

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

October 17, 2016

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

Council members present: Monica Duran, Janeece Hoppe, Kristi Davis, Zachary Urban, George Pond, Tim Fitzgerald, Genevieve Wooden, and Larry Mathews

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; other staff, guests and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

Jesse Hill (WR) believes the bulk plane issue will determine if and how reinvestment in east Wheat Ridge will happen. He wishes this was being done in a better way; he thinks this is an ineffective way to do public policy. There have been no postings, legal notices, mailings, neighborhood involvement, or meetings. People don't know about this. He thinks the variance process is difficult and expensive. It effects sellers and homeowners. He appreciates the staff input, but there is buildable area and a sellable area. Not taken into account are things like a garage, driveway, space by the garage, etc. He will send Council pictures of what a 17 ft bulk plane building looks like; it's great. He encouraged compromise and feels there must be allowance for at least 35 ft in height.

Michael Epton (WR) would like to see 12½ ft bulk plane and 25 ft maximum height. He represents 80 households that want those limits. There is neighborhood involvement; not one person who learned about this refused to sign the petition [*submitted to Council at an earlier date*]. Highlands has a height limit of 30 ft; Edgewater recently set theirs at 25 ft. This neighborhood wants the 25 ft limit just in the R1-C and R3 zones. 2½ stories can fit in those limits. The 3-story towers eliminate everyone's privacy nearby, and have lowered neighbors' property values due to the privacy issue and blocking the sun.

Carol Mathews (WR) spoke in favor of height limits for bulk plane. People want to keep their cozy neighborhoods. Councilors who support these 3 story towers as a way to move Wheat Ridge forward should know that in District 1 the new neighbors are ADU's, rentals to multiples of singles, air B&B, rain and snow water draining into neighbors' houses, streets lined with cars, and alleys being used for parking -- impeding trash collection and rights-of-way. There aren't code enforcement capabilities to protect the homeowners and law abiding citizens? These towers are selling for \$600-800,000 in a neighborhood where the average house sells for \$250-400,000. What happened to the need for affordable housing? She urged Council to support the citizens, not cater to outside interests that are pushing Wheat Ridge into a European model controlled by absentee landlords. Use common sense and learn from the past. She recalled how

developers came into Wheat Ridge in the 1960's and built duplexes and cheap apartments; now many of those areas are targets for revitalization and law enforcement.

Vivian Vos (WR) Regarding the idea that people have invested in these neighborhoods and will lose their investment, she thinks they are whiners. The people who live here now have invested their dollars and lives into this community too. The new developers don't care about the people who are already here. She also believes common sense starts with the building permits and that staff should have foreseen there would be problems with these large houses going up next to one-story bungalows. The neighbors have no sun, no privacy. This should have been stopped long before these houses went up. Citizens have come to these meetings, but no developers. Council shouldn't be giving this away to developers while giving no consideration to citizens who already live here.

1. Staff Report(s)

a) 29th Avenue Realignment ~ Scott Brink & Steve Nguyen

Realignment of the intersection at 29th & Fenton and is related to the Ashland Reservoir project. When the project is finished the kink in 29th at Fenton will be straightened out. There will be room to widen the road and allow for parking and sidewalks. There was a neighborhood meeting in April. The project is not on schedule so our construction is not expected to start until spring 2017. The traffic signal at 29th & Fenton is proposed to be removed as it does not meet warrants.

Councilmember Mathews asked about parking for Wheat Ridge Manor. Steve Nguyen reported that parking was the main concern at the neighborhood meeting. The choice was made to give up a tree lawn to allow for on-street parking.

Councilmember Duran inquired further about the removal of the traffic light. Mr. Nguyen explained the light was there because of sight distance. Entering traffic volume is very low from Fenton. He noted there are intersections that have more traffic than this one and operate very well with stop signs, e.g. 35th & Pierce, 38th & Upham, 32nd & Harlan.

Staff will continue to keep the Council updated on the project.

2. Carnation Festival Report ~ Gina Hallisey, Joe DeMott, Nancy Lease

Ms. Hallisey began with a 5-minute video showing highlights of the 2016 festival and provided handouts to the Council. This year the festival expanded to another level:

- Expanded the carnival
- Added the Jackalope artisan fair
- Attendance was up this year
- More activities were family focused
- \$20K given out to service groups
- Circus was 100% self-funded on ticket sales.
- Have had 4 years of steady progress.
- Ended up with \$18,000 in the bank for next year.

Joe DeMott spoke. The goal was to make the festival bigger and give back more to the community. He provided examples of how that was done. They found the need to bring

in more paid security to manage the crowd/event. When an event gets so big volunteers can't do it all; you need professionals.

Discussion points and questions included:

- Security. The Police are spectacular. Board is proposing manned gates that are monitored. Safety is always a concern. There is need for a gate in the back.
- Ms. Hallisey suggested the festival is at a crossroads. They want to streamline next year. They learn every year. Examples: No Kids Zone this year; easier to let the carnival handle that. They might shut off beer sales at 10:30pm next year.
- Jackalope won't be back (not a good fit for them), but some of their vendors will.
- Councilmember Mathews asked if we are getting big enough to attract bad actors (such as pick-pockets). Nancy Lease said WR is a safe city and that culture is brought to the event, but safety is always a top priority for the board and the planners. Community involvement is essential. Ms. Hallisey noted that attractions shape the attendance. If you have family activities, you draw families; music draws partiers; etc.
- The increase in contract labor is for several things: security, event planning, subcontract labor, book keeping, marketing, vendor and sponsor management,
- Many of the discounts were possible due to Ms. Hallisey's connections.
- Main attraction line item may or may not be the circus next year.
- Joe DeMott said the board did shop for other planners; event planners are expensive.
- Keeping it a free event and attendance was discussed. All food vendors will return.

Final thoughts from Nancy Lease:

- The festival Board is planning ahead – which is a very good thing.
- The planning goal is always to include the community and have a safe event.
- The Board is determined to grow a rainy day fund.
- By 50th year (three more years) the goal is to have a full year in the bank.

3. Bulk Plane ~ Ken Johnstone,

Ken Johnstone went through the history of addressing this issue. The emergency ordinance expires Nov 21st and staff would like direction on three topics: exceptions, the variance process, and sloped lot applicability. Proposed are:

- 1) Exceptions to include chimneys, architectural features consistent with current setbacks, encroachment allowances, mechanical equipment, dormers, open type railings, consistent with adopted City Codes.
- 2) Variances
 - How to measure them?: Mr. Johnstone gave a lengthy explanation with illustrations. The usual allowance for up to a 50% administrative variance is included, but they are not guaranteed.
 - The applicant for the variance doesn't have to be the property owner.
- 3) Slopes
Grade is averaged midway across the lot. That figure is used for the base plane.

Staff wants to know:

- Confirm that a 15 ft bulk plane measurement is consistent with Council goals
- Review and confirm the proposed exceptions or allowable encroachments into the bulk plane area.
- Review and confirm the manner in which staff proposes to define and review variances from the new bulk plane regulations.

Councilmember Mathews asked if we are more concerned about profit for developers or the long term maintaining of neighborhoods.

Councilmember Fitzgerald approves of 15 ft height limit, but thinks 11 ft setbacks are too much. Mr. Johnstone explained that if a non-confirming setback exists, expansions up and out are allowed administratively. Requests for over 50%, and those appealed due to denial or conditions, go to Board of Adjustments.

Councilmember Davis doesn't want to rush and wants to be fair. She suggested more public outreach, more education, possible applicability for all zone districts, a community meeting. She's not thinking about the developers; she's thinking about community and moving forward to support those who live here and those who want to move here.

Councilmember Urban noted that people don't understand this issue or think about this until it affects them. He has concerns about the variance process. Could we draw on what other cities have done and learn from their experiences? Mr. Johnstone explained that Wheat Ridge is very unique in that it allows 50% administrative variances; most cities have 5-10% or no administrative variance, so we have to make it up on our own.

Councilmember Pond is comfortable with the proposed bulk plane measurement from a base plane standpoint and from a spring point, and sees this as a compromise. He sees the variance process as robust for what can be obtained. Property owners have the right to go to the Board of Adjustment. It's going to the Planning Commission this Thursday. That, and 1st reading, will provide opportunity for public input.

Councilmember Duran noted getting calls about this from people in other areas of the City and opened the discussion about possibly extending the time before a decision is made and broadening the discussion to include height and setbacks.

Discussion followed.

- If Council wants to extend the time past the 90 days a moratorium would be necessary.
- Mr. Johnstone noted that 90 days wasn't enough time to do a public process.
- Council could do a mailing for the hearing if they want to.
- Building height is another way to regulate the scale of residential development.
- A written objection also triggers sending a variance to the Board of Adjustment.
- Adjacent property owners are informed of an administrative variance.

Councilmember Hoppe thinks 15 ft is a compromise. She doesn't think it's about developers and supports all three recommendations.

Councilmember Hoppe received consensus for

- Using the presented method for measuring the base plane

- Moving forward with a 15 ft bulk plane measurement for R1C and R-3
- Moving forward with the variance process for bulk planes as presented
- Accept the staff recommendations on encroachments

4. Elected Officials' Report(s)

Genevieve Wooden announced a District 4 meeting at the WR Rec Center tomorrow night at 7pm. A school board member will be there to discuss the Jeffco school ballot issues. There will also be discussion on Ballot Issue 2E and a District 4 update.

Zachary Urban reminded everyone that political signs are not allowed on City property.

Janeece Hoppe invited everyone to join her and Jerry DiTullio at C+ tomorrow night from 6-7:30pm to discuss 2E.

Monica Duran invited everyone to a District 1 Neighborhood Watch meeting on Saturday, October 29th from 1-3:00pm at Ye Olde Firehouse (32nd & Chase). Police will be there to answer questions.

Janelle Shaver reported the County started mailing out ballots today. Voters should receive their ballots sometime this week. Ballots can be mailed in or brought to City Hall. There are also ballot box locations throughout the County. A list of those locations is available on the City Clerk's election page. ~ She explained there were some problems with the TABOR notice on the City website. It is fixed now.

Tim Fitzgerald reminded folks that due to the long ballot it requires two stamps to mail.

Patrick Goff reported the following:

- He discussed briefly the 2017 Budget that had been provided to the Council. It's a balanced \$41.6M budget, with \$31M for General Fund (a decrease), \$3.6M for Capital Improvements (CIP), and Special Funds of \$6.9M.
 - It includes \$2.1M into General Fund Reserves (which allows us to transfer \$3M out of reserves for capital projects).
 - The plan is for a year-end undesignated reserve of \$5.7M (18%).
 - It includes a transfer of \$6.32M over 3 years to save up for the Wadsworth project, which then limits the funds for discretionary projects and maintenance.
 - Included is a CIP budget alternative in the event that 2E passes.
 - The official budget presentation is scheduled for November 7.
- He asked if councilmembers would be available for a meeting on November 28 – the Monday after Thanksgiving. Everyone said they would be here.
- He reported that the Corners at WR group developing 38th & Wadsworth had a neighborhood meeting. Since Walmart withdrew, they were looking at backfilling with residential. Now they have another retail tenant – which can't be identified. The new "box" will be 30K sf. Staff will be checking to see if the new plan follows the agreement which requires a 35K sf main tenant.

Mayor Jay noted the media book from the Carnation Festival is available for Council review.

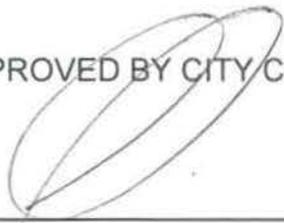
ADJOURNMENT

The Study Session adjourned at 8:51pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON November 14, 2016



George Pond, Mayor Pro Tem