

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
Virtual Meeting
November 2, 2020

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

This meeting was conducted as a VIRTUAL MEETING.

No members of the Council or City staff were physically present at the Municipal building for this meeting; the public did not attend in person.

Mayor Starker welcomed the Council, other elected officials, staff and interested citizens.

The Mayor also explained the virtual meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council members present: Amanda Weaver, Judy Hutchinson, Zach Urban, Rachel Hultin, Corey Stites, Janeece Hoppe, Leah Dozeman. Councilmember Valerie Nosler Beck had to excuse herself.

Also present: City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; City Manager Patrick Goff; Director of Administration Allison Scheck; Chief of Police Chris Murtha; Planning Director, Lauren Mikulak, Community Development Director Ken Johnstone, Scott Cutler, Senior Planner; Steven Chyung and Grant Wicklund of SCL Lutheran Medical Center, other guests and interested citizens.

Citizen Comment on Agenda Items –

Cary Whittaker, 6630 36th Ave. Called to speak to the number of short term rentals (STR) trusts, estates and partnerships operate may operate. He also asked about a number of other details addressed in the narrative at previous meetings or in the packet for tonight, including STR licensing, sanctions for violations, business tax collection, et al.

Christine Jessup, 6730 W. 30th Ave., I think rezoning hearings would be required for each B&B that is zoned R-1, -2 or -3. If you are going to operate rental properties as businesses, then the site needs to be rezoned. I would like to see all B&B stopped. They are illegal and should not be allowed. If you live near one you would also want to stop this. We have seen drug dealers set-up for a day or two then disappear. Others have been converted to massage parlors. You people are too chicken to tell them to shut down.

Note about Wheat Ridge Speaks:

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. *The deadline for citizens to*

submit comments is 12:00 Noon Mountain Time on the day of a Council session
so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that include a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

The following comments appeared in Wheat Ridge Speaks relating to item 1, below.

We have property near 44th and Kipling. With the development of the existing SCL/Lutheran Hospital, this could be a once in a century opportunity to create a large "city park," a large playground, a biking area for kids and teens, and open space with walking and bike trails in the heart of the city. Additionally, some low-density housing would be good for the community. With the many new higher density condos/apartments on or near Wadsworth, all of these new residents will need areas to play. Crown Hill is crowded. At times, it is difficult to walk on the path with all of the bikes. A true hardship for individuals using canes, walkers, or wheelchairs. The last thing we need are more half-rented apartment complexes and half empty strip malls. As elected representatives, please plan for 100 years from now. Additionally, don't change surrounding streets. This plan needs to be an improvement to the lives of the current residents. And, which will also enhance the lives of future residents. Thank you.

11/02/2020 11:03 am

Marilyn Tuck

Urban Street Arvada, 80004

I live at 32nd and Cody Ct. and I would like to see the current master plan for the Lutheran Campus and a description of the proposed changes to that plan. I would like to know if any zoning changes are proposed, and how this will impact my neighborhood and the traffic through it.

Ken Flees 11/2/20

11/02/2020 10:38 am

Kenneth P Flees

3210 Cody Ct. Wheat Ridge, 80033

I live on 32nd and Balsam.

I would like additional green space to be included in an equal proportion to development on Lutherans site.

I would like Balsam to remain a dead-end street so that my kids have a least one non-busy street. To play on.

I would like a mix-use low density development with an equal amount of green space to go in.

11/02/2020 10:35 am

Byron Tuck

3200, Balsam St. Wheat Ridge, 80033

I also live at 32nd & Balsam St. and would like to preserve the retention pond on the south side of the West Pines facility as well as keep Balsam Street a DEAD-END street. It would also be nice to have a new open space for us to play with our kids since the park at Crown Hill has seen a major increase of traffic.

Thank you, Erika Bryant

11/02/2020 9:57 am

Erika Bryant

3200 Balsam St Wheat Ridge, 80033

I live at 32nd & Balsam Street. I ask that the Master Plan for the hospital area preserve the retention pond on the south side of the West Pines facility and keep Balsam Street as a DEAD END street. Crown Hill Park is becoming extremely crowded, and a new park/open space for the area will be necessary. The West Pines open area (where the pond is) would be a welcome aspect to the Master Plan.

Thank you, Lisa Wilson

11/02/2020 9:46 am

Lisa Wilson

3231 Balsam St. Wheat Ridge, 80033

End of comments entered in Wheat Ridge Speaks.

1. Master plan for existing SCL/Lutheran Hospital campus

Discussion began at 6:37 pm, approximately 0:0 minutes into the recording of the session.

Mr. Johnstone introduced Ms. Mikulak, who spoke on this item as the purpose of this study session is to provide Council with an update on SCL Health's plans for the existing Lutheran Medical Center campus and to seek consensus on a master planning effort for the campus.

Some of the items addressed:

- **Existing Conditions**

SCL Health currently owns and operates the Lutheran Medical Center (LMC) at 8300 W. 38th Avenue. The campus is 100 acres in size extending between W. 32nd Avenue and W. 38th Avenue, and between Allison and Dudley. While there are no public rights-of-way within the property, this area is roughly equivalent to the size of 12 city blocks.

- **SCL Health Plans for the Future**

In 2018, SCL Health (SCLH) purchased a 26-acre parcel to anchor the Clear Creek Crossing development west of I-70 at 40th Avenue. Currently called the “West Campus,” the site will include a 6-story hospital and separate medical office buildings. Services will be similar to those provided currently on the Lutheran campus.

- Proposed Master Plan

The zoning on the Lutheran campus exclusively allows medical uses, and the City’s comprehensive plan shows the campus only as a public or hospital use. In order for any development to occur or any repurposing of existing buildings, a zone change will be necessary. In order for a zone change to be supported by staff and decision makers, it needs to be supported by the comprehensive plan.

Staff has discussed the importance of a master planning effort with SCLH, and the importance of completing a plan before SCLH moves too far forward in engaging the development community. To that end, staff is proposing the following arrangement for completion of a master plan:

- City staff will serve as the project manager.
- SCLH will fund the planning effort (estimated to be \$120,000-\$150,000).
- Staff and SCLH will jointly select a planning consultant to lead the effort using the City’s procurement process.
- A planning consultant will lead an 8-month process including robust public and stakeholder engagement and plan development.
- A master plan will need to be rooted in reality; responsive to stakeholder feedback; and supported by analysis of traffic, utilities, and the market.
- The master plan will need to be reviewed and adopted by the Planning Commission and City Council as an amendment to the comprehensive plan to provide the basis for future development approvals.

The resulting master plan is intended to be community-backed and vision-based to further goals rooted around the following elements:

- zoning and land use
- transportation and connectivity
- utilities and infrastructure
- economic conditions

Councilmembers had questions and comments:

Who will fund the planning study?

Councilmembers appreciate the proactive planning that has begun and are looking forward to seeing the outputs from the planning process.

Will a neighborhood involvement process include nearby residents? The more public the process can be, the better.

Councilmembers noted that residents are very curious and asking to get involved in the planning process because it will impact their quality of life and property values directly.

What outreach radius will we use to involve residents and neighborhoods? Ms. Mikulak provided the background and the discussions of residents' involvement to date.

Council prefers that the communication radius and involvement of residents is inclusive and more widespread than constrained.

What will be the scope of changes contemplated by the new master plan? If there is no residential development planned, then what kinds of businesses will be attract? What will happen to West Pines Rehab Center? Council are concerned that residents should be involved early and completely because of the extensive impact this project will have on the City for decades to come.

If West Pines closes, what will SCL's commitment to mental health look like going forward?

Ms. Mikulak explained that the master plan must consider an array of issues and desires, based on careful study and interactions/involvement of residents, special districts, utilities, traffic impact, etc.

Mr. Chyung addressed these issues to the extent possible at this early stage of the planning and then development processes.

Councilmember asked for a consensus to instruct staff to move forward with the master plan process.

Consensus attained.

2. Short-term rental ordinance

Discussion began at 7:02 pm, approximately 0:32 minutes into the recording of the session.

Mr. Goff gave an update to council where in October 2019, City Council gave specific policy direction and made a consensus for staff to begin drafting a short-term rental (STR) ordinance. Staff developed a term sheet summarizing the provisions that could constitute an ordinance allowing short-term rentals.

Mr. Goff gave a detailed explanation of the proposed regulations based on City Council's April 2020 consensus as well as staff discussions, stakeholder outreach, continued research on other STR ordinances, and contacts with third-party STR regulators. The proposed framework includes direct input from the Planning Division, Building Division, Administrative Services, Police Department, and City Attorney. In some instances, staff is recommending minor changes to Council's direction based on input from the City Attorney.

Councilmembers had questions and comments:

Councilmembers asked a number of questions about the impact of the proposed ordinances on business owners and homeowners, as well as the provisions drafted into

the proposed ordinance changes and additions to Chapters 11 and 26 of the Wheat Ridge Code of Laws.

Councilmember Hoppe asked for a consensus for council to direct staff to bring to Council ordinances with respect to the proposed actions and addressing the concerns presented tonight by Councilmembers:

- Add a certificate of insurance is required for an STR license.
- We will not pursue retroactive lodgers' taxes for currently operating STR as long as they obtain proper licensure within a specified timeframe (six months) after the effective date of the proposed new ordinance.
- Add to the regulations that non-compliance (failure to come into compliance with the new STR ordinance within 6 months) means that you cannot obtain an STR license for one year.
- The STR owner must notify neighbors within 100 feet of their property that they are operating an STR and emergency contact information (including a phone number) and STR must certify that they have given proper notice to neighbors.
- Inside the rental property the STR owner must post prominently information for the renter on who to contact in case of an emergency.
- Staff will work concurrently on the new STR ordinances and the RFP process for third party vendors.
- After the initial grace period for licensing of STR, institute a cap of 2% per District based on single-family dwellings (including duplexes) for non-owner occupied STR.
- Councilmember Hultin asked that the consensus also state that there will be no required minimum number of nights' stay in an STR.

The above consensus keeps the previous consensus in place that specifies any one owner may license one owner-occupied property and one non-owner occupied property within the City.

Consensus attained.

3. Staff Report(s)

Discussion began at 8:45 pm, approximately 2:15 hours into the recording of the session.

Mr. Goff reported that the staff is working on public information and education efforts to encourage residents to comply with the County's restrictions under the public health orders in effect and potentially forthcoming soon.

4. Elected Officials' Report(s)

Councilmember Urban commented that too many citizens have a lack of concern and malaise about understanding and complying with the public health orders. Nonetheless we need to pursue all feasible efforts to communicate how important compliance is for the community as a whole.

Councilmember Hultin attended sessions with neighbors this past weekend in Bel Air and East Wheat Ridge and is very impressed with the staff's efforts to participate and listen to the citizens.

Mayor Starker thanked tonight's guests and staff for their preparation and participation. He also reminded all to wear a mask, watch social distancing and wash our hands.

ADJOURNMENT

The Study Session adjourned at 8:54 pm.

APPROVED BY CITY COUNCIL ON November 9, 2020.



Steve Kirkpatrick, City Clerk



Janeece Hoppe, Mayor Pro Tem