

**TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, OCTOBER 3, 2023
6:00 P.M**

Call to Order. Mayor Wolfe called the Regular Town Board Meeting to order at 6:00 P.M.

Roll Call. Mayor Chris Wolfe, Trustees Katie Gill, Sean Forey, John Leonard, David Wirtz, and Paul Sutton were present. Trustee Adam Way was absent. A quorum was established.

Staff Present. Austin Flanagan (Town Attorney), Kara Winters (Town Manager), Chief Vinelli (Chief of Police), Ariana Neverdahl (Town Clerk), and Courtney Christensen (Deputy Town Clerk).

Amendments to the Agenda. Trustee Gill added discussion of a Community Meeting Ordinance to the agenda.

Community Meeting Ordinance Discussion. Trustee Gill stated that the current community meeting ordinance drafted by the Town's former Attorney did not turn out how the Board had expected. Trustee Gill suggested drafting a new community meeting ordinance to inform the public on all land use applications submitted to the Town.

Trustee Sutton mentioned the letters of support for a new community meeting ordinance from residents Elizabeth Burris and Brewster Caesar.

The Board directed Town Attorney Flanagan to draft an updated community meeting ordinance for Board approval.

Public to Address the Board. Dave Killingsworth, 403 Bear Creek Avenue. Killingsworth addressed the Board and stated business was good over the summer. Killingsworth suggested the Town implement a shuttle to help patrons visit the Town and relieve some of the parking spaces. Killingsworth mentioned the noise ordinance sign at the east entrance of Town and stated it is not a welcoming message for visitors coming into Town. Killingsworth voiced his support for the redevelopment project at 101-109 Bear Creek Avenue.

Maja Stefansdottir, 202 Spring Street. Stefansdottir stated she liked Killingsworth's idea about the shuttle and suggested local business establishments help implement the shuttle. Stefansdottir voiced disappointment over not having a community meeting before a land use application was submitted to the Town. Stefansdottir asked the Board to revise the community meeting ordinance.

Shari Raymond, 111 Canyon Vista Lane. Raymond voiced disappointment in not having a community meeting before a land use application is submitted to the Town. Raymond thanked Trustee Gill for beginning the process of updating the community meeting ordinance.

Presentations and Hearings.

Bear Creek Redevelopment Site Development Plan and Major Site Improvement for 101-109 Bear Creek Avenue with accompanying agreements related to easements, development, and sales tax.

Mayor Wolfe called the Public Hearing to Order at 6:12 PM.

Staff Report. Town Planner McCool reviewed the Site Development Plan and Old Town Historic Overlay District Major Site Improvement Application with the Board. Town Planner

McCool highlighted that the new construction will be a total of 4,825 square foot mixed-use building with 2,625 square feet for an eating establishment and 2,200 square feet for two-multi dwelling units. The redevelopment site is 0.414 acres located on the east side of the Old Town Historic Overlay District at 101-109 Bear Creek Avenue. Town Planner McCool reviewed the existing conditions of the subject property with the Board. The subject property is the east gateway entrance to the Town, the site is currently accessed from Bear Creek Avenue with no defined site access point. The four-foot sidewalk forms the western edge of the property and provides pedestrian connectivity from Bear Creek Avenue to the existing public parking spaces along Mt. Vernon Avenue. Town Planner McCool informed the Board that the subject property is currently zoned Commercial Transitional (CT) and has two existing buildings. 101-103 is currently Ozzi's Ice Cream Shop and is a 2,191-square-foot historically significant building that was constructed in 1926. 109 Bear Creek Avenue is currently Willy's Wings a non-contributing structure in the Old Town Historic District, the building is 769 square feet with a 371 square foot patio that is proposed to be demolished. Town Planner McCool stated the application was sent out on referral to internal and external referral organizations, all referral comments have been adequately addressed on the September 25, 2023 resubmittal, with exceptions noted by Town Staff.

Proposed Site Development Plan. Town Planner McCool stated the redevelopment of 0.414 acres includes the rehabilitation and reuse of a historically significant building and the construction of a new two-story mixed-use building where Willy's Wings is currently located. The ground level will be a restaurant and the upper level will be two residential living spaces. Town Planner McCool reviewed the site improvements that are being proposed by the applicant; new off-street parking lot, new on-street parking, new sidewalk and pedestrian site lighting, new utilities, new landscaping, new stairs, railings, ramps to connect buildings, and new trash enclosures to serve both businesses. Town Planner McCool reviewed the modifications proposed by the applicant to the existing Old Standard Station; demolition of approximately 1,172 square feet, new infill walls, new building-mounted exterior lighting, new metal-slatted rooftop screen, replacement of windows including new window trim, new doors, new fabric awning, new gutters and downspouts, repair existing building stucco, and paint all walls, cornices and tile roofing. Town Planner McCool stated the most significant site design challenge for the applicant is the floodplain/floodway. The property falls within the FEMA-mapped 1% probability floodway. The proposed project includes floodproofing measures to reduce flooding damages to the new structures.

Town Planner McCool reviewed the Site Development Plan Standards approval criteria with the Board. Town Planner McCool stated the applicant has provided sufficient statements of ownership and sufficient provisions for use and permanent maintenance of common areas, facilities, and required infrastructure within the Site Development Plan Set. The proposed landscaping is within the CDOT right-of-way. As a part of the CDOT permitting process, there is a term in the permit that indicates the permittee is responsible for maintaining the improvements. Town Planner McCool stated the property owner is responsible for the installation, ownership, and maintenance of off-site improvements; parking including asphalt paving, curb, and gutter, concrete paving, restriping along Mt. Vernon Avenue, fire hydrant, and piping improvements, sidewalks, and curb ramps, and street lighting. The referenced off-site improvements are included in the Development and Sales Tax Incentive Agreement for the Board's final approval. Town Planner McCool stated the subject property is zoned Commercial Transitional (CT) and the redevelopment of the site supports the vision and goals identified in the Town planning and guiding documents. Town Planner McCool stated the proposed reconfiguration of site access and improvements within Bear Creek Avenue and Mt. Vernon Avenue rights-of-way increase the safety of pedestrian and automotive safety. All site access and improvements will be installed at

the owner's expense. Town Planner McCool informed the Board that CDOT has no objection to the site development plan access but the owner will need to obtain a CDOT access permit, Staff has added this as a condition for approval. Town Planner McCool stated the applicant will dedicate a public access easement to the Town for the areas of public sidewalk that are outside of the Bear Creek Avenue right-of-way, the easement has been approved to form by the Town Engineer which Town Staff has added this as a condition of approval. Staff found that with the proposed public access easement the ingress and egress of the development and the proposed structures provide adequate separation of automotive, pedestrian safety, and traffic flow. Town Planner McCool stated the proposed location of the trash enclosure is the best location for minimal traffic and aesthetic impact. Town Planner McCool stated that West Metro Fire Rescue voiced concern over the fencing along the face of the building, it appears to obstruct access to the proposed location of Fire Department Connection (FDC). The Deputy Fire Marshall requested the Town set forth a condition of approval that West Metro will approve any gate and its operation in order to access the FDC. Town Staff has provided a recommended condition of approval that the applicant will dedicate a fire line easement for the purpose of operation, maintenance, repair, and replacement of the fire hydrant. The easement has been approved to form by the Town Engineer. Town Planner McCool stated that Town Staff found the proposed location of on and off-street parking increases the automotive, pedestrian, traffic flow, emergency access, and site aesthetic of the Town's parking system. Town Planner McCool stated that the proposed landscape design will aid in vehicular control and pedestrian safety and enhance the aesthetic image of Morrison. The proposed landscape design will also improve the appearance of the eastern gateway to the Town. Town Planner McCool informed the Board that the Town Engineer has reviewed and approved the Floodplain Development Permit and found it in compliance with the floodplain damage prevention regulations. The applicant will submit elevation and floodproofing certification before issuance of the Certificate of Occupancy. Town Planner McCool stated that all town departments and responding referral agencies have indicated they can service the property with the infrastructure improvements. The property owner is responsible for payment of water and sewer taps. Town Planner McCool explained to the Board the system development fee is based on the number of EQRs in the establishment. The final EQR will be determined by the future tenant and reviewed at the time of the issuance of the building permit. Town Planner McCool stated there are no open space dedication requirements associated with the Site Development Plan. Town Planner McCool stated that the general site arrangement, on-site amenities, outdoor gathering spaces, and significant improvements to the existing historically significant building will result in a substantial improvement to the existing site and the overall aesthetic appearance of the Town of Morrison.

Old Town Historic Overlay Design Guidelines. Town Planner McCool stated the redevelopment proposal for 101-109 Bear Creek Avenue includes a 98% façade change of the Ozzi's building and a 100% façade change of 109 Bear Creek Avenue and site improvements that impact 89% of the entire site area. The proposed changes classify as a Major Site Improvement requiring hearings from both the Planning Commission and Board of Trustees.

Town Planner McCool stated the proposed rehabilitation of the Old Standard Service Station reflects the original architectural character of the building. The applicant's design team has presented a redevelopment plan to keep the existing Spanish-style architecture with modernized and current building materials. Town Planner McCool informed the Board the proposed two-story building is 38'-6" tall, this follows the maximum height allowed in the CT Zone District. Town Staff found the reuse of the historic structure and site layout is consistent with the design criteria and the principles of reusing buildings and sites established in the Old Town's Historic Guidelines. Town Planner McCool stated the main entrance to the new building is located on the south/street façade and the entrance of Ozzi's remains unchanged. Both entrances have defined

entry points and are visible from the street with welcoming outdoor patio areas. Town Planner McCool reviewed the proposed changes and updates to the windows and trim on the existing new building. Town Staff found the window upgrades on Ozzi's buildings meet the design guidelines in that the size, shape, and proportion of the original window opening. Town Staff found the proposed window types on the new building are reflective of Morrison's historic past and in accordance with the design guidelines. Town Planner McCool stated that all signage is proposed to be removed. The site plan depicts the proposed location for the new freestanding sign, the proposed location complies with the Town's sign code. Town Planner McCool stated the ultimate approval of all site signage will be approved through a separate sign permitting process. Town Planner McCool stated that all lighting in the district is required to comply with Chapter 8 of the Outdoor Lighting Code. All proposed lighting complies with the Bug Rating Lighting Zone 1 (B-1, U-O, G-1) and is below the 10-foot candle maximum allowable light levels for mixed-use and commercial land uses. All proposed wall-mounted fixtures are no higher than 12 feet from above flooring, decks, and other occupied areas. The proposed 8-foot-tall pole-mounted fixtures will be spaced 30 to 60 feet. The light levels range from .2 to 6.4-foot candles which exceed the 2-foot candle maximum. Town Staff has recommended the lighting plan be revised to include a reduction to the light levels to 2-foot candles to comply with the outdoor lighting regulations. Town Planner McCool stated the Planning Commission reviewed the proposed lighting plan and upheld Town Staff recommendations. Town Planner McCool stated the applicant revised the lighting plan on September 25, 2023. On the revised plans there are three readings at 2.1, 2.2, and 2.3 foot candles in the front of the new building. Town Staff now finds with the revised lighting plan the lighting can be fine-tuned in the field to ensure all fixtures do not exceed the 2-foot candle maximum. Town Staff has provided a recommended condition of approval. Town Planner McCool informed the Board the streetlight fixture is proposed correlated color temperature (CCT) of 3000k and stated the Planning Commission recommended a CCT of 2700K. The revised lighting plan reflects the Planning Commission's recommendation. Town Planner McCool explained the Planning Commission recommended the light pole specifications be included on the lighting plan with a pole height of 10 feet. Since the Planning Commission meeting the applicant re-ran the photometric calculations with pole heights of 10 feet and 12 feet. The new photometric information demonstrated the higher the light pole, the more even the light distribution will be. The lighting plan has been revised to show the 12-foot poles. Town Planner McCool stated that all rooftop equipment new and existing is required to be screened. The applicant has proposed to screen all new and existing rooftop equipment with a metal screen that has horizontal slats in the color heirloom white. Town Planner McCool stated the Planning Commission found that the proposed rooftop screening design screened the rooftop equipment from ground-level views with an enclosure similar in form, material, and detail to the primary structure. Town Staff recommended the screening specifications be added to the architectural plans prior to the recordation of the Site Development Plan. Town Planner McCool informed the Board the Planning Commission voted to unanimously recommend approval of the Site Development Plan and the Major Site Improvement application with condition to the Board of Trustees. Town Planner McCool stated Town Staff is recommending approval of the Site Development Plan and Major Site Improvement application with the suggested conditions.

Board Questions.

Trustee Leonard asked if the residential properties will follow the Town's regulations of no short-term rentals. Town Planner McCool stated the applicant will be required to comply with the Town Code.

Trustee Leonard asked if the gain of the four parking spaces will be available for public use. Town Planner McCool explained that the four parking spaces will be added to the Town's current parking system.

Trustee Leonard asked if the EQR schedule for the residential property is separate from the eatery establishment. Town Planner McCool stated the EQR schedule is based on the number of seats and the residential units.

Trustee Wirtz asked if the exit access would be on Mt. Vernon Avenue. Town Planner McCool stated the exit access will be on Mt. Vernon Avenue and will comply with the one-way street.

Trustee Wirtz asked about the anticipated noise level of the eatery establishment. Town Planner McCool stated all developments are required to adhere to the Town's noise ordinance.

Trustee Sutton asked if the current EV charging stations will remain along Mt. Vernon Avenue. Town Planner McCool stated the EV charging stations will not be removed.

Trustee Sutton voiced his support for reduced CCT levels. Town Planner McCool explained the applicant has decided to exceed the required minimum light standards.

Applicant Report. Jennifer Gray, Acme Workshop, LLC. Gray reviewed the three main goals the architectural team kept in mind while creating the redevelopment design. The first goal was to create a strong connection from the subject property to the historic downtown. Create a connection that improves pedestrian and motor vehicle safety. The second goal was to enhance the appearance of the east gateway entrance. Lastly, the architectural team wanted to honor the historical building. Gray reviewed the layout for the development with the Town Board.

Board Questions.

Trustee Forey asked the applicant how many seats they anticipated having including all indoor and outdoor patio seating. Town Planner McCool stated the current estimated outdoor seats for the project is 79. Trustee Forey asked how many seats the eating establishment is expecting to have indoors. Gray stated the eating establishment is a tenant finish. The tenant would know the number of expected seats inside. This will be determined at a later date.

Trustee Leonard asked if the number of seats is required for approval of the Site Development Plan. Town Planner McCool stated the Site Development Plan is for exterior improvements. The tenant will apply for a building permit, at this time the required EQR's for both indoors and outdoors will need to be purchased..

Trustee Leonard voiced concern over the noise that may come from the outdoor patio. Town Manager Winters explained the developer and future tenants will need to comply with the Town's noise ordinance. Town Manager Winters further explained the Board can approve the application based on the code requirements. The noise levels can be addressed at the time of a liquor license application.

Trustee Forey asked about the parking for the development. Town Planner McCool stated there are no parking requirements in the Commercial Transitional Zoning District.

Trustee Sutton asked where the tenants for the residential units will park. Franz Lehnert, the property owner explained they had not yet decided but are looking at dedicating two parking spaces from the on-site parking lot to residential units.

Trustee Leonard asked if the new development could be a Bed and Breakfast. Town Manager Winters stated a Bed and Breakfast is a use by right in the CT District with an onsite manager.

Public Comment.

Kathy Dichter, 109 Spring Street. Dichter asked if the residential units will be one or two-bedroom units. Dichter voiced concern over parking. Dichter asked if the redevelopment is being done by the current owners or if the property was sold to developers. Dichter asked if the current water and sewer infrastructure was the appropriate size for the development. Dichter asked if the property is sold before construction do the rights transfer to the new owner. Dichter also asked if the applicant had a proposed construction timeline.

Brooke Wagenseller, 307 Spring Street. Wagenseller asked if the development will have public restrooms.

Andra Slavsky, 181 Red Rocks Vista Lane. Slavsky stated she is happy the property is staying in the family. Slavsky encouraged the Board to set a standard for parking for new developments in the Town.

Staff Response. Town Planner McCool stated there are no parking requirements in the CT Zone District, the applicant voluntarily proposed parking on-site. Town Planner McCool stated that the applicant has provided adequate ownership of the property. The Town cannot control if the property is sold but the agreements and requirements for the Site Development and Major Improvements Plan run with the land.

Town Manager Winters stated the applicant is required to pay the water and sewer fees and comply with the Town's engineering standards prior to the building permit being issued.

Lehnert stated the current quotes for construction they were provided were eight months for the building and an additional three months for the tenant's finish. Gray stated she anticipated the construction phase will be longer than the quoted time.

Trustee Sutton asked how many restrooms are included in the Site Development Plan. Gray stated there are two women's toilets and one toilet and a urinal in the men's restroom included in the Site Development Plan.

Trustee Gill asked Dave Killingsworth, owner of Morrison Holiday Bar how many seats and restrooms he has in his establishment. Killingsworth stated he has close to 200 seats with five stalls and two urinals.

A motion was made by Trustee Sutton to approve the Site Development Plan based on compliance with the approval criteria of Section 10-4-8 and 10-4-9-4(B) of the Zoning and Land Development Code with the following conditions: (1) The Owner shall record the Fire Line Easement Agreement and add the recordation number to the Civil Site Plan (Sheet C100) prior to recordation of the Site Development Plan. (2) Prior to building permit issuance, the Owner shall secure West Metro Fire Protection District approval of any gate and its operation in order to access the FDC (Fire department connection) (IFC Section 912.4 Access). (3) The Owner shall obtain a CDOT access

permit at the time of building permit submittal. (4) The Owner shall record the Sidewalk Easement Agreement and add the recordation number to the Civil Site Plan (Sheet C100) prior to the recordation of the Site Development Plan. (5) After installation of streetlights, if light trespass along Bear Creek Avenue exceeds 2-foot candles, the Owner shall utilize the dimmer function on fixtures to bring light levels down in conformance with 10-8-9 (A) Light Trespass of the Zoning and Land Development Code. (6) Revise the Architectural Plans to include the specifications for the rooftop equipment screening prior to the recordation of the Site Development Plan. (7) A Development and Sales Tax Incentive Agreement shall be executed in a form approved by the Town. The motion was seconded by Trustee Leonard. All members present voted aye. The motion carried.

A motion was made by Trustee Sutton to approve the Major Site Improvement application based on substantial conformance with the Old Town Historic Overlay District Guidelines. The motion was seconded by Trustee Leonard. All members present voted aye. The motion carried.

General Business.

Resolution 2023-07- Board Policies.

A motion was made by Trustee Gill to adopt Resolution 2023-07 A Resolution Repealing Resolutions 2000-27, 2007-03, and 2000-30 Related to Policies and Procedures for the Board of Trustees, and Reenacting the same with Revisions. The motion was seconded by Trustee Leonard. All members present voted aye. The motion carried.

Animal Shelter Intergovernmental Agreement. Town Manager Winters stated with this agreement the Town will not be billed on a case-by-case basis with Foothills Animal Shelter. The Town will pay an annual fee of \$2,500.00 for the shelter's services.

Trustee Leonard asked if the Town currently spends \$2,500.00 on animal shelter services. Chief Vinelli stated the Town does not spend \$2,500.00 on an annual basis.

Town Manager Winters explained without this agreement Foothills Shelter will not take any animals from the Town. Foothills currently has agreements with other small municipalities.

Trustee Forey asked if the agreement between Foothills Animal Shelter and the other municipalities is the same price. Town Manager Winters stated the contract is the same price for all the small municipalities.

Trustee Wirtz asked if this agreement is included in the Police Department's Budget. Town Manager Winters informed the Board the agreement will be included in the Police Department's Budget.

Trustee Forey stated his support for the agreement and supporting Foothills Animal Shelter.

Trustee Wirtz asked if the shelter will take small mammals. Chief Vinelli stated the shelter will take small mammals but does not take livestock.

Trustee Forey asked if the Town gets reimbursed for a pound fee if the animal is picked up. Town Manager Winters stated the Town would not be reimbursed.

A motion was made by Trustee Leonard to approve the agreement between the Town of Morrison and Foothills Animal Shelter. The motion was seconded by Trustee Sutton. All members present voted aye. The motion carried.

Water Meter Purchase.

A motion was made by Trustee Gill to approve the purchase of meters from Core and Main in the amount of \$22,617.00. The motion was seconded by Trustee Sutton. All members present voted aye. The motion carried.

2024 Draft Budget.

- i. **Sewer Department.** Town Manager Winters stated the only change in the Sewer Budget is now the administrative staff is included in the Salaries and Wages for the department.
- ii. **Water Department.** Town Manager Winters stated the only change in the Water Budget is now the administrative staff is included in the Salaries and Wages for the department.

Trustee Leonard asked where the Staffing Summary is included in the Budget. Town Manager Winters stated the staffing Summary numbers are reflected in Salaries and Wages in each department.

Trustee Sutton asked if the average salary for the department is around \$50,00.00. Town Manager Winters stated the current draft budget includes a 5% wage increase for all Town Employees for the 2024 fiscal year.

- iii. **Capital Improvement Utility Fund.** Town Manager Winters reviewed the Capital Improvement Utility Fund with the Board.

Mayor Wolfe asked if the utility truck included in the budget was for the recently damaged vehicle. Town Manager Winters stated this is for an additional utility vehicle.

The Board suggested including the Water Main Replacement quote for all five years up to 2028 and creating a strategic plan to help reduce the Town's 33% Water Loss. Town Manager Winters stated the Town is currently reviewing the Town's water loss and has completed a water loss audit which will likely result in funding to help identify and fix any issues found.

Departmental Reports.

Parking. No oral report.

Public Works. Trustee Wirtz asked if the Town has jetted the sewer lines on Canyon Vista Drive. Town Manager Winters stated she will follow up with Public Works Director Fouts.

Trustee Gill stated she is currently reviewing Red Rocks Amphitheater's EQRS to see how many they have at the end of the year and if it aligns with what was purchased. Town Manager Winters stated Town Water Engineer Leak is reviewing the Amphitheater's usage and will be helping with a recommendation on if additional taps are required.

Mayor Wolfe voiced his gratitude to the water treatment plant Project Manager Douglas Hart for ensuring the delivery drivers drive slowly through the neighborhoods.

Town Manager. Trustee Gill referenced an email the Board received regarding quasi-judicial hearings the Town currently has. Town Manager Winters informed the Board that Town Planner McCool will be

notating her Tracker Report for which Town projects are quasi-judicial.

Trustee Leonard asked what the Board should say when approached about a quasi-judicial hearing. Town Attorney Flanagan suggested the Board encourage the public to attend the public hearings and make their comments on the record.

Town Attorney. No oral report.

Consent Agenda.

A motion was made by Trustee Sutton to approve the Consent Agenda for October 3, 2023. The motion was seconded by Trustee Forey. All members present voted aye. The motion carried.

Board Comments.

- Trustee Wirtz stated there is still commercial photography taking place in Jefferson County Open Space and stated the Town has a meeting with Jeffco Open Space to discuss this ongoing issue.
- Trustee Wirtz mentioned that Red Rocks Amphitheatre is leaving their lights on all night. Town Manager Winters stated she will follow up with the Amphitheatre.
- Trustee Leonard asked why some local establishments are allowed to have unscreened rooftop equipment. Town Manager Winters stated that the equipment was installed prior to the Old Town Historic Guidelines being adopted.
- Trustee Sutton stated he would like the Town to look at installing a public restroom in the Downtown area.
- Trustee Sutton voiced his support for Killingsworth idea about a Town Shuttle Service.
- Trustee Sutton stated he agreed with Dave Killingsworth about moving the noise ordinance sign from the east entrance into Town.
- Trustee Gill mentioned the parcel of land located near C470 was purchased by Jefferson County and may become a trailhead with parking. Town Manager Winters stated she has asked Jefferson County to keep the Town informed on their plans for the open space and indicated that it could be a potential space for additional Town parking.

Executive Session.

Trustee Sutton moved to go into executive session for a conference under Town Charter Section 3.4 and C.R.S. § 24-6-402(4) (e) (I) with the Town Attorney, Town Manager, and appropriate staff to receive legal advice and to instruct negotiators regarding Xcel lighting on C470. The motion was seconded by Trustee Forey; the motion was approved unanimously.

Adjournment. Mayor Wolfe adjourned the regular Town Board Meeting at 8:42 P.M.



TOWN OF MORRISON

Chris Wolfe, Mayor

ATTEST:

Ariana Neverdahl, Town Clerk