



PLANNING COMMISSION A G E N D A

December 7, 2023

Notice is hereby given of a **Public Meeting** to be held before the **City of Wheat Ridge Planning Commission** on **December 7, 2023 at 6:30 p.m.**

This meeting will be conducted as a virtual meeting and in person at **7500 W. 29th Avenue, Municipal Building**. The public may participate in these ways:

1. Provide comment in advance at www.wheatridgespeaks.org (comment by noon on November 1)
2. Virtually attend and participate in the meeting through a device or phone:
 - [Click here to join and provide public comment](#) (create a Zoom account to join)
 - Or call 1-669-900-6833 with Meeting ID 874 6348 6946 **and Passcode: 281145**
3. View the meeting live or later at www.wheatridgespeaks.org, Channel 8, or YouTube Live at <https://www.ci.wheatridge.co.us/view>
4. Attend in person.

-
- 1. CALL THE MEETING TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. APPROVE THE ORDER OF THE AGENDA**
 - 5. APPROVAL OF MINUTES – November 2, 2023**
 - 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)**

(continued on next page)

7. PUBLIC HEARING *

- A. **Case No. WZ-23-10:** An application filed by Elham Nekouie for approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on a property located at 10390 West 38th Avenue.

8. OLD BUSINESS

9. NEW BUSINESS

- A. Upcoming Dates
- B. Project and Development Updates
- C. Commissioner Updates

10. ADJOURNMENT

* Public comment is welcome during any public hearing item. The standard procedure for a public hearing is as follows:

- a. Staff presentation
- b. Applicant presentation – if applicable
- c. Public comment – time may be limited at the discretion of the Chair, often to 3 minutes
- d. Staff/applicant response
- e. Close public hearing
- f. Commission discussion and decision

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Amanda Harrison, 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.



**PLANNING COMMISSION
Minutes of Meeting
November 2, 2023**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair DITULLIO at 6:30 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

Commission Members Present: Kristine Disney
Jerry DiTullio
Daniel Graeve
Will Kerns
Daniel Larson
Patrick Quinn
Jonathan Schelke

Commission Members Absent: Janet Leo

Staff Members Present: Jana Easley, Planning Manager
Alayna Olivas-Loera, Planner II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by consensus to approve the order of the agenda.

5. APPROVAL OF MINUTES – October 19, 2023

It was moved by Commissioner QUINN and seconded by Commissioner GRAEVE to approve the minutes of October 19, 2023, as written. Motion carried 5-0-2 with Commissioners DISNEY and KERNS.

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

7. PUBLIC HEARING

- A. Case No. WZ-23-08:** an application filed by Batt Cave, LLC for approval of a zone change from Restricted Commercial (R-C) and Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) on properties located at 3650 and 3660 Wadsworth Boulevard.

Chair DITULLIO opened the public hearing.

Ms. Olivas-Loera gave a short presentation regarding the zone change and the application. She entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. She stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

The applicant was in attendance to answer any questions.

Public Input

No one wished to speak at this time.

In response to a question regarding setbacks for a building in the MU-N zone district, Ms. Olivas-Loera explained that a building can be built up to the property line, unless a residential property is adjacent to the site. She added it will be evaluated during the Site Plan process.

Commissioner DISNEY inquired why this property was not rezoned to Mixed Use-Commercial (MU-C).

Ms. Olivas-Loera explained the reasoning behind MU-N is due to the size and location of the property; it is much smaller than MU-C properties.

Commissioner KERNS asked about the height limit in MU-N.

Ms. Olivas-Loera confirmed that the residential the height limit is 35 feet per the City's Charter and for non-residential it can be up to 55 feet in height.

Commissioner DITULLIO asked if the current owners of the properties are requesting the rezone or if a potential buyer is requesting the rezone.

Ms. Olivas-Loera clarified it is the current owners and there are no potential buyers at this time, to staff's knowledge.

Chair DITULLIO closed the public hearing.

It was moved by Commissioner QUINN and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WZ-23-08, a request for approval of a zone change from Restricted Commercial (R-C) and

Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N) on properties located at 3650 and 3660 Wadsworth Boulevard 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. Utility infrastructure adequately services the property.**
- 3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan and consistent with the character of Wadsworth Boulevard.**
- 4. The zone change will provide additional opportunity for reinvestment in the area.**
- 5. The criteria used to evaluate a zone change supports the request.**

Motion carried 7-0

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Easley mentioned there will not be a meeting held on November 16 but there will possibly be a meeting on Dec. 7 and staff will confirm later if there will be a meeting held on December 21.

B. Project and Development Updates

No project and/or development updated at this time.

C. Commissioner Updates

Commissioner LARSON reminded all to vote on or by November 7.

In response to a question from Commissioner SCHELKE, Ms. Easley explained a property owner can hold on to vacant land or vacant buildings as long as they are paying their property taxes.

Commissioner DITULLIO reminded the viewers that Tabor Refund checks have been mailed and explained the name on the check is the first person listed on the title, and unfortunately multiple names are not listed on the checks. He also reminded all to vote and currently Jeffco has a 16% return rate on ballots.

10. ADJOURNMENT

It was moved by Commissioner QUINN and seconded by Commissioner DISNEY to adjourn the meeting at 6:52 p.m. Motion carried 6-0.

Jerry DiTullio, Chair

Tammy Odean, Recording Secretary

DRAFT

HOW TO PARTICIPATE IN PUBLIC MEETINGS

In March 2020, to help control the spread of the COVID-19 virus, the City of Wheat Ridge began conducting virtual meetings for City Council, Planning Commission and other boards. Virtual meetings encourage public participation as usual while also keeping the community, elected officials, staff and residents safe while continuing to conduct important City business.

Starting in June 2021, the City returned to in-person public meetings and also retained the option for virtual public participation. The City will continue using this hybrid meeting format for the City Council and Planning Commission; this means that public meetings will continue to be virtually accessible and will also be held in-person if allowed by public health guidelines on the respective meeting date. This guide describes the various ways in which the public may participate in public meetings.

1. TO COMMENT IN ADVANCE

- Click this link: www.wheatridgespeaks.org
- Use Wheat Ridge Speaks to review agendas and staff reports and to submit written comment.
- For City Council meetings on Wheat Ridge Speaks:
 - You may submit comments at any time until noon on the day of the meeting.
 - For public hearings related to development or zoning, content will be posted about 10 days in advance.
 - For all other agenda items, content will be posted about 4 days in advance.
- For Planning Commission meetings on Wheat Ridge Speaks:
 - You may submit comments until noon the day before the meeting.
 - Content will be posted about 10 days in advance.

2. TO COMMENT VIRTUALLY DURING THE LIVE MEETING (by web or phone)

Join the live meeting through the web link or phone number (with access code) provided on the calendar on the City's website and provided on the top of all meeting agendas. Find the calendar at www.ci.wheatridge.co.us/calendar

- You will be joined into the meeting and automatically muted.
- When public comment is invited, all participants will be unmuted and called upon by last name. (For example, the Mayor or meeting Chair may say: "Now is the time for public comment. All members of the public will be unmuted. Please mute yourself or keep background noise to a minimum. If your last name begins with A through F, you may now speak.")
- Please only join via the Zoom web or phone meeting if you intend to participate. If you wish to simply view the meeting, see option 4 below.

3. TO COMMENT IN PERSON

- Confirm that local health guidelines allow the meeting to be held in-person. The meeting format will be described on the City's calendar at www.ci.wheatridge.co.us/calendar
- When you arrive, sign up on the roster to speak on a specific agenda item.
- Review these tips for commenting during a public meeting or hearing: <https://bit.ly/WRPublicHearings>

4. TO VIEW THE MEETING LIVE OR LATER

The meeting will be live streamed and archived for viewing at:

- www.wheatridgespeaks.org (watch here to follow along with the agenda packet)
- Channel 8 on your Comcast feed
- YouTube Live www.ci.wheatridge.co.us/view

HELPFUL TIPS FOR A GOOD VIRTUAL MEETING EXPERIENCE

- If joining through the web, log on 5 minutes before the start of the meeting, since some online products require downloads and installation.
- State your name when you speak.
- Turn off nearby cell phones, if you are using a computer to connect.
- Please use a headset or earbuds.
- **Only** have the virtual meeting application open on your computer. If you are running other programs like email or have additional websites open in your browser, it will interfere with your ability to hear or see the information. Close all other applications and windows when participating.
- Please limit distractions when possible. Be aware of background noise.
- Video streaming is a relatively new technology. Some things to be mindful of when connecting with your computer/tablet or smart phone.
 - If your computer/tablet or smart phone is older than 2015 it is recommended that you use a landline/standard telephone to dial into the virtual meeting number to ensure that you can hear the meeting clearly.
 - Internet service minimum needs to be 40-50 Mbps for best results with a virtual meeting.
 - Depending on the Internet speed and service in your neighborhood, the most reliable way to participate in the meeting is to call the phone number provided, rather than joining the meeting through the web link.

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

REVIEW DATES: December 7, 2023 (Planning Commission) / February 12, 2024 (City Council)

CASE MANAGER: Alayna Olivas-Loera, Planner II

CASE NO. & NAME: WZ-23-10 / Nekuouie Rezone

ACTION REQUESTED: Approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N)

LOCATION OF REQUEST: 10390 W. 38th Avenue

APPLICANT / OWNER: Elham Nekuouie

APPROXIMATE AREA: 26,174 square feet (0.601 acres)

PRESENT ZONING: Commercial-One (C-1)

COMPREHENSIVE PLAN: Neighborhoods

ENTER INTO RECORD:

- | | |
|----------------------------------|--------------------------|
| (X) CASE FILE & PACKET MATERIALS | (X) COMPREHENSIVE PLAN |
| (X) ZONING ORDINANCE | (X) DIGITAL PRESENTATION |

Location Map



Site

JURISDICTION:

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

I. REQUEST

The owner of the property at 10390 W. 38th Avenue is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N). The zone change will result in a zoning designation that would allow for the redevelopment and revitalization of the property. The owner of the property intends to redevelop the site for approximately 10 townhome units which are not permitted in C-1 but are permitted in the MU-N zone district.

II. EXISTING CONDITIONS

The site is located on the south side of W. 38th Avenue between Miller Street and Lee Street (*Exhibit 1, Aerial Map*). The property is zoned Commercial-One (C-1), as are adjacent properties to the east and west. Adjacent properties to the north are zoned Planned Residential Development (PRD) and Residential-Two (R-2) to the south (*Exhibit 2, Zoning Map*). All neighboring properties are primarily low-density residential uses with some higher density residential existing to the east.

According to the Jefferson County Assessor, the property is approximately 26,174 square feet (.601 ac) in size and currently contains a commercial building built in 1960. The property consists of Block A in the Orton Heights Subdivision Plat.

III. PROPOSED ZONING

The applicant is requesting the property be rezoned to MU-N, a zone district intended to provide medium density mixed-use development. In addition to residential and office uses, it allows for a range of neighborhood-serving commercial and retail uses. The property has existed in its current configuration for a number of years with a series of unsuccessful commercial ideas that did not come to fruition. All previous proposals would not have been supported by the comprehensive plan, or by the goals and vision for the corridor, being too intense for the context of the neighborhood.

The applicant intends to rezone the property to redevelop it for approximately 10 townhome units (*Exhibit 3, Applicant Letter*). The applicant has stated they believe the zone change would enable them to revitalize the site and bring additional housing options to the community, focusing on thoughtful and high-quality design. The proposed use of the site for townhomes is not allowed in C-1, and the MU-N district would provide more flexibility for the redevelopment of the site.

The current C-1 zoning is a remnant of the past and reflective of Wheat Ridge's original commercial corridors. The C-1 zoning dates back to the City's original 1972 zoning map. While C-1 zoning is still prominent in this area along 38th Avenue, traditional and more auto-oriented commercial uses do not meet the current goals and vision for the corridor and do not serve the neighborhood in the same ways they once did. The MU-N and C-1 districts are different in terms of development standards and permitted uses but the design standards for any new development in MU-N are strict and include architectural standards, open space requirements, setbacks, and parking requirements. The C-1 district allows for a variety of commercial uses including retail and office. By contrast, MU-N zoning allows

residential uses, commercial uses, or a mix of the two, and the permitted retail uses are greater in number.

Many properties along W. 38th Avenue east of Wadsworth Boulevard have been rezoned to MU-N and act as transitional buffers between higher intensity commercial zones and the adjacent residential uses to the north and south. These MU-N properties can serve as a transition zone as properties gradually get smaller in size, and this property has the ability to serve the same transitional purpose. MU-N zoning is appropriate for this segment and particularly on this property given its size and its location, and the end goal for the site.

For redevelopment under MU-N, the code includes increased setbacks and residential transition requirements for portions of the property adjacent the neighborhood. A summary of the MU-N zone district is provided below.

	<u>PROPOSED ZONING</u> Mixed Use-Neighborhood (MU-N)
Uses	Allows residential, commercial, or mixed use – includes multi-family and live/work facilities
Architectural Standards	Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation, and materials
Max. Building Height	35' if the building has a residential use 50' for all other uses
Max. Lot coverage	90% for mixed use 85% for single use
Min. Landscaping	10% for mixed use 15% for single use
Build-to Area	0-12' along front property line
Setbacks	North (side): 10' or more, depending on number of stories (since the property abuts a residentially zoned lot that contains a single- or two-family residential use) South (side): 0' West (rear): 5'
Max. Density	21 dwelling units per acre

IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-112.E. The Planning Commission and City Council shall base its decision 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.

Based on the changing character and land use patterns along W. 38th Avenue, and in the vicinity, the MU-N zone district is appropriate and would allow more flexibility in terms of uses while maintaining the low intensity nature of the area. For that reason, the zone change should not have an adverse effect on the surrounding area. Instead, the MU-N zoning is expected to add value to the subject property and enable an aging and underutilized property to function at its highest and best use. The mixed-use development standards will support compatibility between future redevelopment and existing land uses. In addition, any MU-N building containing residential is limited to 35 feet in height and design standards for MU-N are stricter than for other zones, including setbacks, landscaping buffers, and architecture.

Staff concludes that this criterion has been met.

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

Adequate infrastructure currently serves the property. All responding agencies have indicated they can serve the property. In the event that the current utility capacity is not adequate for a future use, the property owner/developer would be responsible for utility upgrades. A site plan and/or building permit review will be required for future redevelopment, and will ensure compliance with current Building Codes, as well as the Fire Code.

Staff concludes that this criterion has been met.

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

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

W. 38th Avenue is a primary east-west thoroughfare in the City, is classified as a principal arterial, and transitions to residential character to the north, south, and west of the site. Envision Wheat Ridge, the City's 2009 comprehensive plan, identifies this area as "Neighborhoods" (*Exhibit 5, Comprehensive Plan*). This designation identifies areas where residents of all ages can live safely and comfortably. Defining characteristics of an established neighborhood in the comprehensive plan are consistent character, mature landscaping, high rates of reinvestment and dwelling ownership, consistent maintenance, and high desirability.

City goals that are met with the rezoning proposal include encouraging reinvestment in an aging commercial property, maintaining consistent character, increasing housing options, and creating opportunities for dwelling ownership.

A stated goal in the comprehensive plan is to promote reinvestment in underutilized properties and to promote a mix of neighborhood supporting uses, including residential use and office use. This zone change request supports the comprehensive plan by enabling reinvestment in the property, by expanding the permitted uses on the property, and by aligning the zoning with the City's goals to improve the appearance, mix of uses, property values, and overall vitality of the area.

Staff concludes that this criterion has been met.

- b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.**

Staff has not found any evidence of an error with the current C-1 zoning designation as it appears on the City zoning maps.

Staff concludes that this criterion is not applicable.

- c. **A change of character in the area has occurred or is occurring to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changing character of the area.**

Staff finds no evidence of significant changes in the area. The zone change request from C-1 to MU-N neither responds to nor results in notable change of character.

Staff concludes that this criterion has been met.

- d. **The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the City of Wheat Ridge comprehensive plan.**

The proposed rezoning does not relate to an unanticipated need.

Staff concludes that this criterion is not applicable.

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

V. PUBLIC NOTICING

Prior to submittal of an application for a zone change, the applicant is required to hold a neighborhood input meeting in accordance with the requirements of Section 26-109.

A meeting for neighborhood input was held on August 30, 2023. This meeting was advertised and conducted as a virtual meeting on Zoom. Eleven members of the public attended the virtual meeting in addition to the applicant and staff (*Exhibit 4, Neighborhood Meeting Notes*).

As of the date of distribution of this staff report, the City has not received additional comments or inquiries from surrounding property owners.

VI. 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 Engineering Division: No comments received.

West Metro Fire Protection District: No concerns. Any future development would be referred to the district for review and approval.

Xcel Energy: No concerns. Any future development would be referred to the district for review and approval.

Century Link / Lumen: No comments received.

Comcast Cable: No comments received.

Consolidated Mutual Water District: No concerns. Any future development would be referred to the district for review and approval.

Westridge Sanitation District: No concerns. Any future development would be referred to the district for review and approval.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

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 adequately serves the property, and the applicant will be responsible for upgrades, if needed in the future. Finally, staff concludes that the zone change is consistent with the goals and objectives of the Comprehensive Plan.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-23-10.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-23-10, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Neighborhood (MU-N) for property located at 10390 W. 38th Avenue 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. Utility infrastructure adequately services the property.
3. The proposed zone change is consistent with the goals and objectives of the City’s Comprehensive Plan.
4. The zone change will provide additional opportunity for reinvestment in the area.
5. The criteria used to evaluate a zone change supports the request.”

Option B:

“I move to recommend DENIAL of Case No. WZ-23-10, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Neighborhood (MU-N) for property located at 10390 W. 38th Avenue for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL

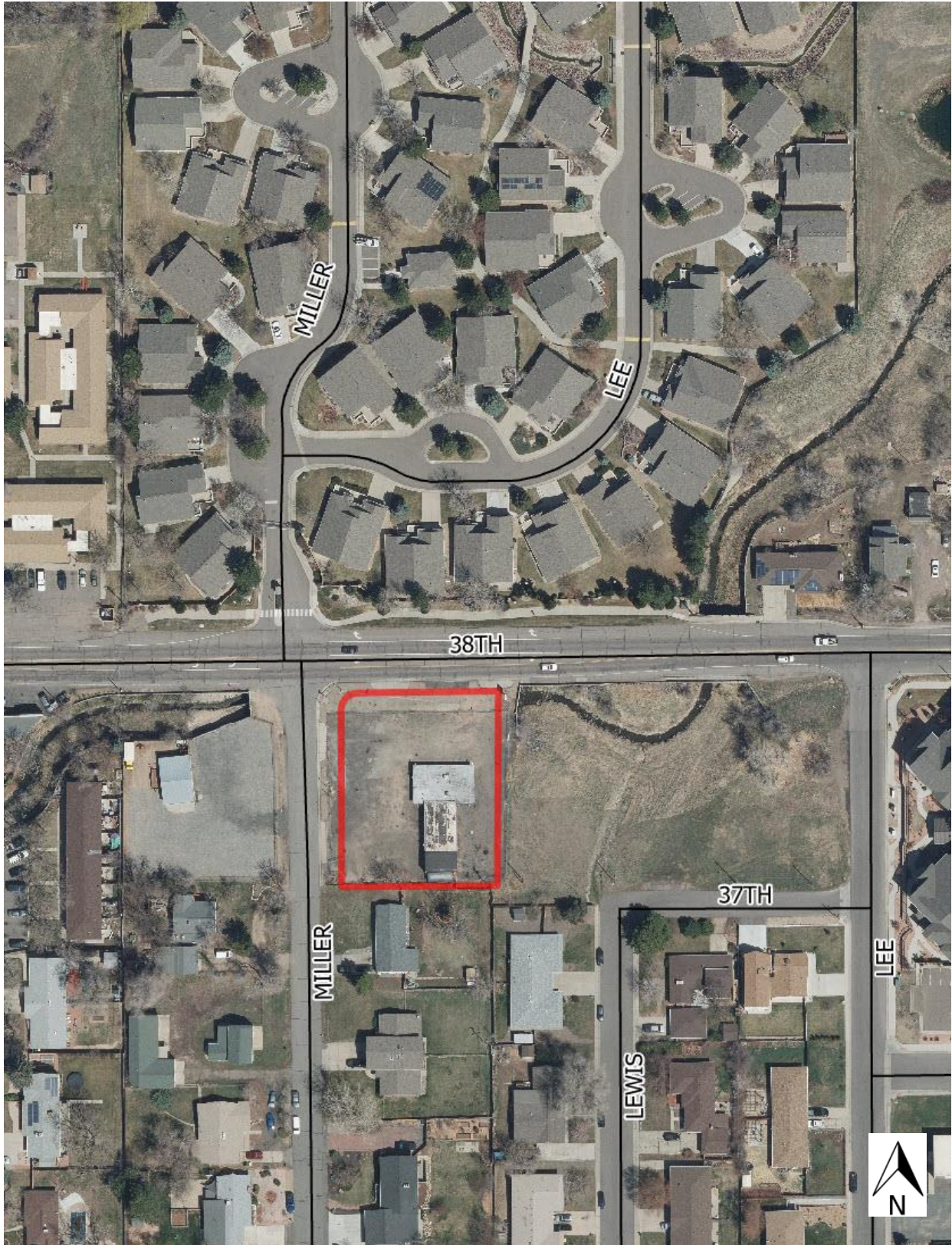


EXHIBIT 2: ZONING MAP

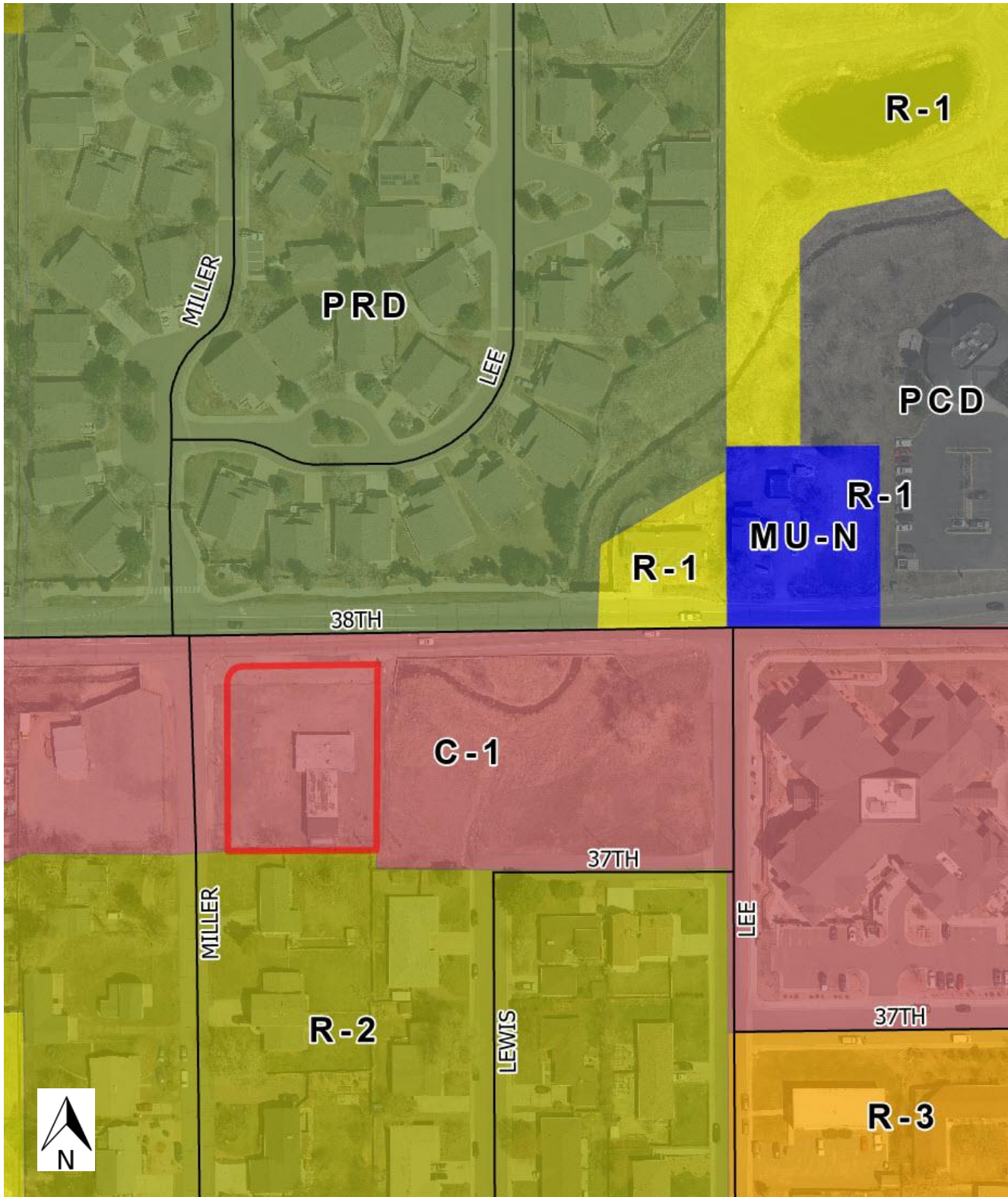


EXHIBIT 3: APPLICANT LETTER

October 11, 2023

Stephanie Stevens | Senior Planner

City of Wheat Ridge Community Development | 303-235-2846
7500 West 29th Avenue
Wheat Ridge, CO 80033

Owner: Elham Nekouie

Applicant: Summit Design and Engineering on behalf of the Owner

Ms. Stevens:

Re: A written request and description for a zone change for 10390 West 38th Avenue

The project site is located on the south side of W. 38th Avenue between Miller Street and Lee Street. W. 38th Avenue is one of the main east-west arterials and commercial corridors in Wheat Ridge. The property is currently zoned Commercial-One (C-1), as are adjacent properties to the east and west. Adjacent properties to the north are zoned Planned Residential Development (PRD) and Residential-Two (R-2) to the south. All neighboring properties are primarily low-density residential uses with some higher density residential existing to the east.

According to the ALTA survey, the property contains two parcels, one of which is a tract, and totals 28,994 square feet (0.666 acres) in size. It currently contains a commercial building built in 1960 that is being leased to a laser cutting business. The property consists of Block A in the Orton Heights Subdivision Plat. The existing site is almost entirely paved and is surrounded by a chain link fence. Lena Gulch runs along the northern edge of the property in a culvert, and there is a drainage easement that is approximately 20 feet wide that parallels W. 38th Avenue and runs between the right-of-way line and the building.

The applicant is proposing to rezone the property from Commercial-One (C-1) to Mixed-Use-Neighborhood (MU-N) in order to increase the permitted uses and enable future redevelopment. The intent is to provide approximately 10 multi-story walk-up townhome style residential building(s) with on-site parking, pedestrian walkways and landscaping. The goal of this development is to expand the housing opportunities for residents in an already established and mature community where resources and infrastructure are currently in place to facilitate orderly and efficient growth while enhancing the character of Wheat Ridge's commercial corridors.

We request a zone change for 10390 West 38th Ave. from C-1 to MU-N based on the following criteria:

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

We feel a residential multi-family use of the property is more aligned with the character of the neighborhood than the previous filling station or "low-rent" commercial uses of the past on this site. The proposed rezoning will help to achieve a balanced land use pattern in the area by providing a new attractive residential opportunity that fits the scale of the growing corridor while connecting to the adjacent existing communities. The change to a MU-N zoning allows this property to act as a part of the comprehensive planning and design goals of the City of Wheatridge by providing a balanced and efficient network of residential developments. It aims to enhance community character and gateways by providing a safe, healthy, and well-designed streetscape for pedestrians and vehicular traffic alike.

- 2) Adequate infrastructure / facilities are available to serve the proposed uses allowed by the change of zone and or the owner will upgrade and provide such where they do not exist or are under capacity.

The existing site offers adequate infrastructure to facilitate the development of this proposal. Per the ALTA survey, existing electric, water and gas services currently exist at the site and will be evaluated by licensed engineers to determine what, if any upgrades are required for service to the proposed development. The positioning of this site at the corner of W. 38th Ave. and Miller Street also presents opportunities to provide vehicular access to the site that will limit the negative affect to the surrounding neighborhood.

- 3) The character of the surrounding area is occurring and is in the public interest to encourage redevelopment of the area and the proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the City of Wheat Ridge comprehensive plan.

The existing community surrounding the site is primarily residential in nature and it is the intention of this proposal to compliment this existing character by creating additional moderate priced housing which is sorely needed in the Denver metropolitan area. This development will create a more attractive and approachable use of this site that will add to the social and economic fabric of the W. 38th Avenue corridor.

The justification of why zone change is needed addressing these issues:

- The need for a zone change.
To maximize the usability of the site in congruence with market demand for additional residential we believe that a zone change is necessary.
- Present and future effect on the existing zone districts, development, and physical character of the area.
The purpose of the Mixed Use-Neighborhood (MU-N) zone district is to create a flexible approach to land uses and to enhance the character of Wheat Ridge's commercial corridors. The redesignation of this property to a MU-N zone district creates an opportunity for a balanced mix of land uses for the future and we feel that an appropriately designed and sensitive development will enhance the character of the neighborhood above the existing condition.
- Access to the area, traffic patterns and impact of the requested zone on these factors.
With the proposal of this development being located on the corner of W. 38th Avenue and Miller Street, we have an opportunity to utilize the existing street infrastructure to provide access to the site that is not directly off of W. 38th Ave, but off of Miller Street. Vehicular access to the property will be designed in a manner to protect the traffic-carrying capacity of the adjacent streets, protect the value of the adjacent properties, and minimize disruption to the pedestrian environment. If required by the City, a trip generation letter or traffic study can be provided.
- Availability of utilities.
All utilities are available for connection to the development and licensed engineers will evaluate to confirm adequate sizing.
- Present and future effects on public facilities and services, such as fire, police, water, sanitation, roadways, parks and schools.
Additional traffic generation and use of facilities will be minimal with the addition of approximately 10 private residential units.
- A discussion of the relationship between the proposal and adopted land and / or policies of the city.
We feel this proposal is complimentary to the City of Wheatridge's vision of creating a safe, healthy and effective commercial corridor that integrates into the existing residential community.

EXHIBIT 4: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date: August 30, 2023

Attending Staff: Stephanie Stevens, Senior Planner
Alayna Olivas-Loera, Planner II

Location of Meeting: Virtual

Property Address: 10390 W. 38th Ave.

Property Owner(s): Elham Nekouie

Property Owner(s) Present? Yes

Applicant: Laura Drabison, Patrick Berrend

Applicant Present? Yes

Existing Zoning: Commercial-One (C-1)

Existing Comp. Plan: Neighborhoods

Existing Site Conditions: The site is located on the south side of W. 38th Avenue between Miller Street and Lee Street. The property is zoned Commercial-One (C-1), as are adjacent properties to the east and west. Adjacent properties to the north are zoned Planned Residential Development (PRD) and Residential-Two (R-2) to the south. All neighboring properties are primarily low-density residential uses with some higher density residential existing to the east.

According to the Jefferson County Assessor, the property is approximately 26,174 square feet (.601 ac) in size and currently contains a commercial building built in 1960. The property consists of Block A in the Orton Heights Subdivision Plat.

Applicant/Owner Preliminary Proposal: The applicant is proposing to rezone the property from C-1 to MU-N in order to increase the permitted uses and enable a future redevelopment. The applicant is currently contemplating approximately ten townhome units should the zone change be approved.

The following is a summary of the neighborhood meeting:

- In addition to the applicant and staff, 11 members of the public attended the neighborhood meeting. The participant list is attached from Zoom, which serves as the virtual sign-in sheet.

- Six members of the public spoke at 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 the 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 Zone Change request and proposed development:

- Jan Rose
 - Concerns about soil remediation from gas station.
Geotechnical analysis completed. Preliminary borings show no chemicals found. Next step is Ph 1 and Ph 2 environmental at site planning stage. No basements proposed.
 - Concerns about making sure there is enough parking.
Functional distances away from Miller and 38th precludes access from 38th Avenue.
 - Concerns about maintaining mature trees.
Will do a tree survey to determine viability and will make best efforts to save mature trees.
 - General support for potential residential.
 - Encouragement for applicant to participate in West 38 improvement project.
 - Group home and disabled nearby. Encouraged to account for existing neighbors and their unique needs.
- Scot Hooper
 - Want something that will fit in with neighborhood.
 - General support for proposed rezone.
- Daria
 - General support for proposed rezone.
- Jennifer Yates
 - Questions about current tenant on site.
There is a finite lease with the tenant and property owner.
 - General support for proposed rezone.
 - What commercial uses would be permitted?
Referred to MU code, MU is more of a form based code and is more limited on intensity for commercial uses.
 - How many units would be permitted on the site?
21 dwelling units/acre permitted, does not account for right-of-way dedication, looking at 13 allowed on the site max but will most likely be less.
 - General support for potential residential.
- Galaxy A50 – Kimery Marchese
 - Overall support for proposed rezone.
 - What commercial uses would be permitted?
Referred to MU code, MU is more of a form based code and is more limited on intensity for commercial uses.
 - General support for potential residential.
- Fran Langdon
 - General traffic concerns with steep slope of street and congestion.
Traffic would be reviewed through site plan process.
 - Concerns about parking.

Interface to the street is important. Forces parking to the rear. To provide min. 1 space per unit plus street parking on Miller, if possible.

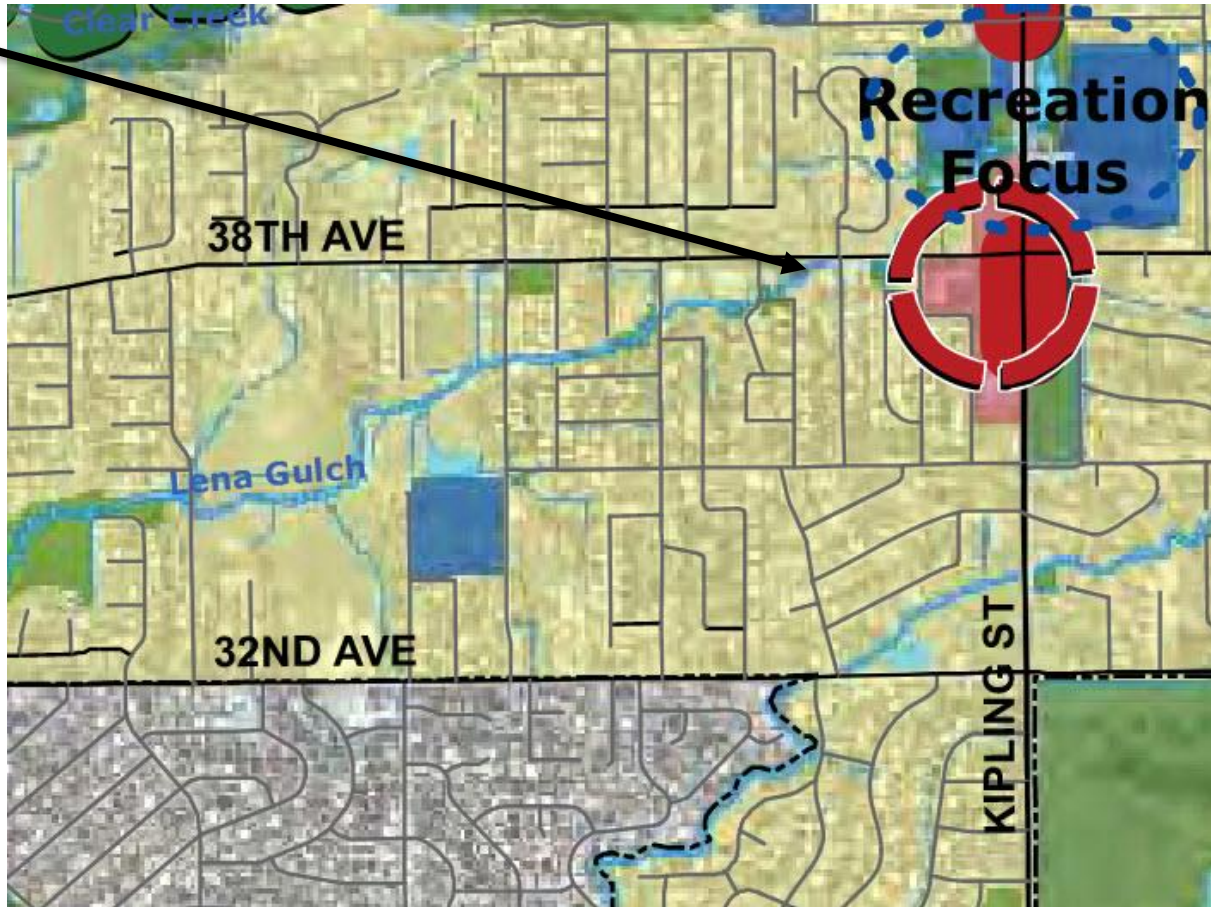
Participant List:

Jennifer Yates
Daria
Galaxy A50 - Kimery Marchese
Jan Rose
Deborah Rankin
dmweingardt
Randy and Renee
Fran Langdon
James Mulvihill
Scot Hooper
Patrick Berrend
Laura Drabison
Elham Nekouie

EXHIBIT 5: COMPREHENSIVE PLAN

The following is an excerpt from the Structure Map within the Comprehensive Plan.

**Subject
Property**



Neighborhoods

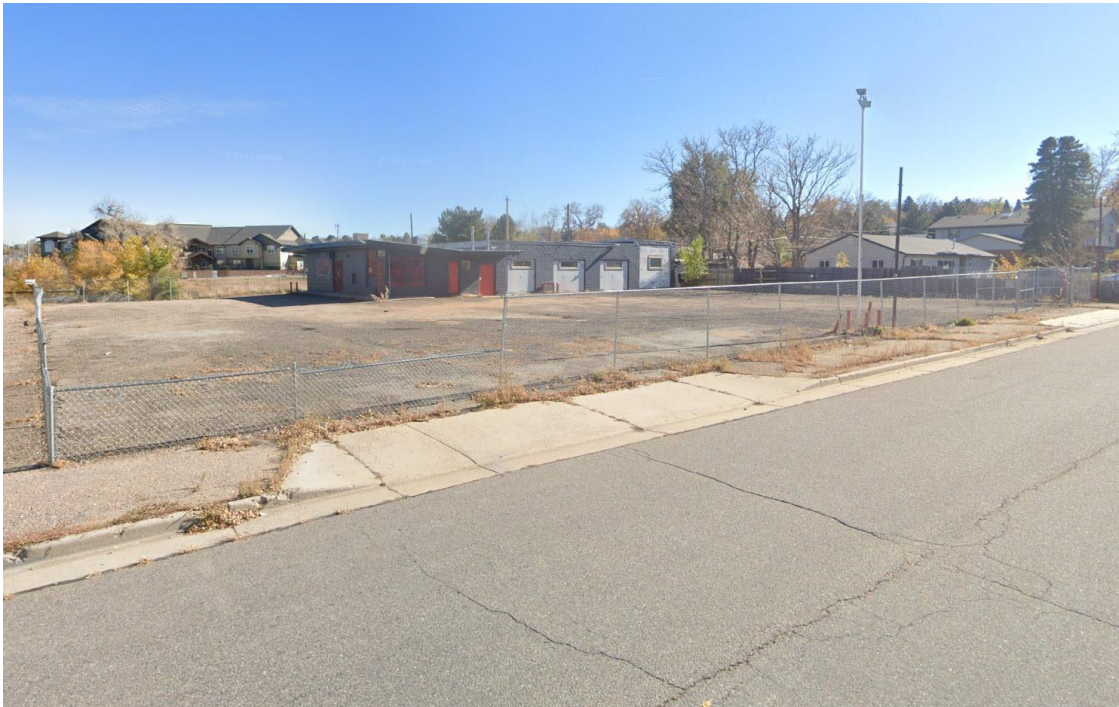
see Chapter 3 Criteria for
different Neighborhood types



EXHIBIT 6: SITE PHOTOS



View of the established neighborhood located north from the subject property on W. 38th Avenue.
(Source: Google Maps, November 2022)



View of the subject property looking east from Miller Street.
(Source: Google Maps, November 2022)



View of the subject property looking south from W. 38th Avenue.
(Source: Google Maps, November 2022)



MILLER

LEE

38TH

37TH

MILLER

LEWIS

LEE

