

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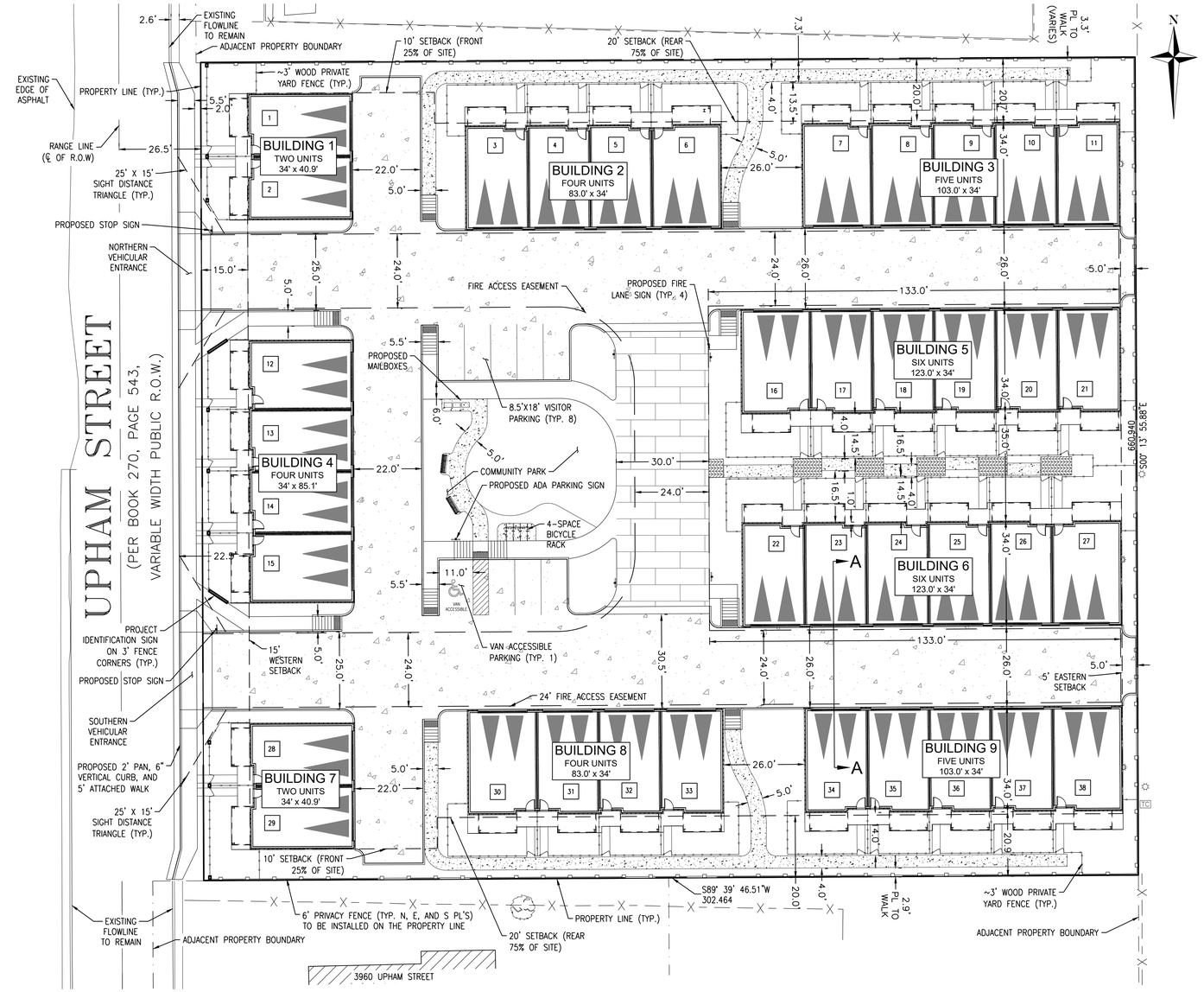
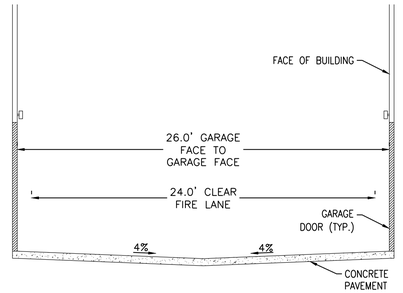


LEGEND

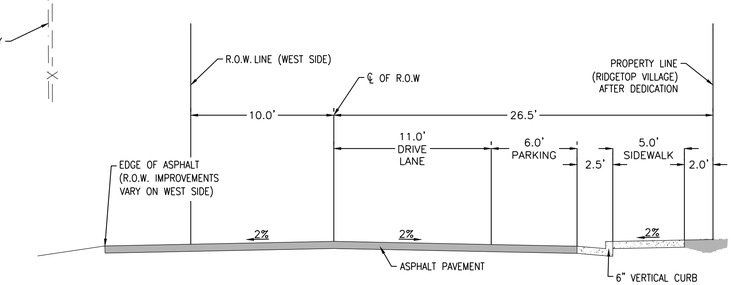
- PROPERTY BOUNDARY
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- LOT LINE
- EXISTING EASEMENT
- PROPOSED SETBACK
- PROPOSED FLOW LINE
- PROPOSED TOP BACK OF CURB
- PROPOSED LIP LINE
- EXISTING FLOW LINE
- EXISTING TOP BACK OF CURB
- EXISTING LIP LINE
- PROPOSED CONCRETE PAVING
- PROP. DECORATIVE CONCRETE PAVING
- PROPOSED STRIPING
- PROPOSED ADA PARKING STRIPING
- PROPOSED SIGNAGE
- 1 — PROPOSED UNIT NUMBER
- PROPOSED GARAGE PARKING SPACE



SECTION A-A

0 5 10

1" = 5'



UPHAM STREET SECTION

0 5 10

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BRIGHTLIGHTER ENGINEERING

SPECIFIC DEVELOPMENT PLAN

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SITE PLAN

NOT FOR CONSTRUCTION

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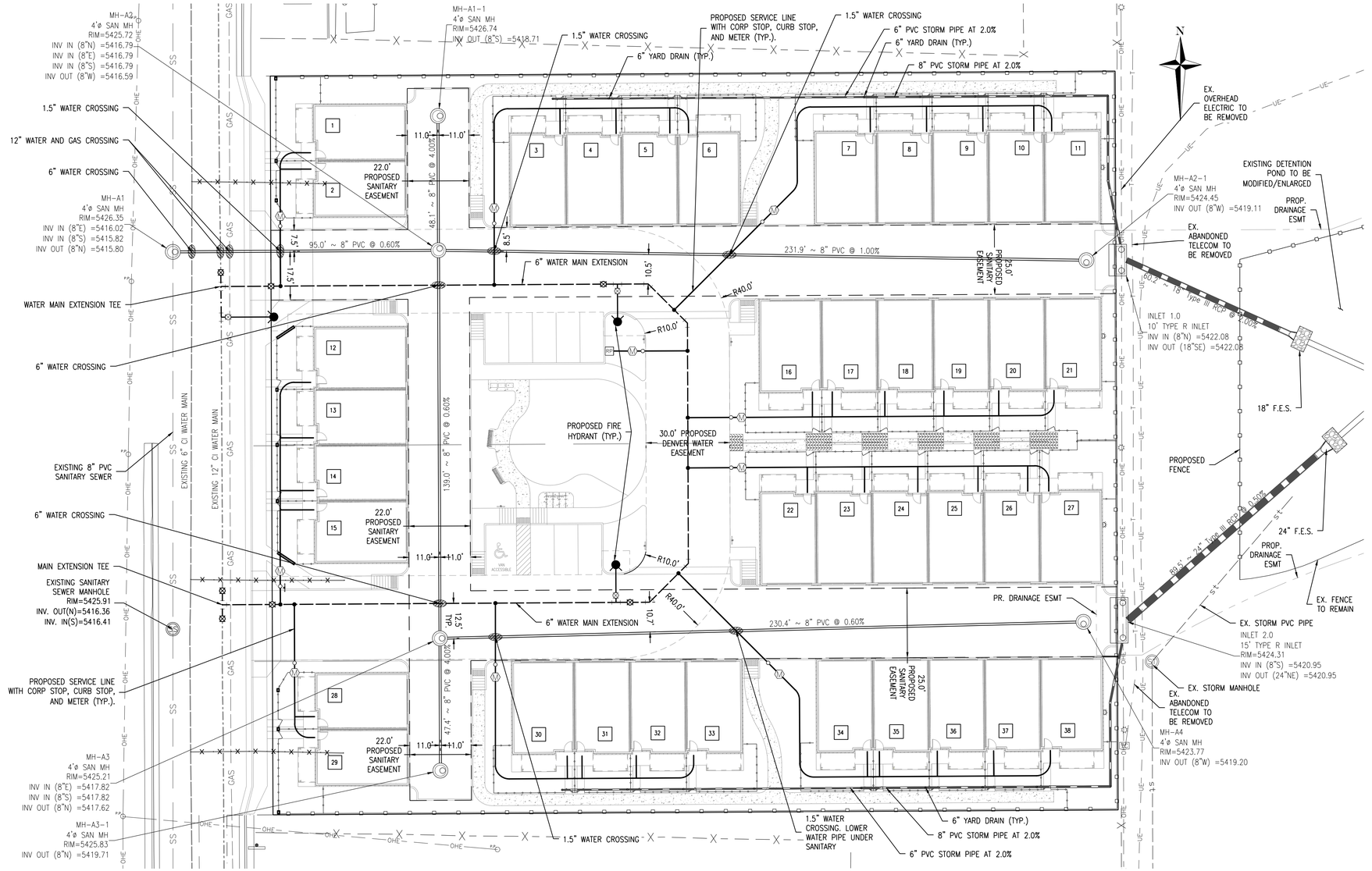

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- PROPOSED RIGHT-OF-WAY
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- PROPOSED TOP BACK OF CURB LIP LINE, AND CONCRETE
- EXISTING FLOW LINE
- EXISTING TOP BACK OF CURB
- EXISTING LIP LINE
- PROPOSED STRIPING
- PROPOSED ADA PARKING STRIPING
- PROPOSED SIGNAGE
- PROPOSED UNIT COUNT
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER SERVICE
- PROPOSED/EXISTING STORM MANHOLE
- PROPOSED/EXISTING STORM STRUCTURE
- PROPOSED/EXISTING SANITARY MANHOLE
- PIPE CROSSING
- REDUCED PRESSURE BACKFLOW PREVENTER
- HYDRANT
- WATER METER

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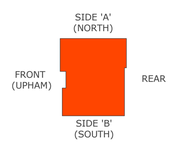
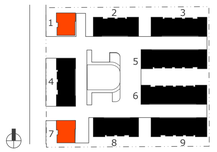
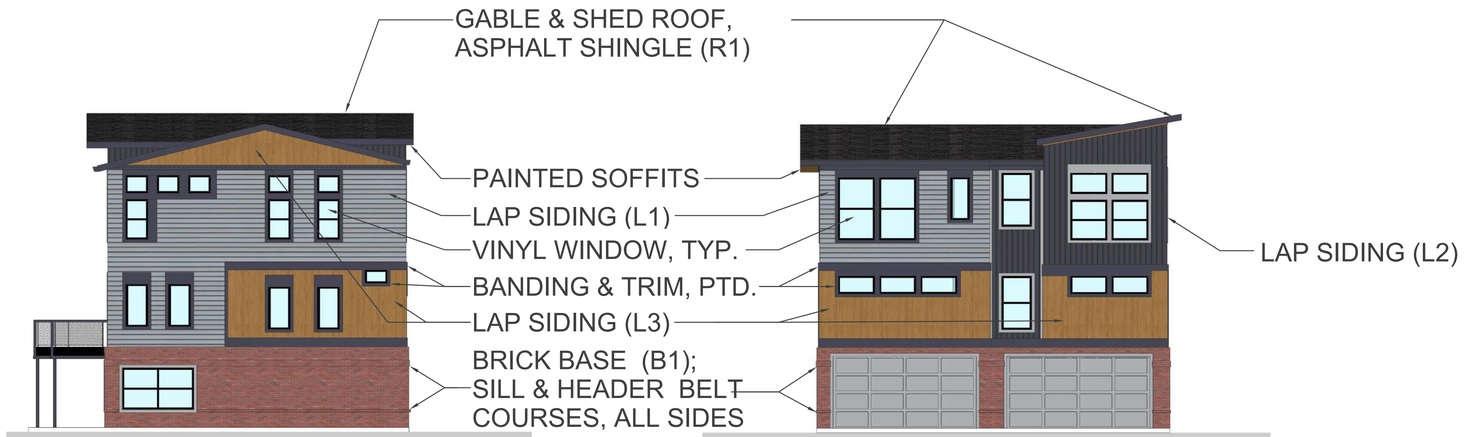
UTILITY PLAN

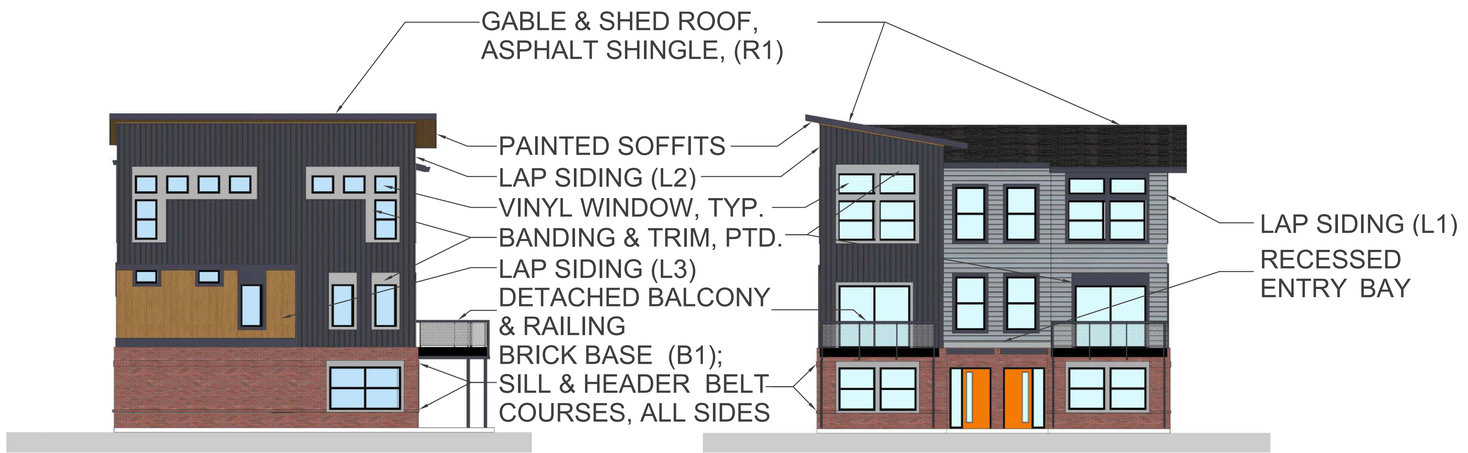






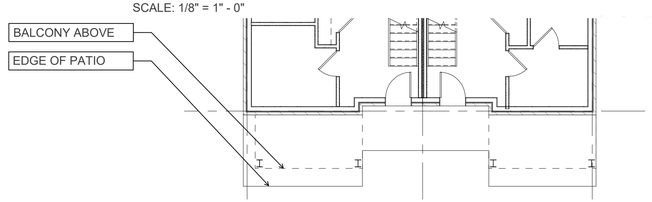
ELEVATION - BUILDING 1 & 7, SIDE 'B' (SOUTH)
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDING 1 & 7, REAR
SCALE: 1/8" = 1" - 0"



ELEVATION - BUILDING 1 & 7, SIDE 'A' (NORTH)
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDING 1 & 7, FRONT (UPHAM)
SCALE: 1/8" = 1" - 0"



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	MCJ
REVIEWER	AP

Architect:
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Denver, CO 80204
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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
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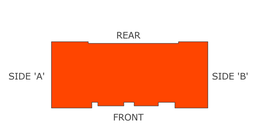
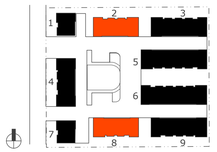
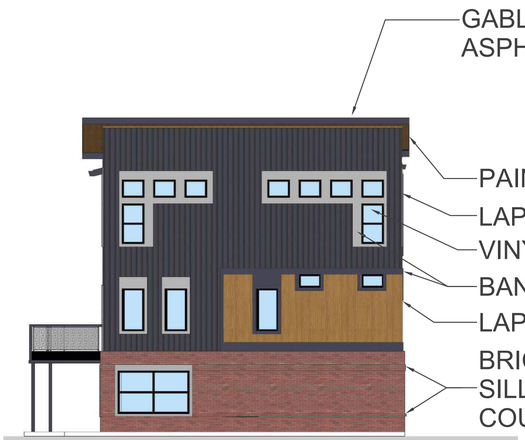
ARCHITECTURAL ELEVATIONS





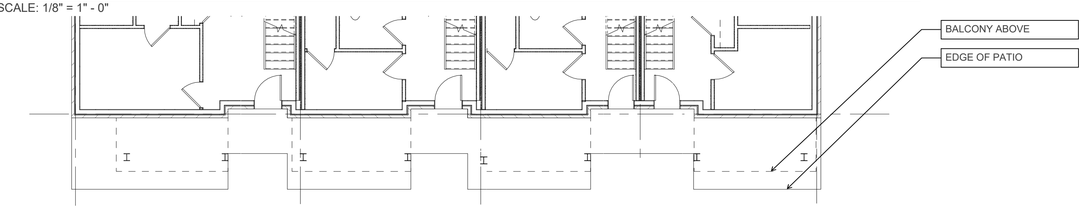


ELEVATION - BUILDINGS 2 & 8, SIDE 'B'
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 2 & 8, REAR
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 2 & 8, SIDE 'A'
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 2 & 8, FRONT
SCALE: 1/8" = 1" - 0"



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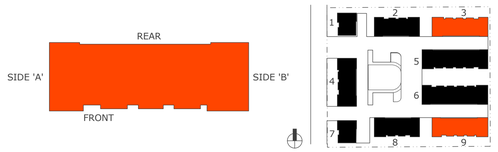
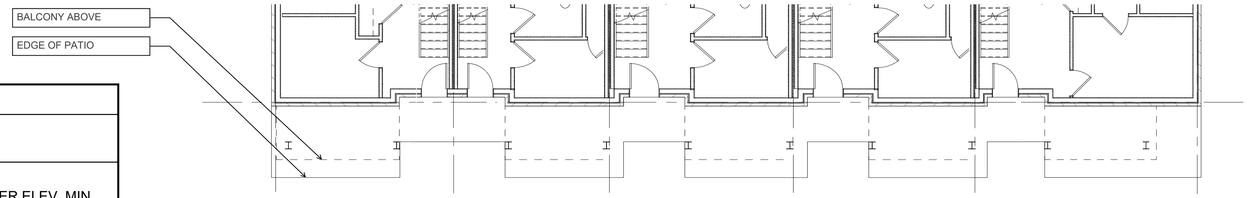


ELEVATION - BUILDINGS 3 & 9, SIDE 'B'
SCALE: 1/8" = 1" - 0"

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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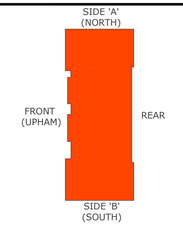
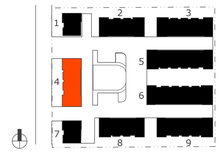
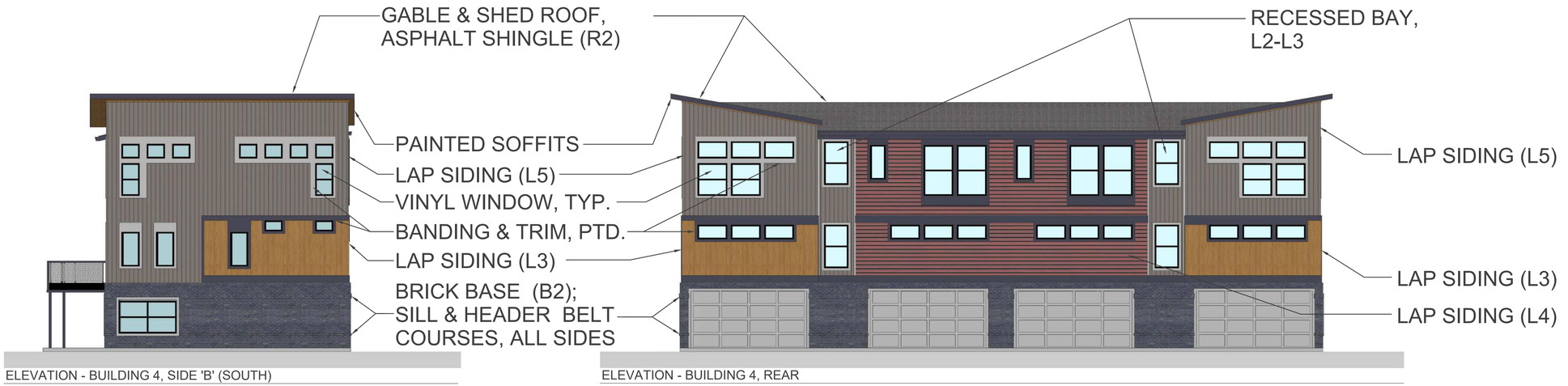
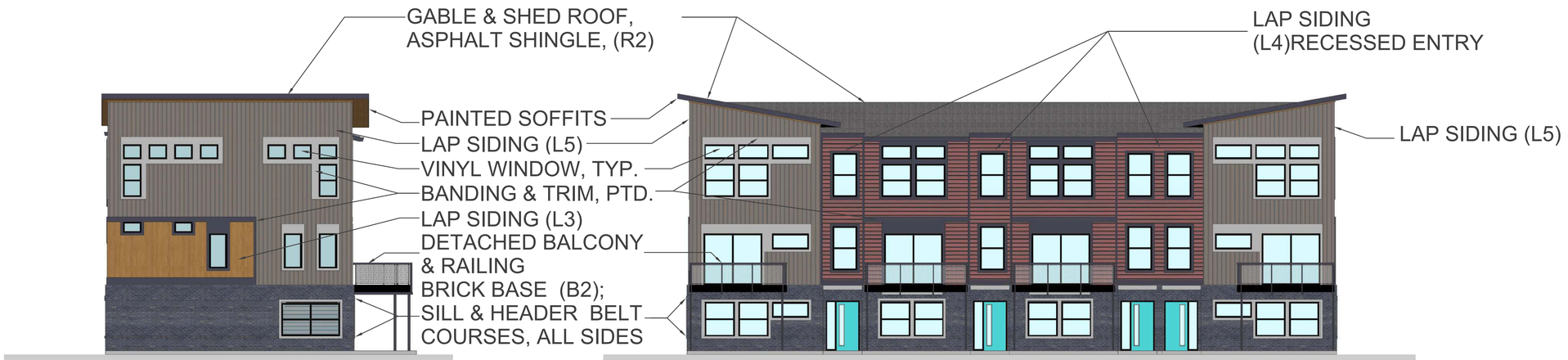






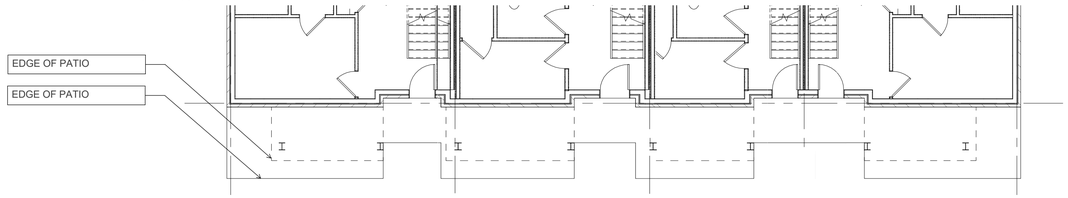
ELEVATION - BUILDING 4, SIDE 'B' (SOUTH)
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDING 4, REAR
SCALE: 1/8" = 1" - 0"



ELEVATION - BUILDING 4, SIDE 'A' (NORTH)
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDING 4, FRONT (UPHAM)
SCALE: 1/8" = 1" - 0"



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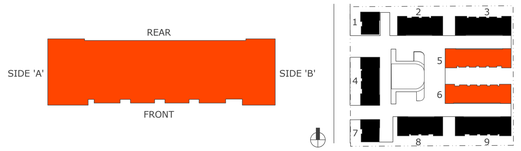
ARCHITECTURAL ELEVATIONS

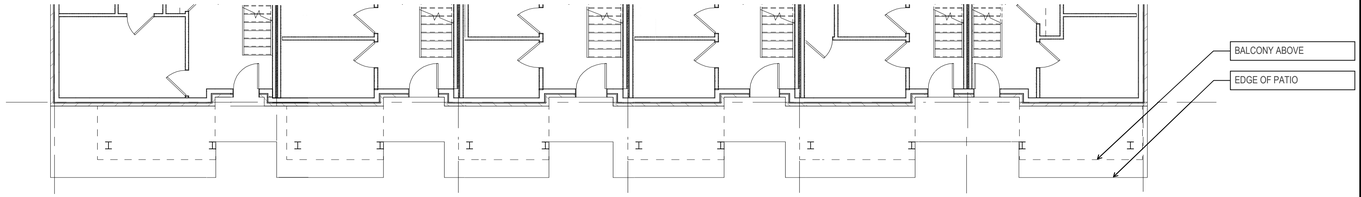


ELEVATION - BUILDINGS 5 & 6, SIDE 'B'
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 5 & 6, REAR
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 5 & 6, SIDE 'A'
SCALE: 1/8" = 1" - 0"

ELEVATION - BUILDINGS 5 & 6, FRONT
SCALE: 1/8" = 1" - 0"



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ARCHITECTURAL ELEVATIONS

PERSPECTIVE - VIEW EAST FROM UPHAM
NTS

PERSPECTIVE - VIEW N.E. FROM UPHAM
NTS

PROJECT NUMBER	UP1801
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SPECIFIC DEVELOPMENT PLAN

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ARCHITECTURAL PERSPECTIVES

PERSPECTIVE - VIEW EAST FROM THE CENTRAL PARK
NTS

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SPECIFIC DEVELOPMENT PLAN

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ARCHITECTURAL PERSPECTIVES

PERSPECTIVE - VIEW NORTHWEST ACROSS THE CENTRAL PARK

NTS

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ARCHITECTURAL PERSPECTIVES

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 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	Gymnocladus 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	Fastigiate 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'	5-8'	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 Columnar 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	Isanti Dogwood	Cornus stolonifera 'Isanti'	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 fruticosa '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 filamentosa '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	Vaiegated 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 'Brunetta'	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
WBH	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)

PROJECT NUMBER	18035
PROJECT DATE	08/20/2018
DESIGNER	JG
REVIEWER	MC

COLORADO REGISTERED PROFESSIONAL ENGINEER
- FOR REVIEW -
- NOT FOR CONSTRUCTION -

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 CORRION, 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

COLORADO 811
KNOW WHAT'S BELOW. CALL BEFORE YOU DIG.
Call 3 business days in advance before you dig, grade, or excavate for the marking of underground member utilities

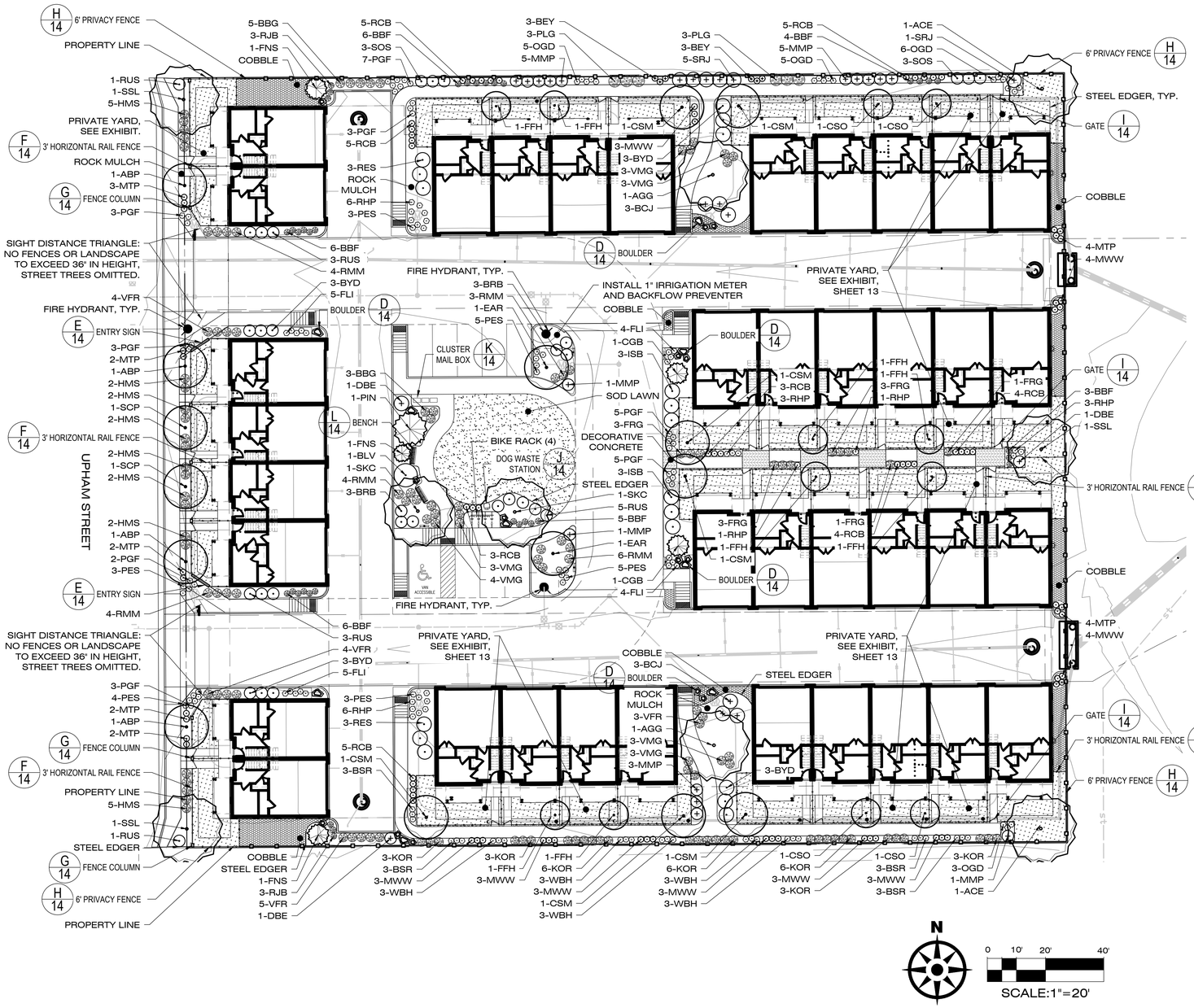
RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

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

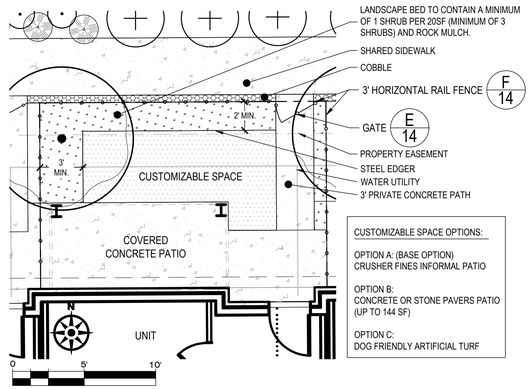


LANDSCAPE LEGEND

(SEE SHEET L1 FOR FULL PLANT LIST)

- DECIDUOUS SHADE TREES
- ORNAMENTAL TREES
- EVERGREEN TREES
- DECIDUOUS SHRUBS
- EVERGREEN SHRUBS
- ORNAMENTAL GRASSES
- PERENNIALS
- BOULDERS
- PRIVATE YARD LANDSCAPING
- SOD
- COBBLE
- 3' FENCE
- 6' PRIVACY FENCE

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.

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PROJECT DATE	08/20/2018
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COLORADO REGISTERED L.A. MATTHEW CORRION PROFESSIONAL ENGINEER

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LANDSCAPE PLAN

RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

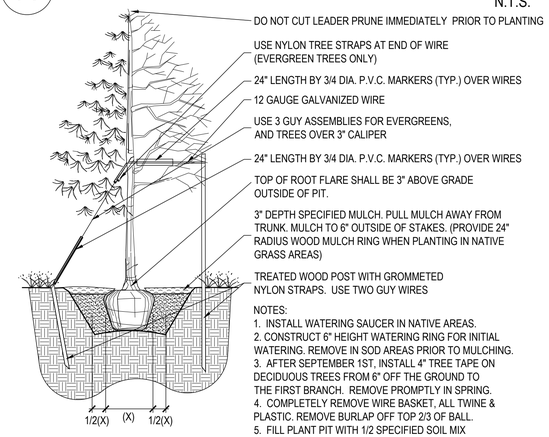
NOT FOR CONSTRUCTION

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

A PLANTING DETAIL FOR ALL TREES & B&B SHRUBS

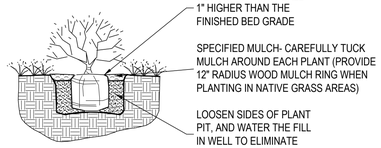
N.T.S.



NOTES:
1. INSTALL WATERING SAUCER IN NATIVE AREAS.
2. CONSTRUCT 6" HEIGHT WATERING RING FOR INITIAL WATERING. REMOVE IN SOD AREAS PRIOR TO MULCHING.
3. AFTER SEPTEMBER 1ST, INSTALL 4" TREE TAPE ON DECIDUOUS TREES FROM 6" OFF THE GROUND TO THE FIRST BRANCH. REMOVE PROMPTLY IN SPRING.
4. COMPLETELY REMOVE WIRE BASKET, ALL TWINE & PLASTIC. REMOVE BURLAP OFF TOP 2/3 OF BALL.
5. FILL PLANT PIT WITH 1/2 SPECIFIED SOIL MIX AND 1/2 PIT SOIL.

B PLANTING DETAIL FOR SHRUBS, AND ALL CONTAINER PLANTS LARGER THAN 1 GALLON

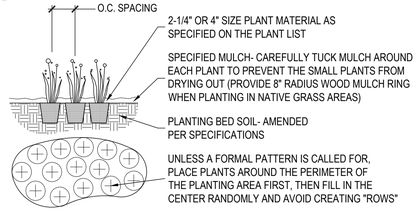
N.T.S.



NOTES:
1. PRUNE ALL DEAD OR DAMAGED BRANCHES PRIOR TO, AND AFTER PLANTING.
2. CRUMBLING OR BROKEN ROOT BALLS WILL BE REJECTED.
3. DIG PLANT PIT TWICE AS WIDE AND HIGH AS CONTAINER.
4. TAKE CARE NOT TO DAMAGE ROOT BALL WHEN REMOVING THE PLANT FROM IT'S CONTAINER.
5. FOR ALL PLANTS IDENTIFIED WITH WATER USE OF "LOW" OR "VERY LOW" ON THE PLANT LIST, KEEP WOOD MULCH 2" BACK FROM TRUNK OR STEM.
6. FILL PLANT PIT WITH 1/2 SPECIFIED SOIL MIX AND 1/2 PIT SOIL.
7. SCORE ROOT BOUND ROOT BALLS TO FREE UP ROOTS.

C PLANTING DETAIL FOR PERENNIALS, ANNUALS, & ALL CONTAINER PLANTS 1 GALLON OR SMALLER

N.T.S.

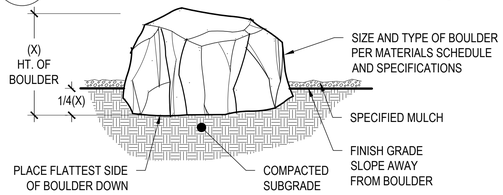


UNLESS A FORMAL PATTERN IS CALLED FOR, PLACE PLANTS AROUND THE PERIMETER OF THE PLANTING AREA FIRST, THEN FILL IN THE CENTER RANDOMLY AND AVOID CREATING "ROWS"

NOTE: IF INDIVIDUAL PLANT LOCATIONS ARE NOT SHOWN ON THE LANDSCAPE PLAN, SPACE PLANTS AT THE O.C. SPACING SHOWN ON THE LANDSCAPE PLANT LIST

D BOULDER

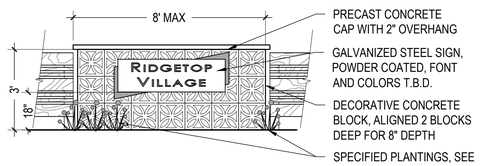
N.T.S.



NOTES:
1. CONTACT LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE PRIOR TO PLACEMENT OF BOULDERS.
2. BURY 1/4 OF THE TOTAL HEIGHT OF EACH BOULDER INTO THE GROUND.
3. PROVIDE POSITIVE DRAINAGE AWAY FROM EACH BOULDER.
4. THOROUGHLY COMPACT, PUDDLE AND STABILIZE BACKFILL, AND SURROUNDING GRADES PRIOR TO COMPLETION.
5. DO NOT PLACE BOULDERS IN FLOWLINE OF SWALES OR ANY LOCATION WHERE DRAINAGE COULD BE INHIBITED BY BOULDERS.

E ENTRY SIGN

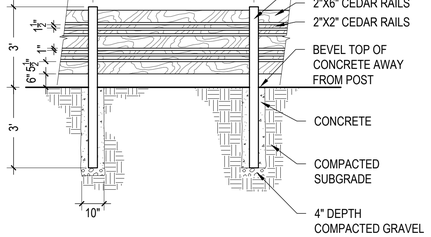
N.T.S.



NOTE:
1. ONLY GALVANIZED AND/OR COATED METALS TO BE USED TO PREVENT RUST STAINS.
2. POWDER COATING COLOR AND FONT TYPE T.B.D.
3. SEE FENCE COLUMN DETAIL (DETAIL G, SHEET 14) FOR FOOTING DETAIL.

F 3' HORIZONTAL RAIL FENCE

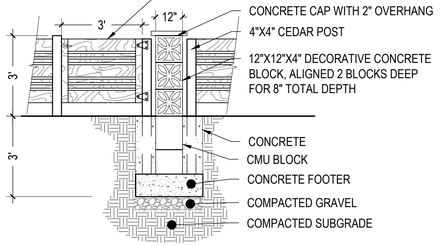
N.T.S.



NOTE:
1. THE SIDE OF FENCE WITH POSTS EXPOSED TO FACE INWARD TOWARD PRIVATE YARDS.

G FENCE COLUMN

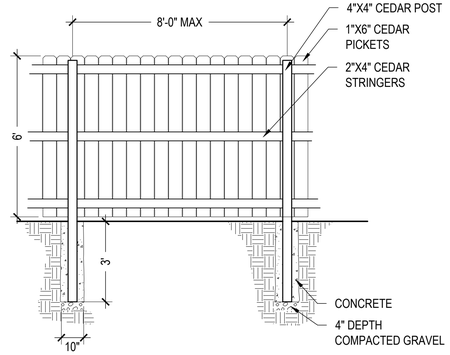
N.T.S.



NOTES:
1. QUANTITY: 9
2. LOCATION: ONLY ALONG UPHAM STREET, SEE SHEET 13
3. THE SIDE OF FENCE WITH POSTS AND HARDWARE EXPOSED TO FACE INWARD TOWARD PRIVATE YARDS.

H 6' PRIVACY FENCE

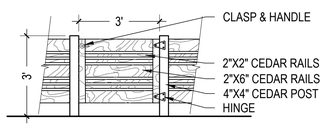
N.T.S.



NOTES:
1. THE SIDE OF FENCE WITH POSTS EXPOSED TO FACE ADJACENT PROPERTIES, NOT INWARD TOWARD DEVELOPMENT.

I GATE

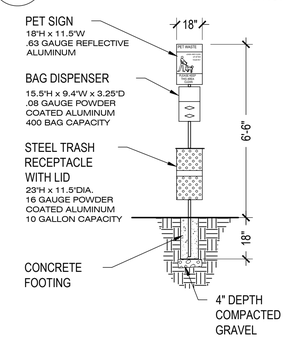
N.T.S.



NOTE:
1. SEE FENCE DETAIL (F/14) FOR FOOTINGS.
2 THE SIDE OF FENCE WITH POSTS AND HINGES EXPOSED TO FACE INWARD TOWARD PRIVATE YARDS.

J DOG WASTE STATION

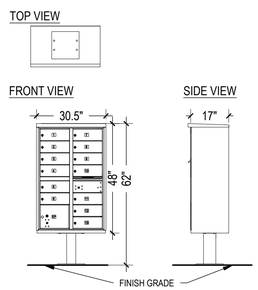
N.T.S.



NOTES:
1. DOGIPOT ALUMINUM PET STATION #17PW-00005
2. ON-LEASH SIGN CHOICE (ITEM #1203/1204)
3. POWDER COATED FOREST GREEN
4. ANCHORED IN CONCRETE

K CLUSTER MAIL BOX

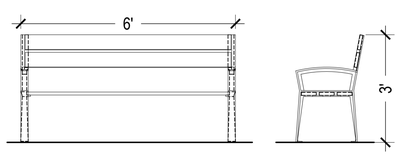
N.T.S.



NOTES:
1. MODEL: #3313 SALSBURY CLUSTER BOX UNIT (F SERIES)
2. QUANTITY: 3
3. COLOR: BRONZE
4. 13 B SIZE DOORS, 1 PARCEL LOCKER, 1 OUTGOING MAIL COMPARTMENT

L BENCH

N.T.S.



NOTES:
1. MODEL: EV26 KEYSTONE RIDGE EVERETT BENCH WITH BACK 6'
2. QUANTITY: 2
3. COLOR: BRONZE POWDER COATED

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DESIGNER	JG
REVIEWER	MC

COLORADO REGISTERED PROFESSIONAL ENGINEER

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SPECIFIC DEVELOPMENT PLAN

RIDGETOP VILLAGE
4000, 4042, 4062, 4066 UPHAM STREET
WHEAT RIDGE, CO 80033
MATT CORRION, 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 DETAILS

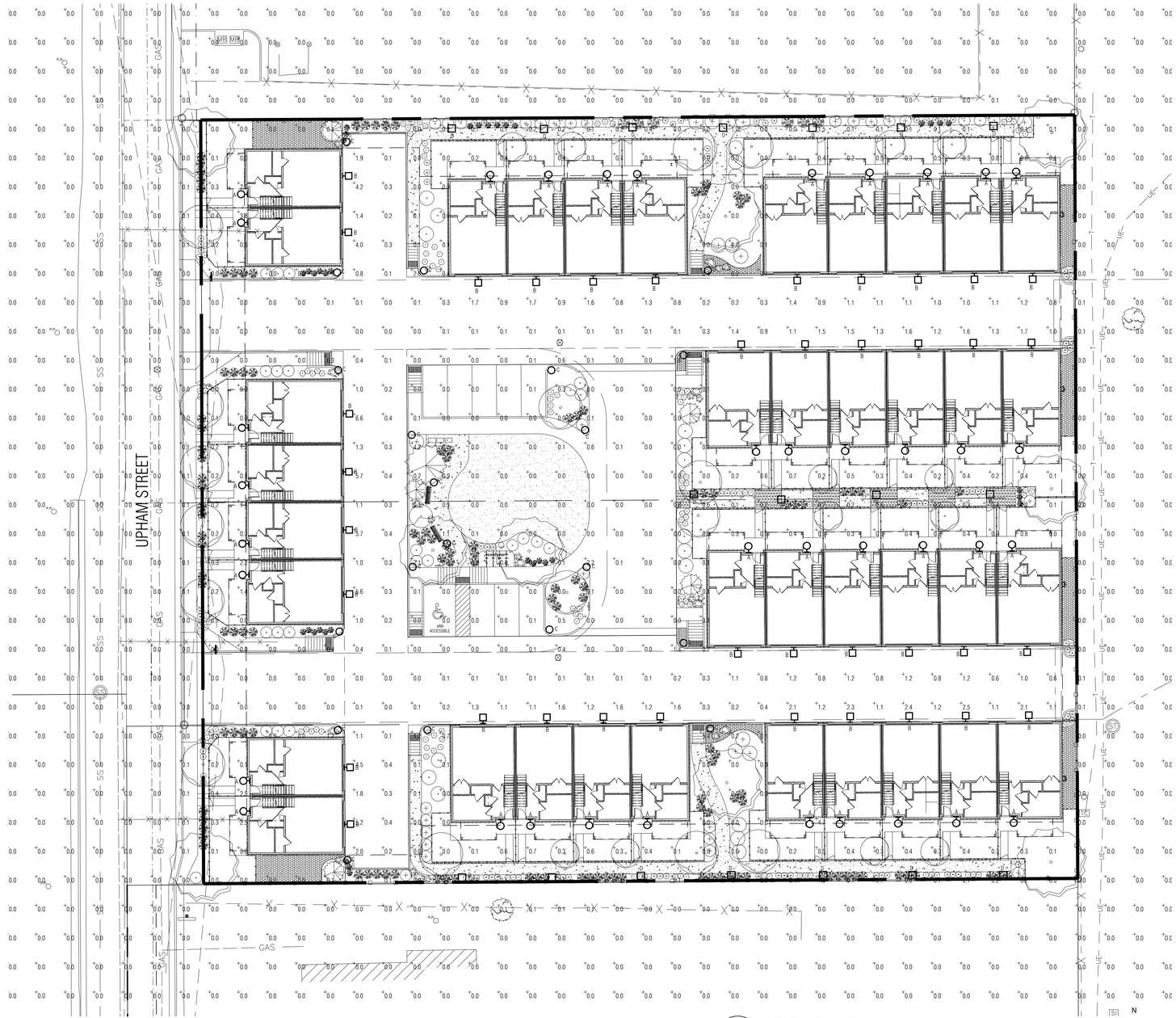
RIDGETOP VILLAGE PLANNED RESIDENTIAL DEVELOPMENT

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	SHARP(8) A032614		LED 3000K PHILIPS	1	1388	0.85	19
	C	20	6643-30BZ	LANDSCAPE BOLLARD LIGHT	NA	1	548.5925	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'
0 5' 10' 20' 40' 60' 80'
N

PROJECT NUMBER	
PROJECT DATE	08/20/2018
DESIGNER	C3S
REVIEWER	TNS

C3S INCORPORATED
CONSULTING ELECTRICAL ENGINEERS
1737 Central Street, Suite 201 Denver, CO 80211
T: 303.480.5144 www.c3sengineeringinc.com

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
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 PHOTOMETRIC 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

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
- Luminaire 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-220V-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	6"	16.5W	1165	850	**BZ** Bronze **GH** Graphite

WS – W65607 – ☐

Example: **WS-W65607-BZ**

waclighting.com
Phone (800) 526.2588
Fax (800) 526.2585

Headquarters/Eastern Distribution Center
44 Harbor Park Drive
Port Washington, NY 11050

Central Distribution Center
1600 Distribution Ct
Lithia Springs, GA 30122

Western Distribution Center
1750 Archibald Avenue
Ontario, CA 91760

WAC Lighting retains the right to modify the design of our products at any time as part of the company's continuous improvement program.

TYPE A

MOUNTED AT 8'-0" AT FRONT DOOR

FIN - model: WP-LED1
Endurance Wallpack

WAC LIGHTING
Responsible Lighting®

IP66 WET

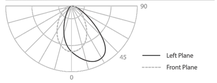
Fixture Type:
Catalog Number:
Project:
Location:

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 HID	**30**	3000K	1390	1030	**aBZ**	Architectural Bronze
				50	5000K	1460	1048	**aGH**	Architectural Graphite
	WP-LED127	27W	70W HID	**30**	3000K	2075	1461	**aWT**	Architectural White
				50	5000K	2135	1467		
	WP-LED135	35W	100W HID	**30**	3000K	2750	1930		
				50	5000K	2825	1921		

☐ – ☐ – ☐

Example: **WP-LED119-50-BZ**

ACCESSORIES

Motion Sensor (120V)

MS-120-BZ Bronze
MS-120-GY Gray
MS-120-WT White

Photo Sensor (120V)

PC-120-BZ Bronze
PC-120-GY Gray
PC-120-WT White

WAC Lighting
www.waclighting.com
Phone (800) 526.2588 • Fax (800) 526.2585

Headquarters/Eastern Distribution Center
44 Harbor Park Drive • Port Washington, NY 11050
Phone (516) 515.5000 • Fax (516) 515.5050

Western Distribution Center
1750 Archibald Avenue • Ontario, CA 91760
Phone (800) 526.2588 • Fax (800) 526.2585

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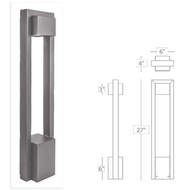
TYPE B

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)

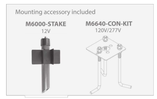
SPECIFICATIONS
6641
Input: 9-15VAC (Transformer is required)
Power: 5.5W / 6.0VA
Brightness: Up to 150 lm
CRI: 90
Rated Life: 60,000 hours
Dimming: MLV dimming only

6642
Input: 120V
Power: 12.5W
Brightness: Up to 390 lm
CRI: 90
Rated Life: 60,000 hours
Dimming: TRIAC or ELV dimming

6643
Input: 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*

Mounting accessory included



6643-____BZ

Example: **6643-30BZ**

waclighting.com
Phone (800) 526.2588
Fax (800) 526.2585

Headquarters/Eastern Distribution Center
44 Harbor Park Drive
Port Washington, NY 11050

Central Distribution Center
1600 Distribution Ct
Lithia Springs, GA 30122

Western Distribution Center
1750 Archibald Avenue
Ontario, CA 91760

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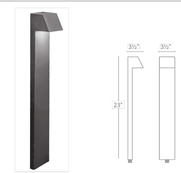
TYPE C

LOCATED IN MAIN AREAS AND AT PARK

QUAD LED PATH LIGHT
6091

WAC
LANDSCAPE LIGHTING

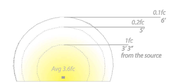


Fixture Type:
Catalog Number:
Project:
Location:

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
Input: 9-15VAC (Transformer is required)
Power: 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**

waclighting.com
Phone (800) 526.2588
Fax (800) 526.2585

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44 Harbor Park Drive
Port Washington, NY 11050

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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

PROJECT NUMBER	
PROJECT DATE	08/20/2018
DESIGNER	C3S
REVIEWER	TNS

C3S INCORPORATED
CONSULTING ELECTRICAL ENGINEERS
1737 Central Street, Suite 201 Denver, CO 80211
T: 303.480.5144 www.c3sengineeringinc.com

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
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	01/032019

LIGHTING SPECIFICATIONS

EXHIBIT 9: RENDERINGS

Looking east from the park at front yards

Looking north east from Upham Street

Looking southeast from the northern entrance drive

EXHIBIT 10: SUBDIVISION PLAT

see attached

RIDGETOP VILLAGE SUBDIVISION FILING NO. 1

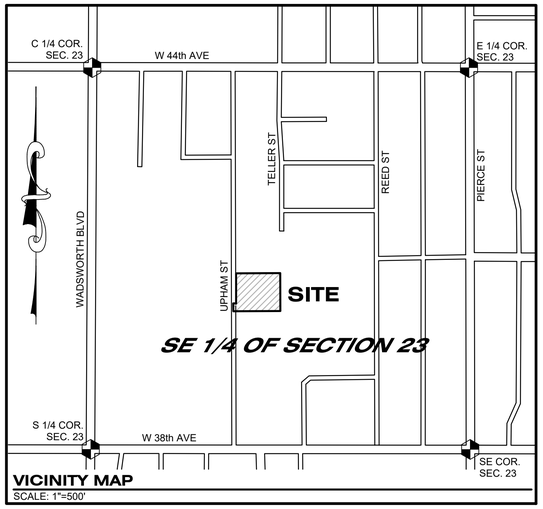
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

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	1,165	0.0267
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*	*0.8226*



VICINITY MAP
SCALE: 1"=500'

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 _____)
)SS
COUNTY OF _____)

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:

1. 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.
2. VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. 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:

1. 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.
2. 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.
3. 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.
4. THIS SITE IS CURRENTLY ZONED: R-3 (RESIDENTIAL 3) PER THE CITY OF WHEAT RIDGE.
5. THE ADDRESSES OF THE SURVEYED PROPERTY ARE 4000, 4042, 4062 & 4066 UPHAM STREET. THE PROPERTY WILL BE READDRESSED PRIOR TO BUILDING PERMIT.
6. 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.
7. 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.
8. 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.
9. TRACT I IS HEREBY DEDICATED AS PUBLIC RIGHT-OF-WAY.
10. INDIVIDUAL TOWNHOUSE LOTS SHALL NOT BE DEVELOPED FOR ANY PURPOSE OTHER THAN TOWNHOMES.
11. 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.
12. 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.

ESC ENGINEERING SERVICE COMPANY
Creative Solutions Since 1954
CIVIL ENGINEERS | LAND SURVEYORS
14190 East Evans Avenue
Aurora, Colorado 80014
engineeringserviceco.com
P 303.337.1393
F 303.337.7481
T/F 1.877.273.0659

Survey No.:	Project No.:	Date:	Revised:
18159-P	*1313.1*	*10/04/2018*	*12/27/2018*

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 BIDING 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 RECORDER'S 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

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

2 12 30
0 6 20 40
Scale: 1" = 20'

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. — RIGHT-OF-WAY
- L.S. NO. — LAND SURVEYOR NUMBER
- SECTION CORNER
- SET 3/4"x30" PIN & 2" ALUMINUM CAP L.S. NO. 33202 UNLESS OTHERWISE NOTED

C 1/4 CORNER OF SECTION 23, T.3S., R.69W., OF THE 6TH P.M. (FOUND 3 1/4" BRASS CAP L.S. NO. 13212 IN RANGE BOX.) WHEAT RIDGE POINT #14709 LAT: 39°46'35.8539" N LONG: 105°04'53.1524" W STATE PLANE COORDINATES N: 1708037.64; E: 3117648.92 WHEAT RIDGE CITY DATUM N: 708468.52; E: 118435.38

NORTH LINE OF THE SE 1/4 OF SECTION 23, T.3S. ,R.69W., OF THE 6TH P.M.
WEST 44TH AVENUE (PUBLIC R.O.W. VARIES)
N89°41'34"E 2627.84' — 1313.92'

CALCULATED SE 1/16 CORNER OF SECTION 23, T.3S., R.69W., OF (SET 3/4"x30" REBAR & 3 1/4" ALUMINUM CAP L.S. NO. 33202) STATE PLANE COORDINATES N: 1706723.12; E: 3118967.86 WHEAT RIDGE CITY DATUM N: 707153.66; E: 119754.67 ELEVATION:

1322.53' — N89°39'59"E 1315.37' — 1313.92' — S00°14'00"E 1321.92' — S41°56'16"W 1969.91' — N89°39'5"E 1315.37' — 1321.31' — 132.00' S00°14'00"E

POINT OF COMMENCEMENT
E 1/4 CORNER OF SECTION 23, T.3S., R.69W., OF THE 6TH P.M. (FOUND 3 1/4" BRASS CAP L.S. NO. 13212 IN RANGE BOX.) WHEAT RIDGE POINT #14809 LAT: 39°46'35.8741" N LONG: 105°04'19.5029" W STATE PLANE COORDINATES N: 1708051.74; E: 3120276.06 WHEAT RIDGE CITY DATUM N: 708482.61; E: 121063.18

POINT OF BEGINNING
N: 707021.66
E: 119755.20

N:707019.90
E:119452.82

UNPLATTED (REC. NO. 2018003341) ZONED: R3
N89°39'59"E 308.89'

WEST LINE OF THE SE 1/4 OF SECTION 23, T.3S., R.69W., OF THE 6TH P.M. — N00°10'14"W 2645.05'

WADSWORTH BOULEVARD (PUBLIC R.O.W. VARIES)

UPHAM STREET (PUBLIC R.O.W. VARIES)

UNPLATTED ZONED: R2

N00°13'09"W 209.63'

N00°13'09"W 264.63'

N00°13'09"W 55.00'

N89°39'47"E 20.00'

20.00' — 20.00' — 40.00'

6.50' — 1.89' — 47.11' — 5.08'

TRACT B — N89°46'47"E 22.00' — N89°39'53"E 94.13' — N89°39'09"E 100.27' — N00°20'51"W 7.74' — 14.26'

LOT 1 1,435 SQUARE FEET 0.0329 ACRES — N00°19'11"W 47.41' — 30.43' — N00°13'13"W 30.52' — N00°13'13"W 46.20'

LOT 2 957 SQUARE FEET 0.0220 ACRES — 55.28' — 16.98' — N89°46'47"E 47.05' — S39°54'58"E 4.50' — N89°46'47"E 44.15' — N89°39'08"E 45.01' — 0.30'

TRACT A 313 SQUARE FEET 0.0072 ACRES — 25.00'

6.5' R.O.W. HEREBY DEDICATED BY THIS PLAT

N00°13'13"W 20.75' — N00°13'13"W 46.63' — 5.08'

Δ=89°52'21" R=4.00' L=6.27' Chd=N44°42'58"E 5.65'

Δ=90°07'39" R=3.00' L=4.72' Chd=S45°17'02"E 4.25' — N89°46'47"E 3.98'

TRACT C 20,999 SQUARE FEET 0.4821 ACRES

Δ=89°52'21" R=3.00' L=4.71' Chd=N44°52'21"E 4.24'

TRACT B 3,388 SQUARE FEET 0.0778 ACRES — N89°39'08"E 224.42'

TRACT B — N89°39'08"E 135.44' — 26.00'

N89°39'08"E 92.98' — 1.51'

TRACT D 1,073 SQUARE FEET 0.0246 ACRES — N89°39'08"E 44.98' — S00°20'59"E 5.00' — 0.54' — N89°46'47"E 40.66' — N56°21'42"E 7.62'

Δ=90°07'39" R=4.00' L=6.29' Chd=S45°17'02"E 5.66'

LOT 12 1,047 SQUARE FEET 0.0240 ACRES — 18.35' — 22.55' — N89°46'47"E 47.02'

LOT 13 940 SQUARE FEET 0.0216 ACRES — 20.00' — 20.00' — 86.00' — N89°46'47"E 47.02'

EXISTING PARCEL LINE HEREBY REMOVED BY THIS PLAT

TRACT E 8,740 SQUARE FEET 0.2006 ACRES — 94.00'

LOT 14 940 SQUARE FEET 0.0216 ACRES — 104.00' — N89°46'47"E 47.02'

LOT 15 1,048 SQUARE FEET 0.0241 ACRES — 18.46' — 22.56' — N56°29'15"W 7.39' — N89°46'47"E 40.87' — 0.34'

Δ=89°52'21" R=4.00' L=6.27' Chd=N44°42'58"E 5.65'

TRACT D — N89°39'08"E 45.02' — N00°20'52"W 5.00'

N89°39'08"E 92.98' — 1.49'

Δ=90°07'39" R=3.00' L=4.72' Chd=S45°17'02"E 4.25'

N89°46'47"E 3.98' Δ=89°52'21" R=3.00' L=4.71' Chd=N44°42'58"E 4.24'

TRACT C 20,999 SQUARE FEET 0.4821 ACRES — N89°39'08"E 224.47'

EXISTING PARCEL LINE HEREBY REMOVED BY THIS PLAT

TRACT G 319 SQUARE FEET 0.0073 ACRES — N89°39'08"E 44.99' — 0.46'

Δ=90°07'39" R=4.00' L=6.29' Chd=S45°17'02"E 5.66'

TRACT I 2,820 SQUARE FEET 0.0647 ACRES — N89°46'47"E 44.15' — N39°28'33"E 4.49'

LOT 28 957 SQUARE FEET 0.0220 ACRES — 16.99' — 20.45' — N89°46'47"E 47.02'

LOT 29 1,434 SQUARE FEET 0.0329 ACRES — 55.35' — 30.54' — N00°13'14"W 47.53' — 1.98'

R.O.W. HEREBY DEDICATED BY THIS PLAT — 26.50'

N00°13'13"W 30.45' — N00°13'13"W 45.99' — N00°13'13"W 46.56'

TRACT H 3,311 SQUARE FEET 0.0760 ACRES — N89°39'08"E 95.27'

TRACT H — N00°20'43"W 7.41' — 18.22'

N89°37'49"E 94.20' — N89°46'47"E 22.00' — 5.36' — 47.02' — 20.00' — N:706755.27 E:119453.83 — 235.24'

N:706757.05 E:119756.28

S89°39'47"W 328.96'

UNPLATTED (REC. NO. F1001145) ZONED: R3

UNPLATTED (REC. NO. 05930068) ZONED: R3

LOT 16 1,168 SQUARE FEET 0.0268 ACRES — 7.36' — 22.55' — N00°20'52"W 30.22' — N89°52'37"E 4.81' — 27.43'

LOT 17 959 SQUARE FEET 0.0220 ACRES — N00°20'52"W 47.98'

LOT 18 959 SQUARE FEET 0.0220 ACRES — N00°20'52"W 47.95'

LOT 19 949 SQUARE FEET 0.0218 ACRES — N00°20'52"W 47.93'

LOT 20 956 SQUARE FEET 0.0220 ACRES — N00°20'52"W 47.92'

LOT 21 1,270 SQUARE FEET 0.0292 ACRES — 25.52' — 54.40' — N00°18'55"W 3.50'

TRACT F 1,698 SQUARE FEET 0.0390 ACRES — N89°36'37"E 118.74' — N89°36'37"E 118.77' — N89°36'37"E 14.11'

LOT 22 1,063 SQUARE FEET 0.0244 ACRES — 25.22' — 20.45' — N00°20'52"W 30.99' — S89°40'58"W 4.78' — 7.44' — N00°19'13"W 17.01'

LOT 23 961 SQUARE FEET 0.0221 ACRES — 20.00' — N00°20'52"W 48.04'

LOT 24 961 SQUARE FEET 0.0221 ACRES — 20.00' — N00°20'52"W 48.05'

LOT 25 961 SQUARE FEET 0.0221 ACRES — 20.00' — N00°20'52"W 48.07'

LOT 26 961 SQUARE FEET 0.0221 ACRES — 20.00' — N00°20'52"W 48.08'

LOT 27 1,377 SQUARE FEET 0.0316 ACRES — 13.55' — N00°19'13"W 3.50' — 51.60'

S00°14'00"E 264.61' — EAST LINE OF THE E 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 23, T.3S., R.69W., OF THE 6TH P.M. — 1321.31'

PIERCE STREET (PUBLIC R.O.W. VARIES)

LOT 30 1,182 SQUARE FEET 0.0271 ACRES — 7.38' — 22.55' — N00°20'52"W 30.59' — N89°39'09"E 6.45' — 29.00'

LOT 31 960 SQUARE FEET 0.0218 ACRES — 20.00' — N00°20'52"W 47.53'

LOT 32 960 SQUARE FEET 0.0218 ACRES — 20.00' — N00°20'52"W 47.52'

LOT 33 1,052 SQUARE FEET 0.0242 ACRES — 20.45' — N00°20'52"W 30.50' — S89°39'09"W 4.75' — 25.20'

LOT 34 1,063 SQUARE FEET 0.0245 ACRES — 26.01' — 20.45' — N00°20'52"W 30.25' — N89°39'08"E 5.52' — 25.97'

LOT 35 960 SQUARE FEET 0.0218 ACRES — 20.00' — N00°20'52"W 47.50'

LOT 36 960 SQUARE FEET 0.0218 ACRES — 20.00' — N00°20'52"W 47.50'

LOT 37 960 SQUARE FEET 0.0218 ACRES — 20.00' — N00°20'52"W 47.50'

LOT 38 1,445 SQUARE FEET 0.0332 ACRES — 27.63' — 9.30' — 54.91'

S00°14'00"E 925.30' — N85°13'24"W 1607.74'

N89°12'50"W 1771.25'

S37°08'22"W 2164.61'

(BASIS OF BEARINGS) S00°11'47"E 2642.62'

WEST 38TH AVENUE (PUBLIC R.O.W. VARIES)
S89°38'24"E 2633.65' — SOUTH LINE OF THE SE 1/4 OF SECTION 23, T.3S. ,R.69W., OF THE 6TH P.M.
1316.83' — 1316.83'

S 1/4 CORNER OF SECTION 23, T.3S., R.69W., OF THE 6TH P.M. (FOUND 3 1/4" BRASS CAP L.S. NO. 13212 IN RANGE BOX.) WHEAT RIDGE POINT #15709 LAT: 39°46'09.7205" N LONG: 105°04'53.2076" W STATE PLANE COORDINATES N: 1705393.28; E: 3117656.79 WHEAT RIDGE CITY DATUM N: 705823.48; E: 118443.25

SE CORNER OF SECTION 23, T.3S., R.69W., OF THE 6TH P.M. (FOUND 3 1/4" BRASS CAP L.S. NO. 13212 IN RANGE BOX.) WHEAT RIDGE POINT #15809 LAT: 39°46'09.7639" N LONG: 105°04'19.4871" W STATE PLANE COORDINATES N: 1705409.82; E: 31120289.73 WHEAT RIDGE CITY DATUM N: 705840.03; E: 121076.85

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T/F 1.877.273.0659

Survey No.:	Project No.:	Date:	Revised:
18159-P	1313.1	10/04/2018	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

PROPOSED LOT LAYOUT
SHEET 2 OF 3

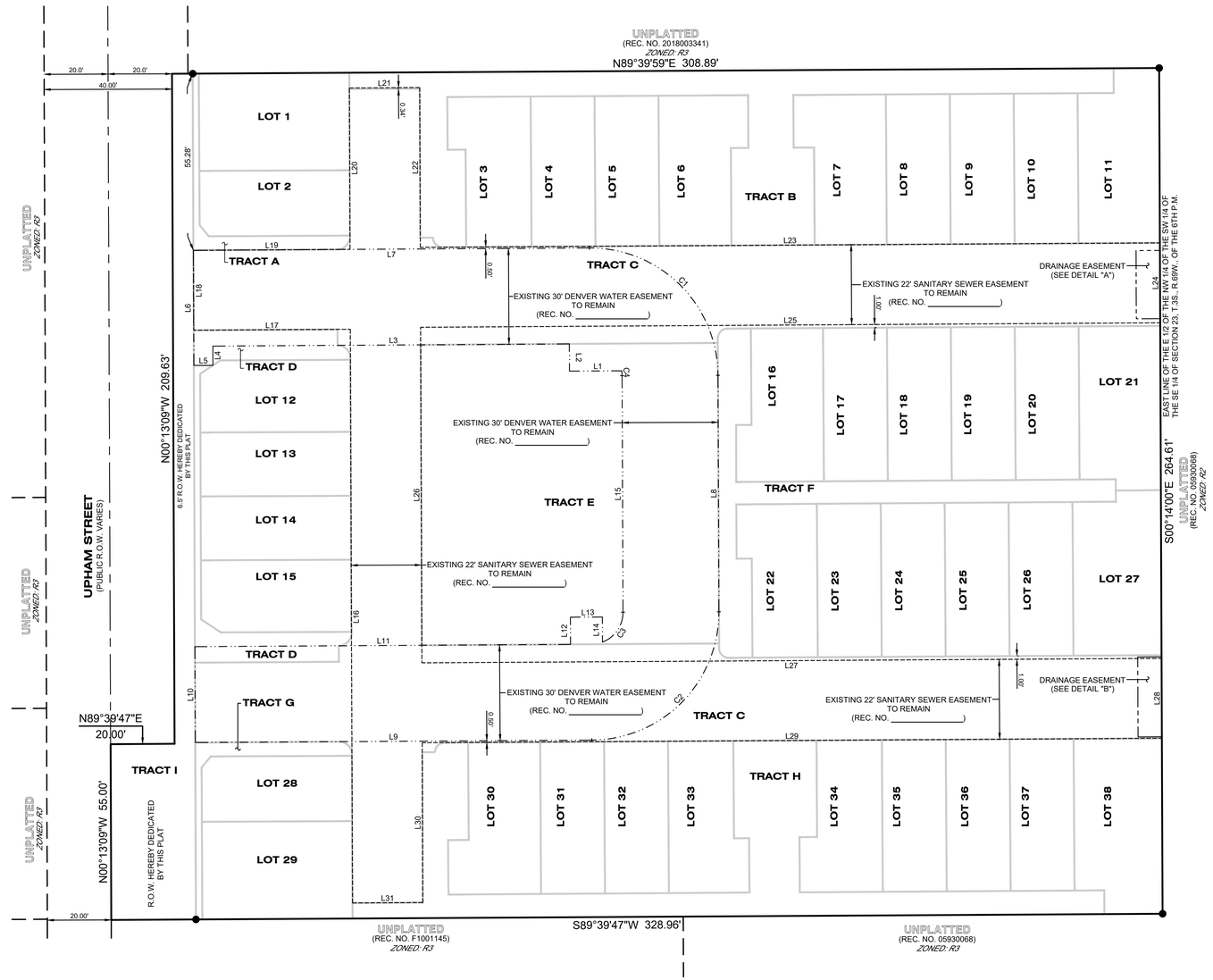
RIDGETOP VILLAGE SUBDIVISION FILING NO. 1

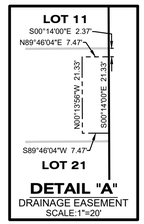
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

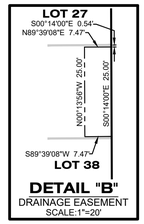
2 12 30
0 6 20 40
Scale: 1" = 20'

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°39'08"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.:	Project No.:	Date:	Revised:
18159-P	1313.1	10/04/2018	12/27/2018

REVISION BLOCK

INITIAL PREPERATION	10/24/18
1ST REVISION	11/29/18
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CASE HISTORY
WZ-18-17
WZ-18-18
WS-18-02

EASEMENT LAYOUT
SHEET 3 OF 3

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

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 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.)

ATTACHMENT 3

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 Ridgetop 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 t 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 21and 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

City of Wheat Ridge
CITY COUNCIL DISTRICT II

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.

ATTACHMENT 4

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 (the 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

Janeece 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

City of Wheat Ridge

ITEM NO: 6.
DATE: May 13, 2019

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.

On April 8, 2019, a public hearing was conducted for this request, but there was no vote on this resolution after the rezoning (Council Bill 02-2019) failed to be approved. If the zoning is approved upon reconsideration, a vote will be required for this SDP.

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 13th day of May, 2019.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

ITEM NO: 7.
DATE: May 13, 2019

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.

On April 8, 2019, a public hearing was conducted for this request, but there was no vote on this resolution after the rezoning (Council Bill 02-2019) failed to be approved. If the zoning is approved upon reconsideration, a vote will be required for this 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 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.

ATTACHMENT 1

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 13th day of May, 2019.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ITEM NO: 8.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 06-2019 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 3300 AMES STREET FROM RESIDENTIAL-THREE (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-18-25 / FEASTER)

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

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☐ ORDINANCES FOR 1ST READING (04/22/2019)
☒ ORDINANCES FOR 2ND READING (05/13/2019)

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 (ODP) for property located at 3300 Ames Street (northeast corner of W. 33rd Avenue and Ames Street). The purpose of this request is to prepare the property for the development of two duplexes.

PRIOR ACTION:
Planning Commission heard the request at a public hearing on April 4, 2019, and recommended approval of 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. The minimum lot area shall be revised to 8,425 square feet.

The minor correction has been addressed, so the first condition is not included in City Council's recommended motion. The staff report and meeting minutes from the April 4 Planning Commission meeting are enclosed.

FINANCIAL IMPACT:

Fees in the amount of $1,079 were collected for the review and processing of Case No. WZ-18-25. If approved, parkland dedication fees in lieu will be paid through the subdivision review process. Building permit and plan review fees, along with building use tax will be paid as part of the issuance of building permits.

BACKGROUND:

The subject property is located at the northeast corner of W. 33rd Avenue and Ames Street at 3300 Ames Street. The property is approximately four-tenths of an acre in size. Currently the property is vacant. Ownership of the subject property has transferred several times in recent years. The site consists of four parcels: two developable lots and two tracts from the vacated alley previously located between Ames Street and Sheridan Boulevard.

Surrounding Land Uses

The property is currently zoned Residential-Three (R-3). The properties to the north and south are also zoned R-3; the lot to the north contains a three-story apartment building. Properties across Ames Street to the west, and properties further to the south, are zoned Residential-One C (R-1C) which permits small-lot single-family homes. There is a senior living facility to the east of the property which is zoned Neighborhood Commercial (NC). There is a mix of single-family and multi-family uses in the immediate surrounding area.

Current and Proposed Zoning

The property is currently zoned Residential-Three (R-3), which permits medium-density residential development, ranging from single-family to multi-unit developments up to 12 units per acre. If the subject property were consolidated into a single parcel, the current zoning would allow up to five (5) townhome units. The applicant wants to develop two duplexes, so a total of four (4) units; however, that cannot be accommodated in R-3 because of minimum lot size requirements.

The applicant is therefore requesting the property be rezoned to Planned Residential Development to facilitate the development of two duplexes. The request is essentially a downzone. They have proposed to limit the allowed uses to single-family and two-family uses. The proposed density is

9.29 units per acre, which is a lower allowance than the 12 units per acre allowed under the current R-3 zoning. The PRD also establishes a lower maximum building height, and a smaller lot size and width than R-3.

Outline Development Plan
The proposed Planned Residential Development (PRD) zoning and Outline Development Plan are intended to accommodate two duplexes for a total of four units. Each of the units will have a detached, rear-loaded two-car garage. Access will be provided from a shared driveway off of W. 33rd Avenue. In general, the development standards follow the R-3 standards with some modifications to accommodate smaller lot development and in response to the surrounding multi-family, institutional, and small lot single-family uses. In the spirit of providing high quality development through a PRD, the project proposes reduced building height, increased open space, and architectural standards.

The proposed development standards are analyzed in more detail on pages 3 and 4 of the Planning Commission staff report. The request complies with the zone change criteria in Section 26-303 of the City 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 a compatible land use and density with the surrounding land uses, and the investment contributes to a variety of housing types in the area. The zoning and new housing stock will likely add value to the area. The site design, setbacks, reduced building heights, and enhanced open space will add visual interest. The proposed zoning complies with safety and access requirements from the fire district. It arguably provides a more compatible land use for the area than alternatives allowed under the current R-3 zoning, such as a five-unit townhome development.

- **The development proposed on the subject property is not feasible under any other zone district.** – The R-3 requirement for 9,000 square feet of lot area and 75 feet of lot width for duplexes would not permit two duplexes to be built under the current zoning. However, because the site is larger than 12,500 square feet and greater than 100 feet wide, it is eligible for up to five attached townhome units. Developing two duplexes under the R-3 standards would require lot width variances, plus lot size variances since the required water quality tract is subtracted from the duplex lot areas. The PRD zoning is necessary to avoid an unreasonable number of variances.

  The density proposed is one unit less than what would be allowed under the R-3 zoning, but the R-3 zoning does not accommodate the smaller lot and smaller scale construction for duplexes that is proposed. Given the proposed use, the surrounding conditions, and the requirement for a water quality tract, the PRD zoning is the most appropriate zone change option. It will also allow the applicant to commit to enhanced architecture and landscaping not normally required in other zone districts, including R-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.** – 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." With single family homes, mid-century apartments, and age-restricted facilities, the area already has a diversity of housing options. The provision of a duplex introduces a complementary option that reflects this key value of the comprehensive plan.

  The site is located in the "neighborhood buffer" designation area, which encompasses the east side of Ames Street parallel to Sheridan Boulevard. The neighborhood buffer area encourages improvement of underutilized properties, including a mix of residential uses. The proposed zone change is consistent with the neighborhood buffer designation, and the duplex project supports the City's stated goals of increasing options for homeownership and attracting a range of household types. It will act as a transition from the higher-intensity Sheridan Boulevard to the lower-intensity single-family uses to the east and south. It will also facilitate development of a long-vacant lot.

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. In this case, the applicant is requesting concurrent review of the ODP and SDP.

Both applications will be presented together at the public hearing. The SDP is described in the following Council Action Forms that accompany Resolution No. 30-2019.

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

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

Per City Code, the City Council shall use the criteria in Section 26-603 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. 06-2019 an ordinance approving the rezoning of property located at 3300 Ames 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 recommendations of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-603 of the Code of Laws.

Or,

"I move to deny Council Bill No. 06-2019, an ordinance approving the rezoning of property located at 3300 Ames 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:

Scott Cutler, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 06-2019
2. PC Staff Report
3. PC Minutes

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER KUETER
COUNCIL BILL NO. 06
ORDINANCE NO. _____
Series of 2019

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 3300 AMES STREET FROM RESIDENTIAL-THREE (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH AN OUTLINE DEVELOPMENT PLAN (ODP) (CASE NO. WZ-18-25 / FEASTER)

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, Ames Partners LLC submitted a land use application for approval of a zone change to the Planned Residential Development (PRD) District for property at 3300 Ames Street; and,

WHEREAS, the City of Wheat Ridge has adopted a Comprehensive Plan, Envision Wheat Ridge, which calls for vibrant neighborhoods and diversification of housing stock and household types; and,

WHEREAS, the proposed duplex development is more compatible with the area than alternatives otherwise allowed under the current zoning; and,

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

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on April 4, 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 Ames Partners, LLC for approval of a zone change ordinance from Residential-Three (R-3) to Planned Residential Development (PRD) for property located at 3300 Ames 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:

LOTS 10 AND 11 TOGETHER WITH THE 1/2 OF THE VACATED ALLEY ADJOINING SAID LOTS, A RESUBDIVISION OF BLOCK 5 OF COLUMBIA HEIGHTS, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE EAST 1/2 OF THE VACATED ALLEY ADJOINING LOTS 12 AND 13, A SUBDIVISION OF BLOCK 5 COLUMBIA HEIGHTS, AS VACATED BY

INSTRUMENT RECORDED JULY 1ST 1957 IN BOOK 1068 PAGE 60, 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 22nd day of April 2019, ordered it published with Public Hearing and consideration on final passage set for **Monday, May 13, 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.

_____
William "Bud" Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved as to Form

_____

Gerald Dahl, City Attorney

1st publication: April 25, 2019
2nd publication:
Wheat Ridge Transcript:
Effective Date:

CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT

TO:	Planning Commission	**MEETING DATE:**	April 4, 2019
CASE MANAGER:	Scott Cutler		
CASE NO. & NAME:	WZ-18-25 & WZ-18-26 / Ames Partners PRD		
ACTION REQUESTED:	Approval of a zone change from Residential-Three (R-3) to Planned Residential Development with approval of an Outline Development Plan (ODP) and Specific Development Plan (SDP) for the development of two duplexes.		
LOCATION OF REQUEST:	3330 Ames (Northeast corner of W. 33rd Avenue and Ames Street)		
APPLICANT/OWNER (S):	Ames Partners LLC (Jay Feaster)		
APPROXIMATE AREA:	18,762 square feet (0.43 acres)		
PRESENT ZONING:	Residential-Three (R-3)		
COMPREHENSIVE PLAN:	Neighborhood Buffer Area		

ENTER INTO RECORD:

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

Location Map

ATTACHMENT 2

JURISDICTION:

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

I. REQUEST

Case No. WZ-18-25 is an application for approval of a zone change with an Outline Development Plan (ODP) and Specific Development Plan (SDP) for property located at the northeast corner of W. 33rd Avenue and Ames Street. The purpose of the request is to change the zoning from Residential-Three (R-3) to Planned Residential Development (PRD) to allow for the construction of two duplexes.

Rezoning to a planned development in the City of Wheat Ridge entails approval of two documents. The first is the Outline Development Plan (ODP). The approval of the ODP 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. Case No. WZ-18-26 is the application for approval of the SDP.

Section 26-302 of the Municipal Code allows for concurrent *or* sequential applications for the ODP and SDP. In this case, the applicant is requesting concurrent review of the ODP and SDP. Because of this, the City Council is the final approving body for both documents.

In addition, a minor subdivision plat is being processed for the site, Case No. MS-18-07, which is required to be reviewed by Planning Commission. The plat is currently under review by staff and will track behind the ODP/SDP in public hearings; Planning Commission will review the plat at a later hearing after City Council has reviewed the zone change request.

II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located in southeast Wheat Ridge, on the northeast corner of W. 33rd Avenue at Ames Street. Sheridan Boulevard is located half a block to the east. The site is vacant and was previously owned by the apartment building to the north (*Exhibit 1, Aerial*). Ownership of the subject property has transferred several times in recent years. The site consists of four lots: two developable parcels and two tracts for the vacated alley between Ames Street and Sheridan Boulevard.

The property is zoned Residential-Three (R-3), which permits medium to high-density residential development, ranging from single-family to multi-unit developments *(Exhibit 2, Zoning Map)*. Lots to the north and south (across W. 33rd Avenue) are also zoned R-3. Much of the surrounding neighborhood, including the lots directly across Ames Street, are zoned Residential-One C (R-1C), which permits small-lot single-family homes. The senior living facility to the east of the property is zoned Neighborhood Commercial (NC).

As stated above, the subject property is vacant. The lot was platted as part of a Resubdivision of Block 5 Columbia Heights in 1945. Both sides of the alleyway were vacated over time, including the east side of the alley in 1957. No alley exists currently, though the lots remain.

Under the current zoning, the site can be developed with up to five residential units; the code allows one unit for every 3,630 square feet of land area. In recent years, staff has reviewed applications from prior property owners that included townhome development. The current property owner is proposing four (4) units as part of two (2) duplexes. Because the duplexes would be detached and require separate lots, each duplex lot would need to meet the minimum R-3 size and width standards. These standards are presented in the table below:

R-3 Development Standards	Minimum lot area	Minimum lot width
Single-family	7,500 sf	60' *
Duplex	9,000 sf	75' *
Multifamily (3+ units)	12,500 sf	100'*

* Corner lots must be at least 80 feet wide on both street frontages

The subject property has 124.25 feet of frontage along Ames Street and 151 feet of frontage along W. 33rd Avenue for a total area of 18,762 square feet. The overall area would allow for two duplex lots and the proposed four units is within R-3 density standards. However, the dimensions of the property cannot meet minimum lot width requirements for two duplex lots and a simple replat would result in several variances. For these reasons, the applicant has proposed a rezoning to Planned Residential Development.

III. OUTLINE DEVELOPMENT PLAN

Attached is a copy of the proposed Outline Development Plan for the site, which contains two sheets (*Exhibit 3, Outline Development Plan*). The first page is a cover page with certification and signature blocks for the property owners, Planning Commission, City Council, and the Mayor. There is also a character of development statement, list of permitted uses, and other standard notes. The second page includes the conceptual layout of the property, including driveways and building orientation.

Allowable Uses
Uses permitted per the ODP are duplexes, single family homes, and accessory uses (home occupations and household pets). Detached accessory structures such as sheds and gazebos are also permitted.

Development Standards
In general, the development standards follow the R-3 standards with some modifications to accommodate smaller lot development and in response to the surrounding multi-family, institutional, and small lot single family uses. In the spirit of providing a high quality development through a PRD, the project proposes reduced building height, increased open space, and architectural standards.

- Size, Setback, Lot Coverage – The ODP calls for the following development standards which vary slightly from R-3 as noted in the table:

Standard	*Proposed*	*Compared to R-3*
Minimum Lot Size	8,450 square feet	550 sf less
Minimum Lot Width	53 feet	22-27 feet less
Maximum Building Coverage	40 %	Same
Front setback (Ames Street)	25 feet	Same
Side setbacks	8 feet	2 feet less
Rear setback	5 feet	5 feet less

- Density – The proposed density is 9.29 units per acre, which is less than the current R-3 zoning which allows up to 12 units per acre, and far less than the maximum for Planned Developments, which is 21 units per acre. The applicant would be allowed up to 5 units under the R-3 zoning, but has proposed 4 units in the ODP/SDP. Duplexes are an appropriate land use situated between multi-family, institutional, and small lot single-family uses.

- Parking – The ODP states all parking shall be in conformance with Section 26-501 of the City Code. For two-family residential (duplexes), 2 off-street spaces per dwelling unit must be provided. Both Ames Street and W. 33rd Avenue also allow public street parking. The applicant has proposed on-site parking be in the form of detached garages.

- Building height – Maximum building height is limited to 29 feet, which is lower than the City's standard 35-foot height limit. This effectively limits the structure to a two-story home. Detached garages are limited to 15 feet in height, which is consistent with other residential zone districts.

- Architecture – The ODP proposes a traditional architectural design and states that the duplexes will be two stories, with vertical and horizontal wood siding, asphalt shingle pitched roofs, and covered front porches. The City does not have architectural standards for single-family homes or duplexes.

- Access – Vehicular access is to be gained from a single access point from W. 33rd Avenue into a private rear driveway, where the garages can be accessed. The fronts of the duplexes will face Ames Street.

- Open space – All landscaping and open space requirements shall conform with Section 26-502 of the Municipal Code. However, the applicant has proposed an increased minimum landscaping requirement of 40%, up from the Code-required 25%.

- Code compliance – In all other areas, the project is proposed to comply with the zoning code including lighting, fencing, streetscape design, and setback encroachments.

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.

The proposed development is a compatible land use and density with the surrounding land uses, and the investment contributes to a variety of housing types in the area. The zoning and new housing stock will likely add value to the area. The site design, setbacks, reduced building heights, and enhanced open space will add visual interest.

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. The proposed duplex zoning arguably provides a more compatible land use for the area than alternatives allowed under the current R-3, such as a five-unit townhome development.

Staff concludes that this criterion has been met.

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

The current R-3 zoning would allow up to 5 attached townhome units on the property, and because the W. 33rd Avenue frontage is wider, they would likely face that direction. Multifamily in R-3 is allowed on sites larger than 12,500 square feet and 100 feet wide, which the property exceeds, and 1 unit per 3,630 square feet of land area is allowed. However, the applicant desires a duplex construction type to reduce the impact and scale of the development *(Exhibit 8, Applicant Letter)*.

In R-3, duplexes require 9,000 square feet of lot area each, with 75 feet of lot width. Although overall site area is sufficient for two duplexes at 18,762 square feet, the site is too narrow to facilitate two duplex lots, at 148 feet along W. 33rd Avenue and 124.25 feet along Ames Street. The required water quality area also requires the reduction of overall lot sizes since water quality areas are required to be in separate unbuildable tracts. Developing two duplexes under the R-3 standards would require lot width variances, plus lot size variances since the water quality tract is subtracted from the duplex lot areas. Therefore, the PRD zoning is necessary to avoid an unreasonable number of variances.

The density proposed is one unit less than what would be allowed under the R-3 zoning, but the R-3 zoning does not accommodate the smaller lot and smaller scale construction that is proposed. Given the proposed use, the surrounding conditions, the requirement for a water quality tract, and the surrounding conditions, the PRD zoning is the most appropriate zone change option. It will also allow the applicant to commit to enhanced architecture and landscaping not normally required in other zone districts, including R-3.

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 development of the site will require upgrades to the sidewalks and curb ramp along the street frontages of the site.

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, mid-century apartments, and age-restricted facilities; the area already has a diversity of housing options. The provision of a duplex introduces a complementary option that reflects this 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 4, Comprehensive Plan)*. The "neighborhood buffer" designation encompasses the east side of Ames Street between W. 26th Avenue and W. 41st Avenue, parallel to Sheridan Boulevard. The west side of Ames is designated "neighborhood." The neighborhood buffer area encourages improvement of underutilized properties, including a mix of residential uses. The proposed zone change is consistent with the neighborhood buffer designation, and the duplex project supports the City's stated goals of increasing options for homeownership and attracting a range of household types. It will also act as a transition from the higher-intensity Sheridan Boulevard to the lower-intensity single-family uses to the east and south. Lastly, it will facilitate development of a long-vacant lot.

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 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

Attached is a copy of the proposed Specific Development Plan (SDP), which includes nine sheets regarding site design, building design, and landscaping (*Exhibit 5, Specific Development Plan*). In addition to the standard certification and signature blocks, the site data table confirms the SDP complies with the development standards provided by the ODP. Key components of the site design are described below.

Site Design
The duplex buildings are proposed to face Ames Street, which matches the existing conditions in the neighborhood. Detached garages will be provided for each unit, with a private walkway from the duplex unit through a private yard to the garage. The garages will be accessed from a private driveway on the east side of the site, off of W. 33rd Avenue. Yards will be fenced, providing privacy for the residents and also for the neighboring properties. New sidewalks will be constructed on the property frontage, with a new curb ramp at the corner of W. 33rd Avenue and Ames Street to meet ADA requirements. The setbacks on both streets are context appropriate, attempting to match the surrounding conditions.

Architecture
The City does not have architectural requirements for single or two-family buildings, which includes duplexes. However, the applicant has proposed enhanced architecture, with vertical board and batten siding, grey asphalt shingles, and variations in siding patterns on the side façades. Each unit will have a covered porch. The detached garages will match the duplexes in color and materials. The duplexes will be two stories with pitched roofs in a more traditional or farmhouse style.

Landscaping
The ODP requires each lot to be at least 40% landscaped. The SDP proposes each lot to be 41.48% landscaped, with additional landscaping to be provided in the water quality area at the north of the site. A total of 4 street trees are provided, plus 17 shrubs, and 46 ornamental grasses. Each duplex will have a landscaped front yard and private rear yard with a concrete patio and sod yard.

Drainage
Drainage is accommodated in a water quality area on its own tract at the north of the site, between the northern duplex and the neighboring property. This area will contain irrigated turf, sod, and rock mulch, as well as plantings on the east side. The area is sized sufficiently for the added impervious surface on the site, and acts as an additional buffer between the proposed development and the apartment building to the north. Based on the total area of impervious surface being less than 10,000 square feet, full-flood attenuation is not required.

VI. SPECIFIC DEVELOPMENT PLAN CRITERIA

Criteria for the review of SDP documents is provided in Section 26-305.D. Staff has provided analysis of these criteria below. Planning Commission shall base its decision in consideration of the extent to which the 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 the zoning and development code.**

   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 unique duplexes with an emphasis on enhanced landscaping and architecture.

   Staff has concluded that the SDP is consistent with these goals by adding to the diversity of housing types in Wheat Ridge, while maintaining the overall character of the neighborhood through smaller building footprints and two-story buildings.

   Staff concludes that 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 that 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 proposed uses in the SDP are identical to those of the outline development plan.

   Staff concludes that this criterion has been met.

4. **The site is appropriately designed and it 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, fencing, and building design.

   Staff concludes that 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 that 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 proposed SDP is in conformance with the design standards established in the ODP.

Because both W. 33rd Avenue and Ames Street are classified as local streets, the *Streetscape Design Manual* does not apply. However, the sidewalks and curb ramp are being upgraded to the City's standard for local streets, and landscaping is being provided along the street frontage in excess of zoning code requirements.

Staff concludes that this criterion has been met.

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

VII. 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 November 8, 2018. Two (2) members of the public attended the meeting in addition to the applicant and staff. A full summary of the meeting is attached in *Exhibit 7, Neighborhood Meeting Notes*.

Public noticing is required prior to public hearings. As of the date of this publication, staff received one (1) phone call about the application, with a message of support. If any comments are provided prior to the Planning Commission public hearing on April 4, they will be entered into the record and distributed to Commissioners at the public hearing.

VIII. AGENCY REFERRAL

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

Wheat Ridge Public Works: No concerns with the ODP/SDP. The subdivision plat and civil construction plans are under review and must be approved prior to application for building permit.

West Metro Fire Protection District: No comments or concerns; access is sufficient.

Wheat Ridge Water District: No comments, can serve.

Wheat Ridge Sanitation District: No objections, can serve.

Xcel Energy: No objections. Utility coordination is ongoing.

Century Link: No objections.

IX. STAFF CONCLUSIONS AND RECOMMENDATION

Staff has concluded that the proposed rezoning and Outline Development Plan are consistent with the zone change criteria and the Specific Development Plan is consistent with the planned development regulations, with the goals and policies of the City's guiding documents, and with the ODP. Because

the requirements for an ODP/SDP have been met and the review criteria support the ODP/SDP, a recommendation for approval is given.

X. SUGGESTED MOTIONS – ZONE CHANGE (ODP)

Option A:
"I move to recommend APPROVAL of Case No. WZ-18-25, a request for approval of a zone change from Residential-Three (R-3) to Planned Residential Development with an Outline Development Plan (ODP) for property located at the northeast corner of W. 33rd Avenue and Ames 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-18-25, a request for approval of a zone change from Residential-Three (R-3) to Planned Residential Development with an Outline Development Plan (ODP) for property located at the northeast corner of W. 33rd Avenue and Ames Street, for the following reasons:

1.
2.
3. …"

XI. SUGGESTED MOTIONS – SPECIFIC DEVELOPMENT PLAN

Option A:
"I move to recommend APPROVAL of Case No. WS-18-26, a request for approval of a Specific Development Plan on property located at the northeast corner of W. 33rd Avenue and Ames 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 City Code.
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 developer's 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 codes and policies.

(Option B on next page)

Option B:

"I move to recommend DENIAL of Case No. WS-18-26, a request for approval of a Specific Development Plan on property located at the northeast corner of W. 33rd Avenue and Ames Street, for the following reasons:

1.
2.
3. …"

EXHIBIT 1: AERIAL

EXHIBIT 2: ZONING MAP

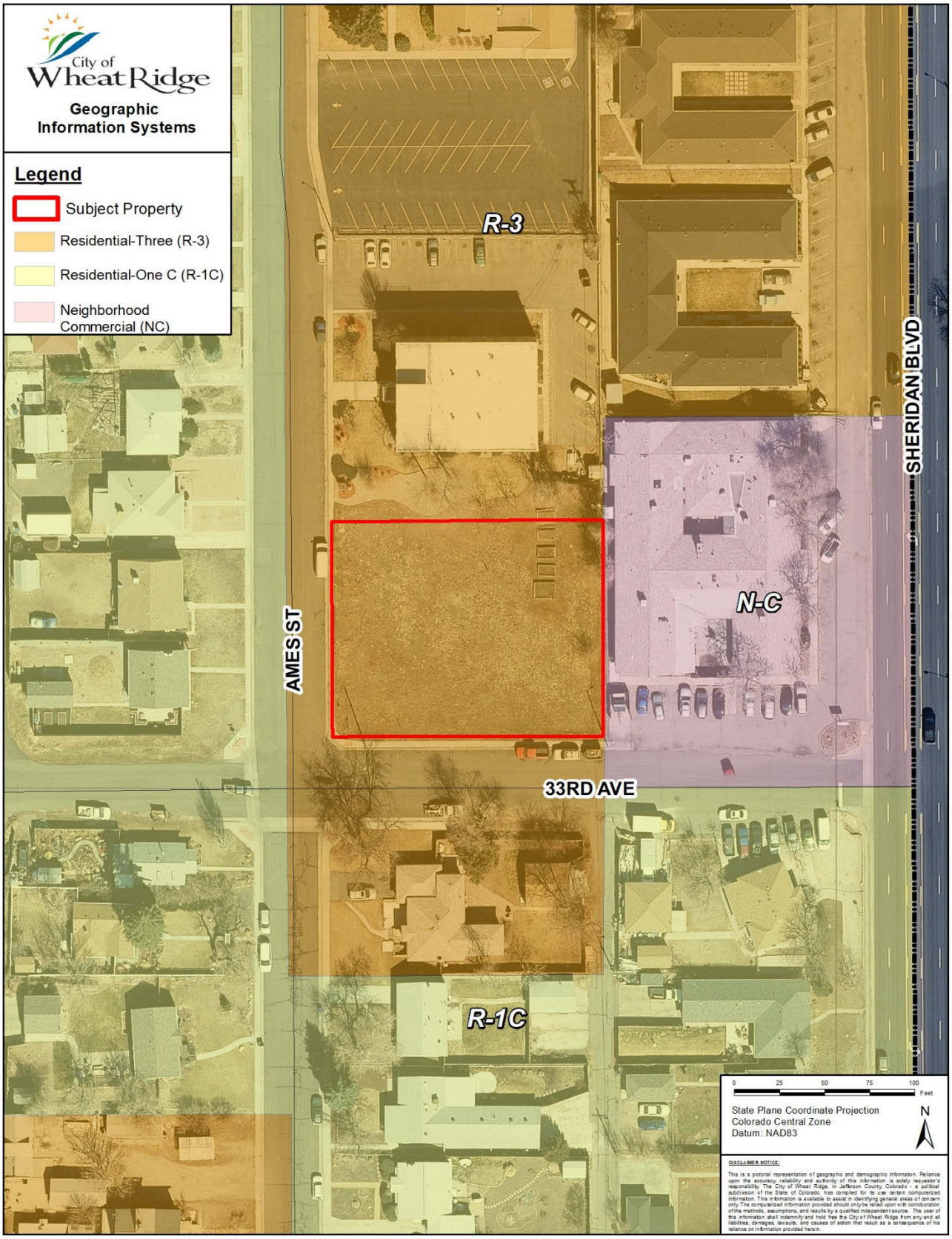


EXHIBIT 3: OUTLINE DEVELOPMENT PLAN

Attached as an 11x17 document on the following page.

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 10 AND 11, TOGETHER WITH THE WEST 1/2 OF THE VACATED ALLEY ADJOINING SAID LOTS, A RESUBDIVISION OF BLOCK 5 OF COLUMBIA HEIGHTS, COUNTY OF JEFFERSON, STATE OF COLORADO

Exhibit 3

SURVEYOR'S CERTIFICATE

I, MICHAEL D. MILLER, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF THE OUTLINE DEVELOPMENT PLAN 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: _____ DATE: _____

MICHAEL D. MILLER, PLS
COLORADO LICENSE NUMBER 38111

OWNER'S CERTIFICATE / UNIFIED CONTROL STATEMENT

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

SIGNATURE: _____ DATE: _____

JAY FEASTER, FOR AMES PARTNERS 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

ODP NOTE:

THIS OUTLINE DEVEOPMENT 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 WEHAT RIDGE PRIOR TO THE SUBMITTAL OF A RIGHT-OF-WAY OR BUILDING PERMIT APPLICATION AND ANY SUBSEQUENT SITE DEVELOPMENT.

COUNTY CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)
I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT _____ O'CLOCK ___.M.
ON THE _____ DAY OF _____, 20__ A.D., IN BOOK _____, PAGE ____, RECEPTION NO. _____
JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
(DEPUTY)

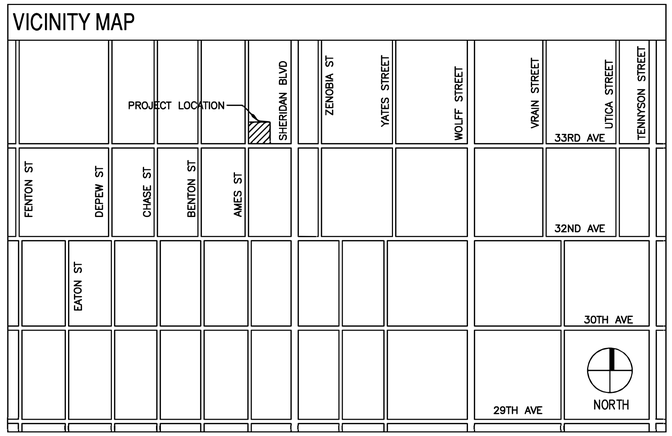
ALLOWED USES:

ALLOWED USES
PRIMARY USES:
- SINGLE FAMILY
- DUPLEXES

ACCESSORY USES:
- HOME OCCUPATIONS, PURSUANT TO SECTION 26-613 OF THE WHEAT RIDGE CODE OF LAWS.
- HOUSEHOLD PETS, LIMITED TO NO MORE THAN 3 DOGS AND 4 CATS.

DETACHED ACCESSORY STRUCTURES (SHEDS, GAZEBOS) ARE PERMITTED.

VICINITY MAP



VICINITY MAP – NOT TO SCALE

CHARACTER OF NEIGHBORHOOD:

THE AMES PARTNERS DUPLEXES COMPLIES DIRECTLY WITH THE WHEAT RIDGE COMPREHENSIVE PLAN BY PRESERVING AND ENHANCING THE NEIGHBORHOOD, PROVIDING HOUSING DIVERSITY, AND ENHANCING COMMUNITY CHARACTER. THE PROJECT IS PEDESTRIAN FRIENDLY, CLEARLY DEFINES PEDESTRIAN AND PARKING AREAS, AND WILL BE VISUALLY ATTRACTIVE USING WELL-THOUGHT OUT LANDSCAPING, FACADES, STREET PRESENCE, AND APPROPRIATELY SCALED RESIDENCES. ARCHITECTURE WILL BE TRADITIONAL AND WILL FEATURE COVERED FRONT PORCHES, VERTICAL AND HORIZONTAL WOOD SIDING, OPEN REAR PATIOS, CEDAR FENCES, ASPHALT SHINGLE SLOPED ROOFS, AND A HIGH LEVEL OF CONSTRUCTION QUALITY NOT TYPICALLY FOUND ON PRODUCTION HOMES. EACH UNIT FEATURES 3 BEDROOMS, 3 BATHROOMS, AND EXCLUSIVE OWN 2-CAR GARAGES, DETACHED FROM THE PRIMARY RESIDENTIAL BUILDINGS, ACCESSED FROM THE ALLEY. THE PROJECT WILL REQUIRE A ZONE CHANGE FROM R-3 TO PRD.

PLANNING COMMISSION CERTIFICATION:

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ 20__ BY THE WHEAT RIDGE PLANNING COMMISSION.

_____
CHAIRPERSON

CITY CERTIFICATION:

APPROVED THIS _____ DAY OF _____ 20__ BY THE WHEAT RIDGE CITY COUNCIL.

ATTEST:

_____ _____
CITY CLERK MAYOR

_____
COMMUNITY DEVELOPMENT DIRECTOR

LAND USE TABLE:

TOTAL LOT SIZE:	18,762 SF
MAX. BUILDING COVERAGE:	7,505 SF (40%)
MIN. LANDSCAPING:	7,505 SF (40%)
TOTAL DWELLING UNITS:	4 UNITS
DWELLING UNITS/ACRE:	9.29

DEVELOPMENT STANDARDS:

1. MINIMUM LOT AREA: 8,425 SQUARE FEET
2. MINIMUM LOT WIDTH: 53 FEET
3. MAXIMUM BUILDING COVERAGE: 40%
4. MAXIMUM DENSITY: 4 UNITS WITHIN TWO BUILDINGS.
5. MAXIMUM HEIGHT: 29' FEET
6. SETBACKS:
   a. MINIMUM SETBACK ALONG AMES STREET: 25'
   b. MINIMUM SETBACK ALONG 33RD AVENUE: 8'
   c. MINIMUM NORTH PROPERTY LINE SETBACK: 8'
   d. MINIMUM EAST PROPERTY LINE SETBACK: 5'
   e. MINIMUM INTERNAL SIDE SETBACK: 5'
   f. BUILDING SETBACK ENCROACHMENTS ARE PERMITTED IN CONFORMANCE WITH SECTION 26-611 OF THE WHEAT RIDGE MUNICIPAL CODE.
7. PARKING: ALL PARKING SHALL BE IN CONFORMANCE WITH SECTION 26-501 OF THE WHEAT RIDGE CODE OF LAWS.
   a. DETACHED GARAGES ARE ALLOWED (20'X21', EAST PORTION OF LOT, ALLEY LOADED, MAX HEIGHT OF 15-FEET)
8. LANDSCAPING: ALL LANDSCAPING SHALL BE IN CONFORMANCE WITH SECTION 26-502 OF THE WHEAT RIDGE CODE OF LAWS (REQUIRED MINIMUM LANDSCAPING IS 40% PER THIS ODP).
9. EXTERIOR LIGHTING: ALL LIGHTING SHALL BE IN CONFORMANCE WITH SECTION 26-503 OF THE WHEAT RIDGE CODE OF LAWS.
10. SIGNAGE: ALL SIGNAGE SHALL BE IN CONFORMANCE WITH ARTICLE VII (SIGN CODE) OF THE WHEAT RIDGE CODE OF LAWS.
11. FENCING: ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 26-603 OF THE WHEAT RIDGE CODE OF LAWS.
12. ARCHITECTURAL DESIGN: (2) TWO-FAMILY (DUPLEX) RESIDENTIAL STRUCTURES, TWO STORIES, WITH VERTICAL AND HORIZONTAL WOOD SIDING, ASPHALT SHINGLE PITCHED ROOFS, COVERED FRONT PORCHES, CONCRETE REAR PATIOS, SIDE & REAR GRASS YARDS.

PHASING:

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

LEGAL DESCRIPTION:

LOTS 10 AND 11, TOGETHER WITH THE 1/2 OF THE VACATED ALLEY ADJOINING SAID LOTS, A RESUBDIVISION OF BLOCK 5 OF COLUMBIA HEIGHTS, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE EAST 1/2 OF THE VACATED ALLEY ADJOINING LOTS 12 AND 13, A SUBDIVISION OF BLOCK 5 COLUMBIA HEIGHTS, AS VACATED BY INSTRUMENT RECORDED JULY 1ST 1957 IN BOOK 1068 PAGE 60, COUNTY OF JEFFERSON, STATE OF COLORADO.

PROJECT INFORMATION:

OWNER/DEVELOPER/BUILDER:
AMES PARTNERS, LCC
JAY FEASTER
19510 W. 55TH PLACE
GOLDEN, COLORADO 80403
720-891-7916

ARCHITECT:
FIEBIG ARCHITECTURE, PLLC
MICHAEL FIEBIG
906 TIMBERVALE TRAIL
HIGHLANDS RANCH, CO 80129
303-594-7584

ODP SHEET INDEX:

ODP-1 – COVER SHEET
ODP-2 – ODP SITE PLAN

CASE HISTORY:

WZ-18-25
WZ-18-26
MS-18-07

FIEBIG ARCHITECTURE
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AMES PARTNERS, LLC
3300, 3308, 3316, 3324 AMES STREET
WHEAT RIDGE, CO 80212

PROJ. NO. 180406
DRAWN:
CHECKED:
CADD FILE:
DATE: 04/05/2019
REVISIONS:

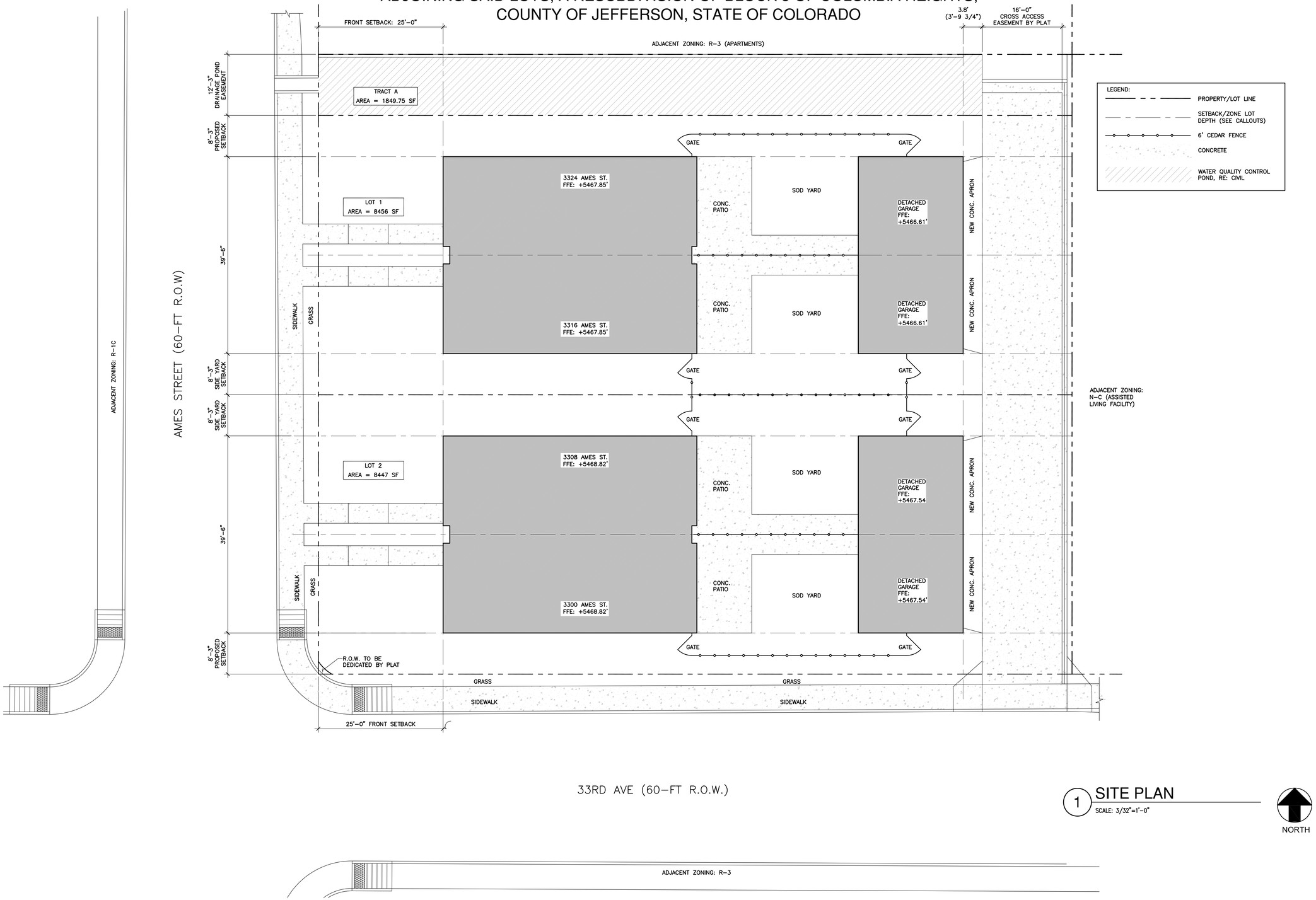
ODP DRAWINGS

SHEET TITLE:
COVER SHEET

SCALE: AS NOTED
SHEET NUMBER:
ODP-1

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

AN OUTLINE DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 10 AND 11, TOGETHER WITH THE WEST 1/2 OF THE VACATED ALLEY
ADJOINING SAID LOTS, A RESUBDIVISION OF BLOCK 5 OF COLUMBIA HEIGHTS,
COUNTY OF JEFFERSON, STATE OF COLORADO



1 SITE PLAN
SCALE: 3/32"=1'-0"

FIEBIG ARCHITECTURE
FIEBIGARCH.COM

AMES PARTNERS, LLC
3300, 3308, 3316, 3324 AMES STREET
WHEAT RIDGE, CO 80212

PROJ. NO. 180406
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DATE: 04/05/2019
REVISIONS:

ODP DRAWINGS

SHEET TITLE:
SITE PLAN

SCALE: AS NOTED
SHEET NUMBER:
ODP-2

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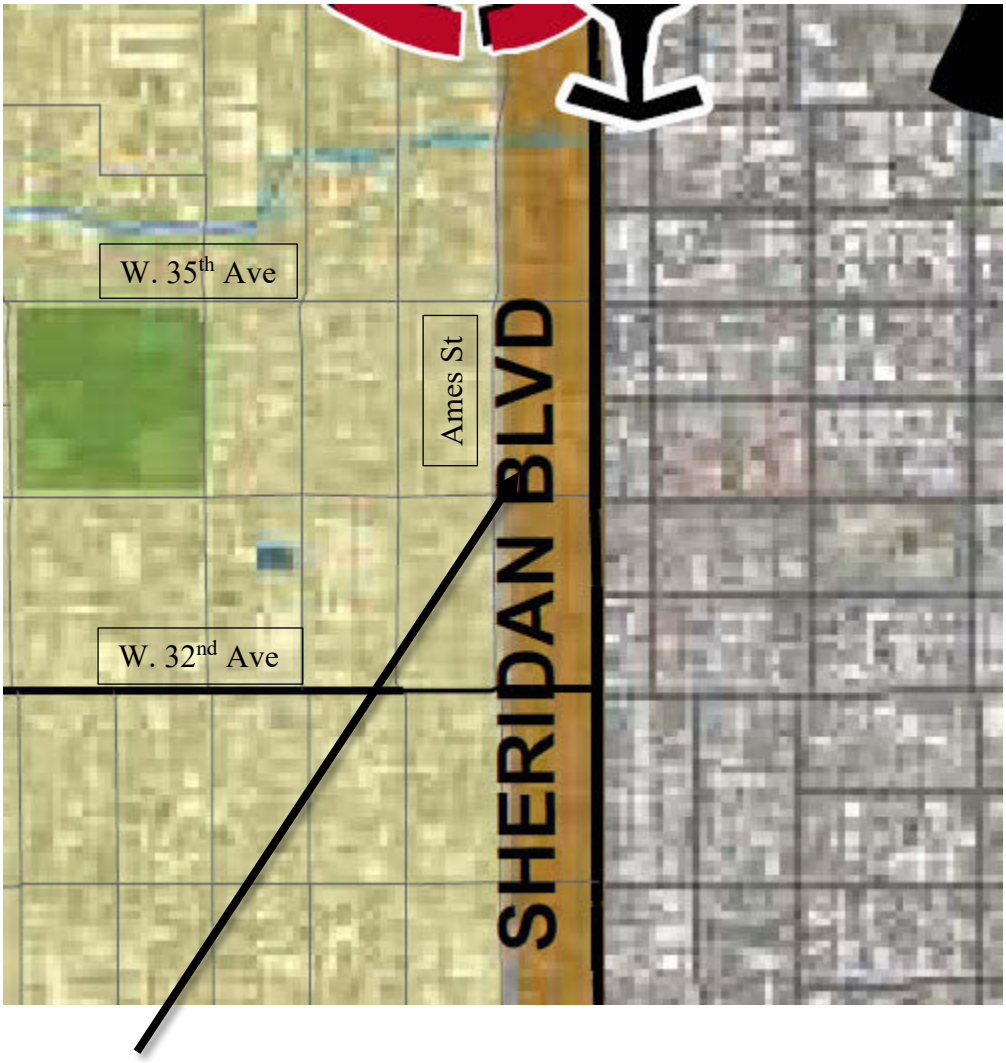
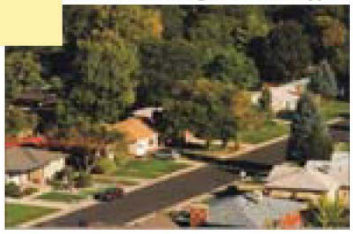
EXHIBIT 4: COMPREHENSIVE PLAN

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



Neighborhoods

see Chapter 3 Criteria for differerent Neighborhood types



Neighborhood Buffer Area

EXHIBIT 5: SPECIFIC DEVELOPMENT PLAN

Attached as an 11x17 document on the following page.

EXHIBIT 5

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

OWNER'S CERTIFICATE

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

SIGNATURE: _____ DATE: _____

JAY FEASTER, FOR AMES PARTNERS 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, MICHAEL D. MILLER, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF THE SPECIFIC DEVELOPMENT PLAN 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: _____ DATE: _____

MICHAEL D. MILLER, PLS
COLORADO LICENSE NUMBER 38111

COUNTY CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)
I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT _____ O'CLOCK ____.M. ON THE _____ DAY OF _____, 20__ A.D., IN BOOK ____, PAGE ____, RECEPTION NO. _____
JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
(DEPUTY)

PLANNING COMMISSION CERTIFICATION:

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ 20__ BY THE WHEAT RIDGE PLANNING COMMISSION.

_____
CHAIRPERSON

CITY CERTIFICATION:

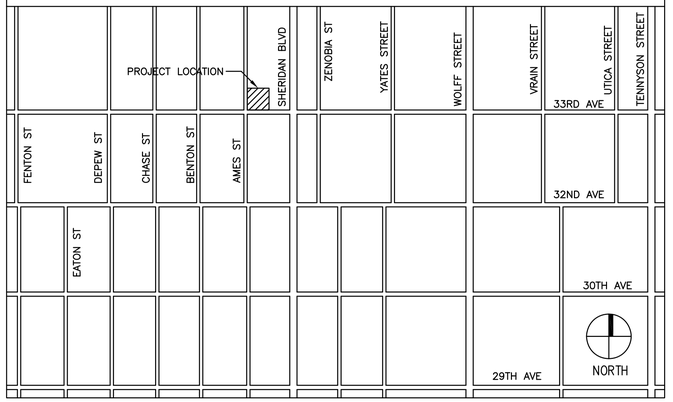
APPROVED THIS _____ DAY OF _____ 20__ BY THE WHEAT RIDGE CITY COUNCIL.

ATTEST:

_____ _____
CITY CLERK MAYOR

_____
COMMUNITY DEVELOPMENT DIRECTOR

VICINITY MAP



VICINITY MAP – NOT TO SCALE

CHARACTER OF NEIGHBORHOOD:

THE AMES PARTNERS DUPLEXES COMPLIES DIRECTLY WITH THE WHEAT RIDGE COMPREHENSIVE PLAN BY PRESERVING AND ENHANCING THE NEIGHBORHOOD, PROVIDING HOUSING DIVERSITY, AND ENHANCING COMMUNITY CHARACTER. THE PROJECT IS PEDESTRIAN FRIENDLY, CLEARLY DEFINES PEDESTRIAN AND PARKING AREAS, AND WILL BE VISUALLY ATTRACTIVE USING WELL-THOUGHT OUT LANDSCAPING, FACADES, STREET PRESENCE, AND APPROPRIATELY SCALED RESIDENCES. ARCHITECTURE WILL BE TRADITIONAL AND WILL FEATURE COVERED FRONT PORCHES, VERTICAL AND HORIZONTAL WOOD SIDING, OPEN REAR PATIOS, CEDAR FENCES, ASPHALT SHINGLE SLOPED ROOFS, AND A HIGH LEVEL OF CONSTRUCTION QUALITY NOT TYPICALLY FOUND ON PRODUCTION HOMES. EACH UNIT FEATURES 3 BEDROOMS, 3 BATHROOMS, AND EXCLUSIVE OWN 2-CAR GARAGES, DETACHED FROM THE PRIMARY RESIDENTIAL BUILDINGS, ACCESSED FROM THE ALLEY. THE PROJECT WILL REQUIRE A ZONE CHANGE FROM R-3 TO PRD.

LEGAL DESCRIPTION:

LOTS 1 AND 2 OF THE FEASTER SUBDIVISION, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

SDP SHEET INDEX:

SDP-1 – COVER SHEET
SDP-2 – SITE PLAN
SDP-3 – LANDSCAPE PLAN
SDP-4 – LANDSCAPE NOTES & DETAILS
SDP-5 – BUILDING ELEVATIONS – UNITS 3300 & 3308
SDP-6 – BUILDING ELEVATIONS – UNITS 3300 & 3308
SDP-7 – BUILDING ELEVATIONS – UNITS 3316 & 3324
SDP-8 – BUILDING ELEVATIONS – UNITS 3316 & 3324
SDP-9 – DETACHED GARAGE ELEVATIONS

PROJECT DATA TABLE:

ZONING: PLANNED RESIDENTIAL DEVELOPMENT
PROPOSED LAND USE: DUPLEX RESIDENTIAL

AREAS	ACRES	SQUARE FEET	BUILDING COVERAGE (SF)	REQUIRED LANDSCAPE	LANDSCAPE (SF)	SOD (% OF LANDSCAPE)
TRACT A	0.0425	1849.75	N/A DRAINAGE POND RE: SITE PLAN	N/A	1849.75	N/A
LOT 1	0.1941	8456	2759 (32.6%)	40%	3536 (41.8%)	23%
LOT 2	0.1941	8456	2759 (32.6%)	40%	3536 (41.8%)	23%

FLOOR AREA BY USE:		
RESIDENTIAL:		
TOTAL RESIDENTIAL UNITS:	4	
PROPOSED DENSITY (UNITS PER ACRE:)	9.29	
PARKING SUMMARY:	REQUIRED	PROPOSED
STANDARD (ONSITE, GARAGE PARKING)	2 PER UNIT; 8 TOTAL	2 PER UNIT; 8 TOTAL
BICYCLE	N/A	0
ON STREET	N/A	8

NOTE: SOD CANNOT MAKE UP MORE THAN 50% OF ANY LOT'S LANDSCAPING. MULCH CANNOT EXCEED 35% OF THE TOTAL LANDSCAPING FOR ANY LOT.

CASE HISTORY:

WZ-18-25
WZ-18-26
MS-18-07

PHASING:

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

PROJECT DIRECTORY:

OWNER/DEVELOPER/BUILDER:
AMES PARTNERS, LCC
JAY FEASTER
19510 W. 55TH PLACE
GOLDEN, COLORADO 80403
720-891-7916

ARCHITECT:
FIEBIG ARCHITECTURE, PLLC
MICHAEL FIEBIG
906 TIMBERVALE TRAIL
HIGHLANDS RANCH, CO 80129
303-594-7584

LANDSCAPE ARCHITECT:
JENNIFER GOSCHA
303-564-7840

FIEBIG ARCHITECTURE
FIEBIGARCH.COM

AMES PARTNERS, LLC
3300, 3308, 3316, 3324 AMES STREET
WHEAT RIDGE, CO 80212

PROJ. NO. 180406
DRAWN:
CHECKED:
CADD FILE:
DATE: 03/22/2019
REVISIONS:

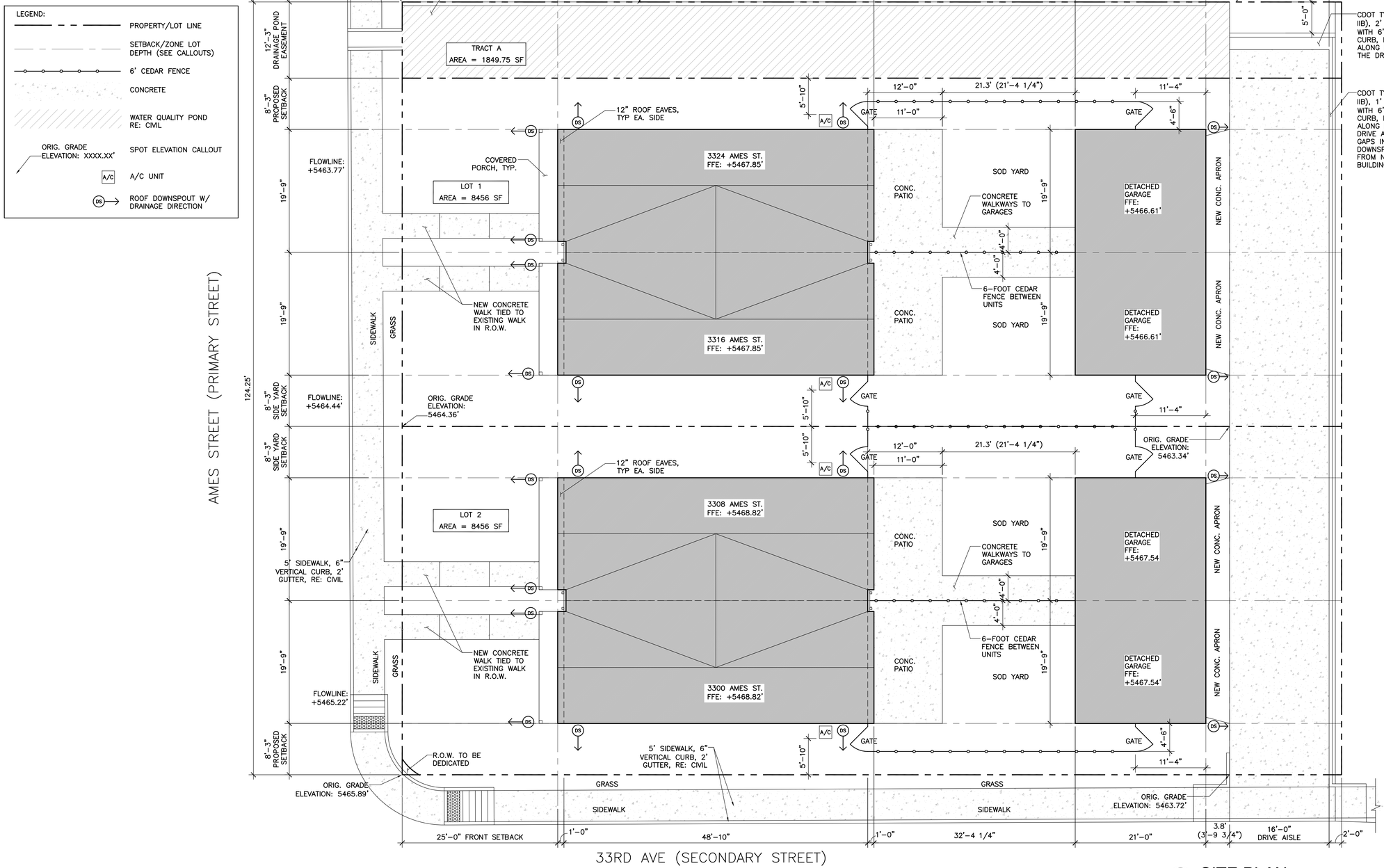
SDP DRAWINGS

SHEET TITLE:
COVER SHEET

SCALE: AS NOTED
SHEET NUMBER:
SDP-1

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



1 SITE PLAN
SCALE: 1/8"=1'-0"

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WHEAT RIDGE, CO 80212

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CHECKED:	
CADD FILE:	
DATE:	03/26/2019
REVISIONS:	

SDP DRAWINGS

SHEET TITLE:
SITE PLAN

SCALE: AS NOTED
SHEET NUMBER:
SDP-2

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LEGEND:

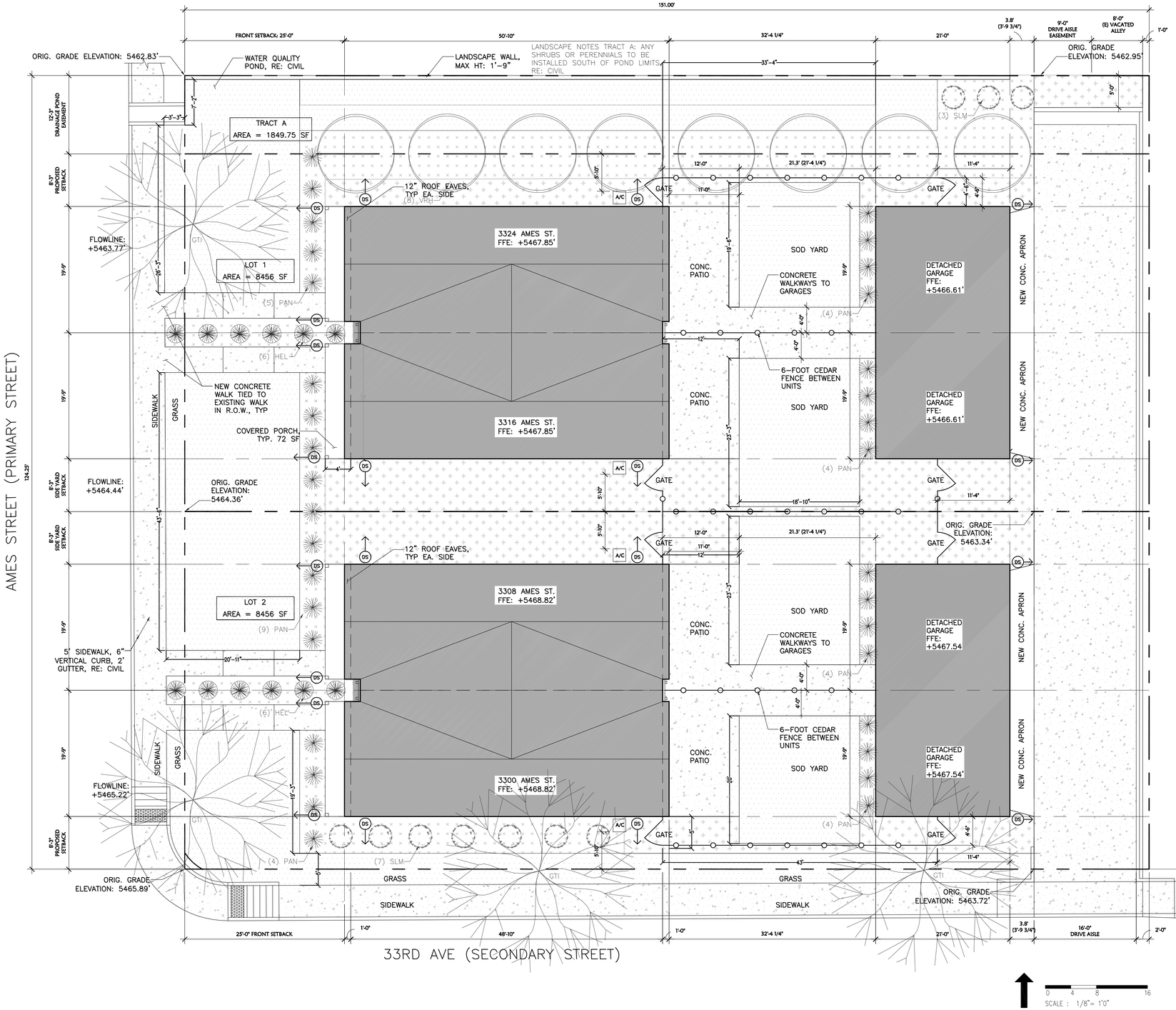
- PROPERTY LINE
- SETBACK/ZONE LOT DEPTH (SEE CALLOUTS)
- 6' CEDAR FENCE
- ORIG. GRADE ELEVATION: XXXX.XX' — SPOT ELEVATION CALLOUT
- A/C — A/C UNIT
- DS — ROOF DOWNSPOUT W/ DRAINAGE DIRECTION

CONCRETE	HARDSCAPES	1,578 SF
1" GRANITE ROCK MULCH OVER WEED BARRIER FABRIC, 3" THICK WITH SHRUBS/PERENNIALS		2,014 SF
1" GRANITE ROCK MULCH OVER WEED BARRIER FABRIC, 3" THICK (NO PLANTS)		2,370 SF
IRRIGATED TURF		5,058 SF

PLANT KEY:

KEY	#	SIZE	BOTANICAL NAME	COMMON NAME	LEGEND
TREES, DECIDUOUS:					
GI	4	2.25" CAL. BB	GLEDITSIA TRICANTHOS 'IMPERIAL'	HONEYLOCUST, IMPERIAL	
SHRUBS, DECIDUOUS:					
SLM	10	#5 GAL CONT	SPIREA BUMALDA 'LIMEMOUND'	SPIREA, LIMEMOUND	
VRH	8	#5 GAL CONT	VIBURNUM RHYTIDOPHYLOIDES 'ALLEGHANY'	VIBURNUM, LEATHERLEAF	
ORNAMENTAL GRASSES:					
HEL	12	#1 GAL CONT	HELICOTRICHON SEMPERVIRENS	BLUE AVENA	
PAN	34	#1 GAL CONT	PANICUM VIRGATUM 'SHENANDOAH'	SWITCH GRASS	

TOTAL COMBINED LOT AREA:	18,762 SF
REQUIRED TOTAL LANDSCAPED AREA:	4,690 SF
TOTAL LIVING VEGETATION:	7,072 SF
TOTAL NON-LIVING MATERIAL:	3,948 SF
PROPOSED TOTAL LANDSCAPED AREA:	11,020 SF
PERCENTAGE OF TURF:	5,058 SF=46%



FIEBIG ARCHITECTURE
FIEBIGARCH.COM

LANDSCAPE BY:

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Glenwood Springs
CO 81601
303-564-7840
jmgoscha@gmail.com

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DATE:	02/20/2019
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SDP DRAWINGS

SHEET TITLE: LANDSCAPE PLAN

SCALE:

SHEET NUMBER: SDP-3

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

LANDSCAPE PLAN NOTES:
THE LANDSCAPE PLAN IS INTENDED TO SHOW THE OVERALL LANDSCAPING INTENT OF THE PROJECT AND NOT INTENDED AS A LANDSCAPE CONSTRUCTION DOCUMENT. PROPOSED PLANTING LOCATIONS AND POTENTIAL VARIETIES SHOWN ON THIS PLAN WERE PROVIDED FOR INCORPORATION INTO THIS DOCUMENT.

FINAL PLANT SELECTION, IRRIGATION DESIGN, SOIL AMENDMENT REQUIREMENTS, AND RELATED LANDSCAPE CONSTRUCTION DETAILS AND SPECIFICATIONS SHALL BE PROVIDED BY OTHERS.

TWO-FAMILY RESIDENTIAL LOT REQUIREMENTS:
LANDSCAPING SHALL COMPLY WITH SECTION 26-502 OF THE CITY OF WHEAT RIDGE CODE. SPECIFICALLY, LANDSCAPING TO CONSIST OF THE FOLLOWING:

NO LESS THAN 25% OF THE GROSS LOT AREA AND NO LESS THAN 100% OF THE FRONT YARD SETBACK SHALL BE LANDSCAPED (EXCLUSIVE OF DRIVEWAY AND SIDEWALK ACCESS TO THE HOME).

NO MORE THAN 50% OF THE TOTAL LANDSCAPE COVERAGE SHALL BE COMPRISED OF TURF.

IRRIGATION NOTE:
AN AUTOMATIC IRRIGATION SYSTEM TO BE INSTALLED WITH SEPARATE ZONES FOR POP-UYP SPRAY IN ALL TURF AREAS, AND DRIP EMITTERS IN ALL PLANTING BEDS.

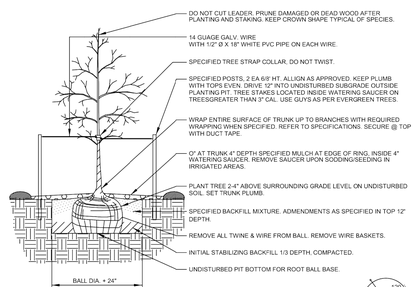
STREET TREE REQUIREMENTS:

DUPLEX RESIDENTIAL REQUIREMENT: 1 TREE PER 70 LF OF FRONTAGE

PROJECT FRONTAGE: 258 LF

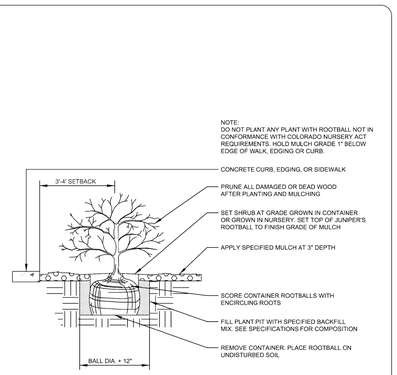
STREET TREES REQUIRED: 4

STREET TREES PROVIDED: 4



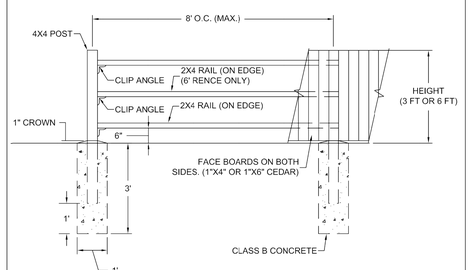
DECIDUOUS TREE PLANTING
NOT TO SCALE

CITY OF WHEAT RIDGE DEPT. OF PUBLIC WORKS ENGINEERING DIVISION APPROVED BY: SNN 06/07	L-B01 TREE DECIDUOUS TREE PLANTING	DETAIL CODE L



SHRUB PLANTING
NOT TO SCALE

CITY OF WHEAT RIDGE DEPT. OF PUBLIC WORKS ENGINEERING DIVISION APPROVED BY: SNN 06/07	L-A01 SHRUB SHRUB PLANTING	DETAIL CODE L



NOTES:
ALL FACE BOARDS SHALL BE OF CEDAR.
4"X4" POSTS ADN 2"X4" RAILS SHALL BE CEDAR OR PRESSURE TREATED FIR.

PAY ITEM: PER LF OR 6' CEDAR FENCE

DETAIL OF CEDAR FENCE (3 FT. & 6 FT.)

City of Wheat Ridge DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION	L-E01 WOOD.FENC1 3' AND 6' CEDAR FENCE APPROVED BY: S/N APPROVE DATE 10/2016	DETAIL CODE L

FIEBIG ARCHITECTURE
FIEBIGARCH.COM

LANDSCAPE BY:

Jennifer Goscha
8 Haystack Road
Glenwood Springs
CO 81601
303-564-7840
jmgoscha@gmail.com

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3300, 3308, 3316, 3324 AMES STREET
WHEAT RIDGE, CO 80212

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DATE:	02/20/2019
REVISIONS:	

SDP DRAWINGS

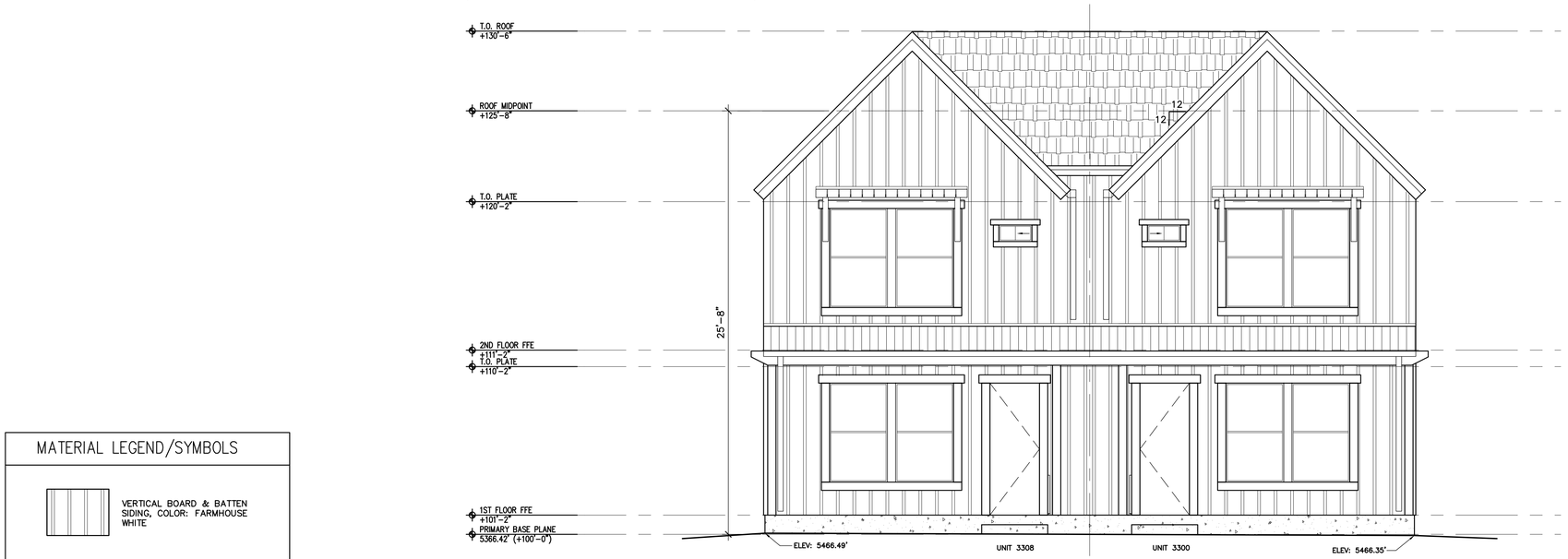
SHEET TITLE:
LANDSCAPE DETAILS

SCALE:

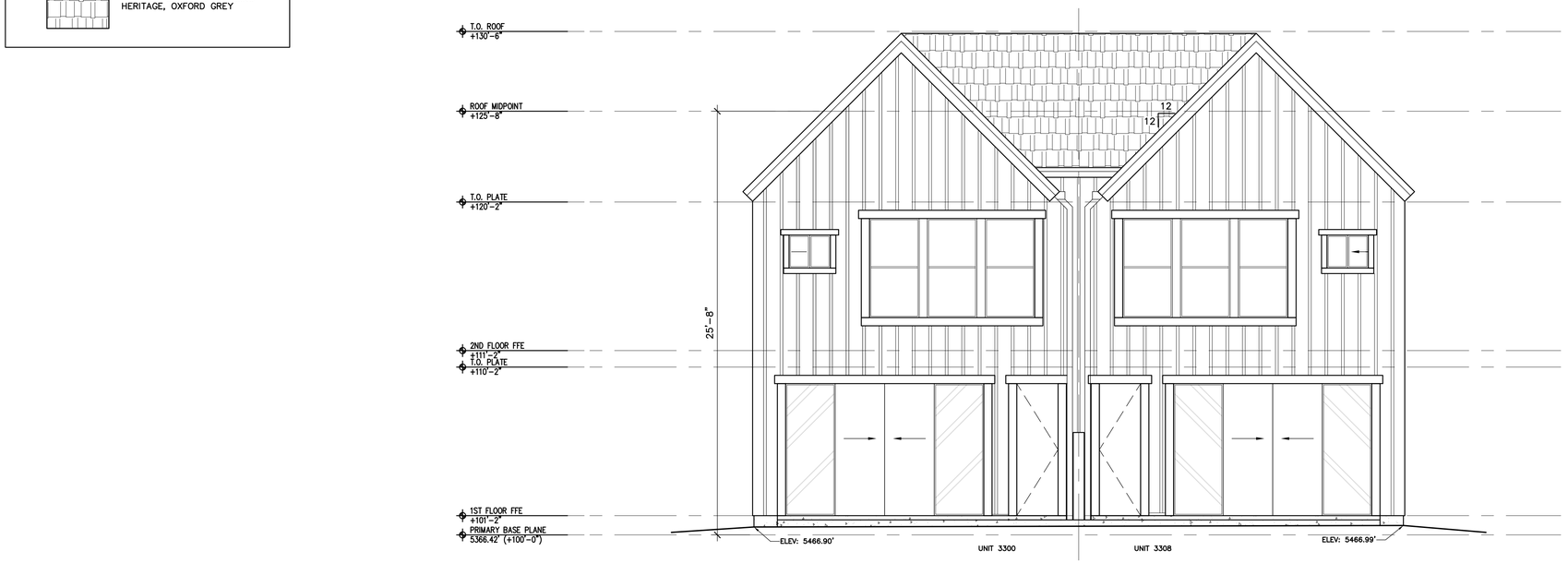
SHEET NUMBER:
SDP-4

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



1 FRONT ELEVATION
SCALE: 1/4"=1'-0"



2 REAR ELEVATION
SCALE: 1/4"=1'-0"

MATERIAL LEGEND/SYMBOLS

- VERTICAL BOARD & BATTEN SIDING, COLOR: FARMHOUSE WHITE
- HORIZONTAL LAP SIDING, COLOR: FARMHOUSE WHITE
- ASPHALT SHINGLES – TAMKO HERITAGE, OXFORD GREY

FIEBIG
ARCHITECTURE
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AMES PARTNERS, LLC
3300, 3308, 3316, 3324 AMES STREET
WHEAT RIDGE, CO 80212

PROJ. NO. 180406
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CHECKED:
CADD FILE:
DATE: 03/22/2019
REVISIONS:

SDP DRAWINGS

SHEET TITLE:
ELEVATIONS
UNITS 3300 & 3308

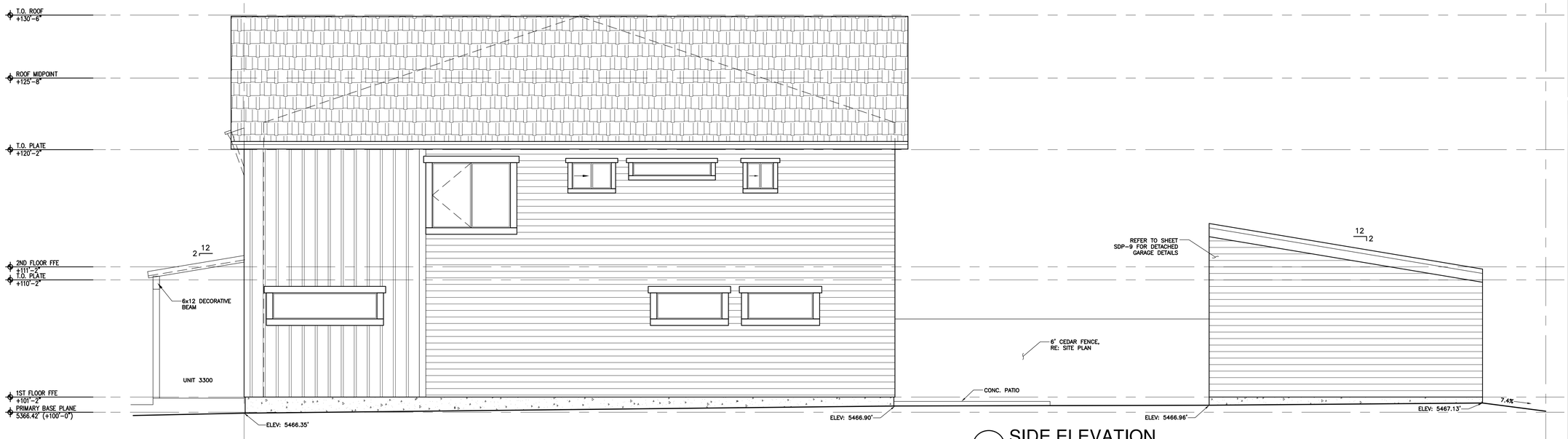
SCALE: AS NOTED
SHEET NUMBER:
SDP-5

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

MATERIAL LEGEND/SYMBOLS

- VERTICAL BOARD & BATTEN SIDING, COLOR: FARMHOUSE WHITE
- ASPHALT SHINGLES – TAMKO HERITAGE, OXFORD GREY
- HORIZONTAL LAP SIDING, COLOR: FARMHOUSE WHITE



1 SIDE ELEVATION
SCALE: 1/4"=1'-0"

2 SIDE ELEVATION
SCALE: 1/4"=1'-0"

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SDP DRAWINGS

SHEET TITLE:
ELEVATIONS
UNITS 3300 & 3308

SCALE: AS NOTED
SHEET NUMBER:
SDP-6

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

1 FRONT ELEVATION
SCALE: 1/4"=1'-0"

2 REAR ELEVATION
SCALE: 1/4"=1'-0"

MATERIAL LEGEND/SYMBOLS

- VERTICAL BOARD & BATTEN SIDING, COLOR: FARMHOUSE WHITE
- HORIZONTAL LAP SIDING, COLOR: FARMHOUSE WHITE
- ASPHALT SHINGLES – TAMKO HERITAGE, OXFORD GREY

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ARCHITECTURE
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DATE: 03/22/2019
REVISIONS:

SDP DRAWINGS

SHEET TITLE:
ELEVATIONS
UNITS 3316 & 3324

SCALE: AS NOTED
SHEET NUMBER:
SDP-7

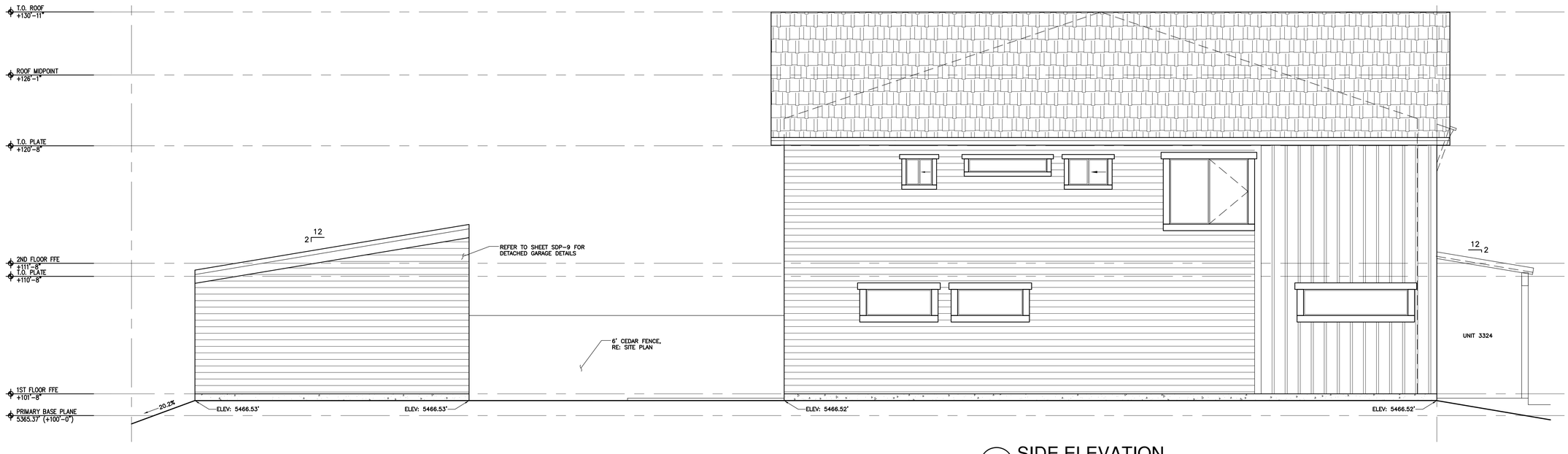
AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

MATERIAL LEGEND/SYMBOLS

- VERTICAL BOARD & BATTEN SIDING, COLOR: FARMHOUSE WHITE
- ASPHALT SHINGLES – TAMKO HERITAGE, OXFORD GREY
- HORIZONTAL LAP SIDING, COLOR: FARMHOUSE WHITE

1 SIDE ELEVATION
SCALE: 1/4"=1'-0"



2 SIDE ELEVATION
SCALE: 1/4"=1'-0"

FIEBIG ARCHITECTURE
FIEBIGARCH.COM

AMES PARTNERS, LLC
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DATE: 03/22/2019
REVISIONS:

SDP DRAWINGS

SHEET TITLE:
ELEVATIONS
UNITS 3316 & 3324

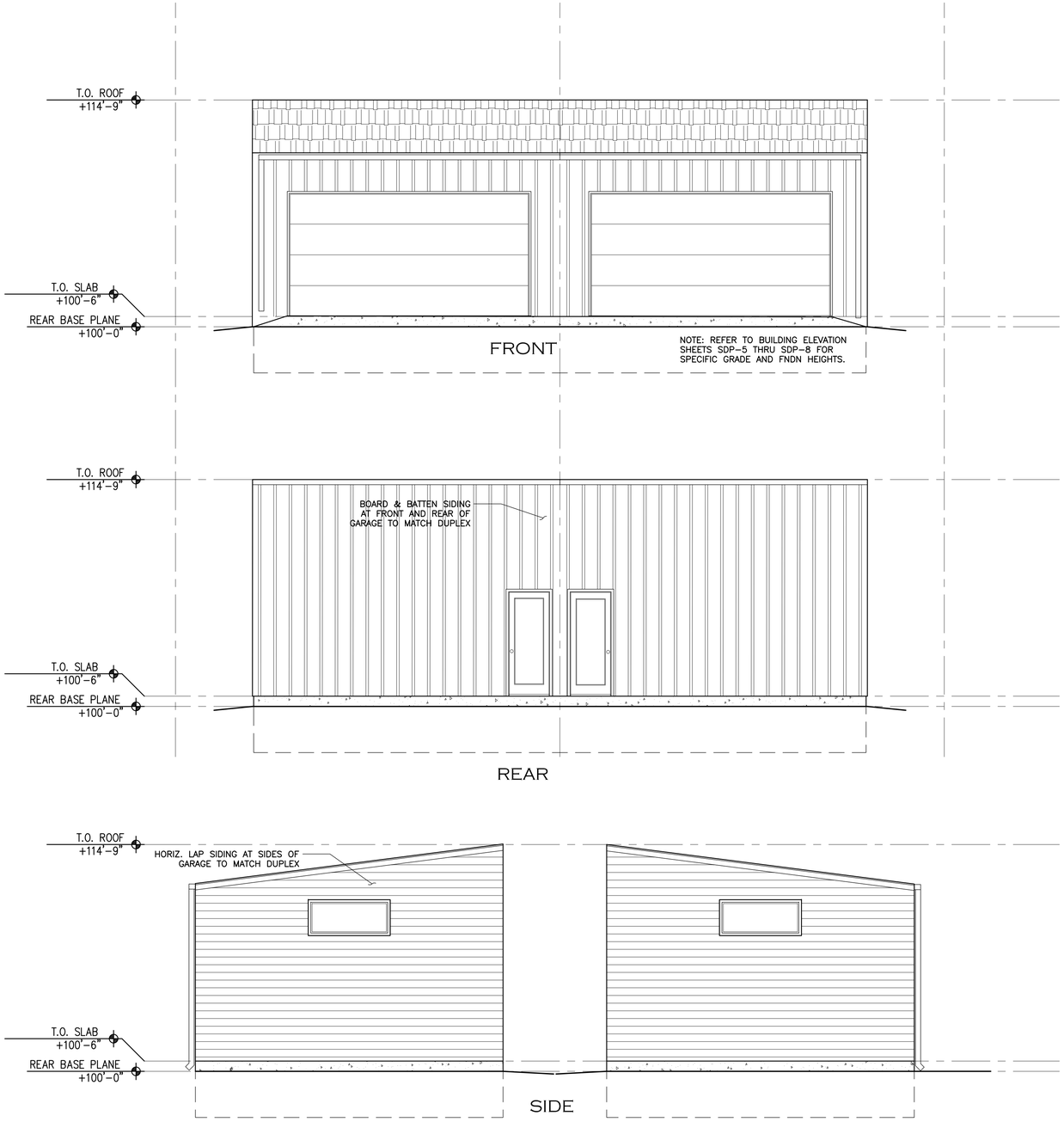
SCALE: AS NOTED
SHEET NUMBER:
SDP-8

AMES PARTNERS PLANNED RESIDENTIAL DEVELOPMENT

A SPECIFIC DEVELOPMENT PLAN IN THE CITY OF WHEAT RIDGE, COLORADO
LOTS 1 AND 2 OF THE FEASTER SUBDIVISION
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

MATERIAL LEGEND/SYMBOLS

- VERTICAL BOARD & BATTEN SIDING, COLOR: FARMHOUSE WHITE
- HORIZONTAL LAP SIDING, COLOR: FARMHOUSE WHITE
- ASPHALT SHINGLES – TAMKO HERITAGE, OXFORD GREY



1 GARAGE ELEVATIONS
SCALE: 1/4"=1'-0"

FIEBIG ARCHITECTURE
FIEBIGARCH.COM

AMES PARTNERS, LLC
3300, 3308, 3316, 3324 AMES STREET
WHEAT RIDGE, CO 80212

PROJ. NO. 180406
DRAWN:
CHECKED:
CADD FILE:
DATE: 03/22/2019
REVISIONS:

SDP DRAWINGS

SHEET TITLE:
GARAGE ELEVATIONS

SCALE: AS NOTED
SHEET NUMBER:
SDP-9

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EXHIBIT 6: SITE PHOTOS

View of the subject property looking northeast along Ames Street. The neighboring apartment building can be seen in the background. The water quality area would be located in the space between the northern lot and the apartment building, acting as an additional buffer.

View of the site looking east from Ames Street. The neighboring apartment building is to the left, and the commercial assisted living facility is in the background. The proposed alley and single-story garages provide a separation and buffer between the subject site and the assisted living.

View of the subject property looking north from W. 33rd Avenue. Both adjacent lots can be seen in the photo. The driveway would be located to the west (left) of the assisted living facility, allowing access to the detached garages.

View of the subject property looking north from W. 33rd Avenue, up Ames Street. The buildings across Ames Street are primarily single-family homes on small lots.

EXHIBIT 7: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	November 8, 2018
Attending Staff:	Scott Cutler, Planner II
Location of Meeting:	Wheat Ridge Municipal Building
Property Address:	Vacant lot, NE corner of W. 33rd Ave & Ames Street
Property Owner(s):	Novy Development LLC
Applicant:	Jay Feaster
Applicant Present?	Yes
Existing Zoning:	Residential-Three (R-3)
Existing Comp. Plan:	Neighborhood Buffer

Existing Site Conditions: The site is located at the northeast corner of Ames Street and W. 33rd Avenue near the eastern border of Wheat Ridge. It is currently vacant, with the exception of some gardening boxes. The property is zoned Residential-Three (R-3), which permits medium to high-density residential development, ranging from single-family to multi-unit developments. Properties to the north and south (across W. 33rd Avenue) are also zoned R-3. Much of the surrounding neighborhood, including the properties directly across Ames Street, are zoned Residential-One C (R-1C), which permits small-lot single-family homes. The senior living facility to the east of the property is zoned Neighborhood Commercial (NC).

The site consists of four parcels: two large, platted lots on Ames Street, and two narrow (each approximately 8-feet wide) tracts at the eastern edge of the property. These tracts were created when the 16-foot wide alley was vacated. When vacations occur, the land being vacated is split between the properties abutting the vacated land. A former owner of the subject site acquired the neighbor's 8-foot portion of the alley, thus giving the full width of the former alley to the subject property. The four parcels total approximately 18,720 square feet (a survey will determine the exact figure).

Applicant Preliminary Proposal: The applicant has proposed to rezone the property from R-3 to Planned Residential Development (PRD), allowing them to subdivide the property for two duplexes. Due to the number of variances required by the applicant's proposed subdivision and future development if using the R-3 zoning, a PRD was pursued to eliminate the need for variances and to ensure high-quality architectural and site design. The two-story duplexes would have rear detached garages accessed from an alley off of W. 33rd Avenue.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 2 residents from the neighborhood attended the meeting; see attached sign-up sheets.
- Staff explained the purpose of the neighborhood meeting, and informed the members of the public of the rezoning and planned development process.
- Staff discussed the site, its zoning and land use.
- The applicant presented their proposal and answered further questions, with help from staff.
- The members of the public were informed of their opportunity to make comments during the process and at the required public hearings.

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

- A resident notified the applicant and staff of some code enforcement issues in the neighborhood, including a nearby business that dumps water in the vacant lot.
  Staff passed the information along to Code Enforcement and the Stormwater Manager.
- Parking issues were discussed, including potential illegal parking and abandoned vehicles.
  The proposed development includes on-site garages for each duplex unit, and will make street changes to make street parking safer. The applicant noted that developing the site may ward off some of the illegal activity that currently occurs there. Staff noted that Wheat Ridge has a 72-hour parking limit in one location on the street, but that all streets in this area allow public parking.
- What is the arrangement of the duplexes?
  Two duplexes are planned for a total of four units. They would be two stories with pitched roofs, and detached garages in the rear. Most likely they would be 3 bedrooms, 2.5 bathrooms, with an unfinished basement, for a total of approximately 2,000 square feet. Interior details haven't been worked out yet, but the applicant showed images of potential finishes.
- What is the proposed sale price?
  Approximately $650-700 thousand, but the final price will be determined by the cost of construction and market viability. The applicant noted that similar homes sell for upwards of $750-800 thousand just a few blocks east in Denver.
- A resident noted that the water table is fairly high in this area.
  Noted, the applicant obtained a soils test for the property.
- A fence was suggested along the rear property line adjacent to the nursing home.
  The applicant explained the site design and said that the backyards would be fenced.

EXHIBIT 8: APPLICANT LETTER

Dear City of Wheat Ridge,

We are exciting about the opportunity to build one of our new homes in Wheat Ridge. We take great pride in our work; it is truly a passion for us.

The previously proposed construction project with the previous owner consisted of a row home with three floors and reaching a height of almost 35 feet. This construction form has seen a great deal of backlash from the Sloan Lake Denver neighborhood where new construction and soaring new buildings litter the landscape. But our lot is not Denver and we felt that something of this nature would severely detract from the neighborhood feel. The original owners site plan was oriented with the front doors facing 33rd instead of Ames, like the remainder of the neighbors. They did this to squeeze 5 units onto the lot and affectively would have ended up paving over a good portion of the lot with drive aisles and patio work. There would be no private space for the home owners and because of the height, it would infringe upon the privacy of the neighbors. Again, we felt that this just would not be appropriate in Wheat Ridge, which is why decided to drop to only 4 units and reorient the fronts of the homes back onto Ames street. We also dropped the 3rd floors and plan to do only 2 story units with pitched roofs similar to a more traditional design aesthetics and basements. We feel this would allow our new homes to be more welcomed into the community by giving the block congruity, giving these new homes nice front setbacks but also private back yards.

To accomplish this, we would like to apply for a Planned Development at this time. Please see our proposed site plan and please let us know if we can provide anything further to the city or the neighbors. This is our first time working with the city of Wheat Ridge, so please let us know what our next steps should be. Thank you for your consideration.

Sincerely,

Jay Feaster
Ames Partners LLC
720-891-7916
Team@FeasterRealty.com

B. <u>Case Nos. WZ-18-25 and WZ-18-26</u>: An application filed by Ames Partners, LLC for approval of a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an Outline Development Plan (ODP) and Specific Development Plan (SDP) for development of two duplexes located at the northeast corner of W. 33rd Avenue and Ames Street.

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

Commissioner PETERSON commented on page 6, #4, letter C and explained the condition has not been met and does not need to be.

Commissioner VOS asked if the R-3 designation does not permit the configuration of duplexes the applicant wants without applying for multiple variances.

Mr. Cutler agreed and added that if the applicant stays with the R-3 zoning they could put 5 attached townhomes on the site.

Ms. Mikulak added that the City is prohibited in processing lot size variances to add additional units.

Commissioner OHM asked if the landscape plan meets the streetscape standards.

Mr. Cutler explained that the Street Scape Manual requires 4 street trees per street frontage and the applicant is going to be required to build a wider attached sidewalk with current ADA ramps at the corner.

Commissioner OHM also asked if sight distance triangles are a requirement on the landscape plan.

Mr. Cutler said there is no sight distance triangle for this landscape plan because the distance would be 15 ft. x 15 ft. and is not even close for these local streets.

Commissioner VOS mentioned a sign-up sheet not being included in her agenda packet.

Jay Feaster, Applicant
19510 West 55th Place, Golden

Mr. Feaster did not have anything to add to the presentation.

Commissioner PETERSON asked how the duplexes will be owned.

DRAFT

ATTACHMENT 3

Mr. Feaster said each door will be sold individually.

Commissioner SIMBAI asked why batten siding had been chosen for the duplexes.

Mr. Feaster said it is durable and will give more of a cottage look which stucco would not even though it is durable as well. Batten will also complement the neighborhood.

Commissioner LARSON asked if there is enough room for in the private alley for cars to get in and out of. He also wondered if there will be on street parking.

Jessie Donovan, Engineer
3253 N Gaylord Street, Denver

Mr. Donovan explained that the City requires a 5-foot pull out at the end of the alley for the last unit to have enough room to back out of the garage and drive away. He added there will be on street parking as well.

Commissioner VOS asked that if this zone change is approved, can the applicant sell the property and a more dense building be built.

Mr. Cutler said that is not a possibility. He explained that once the ODP is approved the zoning will be established for the property which will limit the property to only single family homes or a duplex development. He added that the ODP is meant to show the development standards and the SDP provided the specific standards, for example, showing exactly where the buildings will be placed.

Commissioner LEO said she has a concern that duplexes can be non-owner occupied.

Mr. Feaster said that of the 45 duplexes he has built and sold he has yet to see a loan that has not been an owner occupied loan.

Ms. Mikulak added that City Code and Federal Fair Housing laws would not allow the City to regulate if the duplexes are owner or renter occupied.

Commissioner OHM asked what the two fences on the north and south are for and why they extend out beyond the line of the building.

Mr. Feaster and Mr. Donovan said they are privacy fences and they extend to maximize the visual space between the units.

Commissioner OHM asked about the 4.5-foot sidewalk on the east side of the garages and didn't think that is not a normal width for a sidewalk.

Mr. Donovan explained that it is not a sidewalk but an approach to the garages with a slight slope from the alley and is considered a driveway apron.

Commissioner PETERSON asked if there is any requirements for permeable patios and walkways.

Mr. Cutler said there are requirements for open space on properties and the code for duplexes requires 25% of the lot be open space. He explained the applicant is proposing 42% of the lot be pervious, so they are well exceeding the requirement.

Mr. Westberg added that permeable pavers are allowed as part of a water quality treatment, but this property has a separate water quality facility so the pavers are not required.

Commissioner LARSON asked if the units will have basements.

Mr. Feaster said there will be unfinished basements with 9 foot ceilings and egress windows.

Tom Sunheim
5601 West 35th Avenue

Mr. Sunheim is happy with what is being proposed for this site and thinks it will be a good fit for the neighborhood.

Commissioner VOS said she appreciates the less density, architecture and the character of the project.

It was moved by Commissioner LARSON and seconded by Commissioner PETERSON to recommend APPROVAL of Case No. WZ-18-25, a request for approval of a zone change from Residential-Three (R-3) to Planned Residential Development with an Outline Development Plan (ODP) for property located at the northeast corner of W. 33rd Avenue and Ames 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 condition:

1. **The minimum lot area shall be revised to 8,425 square feet.**

Motion carried 7-0.

It was moved by Commissioner ANTOL and seconded by Commissioner SIMBAI to recommend APPROVAL of Case No. WS-18-26, a request for approval of a Specific Development Plan on property located at the northeast corner of West 33rd Avenue and Ames 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 City Code.**
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 developer's 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 codes and policies.**

Motion carried 7-0.

DRAFT

City of Wheat Ridge

ITEM NO: 9.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 30-2019 – A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT PLAN (SDP) FOR PROPERTY LOCATED AT 3300 AMES STREET (CASE NO. WZ-18-26 / FEASTER)

☒ 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 3300 Ames Street (northeast corner of W. 33rd Avenue and Ames 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 April 4, 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 City Code.
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.

The staff report and meeting minutes from the April 4 Planning Commission meeting are attached to the preceding CAF for Council Bill 06-2019.

FINANCIAL IMPACT:
Fees in the amount of $1,079 were collected for the review and processing of Case No. WZ-18-25 and WZ-18-26. Parkland fees in lieu of land dedication in the amount of $9,989.16 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 06-2019 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, and landscaping. Key components of the site design are described here. The SDP plan is included with the Planning Commission staff report.

Proposed Development

Site Design
The duplex buildings are proposed to face Ames Street, which matches the existing conditions in the neighborhood. Detached garages will be provided for each unit, with a private walkway from the duplex unit through a private yard to the garage. The garages will be accessed from a private shared driveway on the east side of the site off of W. 33rd Avenue. Yards will be fenced. New sidewalks will be constructed on both streets of the property frontage. The setbacks on both streets are designed to be context-appropriate, attempting to match the surrounding conditions.

Landscaping
The ODP requires each lot to be at least 40% landscaped, and the SDP proposes each lot to exceed that requirement. Additional landscaping will be provided in the water quality area at the north end of the site. A total of 4 street trees are provided, plus 17 shrubs, and 46 ornamental grasses. Each duplex unit will have a landscaped front yard and a private rear yard with a concrete patio and sod.

Architecture
The City does not have architectural requirements for single or two-family buildings, which includes duplexes. However, through the SDP process the applicant has proposed enhanced architecture, with vertical board and batten siding, grey asphalt shingles, and variations in siding patterns on the side façades. Each unit will have a covered porch. The detached garages will match the main buildings. The duplexes will be two stories with pitched roofs in a more traditional style.

Drainage
Drainage is accommodated in a water quality area on its own tract at the north end of the site, between the northern duplex and the neighboring property. This area will contain irrigated turf, sod, and rock mulch, as well as plantings on the east side. The area is sized sufficiently for the added impervious surface on the site, and acts as an additional buffer between the proposed development and the apartment building to the north. Based on the total area of impervious surface being less than 10,000 square feet, full-flood attenuation is not required.

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 unique and context-sensitive duplex design with an emphasis on enhanced landscaping and architecture.
- 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 established in the ODP and other applicable design standards. The applicant is upgrading sidewalks and curb ramps to the City's standard for local streets and landscaping is being provided along the street frontage in excess of code requirements.

RECOMMENDATIONS:
Based on compliance with the SDP review criteria, staff is recommending approval of this request.

RECOMMENDED MOTION:
"I move to approve Resolution No. 30-2019, a resolution approving a Specific Development Plan for property located at 3300 Ames 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. 30-2019, a resolution approving a Specific Development Plan for property located at 3300 Ames Street, for the following reasons:

1.
2.
3. "

REPORT PREPARED/REVIEWED BY:

Scott Cutler, Planner II
Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 30-2019

CITY OF WHEAT RIDGE
RESOLUTION NO. 30
Series of 2019

TITLE: A RESOLUTION APPROVING A SPECIFIC DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 3300 AMES STREET (CASE NO. WZ-18-26 / FEASTER)

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, Ames Partners, LLC submitted a land use application for approval of a Specific Development Plan for property at the northeast corner of W. 33rd Avenue and Ames Street (3300 Ames Street); and,

WHEREAS, the Specific Development Plan will allow for reinvestment in the community and provisions of duplexes 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 3300 AMES STREET (CASE NO. WZ-18-26 / FEASTER) 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 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 13th day of May, 2019.

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

ATTACHMENT 1

ITEM NO: 10.
DATE: May 13, 2019

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 07-2019 – AN ORDINANCE REMOVING THE LOCAL HISTORIC LANDMARK STATUS FROM AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 11480 W. 44th AVENUE (CASE NO. WHL-19-01 / McENTIRE)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS
☒ ORDINANCES FOR 1ST READING (05/13/2019)
☐ ORDINANCES FOR 2ND READING (06/10/2019)

QUASI-JUDICIAL: ☒ YES ☐ NO

Community Development Director

City Manager

ISSUE:
The applicant is requesting removal of the local historic landmark status from an accessory structure on property located at 11480 W. 44th Avenue in the Agricultural-One (A-1) zone district. The current owner purchased the property in 2013.

Section 26-913.A.3 of the City Code allows an application for removal of historic designation to be submitted at the request of a new owner, but only to the extent public financial assistance has not been received to benefit the exterior historic elements of the property.

PRIOR ACTION:
The structure was designated as a local historic landmark in 1998, processed under Case No. WHL-98-01 and passed by ordinance.

FINANCIAL IMPACT:
Fees in the amount of $320 were collected for the review and processing of Case No. WHL-19-01.

BACKGROUND:
The subject property is located on the south side of W. 44th Avenue between Robb Street and Tabor Street. The property is approximately one acre in size. Currently the property is vacant with the exception of an approximately 576 square foot barn at the rear of the property.

As noted previously, in 1998, City Council approved an ordinance designating the barn on the property as a local historic landmark under Case No. WHL-98-01. Since then, the property has changed hands and the current owner is desirous of removing the local historic status of the barn.

City Code allows for an application for removal of historic designation to be submitted by the owner of the property, provided that it is the request of a new owner (not the owner who requested the designation) and to the extent public financial assistance has not been received to benefit the exterior historic elements of the property. No public funds have been distributed to repair the barn. Staff has determined that the applicant is eligible to apply for the removal of the historic designation, which requires a public hearing at City Council. There are no discretionary review criteria if the request meets these two standards related to ownership and funding.

RECOMMENDATIONS:
The application in this case is for the removal of a historic status of an accessory structure. This action is quasi-judicial, and as a result, the applicant is entitled to a public hearing on the application.

Historic designations (or their removal) in Wheat Ridge is accomplished by ordinance (Charter Sec. 5.10; Code Section 26-913). Ordinances require two readings, and by Charter, the public hearing takes place on second reading.

First reading in these cases is a procedural action that merely sets the date for the (second reading) public hearing. No testimony is taken on first reading. Because it is important that the applicant and all interested parties have their due process rights to a hearing, the City Attorney advises Council to approve ordinances on first reading. This merely sets the date for the public hearing, and for this reason, the packet materials provided on first reading are generally limited.

RECOMMENDED MOTION:
"I move to approve Council Bill No. 07-2019 an ordinance approving the removal of local historic status for an accessory structure at 11480 W. 44th Avenue on property zoned Agricultural-One (A-1), on first reading for the sole purpose of ordering it published for a public hearing set for Monday, June 10, 2019 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication."

REPORT PREPARED/REVIEWED BY:
Scott Cutler, Planner II
Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 07-2019

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 07
ORDINANCE NO. _____
Series of 2019

TITLE: AN ORDINANCE REMOVING THE LOCAL HISTORIC LANDMARK STATUS FROM AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 11480 W. 44th AVENUE (CASE NO. WHL-19-01 / McENTIRE)

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, the property owner of 11480 W. 44th Avenue is requesting removal of the local historic landmark status of an accessory structure on their property; and,

WHEREAS, Section 26-913.A.3 of the City Code allows for removal of historic designation at the request of a new property owner to the extent public financial assistance has not been received to benefit the exterior historic elements of the property; and,

WHEREAS, the property owner is a new owner who did not request the original historic landmark status and no public funds have been received to renovate the structure; and,

WHEREAS, there are no discretionary review criteria if the request meets the two standards related to new ownership and funding;

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

Section 1 Findings of Fact. The Wheat Ridge City Council hereby finds that the property owner is eligible to remove the historic landmark designation from the accessory structure. The ownership has changed since the original designation and public financial assistance has not been received to repair the structure.

Section 2. Removal of Historic Landmark Designation. Pursuant to the authority vested in it by Section 26-913 of the Wheat Ridge Code of Laws, the Wheat Ridge City Council hereby removes the local historic designation from the barn on the property at 11480 W. 44th Avenue.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The

City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of __ to __ on this 13th day of May, 2019, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 10, 2019, at 7:00 o'clock p.m**., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

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

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

_____
Bud Starker, Mayor

ATTEST:

_____
Janelle Shaver, City Clerk

Approved as to Form

_____
Gerald Dahl, City Attorney

1st publication:
2nd publication:
Wheat Ridge Transcript:
Effective Date: