



PLANNING COMMISSION A G E N D A

April 20, 2023

Notice is hereby given of a **Public Meeting** to be held before the City of Wheat Ridge Planning Commission on April 20, 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 April 19)
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 897 1878 1134 **and Passcode: 512475**
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.

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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 – April 6, 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. WS-21-05:** An application filed by Rich Gebele for approval of a major subdivision consisting of two lots and dedication of full street width right-of-way at 4600 Kipling St.
- B. **Case No. ZOA-23-04:** An ordinance amending Article I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning general modernization and cleanup of the City’s subdivision requirements, and making conforming amendments therewith.

8. NEW BUSINESS

- A. Preview of Upcoming Code Amendments
- B. Upcoming Dates
- C. Project and Development Updates

9. OLD BUSINESS

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.



**City of
Wheat Ridge**
PLANNING COMMISSION
Minutes of Meeting
April 6, 2023

1. CALL THE MEETING TO ORDER

The meeting was called to order by Vice Chair DITULLIO at 6:31 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
Will Kerns
Daniel Larson
Jonathan Schelke
Julianne Stern

Commission Members Absent: Melissa Antol
Janet Leo

Staff Members Present: Lauren Mikulak, Community Development Director
Stephanie Stevens, Senior Planner
Scott Cutler, Senior Planner
Alayna Olivas-Loera, Planner I
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. Motion carried 6-0.

5. APPROVAL OF MINUTES – February 2, 2023

It was moved by Commissioner DISNEY and seconded by Commissioner KERNS to approve the minutes of February 2, 2023, as written. Motion carried 5-0-1 with Commissioner DISNEY abstaining.

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-23-01:** an application filed by Ivonne Reynosa for approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) on a property located at 7890 W. 38th Avenue.

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.

In response to traffic concerns from Commissioners DISNEY and LARSON, Ms. Olivas explained all traffic will be reviewed during the site plan review. Ms. Mikulak added that there are no concerns at this time due to the size of the site and potential trip generation is not going to trigger a traffic study.

Commissioner DITULLIO asked what next steps are if the zone change is approved by City Council and wondered if this zone change is approved if more residential properties in the neighborhood would follow suit.

Ms. Olivas-Loera clarified that the next steps would be City Council reviewing the zone change and an administrative review of the site plan. Ms. Mikulak added there is no concern about other properties changing their zoning and explained that the MU-N on this property would provide a good buffer between the corridor and the well-established neighborhood; it is a good transition and unlikely to be signal of more zone changes to come.

Commissioners KERNS and LARSON asked that traffic, access, and parking be looked at closely in the site plan review.

Commissioner LARSON asked if this site in 10 years could be redeveloped with higher density in the MU-N zone district.

Ms. Mikulak confirmed multiunit residential would be permitted in MU-N but will have to follow the development standards.

Jessica Valenzuela, Applicant
15070 Gaylord, Thornton

Ms. Valenzuela confirmed her only plan is to repurpose the building and not demolish it because it is not in their budget. She explained there is a great need for childcare and that is she and her mother's business and want to keep it that way. She confirmed they already own the property.

Commissioner SCHELKE believes that daycare centers are needed and important in today's world and hopes the zone change is approved.

Public Comment

No one wished to speak at this time.

It was moved by Commissioner LARSON and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WZ-23-01, a request for approval of a zone change from Residential-Two (R-2) to Mixed-Use Neighborhood (MU-N) for property located at 7890 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.**

Motion carried 6-0.

- B. Case No. WPA-22-01:** A resolution recommending adoption of the 44th Avenue Subarea Plan and by such adoption amending the Wheat Ridge Comprehensive Plan.

Ms. Stevens gave a short presentation regarding the adoption of the 44th Avenue Subarea Plan and introduced the MIG Project Manager.

**Mark De La Torre, MIG Project Manager
4345 Brentwood Street, Wheat Ridge**

Mr. De La Torre gave a brief presentation about the action plan for the 44th Avenue Subarea Plan.

Commissioner LARSON asked if this plan contains only recommendations or is binding.

Ms. Stevens explained that this plan is a guiding document so by approving it, it will guide future investments and entitlements. Ms. Mikulak added this plan is not a regulatory document, and the zoning will prevail in the decision of land use

cases. In response to a question, she also explained the process of doing a legislative rezone if appropriate.

Commissioner DISNEY asked for clarification about underpass improvements, specifically at I-70 and Kipling.

Ms. Mikulak explained that CDOT did complete a preliminary design for interchange improvements, but the project is not budgeted or scheduled.

Commissioner DISNEY also inquired if there is a recommendation for business owners in the area to form an association.

Mr. De La Torre mentioned there is a recommendation that encourages businesses to form an organization of some kind, though not necessarily a BID or business improvement district.

Commissioner STERN asked about how the next actions will be defined.

Ms. STEVENS explained staff will continue to evaluate the action plan, and as time passes and conditions change additional recommendations will be elevated to action.

Commissioner KERNS mentioned he is a big fan of this plan including the small business focus and building repurposing, walkability, tree canopy and cover, diverse housing strategies and the different connections to the Clear Creek Trail.

Commissioner DITULLIO asked if there will be traffic interventions such as traffic circles on 44th Avenue.

Mr. De La Torre explained that there was a traffic and signal warrant analysis done to address safety and mobility at intersections and traffic circles were not recommended but there are recommended signals and upgraded pedestrian crossings at certain intersections.

Commissioner DITULLIO also inquired about changes within the 44th Avenue right-of-way between the flowlines.

Ms. Mikulak confirmed the plan focuses on back of curb enhancements and the plan does not contemplate lane additions or reductions.

In response to a question from Commissioner LARSON about Urban Renewal, Ms. Mikulak defined Urban Renewal Area as a tool to recognize areas that need investment in the community and how the value of those private investments can be captured using Tax Increment Finance (TIF) to reinvest in this area.

Commissioners STERN and DISNEY concurred with Commissioner KERNS' enthusiasm for the plan and liked the robust engagement from the community. There was consensus that the plan has set the stage for 44th Avenue becoming a special place to live and or work.

Public Comment

No one wished to speak at this time.

It was moved by Commissioner KERNS and seconded by Commissioner DISNEY to adopt Resolution 01-2023, a resolution recommending adoption of the 44th Avenue Subarea Plan as an amendment to the City's Comprehensive Plan, Envision Wheat Ridge, and forwarding said recommendation to the Wheat Ridge City Council.

Motion carried 6-0.

- C. **Case No. ZOA-23-03**: An ordinance amending Article IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning requirements for dedication of Public Parks and Sites and making confirming amendments therewith.

Mr. Cutler gave a short presentation regarding the code amendment to waive parkland dedication requirements for deed restricted affordable housing property.

Commissioner STERN asked if there was any discussion on including an upper income limit in the definition of the deed restricted affordable dwelling unit.

Ms. Mikulak confirmed there has not been any discussion and explained that typically most of the projects the City envisions are below 100% AMI and explained the purpose of income averaging.

Commissioner LARSON inquired how much parkland dedication has been collecting in the last year or two and what is the money put towards.

Ms. Mikulak and Mr. Cutler explained it varies depending on the size of the project and the money does not specifically go to just parks, but trail maintenance, trail heads, etc. The funds go to Park's general revenue for improvements, and they budget for its use each year. The money is specifically reserved for improvements and cannot go towards other things such as operations.

Commissioner DITULLIO asked who monitors the deed restrictions.

Ms. Mikulak mentioned the City is not proposing to monitor the deed restrictions through this waiver.

Commissioner STERN believes this is a first great step toward supporting income qualified housing in Wheat Ridge.

Public Comment

No one wished to speak at this time.

It was moved by Commissioner SCHELKE and Seconded by Commissioner STERN to recommend approval of the proposed ordinance amending Article IV of the Wheat Ridge Code of Laws concerning requirements for dedication of public parks and sites and making conforming amendments therewith.

Motion carried 6-0.

8. NEW BUSINESS

A. Resolution 02-2023

It was moved by Commissioner LARSON and seconded by Commissioner DISNEY to approve Resolution No. 02-2023, a resolution establishing a designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law.

B. Election of Officers

Commissioner DITULLIO was voted in as Chair and Commissioner DISNEY was voted in as Vice Chair.

C. Upcoming Dates

Ms. Mikulak mentioned the next Planning Commission meeting will be held on April 20 and definitely one of the dates in May.

D. Project and Development Updates

Ms. Mikulak mentioned that once a new Planning Manager is hired, she will not be attending the meetings as frequently due to her promotion as Director of Community Development.

Ms. Mikulak also mentioned a number of permits have been submitted and issued including for the medical office building at SCL, Chick-fil-A, and two new restaurants below the West End 38 Apartments. She added Let's Talk is on their final blitz in the neighborhood north of Crown Hill and west of Lutheran and also the neighborhood north of I-70. Also, a design process for 38th Avenue from Kipling to Youngfield is underway with the 1st public meeting to discuss walkability on that corridor taking place in May.

Commissioner LARSON asked about the Governor’s housing bill and the City’s stance on it.

Ms. Mikulak said it is her understanding that City Council will be passing a resolution on April 10 that is opposed unless amended.

9. OLD BUSINESS

10. ADJOURNMENT

It was moved by Commissioner DISNEY and seconded by Commissioner LARSON to adjourn the meeting at 8:06 p.m. Motion carried 6-0.

Kristine Disney, Vice 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: April 20, 2023 (Planning Commission)

CASE MANAGER: Scott Cutler, Senior Planner

CASE NO. & NAME: WS-21-05 / Station Subdivision

ACTION REQUESTED: Request for approval of a major subdivision with two (2) lots and full street right-of-way dedication on property zoned Mixed Use – Commercial (MU-C)

LOCATION OF REQUEST: 4600 Kipling Street (vacant land at northeast corner of 44th Ave & Kipling St)

APPLICANT (S): Rich Gebele

OWNER (S): 4600 Kipling LLC

APPROXIMATE AREA: 542,360 square feet (12.45 acres)

PRESENT ZONING: Mixed Use – Commercial (MU-C)

COMPREHENSIVE PLAN: Primary Commercial Corridor, Mixed-Use Commercial

ENTER INTO RECORD:

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

Location Map



JURISDICTION:

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

I. REQUEST

The applicant is requesting approval of a 2-lot subdivision on property zoned Mixed Use – Commercial (MU-C) and located at 4600 Kipling Street, which consists of the vacant land at the northeast corner of W. 44th Avenue and Kipling Street. The subdivision also consists of the right-of-way dedication of two new public streets, W. 45th Place and an extension of Jellison Street. Because the subdivision includes full-width street right-of-way dedication, the request is considered a major subdivision which requires public hearings at Planning Commission and City Council. For this case, Planning Commission will make a recommendation to City Council who is the final authority for approval.

The purpose of a subdivision plat review is to confirm appropriate lot configuration, access, rights-of-way, easements, and utility service to enable future development.

II. EXISTING CONDITIONS

The site is located on the east side of Kipling Street, north of 44th Avenue (*Exhibit 1, Aerial*). The site is approximately 542,360 square feet (12.45 acres). The southern portion of the site is located in the Chado Subdivision and the northern portion of the site is unplatted. The property is undeveloped and vacant.

In 2015, City Council approved a rezoning of the property to MU-C, a zone district that is intended for major commercial corridors and encourages medium to high density mixed-use development (*Exhibit 2, Zoning*). MU-C allows for residential and civic uses, and a wide range of commercial and retail uses. The site is surrounded primarily by high-density residential uses and zones and commercial zones. To the west across Kipling Street is the Kipling Village apartment development, which is zoned Residential-Three (R-3) and Planned Residential Development (PRD). To the north are interstate-oriented uses including hotels, drive-thrus, and retail, all zoned Commercial-One (C-1). Gander RV (formerly Ketelsen Campers) is to the northeast and is zoned Planned Commercial Development (PCD). Peak Expeditionary School at Pennington, a JeffcoPublic School, is located to the east and is zoned Residential-Two (R-2), with some athletic fields and parking areas bordering this property. A gas station zoned C-1 is at the southwest corner of the site but is not included in the subdivision or MU-C zoning. All properties across 44th Avenue to the south are zoned C-1 and contain a mix of commercial uses.

The City approved a Concept Plan for this site in January 2021, which is a requirement of the mixed use code for sites over 10 acres. The Concept Plan is attached for reference as *Exhibit 3*. The plan includes general access and circulation requirements, potential phasing, open space concepts, and drainage considerations. It divided the site into two blocks, North and South, and then into additional development areas.

III. PROPOSED SUBDIVISION PLAT

Plat Document

The proposed plat document consists of three pages. The first page includes a legal description of the property; signature blocks for the owner, City, surveyor and County; and standard declarations and notes. The second page shows the existing platted and unplatted conditions of the site. The third page includes the proposed lot layout, including lot lines and easements (*Exhibit 4, Station Subdivision*).

Lot Configuration

The proposed subdivision divides the site into two blocks, in accordance with the Concept Plan. The dividing line between Block 1 (North Block) and Block 2 (South Block) is the future W. 45th Place, which will be dedicated as a public street right-of-way. East of Block 2 is the future Jellison Street, which will also be dedicated as a public street right-of-way and align with the existing Jellison Street across W. 44th Avenue to the south. Tract A is located to the east of Jellison Street and will include easements for drainage and landscaping.

Dividing the site into two blocks will allow development to proceed on these blocks. Future plats will be required within these blocks to create easements and tracts necessary for the specific development proposed on those sites. No proposals have been received for Block 1, although per the Concept Plan this area is intended for commercial uses. Staff has received the first submittal for a multi-unit apartment development within Block 2, which is a permitted use for that location. The proposed site plan for that location will need to correspond to the lot boundaries being created by this subdivision.

Public Improvements

When new properties are created through the subdivision process, staff reviews adjacent street improvements to confirm that they meet current roadway widths and design standards. A significant amount of right-of-way dedication and public improvements will be required with this subdivision, which will be subject to terms of a Subdivision Improvement Agreement.

Right-of-way dedication was required along 44th Avenue and Kipling Street for this subdivision, to allow the construction of public improvements along both frontages. The dimensions vary and are shown on page three of the plat. Per the Streetscape Design Manual, a 10-foot detached sidewalk and 6-foot landscaped amenity zone will be installed along Kipling Street. A 6-foot detached sidewalk and 6-foot landscaped amenity zone will be installed along W. 44th Avenue.

In addition, Jellison Street and W. 45th Place will be constructed, allowing public street access into the development. These streets will include detached sidewalks and 63 feet of right-of-way per the City's requirements for local streets in mixed-use developments. The reason for requesting public streets through the site is to provide the start of a street grid in the mega-block that is bounded by 44th Avenue, Kipling Street, the I-70 Frontage Road, and Independence Street. With a perimeter of 1.25 miles, the existing block size far exceeds City standards.

Drainage

Drainage improvements are being coordinated through the Engineering Division's review of civil construction documents. Drainage is being accounted for on site, likely to include some underground water detention in Block 2. Future plats and plans will be required to determine exact locations, to be coordinated with future development. Tract A can also serve as a stormwater drainage easement.

Easements

Due to the more preliminary nature of this plat to dedicate right-of-way and create blocks, most easements will be coordinated through the submittal of future site plans and plats for each block. These easements may include utility easements, drainage easements, and/or access easements. A plat note requires a future access easement through Block 2 from Jellison Street to W. 45th Place to ensure circulation throughout the site; this will be coordinated through review of specific site plans for that block, but the final location is not known at this time.

Parkland Dedication

The subdivision regulations include a parkland dedication requirement for all residential subdivisions based on the assumption that additional residents in the City will impact the demand for parks and open space. When land is not dedicated for a public park, a fee is required in lieu. The fee is assessed against the *net increase* in residential units or lots. In this case, parkland fees would be applied at time of building permit if the proposed residential development proceeds.

IV. AGENCY REFERRALS

All affected service agencies were contacted for comment on the subdivision plat regarding the ability to serve the property. The developer will be responsible for any needed upgrades to accommodate the proposed development. Specific referral responses follow.

Wheat Ridge Engineering Division: The plat has been reviewed and found approvable, with minor typographical corrections to be made prior to recordation. Civil construction documents are in progress.

Arvada Fire Protection District: No objections. Coordination is ongoing for future site development of Block 2.

Xcel Energy: No objections, utility design and easement coordination is ongoing. Utilities will need to be undergrounded along right-of-way.

Clear Creek Valley Sanitation District: No objections. Off-site improvements to upgrade facilities will likely be required. Coordination with the district is ongoing.

Valley Water District: No objections.

Colorado Department of Transportation (CDOT): Coordination is ongoing. No objections, although further coordination is needed to approve permits for access points for Block 2 development. Regional coordination efforts are taking place regarding the I-70/Kipling interchange, which may have spillover impacts to Kipling Street along this project.

Regional Transportation District (RTD): Coordination is ongoing to rebuild existing bus stops. No objections.

Xfinity/Comcast: No objections.

Century Link/Lumen: No objections.

V. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed subdivision plat results in a logical lot layout for the proposed future development. Staff further concludes that the subdivision plat complies with the standards in Article IV of the zoning and development code (subdivision regulations) and that all utility agencies can serve the property with improvements installed at the developer's expense. For these reasons, staff recommends approval of the subdivision plat.

VI. SUGGESTED MOTIONS

Option A:

"I move to recommend APPROVAL of Case No. WS-21-05, a request for approval of a major subdivision with two (2) lots and full street right-of-way dedication on property zoned Mixed Use – Commercial (MU-C) located at 4600 Kipling Street, for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The requirements of Article IV of the zoning and development code have been met.

With the following conditions:

1. A Subdivision Improvement Agreement shall be required to be recorded with the plat, outlining the developer's/owner's current and future obligations to construct public and on-site improvements to allow development to proceed.
2. Future plats shall be required to create the necessary on-site easements within each block, to be coordinated with future development.
3. Minor typographical corrections as required by the Engineering Division shall be completed prior to plat recordation.

Option B:

"I move to recommend DENIAL of Case No. WS-21-05, a request for approval of a major subdivision with two (2) lots and full street right-of-way dedication on property zoned Mixed Use – Commercial (MU-C) located at 4600 Kipling Street, for the following reasons:

- 1.
- 2."

EXHIBIT 1: AERIAL



EXHIBIT 2: ZONING MAP

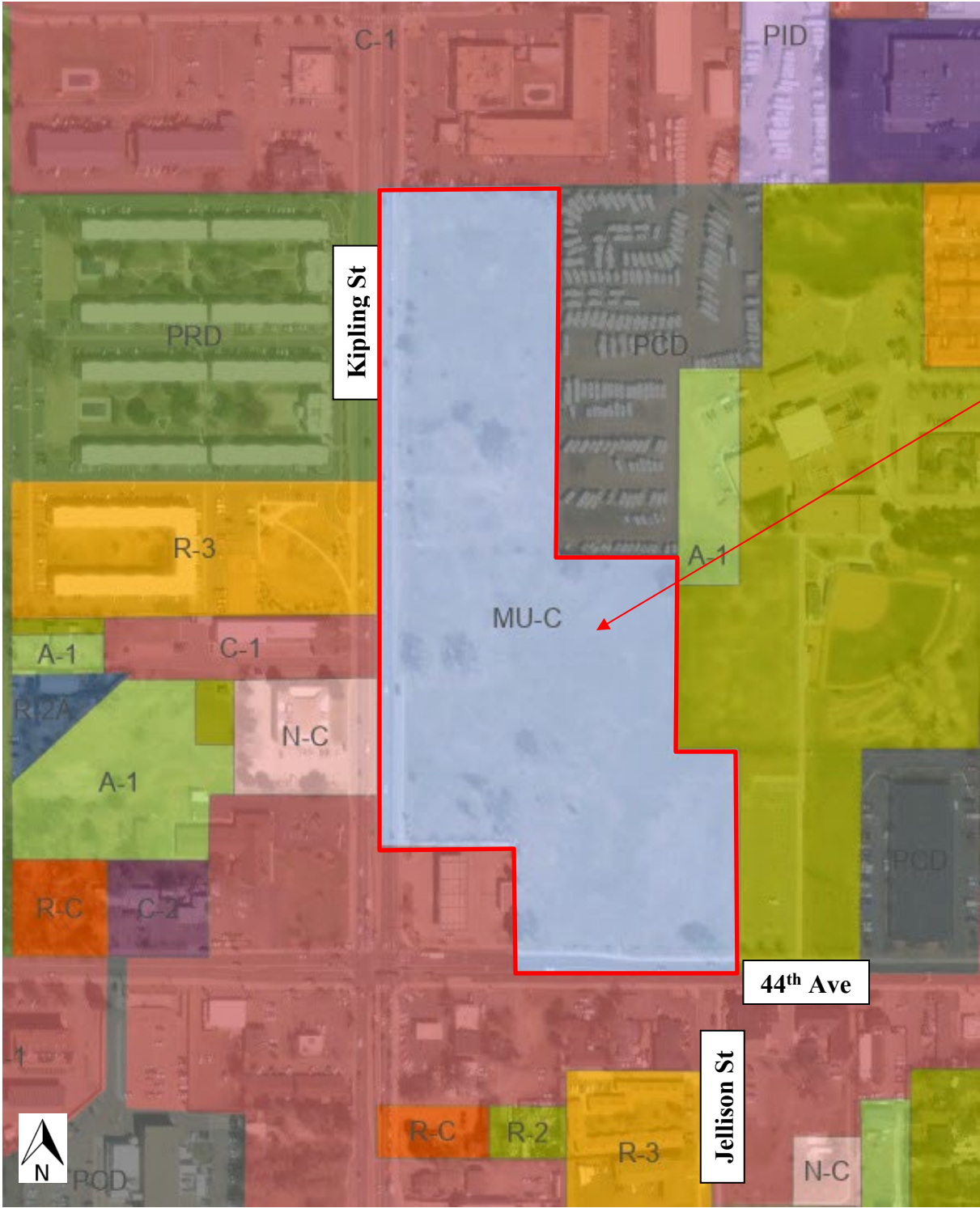


EXHIBIT 3: CONCEPT PLAN
(FOR REFERENCE)

[See attached]

CONCEPT PLAN FOR KIPLING STREET & 44TH AVENUE AN OFFICIAL CONCEPT PLAN IN THE CITY OF WHEAT RIDGE

LEGAL DESCRIPTION:

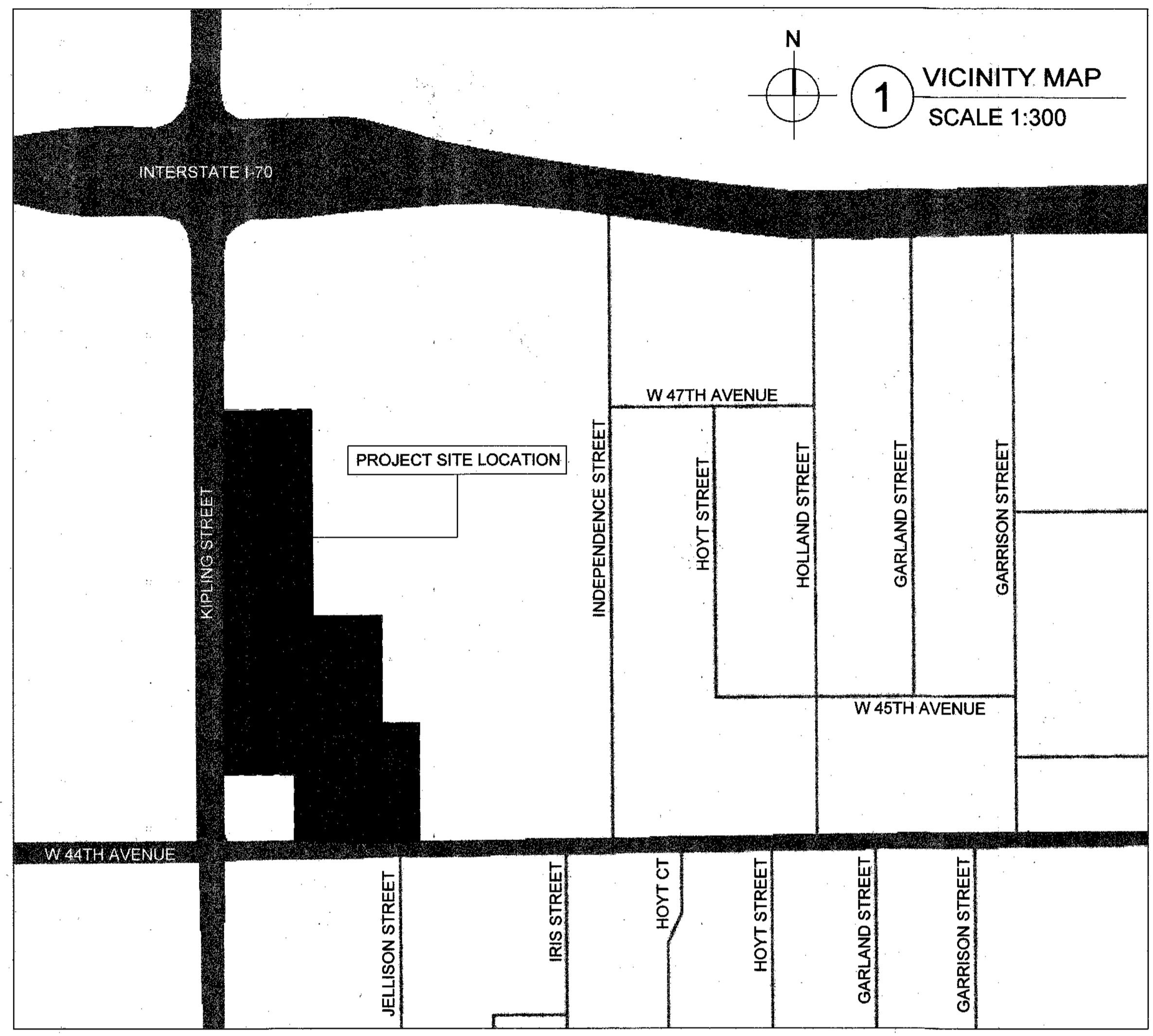
PARCEL I:
THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
THE WEST 330.57 FEET OF THE SOUTH 150 FEET OF THE NORTH 504 FEET, EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED AUGUST 11, 1969 IN BOOK 2124 AT PAGE 188, AND EXCEPT ANY PORTION DESCRIBED IN THE DEED RECORDED DECEMBER 11, 1986 AT RECEPTION NO. 86153163 COUNTY OF JEFFERSON, STATE OF COLORADO

PARCEL II:
THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.; THENCE SOUTH 00°09' WEST, ALONG THE WEST LINE OF SAID SECTION 22, 860.00 FEET; THENCE NORTH 89°55' EAST, 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE 89°55' WEST, 285.57 FEET; THENCE NORTH 00°09' EAST, 444.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL III:
LOT 1, BLOCK 1, CHADO SUBDIVISION, RECORDED MARCH 1, 1991 AT RECEPTION NO. 91016826, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL IV:
BEGINNING AT THE SOUTHWEST CORNER OF TRACT 13, JUCHEM'S GARDEN PLACE; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 13, 36 FEET; THENCE EAST ON LINE PARALLEL TO SOUTH LINE OF TRACT 13, JUCHEM'S GARDEN PLACE, TO CENTER LINE OF THIRD STREET; THENCE SOUTH ALONG CENTER LINE OF THIRD STREET 66 FEET TO CENTER LINE OF FLORA STREET; THENCE WEST ALONG CENTER LINE OF FLORA STREET TO A POINT WHICH IS 30 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID TRACT 13; THENCE NORTH OF SOUTHWEST CORNER OF SAID TRACT 13, WHICH IS THE PLACE OF BEGINNING INTENDING TO CONVEY THE SOUTH 36 FEET OF TRACT 13, JUCHEM'S GARDEN PLACE, TOGETHER WITH 1/2 OF THE VACATED STREETS ADJOINING THERETO, ALL SITUATE IN SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST, EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEED RECORDED IN BOOK 1175 AT PAGE 522, AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 88080612, AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 8, 1969 IN BOOK 2130 AT PAGE 582

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO



DEVELOPMENT AND ZONING CRITERIA:

ZONING DESIGNATION: MU-C MIXED USE COMMERCIAL

GROSS AREA OF DEVELOPMENT: +/- 12.13 ACRES (528,382 S.F.)
AREA LESS RIGHT OF WAY DEDICATION: +/- 12.04 ACRES (524,860 S.F.)

MAXIMUM BUILDING AND HARDCAPE COVERAGE: SITE PLAN TO CONFORM TO MU-C CRITERIA
MAXIMUM BUILDING HEIGHT: SITE PLAN TO CONFORM TO MU-C CRITERIA

BUILDING ORIENTATION: BUILDINGS WILL BE ORIENTED TO AND ALONG FRONTAGE STREETS WITH PARKING LOCATED BEHIND IN ACCORDANCE WITH THE MU-C CRITERIA

ARCHITECTURE: ALL BUILDING DESIGN SHALL BE IN CONFORMANCE WITH SECTION 28-1106 OF THE CITY OF WHEAT RIDGE ZONING AND DEVELOPMENT CODE

FENCING: ALL FENCING SHALL BE IN CONFORMANCE WITH SECTION 28-603 OF THE CITY OF WHEAT RIDGE ZONING AND DEVELOPMENT CODE

SIGNAGE: ALL SIGNAGE SHALL BE IN CONFORMANCE WITH SECTION 28-1113 AND ARTICLE VII OF THE CITY OF WHEAT RIDGE ZONING AND DEVELOPMENT CODE. A MASTER SIGN PLAN MAY BE PROVIDED AS A SUBSEQUENT APPLICATION.

LIGHTING: ALL LIGHTING SHALL BE IN CONFORMANCE WITH SECTION 28-503 OF THE CITY OF WHEAT RIDGE ZONING AND DEVELOPMENT CODE

LANDSCAPING: ALL LANDSCAPE SHALL BE IN CONFORMANCE WITH ARTICLE XI AND SECTION 28-502 OF THE CITY OF WHEAT RIDGE ZONING AND DEVELOPMENT CODE

DRIVE THROUGHS: ALL DRIVE THROUGH AND DRIVE UP USES WILL BE IN CONFORMANCE WITH SECTION 26-1106 OF THE WHEAT RIDGE ZONING AND DEVELOPMENT CODE. SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT PER SECTION 26-1118.

PARKING: WILL BE IN CONFORMANCE WITH SECTION 28-1109 OF THE CITY CODE.

SITE DATA TABLE:

PARCEL #	ANTICIPATED USE
SOUTH PARCEL 1 +/- 0.87 ACRES	RETAIL +/- 4,500 S.F. BUILDING AREA
SOUTH PARCEL 2 +/- 7.63 ACRES	RESIDENTIAL +/- 350 TO 400 UNITS RETAIL +/- 20,000 S.F. BUILDING AREA
NORTH PARCEL 1 +/- 0.83 ACRES	RETAIL +/- 4,500 S.F. BUILDING AREA
NORTH PARCEL 2 +/- 0.90 ACRES	RETAIL +/- 7,000 S.F. BUILDING AREA
NORTH PARCEL 3 +/- 1.90 ACRES	HOTEL +/- 57,000 S.F. BUILDING AREA 100-115 ROOMS (MAY VARY)
+/- 12.13 ACRES	9 BUILDINGS

DRIVE-UP AND DRIVE-THRU USES:

DRIVE-THRU USES ARE LIMITED TO TWO IN NUMBER.

DRIVE-THRU USES SHALL BE LIMITED TO ONE LANE IN WIDTH.

DRIVE-UP WINDOWS MAY NOT FACE KIPLING STREET.

BUILD TO REQUIREMENTS:

BUILD-TO REQUIREMENTS OF SECTION 28-1105.E OF THE CITY CODE SHALL BE MET ON A BLOCK BY BLOCK BASIS USING THESE STANDARDS:

BLOCK	DEVELOPMENT AREA	PRIMARY STREET FRONTAGE (50%)	SECONDARY STREET FRONTAGE (30%)
NORTH	1, 2 AND 3	KIPLING STREET	45TH STREET
SOUTH	4 AND 5	KIPLING STREET	45TH STREET
SOUTH	6	N/A	44TH AVENUE AND JELLISSON STREET
SOUTH	7	EXEMPT FROM BUILT-TO REQUIREMENTS	EXEMPT FROM BUILT-TO REQUIREMENTS

CHARACTER OF DEVELOPMENT:

THE PURPOSE OF THIS CONCEPT PLAN APPLICATION IS TO PROVIDE A GENERAL PRELIMINARY OUTLINE FOR THE REDEVELOPMENT OF THE SITE AT THE NORTHEAST CORNER OF 44TH AVENUE AND KIPLING STREET. DETAILS REGARDING THE FINAL LOCATION, SPECIFIC FORM AND DESIGN OF BUILDINGS AND PARKING AREAS HAS BEEN INTENTIONALLY OMITTED IN THE INTEREST OF PROVIDING FLEXIBILITY IN FUTURE DESIGN INTENT. REQUIREMENTS OF THE FUTURE DEVELOPMENT RELATED TO ACCESS, DRAINAGE, OPEN SPACE AND ZONING ARE SHOWN TO ESTABLISH THE OVERALL CONCEPTS, LAND USE AND CIRCULATION FOR THE DEVELOPMENT.

DETAILED SITE PLANS WILL BE IN CONFORMANCE WITH THE CITY'S ZONING CRITERIA. THIS CONCEPT PLAN, INCLUDING ARCHITECTURAL ELEMENTS AND THE DEVELOPMENT OF INDIVIDUAL BUILDINGS OR PARCELS, IS NOT INTENDED TO BE REVIEWED AND APPROVED AS PART OF THIS CONCEPT PLAN, BUT SHALL BE REVIEWED AND APPROVED AS PART OF SUBSEQUENT SITE PLANS.

THE SITE'S OVERALL CONCEPT IS TO BE A HIGH-QUALITY PEDESTRIAN FRIENDLY DEVELOPMENT PROVIDING RESIDENTIAL, RETAIL, DRIVE-THRU, RESTAURANT AND HOTEL USES. THE SITE WILL INCLUDE NEW BUILDINGS AND OPEN SPACE THAT WILL FRONT AND DEFINE THE STREET EDGE, WILL INTRODUCE CONCEPTS OF PEDESTRIAN ACCESSIBILITY, STREET LEVEL ACTIVATION AND HIGH QUALITY ARCHITECTURAL DESIGN. THE OVER-ARCHING GOAL OF THE DEVELOPMENT IS TO BRING SHARED COMMERCIAL FUNCTIONS AND QUALITY OPEN SPACE TO ONE OF THE FEW UNOCCUPIED PIECES OF LAND IN WHEAT RIDGE BOUNDED BY 44TH AVENUE AND KIPLING STREET WHICH ARE BOTH IMPORTANT AND HIGH TRAFFIC CORRIDORS.

THE AREA IS ZONED MIXED USE - COMMERCIAL (MU-C). THE DEVELOPMENT SITE SHALL MEET THE DEFINITION AND INTENT OF A MIXED-USE DEVELOPMENT AS DEFINED IN SECTION 28-1119 AND SHALL INCLUDE LAND USES FROM AT LEAST TWO DIFFERENT USE GROUPS FROM THE PERMITTED TABLE IN SECTION 28-1111. THE DEVELOPMENT CAN INCLUDE UP TO 2 SEPARATE DRIVE-THRU USES WHICH MAY INCLUDE A BANK, DRIVE UP, LIQUOR STORE, FAST FOOD AND EATING ESTABLISHMENT OR OTHER APPROVED DRIVE-THRU'S.

ACCESS AND CIRCULATION:

FUTURE DEVELOPMENT SHOULD CONNECT TO THE EXISTING STREET NETWORK IN A GRID FASHION WITH PEDESTRIAN-FRIENDLY DESIGN, INCLUDING SIDEWALKS AND AMENITY ZONES ON ALL ADJACENT PUBLIC STREETS. INTERNAL SIDEWALKS WILL CONNECT ALL LAND USES ON THE SITE. PRELIMINARY SIDEWALK LOCATIONS ARE SHOWN ON THE SHEET 2 OF 2; FINAL PEDESTRIAN CIRCULATION WILL BE REVIEWED AND APPROVED WITH SUBSEQUENT SITE PLAN APPLICATIONS.

- THE PROJECT ANTICIPATES FIVE ACCESS POINTS FROM PUBLIC STREETS AS SHOWN ON THE PLAN
- ONE FULL MOVEMENT STOP SIGN INTERSECTION AT 44TH AVENUE AND JELLISSON STREET (TO ALIGN WITH JELLISSON)
- ONE 3/4 MOVEMENT AT KIPLING AND PROPOSED NEW 45TH AVENUE
- (2) ADDITIONAL RIGHT IN / RIGHT OUTS ALONG KIPLING STREET
- A POTENTIAL FUTURE ACCESS VIA A NEW STREET BORDERING THE NORTHERN EDGE OF THE SITE (SHOULD THAT COME TO FRUITION IN THE FUTURE).

INTERNAL PRIVATE ACCESS DRIVES WILL BE ESTABLISHED TO PROVIDE VEHICULAR ACCESS TO EACH USE WITHIN THE PROPERTY. THIS CONCEPT PLAN ANTICIPATES SHARED USE OF INTERIOR DRIVES, SIDEWALKS, AND PARKING VIA A BLANKET ACCESS EASEMENT.

EASEMENT AND RIGHT-OF-WAY DEDICATIONS:

REQUIRED EASEMENT AND RIGHT-OF-WAY DEDICATIONS REPRESENTED HEREIN ARE ANTICIPATED TO BE CONVEYED BY PLAT.

DRAINAGE CONSIDERATIONS:

A FINAL DRAINAGE REPORT WILL BE PROVIDED IN CONJUNCTION WITH THE SUBDIVISION APPLICATION. DETENTION REQUIREMENTS FOR THE PROJECT WILL BE ACCOMMODATED ON SITE IN A TO BE DETERMINED DETENTION SYSTEM. IT IS THE INTENT OF THE DEVELOPMENT TO CAPTURE, TREAT AND RELEASE THE ON-SITE STORM-WATER IN A MANNER THAT WILL NOT ADVERSELY AFFECT THE SURROUNDING AREAS.

POTENTIAL PHASING:

THE DEVELOPMENT OF THE SITE IS ANTICIPATED IN MULTIPLE PHASES AS SHOWN IN THE PHASING PLAN. THIS PHASING PLAN IS PRELIMINARY AND MAY BE MODIFIED. REGARDLESS OF MODIFICATIONS, THE FIRST PHASE OF DEVELOPMENT WILL INCLUDE THE PRIMARY INFRASTRUCTURE, UTILITIES, WATER, SANITARY SEWER AND STORM DRAINAGE. PHASING OF INTERNAL STREET GRID AND ACCESS POINTS WILL BE DETERMINED WITH FUTURE ENTITLEMENTS AND IN THE SUBDIVISION IMPROVEMENT AGREEMENT.

OPEN SPACE CONCEPTS:

OPEN SPACE WILL BE CONSIDERED FOR EACH BLOCK (NORTH & SOUTH) INDIVIDUALLY. OPEN SPACE WILL MEET THE MINIMUM REQUIREMENTS FOUND IN THE MU-C ZONE DISTRICT. A MINIMUM OF 10% OF THE NET DEVELOPMENT SITE AREA WILL BE OPEN SPACE FOR EACH BLOCK CONSISTING OF AT LEAST 35% OF LIVING LANDSCAPE MATERIAL AND 75% OF USABLE OPEN SPACE. TO MEET THESE REQUIREMENTS THE FOLLOWING IS ANTICIPATED:

THE APPLICANT SHALL PROVIDE A 1,600 SF PUBLIC AMENITY SPACE WITHIN THE SOUTH BLOCK. ADDITIONAL AMENITY SPACE MAY BE PROVIDED ALONG THE KIPLING STREET CORRIDOR. DETAILS ON THE SPECIFIC AMENITIES TO BE INCLUDED WILL BE PROVIDED WITH A SUBSEQUENT SITE DEVELOPMENT PLAN SUBMITTAL.

FLOOD PLAIN STATEMENT:

THE SITE DOES NOT LIE WITHIN A FLOOD PLAIN AREA. THE SITE IS IN ZONE X, PER FIRM PANEL #08059C0213F WITH AN EFFECTIVE DATE OF FEB. 5, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

APPLICANT:

THE MULHERN GROUP LLC ON BEHALF OF NATIONAL DEVELOPMENT
CLAY CALLAHAN; DESIGNER
THE MULHERN GROUP LLC
1400 GLENARM PLACE, SUITE 300
DENVER CO, 80202
PHONE: 303.297.3334
WEB: www.themulherngroup.com

CASE HISTORY:

WCP-17-01
WZ-15-05
MS-90-02
WCP-20-01

OWNER'S CERTIFICATE:

THE BELOW SIGNED OWNER(S), OR LEGALLY DESIGNATED AGENT(S) THEREOF, DO HEREBY AGREE THAT THE PROPERTY LEGALLY DESCRIBED HEREON WILL BE DEVELOPED IN ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS CONTAINED IN THIS PLAN, AND AS MAY OTHERWISE BE REQUIRED BY LAW. I (WE) FURTHER RECOGNIZE THAT THE APPROVAL OF THIS CONCEPT PLAN DOES NOT CREATE A VESTED PROPERTY RIGHT. VESTED PROPERTY RIGHTS MAY ONLY ARISE AND ACCRUE PURSUANT TO THE PROVISIONS OF SECTION 26-121 OF THE WHEAT RIDGE CODE OF LAWS.

Lloyd R. Anastasi
LLOYD R. ANASTASI, AUTHORIZED REPRESENTATIVE
4600 KIPLING, LLC

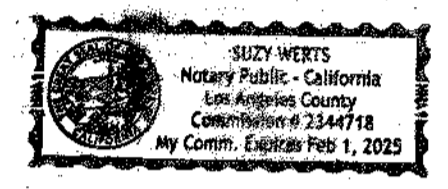
STATE OF COLORADO }
CALIFORNIA } SS
COUNTY OF JEFFERSON }
LOS ANGELES }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

2nd DAY OF MARCH, A.D. 2021 BY SUZY WEERTS, NOTARY PUBLIC

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

Suzy Weerts
NOTARY PUBLIC



CITY CERTIFICATION:

APPROVED THIS 29th DAY OF January, 2021, BY THE CITY OF WHEAT RIDGE

ATTEST

Sh...
CITY CLERK

W. J. ...
MAYOR

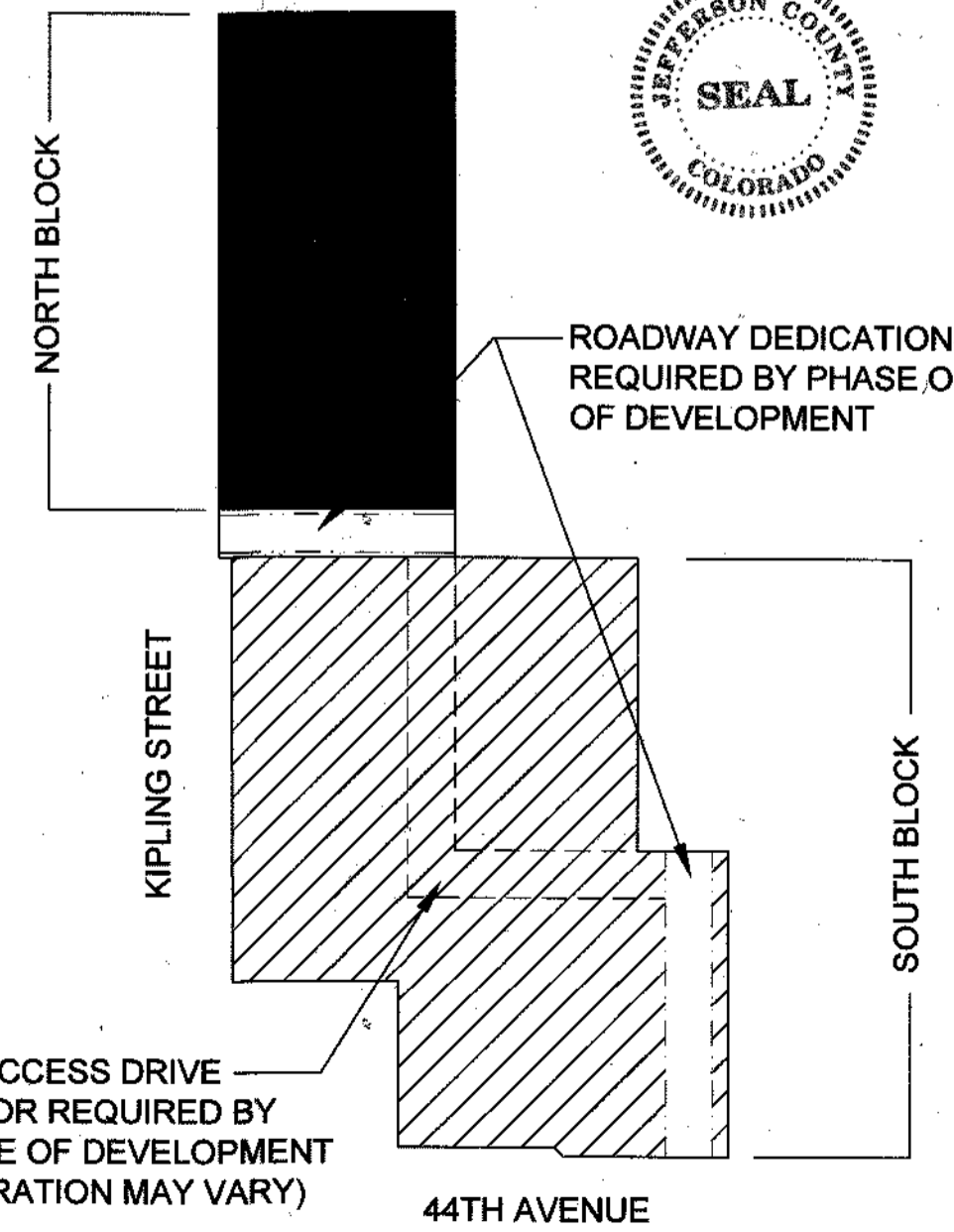
Lloyd R. Anastasi
COMMUNITY DEVELOPMENT DIRECTOR

COUNTY CLERK AND RECORDERS CERTIFICATE:

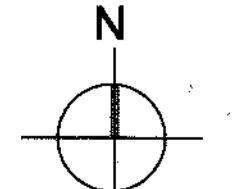
STATE OF COLORADO }
COUNTY OF JEFFERSON } SS

I HEREBY CERTIFY THAT THIS PLAN WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OR JEFFERSON COUNTY AT GOLDEN, COLORADO, AT 11:11 O'CLOCK A.M. ON THE 29th DAY OF March, 2021.

JEFFERSON COUNTY CLERK AND RECORDER *George P. Stein*
BY: RECORDER *Jana Z. Chastek* Deputy



PRIVATE ACCESS DRIVE CONNECTOR REQUIRED BY PHASE ONE OF DEVELOPMENT (CONFIGURATION MAY VARY)



CONCEPTUAL PHASING PLAN

OWNER
NATIONAL DEVELOPMENT
2711 N. SEPULVEDA BLVD.
SUITE 338
MANHATTAN BEACH, CA 92666

ARCHITECT/PLANNER
THE MULHERN GROUP
1400 GLENARM PLACE, SUITE 300
DENVER, CO 80202
WWW.THEMULHERNGROUP.COM

CIVIL ENGINEER

LANDSCAPE ARCHITECT

LIGHTING CONSULTANT

OFFICIAL CONCEPT PLAN FOR:
KIPLING & 44TH AVENUE

4500 | 4600 | 4650 KIPLING STREET, WHEAT RIDGE CO, 80033

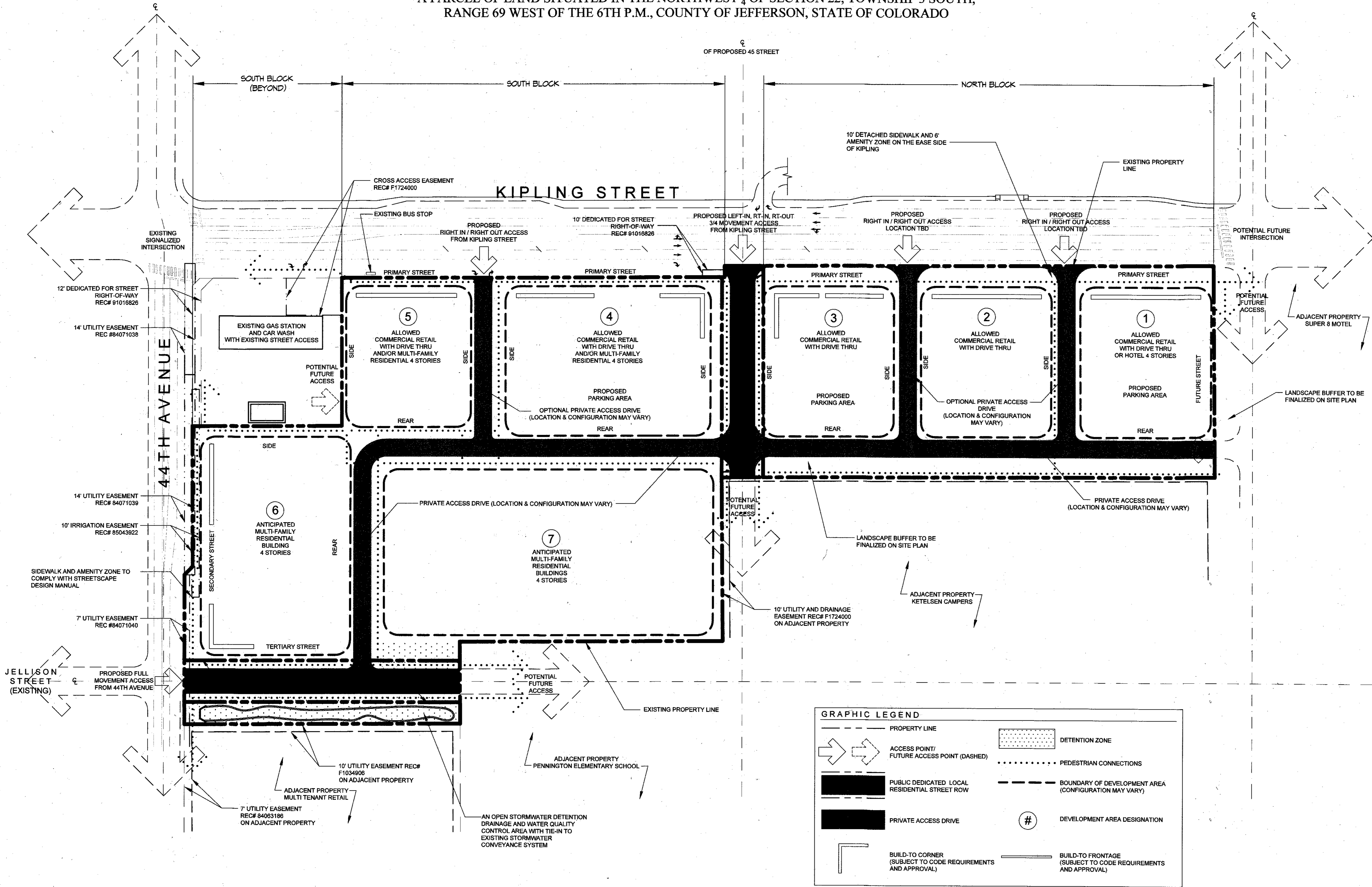
NO.	DATE	REVISION
1	11.22.2017	ORIGINAL SUBMITTAL
2	05.23.2018	RESUBMITTAL
3	03.11.2020	RESUBMITTAL
4	10.28.2020	TO OWNER
5	12.04.2020	TO OWNER

DATE: 04.30.2020
DRAWN: CC
CHECKED:
APPROVED:
PROJECT NO.: 17014
SCALE: N/A

2021048289

CONCEPT PLAN FOR KIPLING STREET & 44TH AVENUE AN OFFICIAL CONCEPT PLAN IN THE CITY OF WHEAT RIDGE

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO



GRAPHIC LEGEND

- PROPERTY LINE
- ACCESS POINT/ FUTURE ACCESS POINT (DASHED)
- PUBLIC DEDICATED LOCAL RESIDENTIAL STREET ROW
- PRIVATE ACCESS DRIVE
- BUILD-TO CORNER (SUBJECT TO CODE REQUIREMENTS AND APPROVAL)
- DETENTION ZONE
- PEDESTRIAN CONNECTIONS
- BOUNDARY OF DEVELOPMENT AREA (CONFIGURATION MAY VARY)
- DEVELOPMENT AREA DESIGNATION
- BUILD-TO FRONTAGE (SUBJECT TO CODE REQUIREMENTS AND APPROVAL)

1 SKETCH / CONCEPT PLAN
1:60

0 25' 60' 120'
SCALE: 1" = 60'

NOTE: NO EXISTING IMPROVEMENTS NOR ENCUMBRANCES TO REMAIN ON SITE

OWNER
NATIONAL DEVELOPMENT
2711 N. SEPULVEDA BLVD. SUITE 330
MANHATTAN BEACH, CA 92656

ARCHITECT/PLANNER
THE MULHENS GROUP
1400 Glenarm Place, Suite 300
Denver, CO 80202
www.themulhengroup.com

CIVIL ENGINEER

LANDSCAPE ARCHITECT

LIGHTING CONSULTANT

OFFICIAL CONCEPT PLAN FOR:
KIPLING & 44TH AVENUE
4500 | 4600 | 4650 KIPLING STREET, WHEAT RIDGE CO, 80033

NO.	DATE	REVISION
1	11.22.2017	ORIGINAL SUBMITTAL
2	05.23.2018	RESUBMITTAL
3	02.11.2020	RESUBMITTAL TO OWNER
4	10.28.2020	TO OWNER
5	12.08.2020	TO OWNER

DATE: 04.30.2020
DRAWN: CC
CHECKED:
APPROVED:
PROJECT NO.: 17014
SCALE: N/A

SHEET #
2 OF 2
PLAN

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EXHIBIT 4: PROPOSED PLAT
STATION SUBDIVISION

[See attached]

STATION SUBDIVISION

PORTIONS OF JUCHEM'S GARDEN PLACE

SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

OWNER'S CERTIFICATE:

4600 KIPLING, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF REAL PROPERTY CONTAINING 12.4509 ACRES DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:
THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
THE WEST 330.57 FEET OF THE SOUTH 150 FEET OF THE NORTH 594 FEET, EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED AUGUST 11, 1969 IN BOOK 2124 AT PAGE 188, AND EXCEPT ANY PORTION DESCRIBED IN THE DEED RECORDED DECEMBER 11, 1986 AT RECEPTION NO. 86153163, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 2:
THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.; THENCE SOUTH 00°09' WEST, ALONG THE WEST LINE OF SAID SECTION 22, 660.00 FEET; THENCE NORTH 89°55' EAST, 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°55' EAST, 285.45 FEET; THENCE SOUTH 00°08' WEST, 440.00 FEET; THENCE SOUTH 89°55' WEST, 285.57 FEET; THENCE NORTH 00°09' EAST, 444.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 3:
LOT 1, BLOCK 1 CHADO SUBDIVISION, RECORDED MARCH 1, 1991 AT RECEPTION NO. 910168626, COUNTY OF JEFFERSON, STATE OF COLORADO.

PARCEL 4:
BEGINNING AT THE SOUTHWEST CORNER OF TRACT 13, JUCHEM'S GARDEN PLACE; THENCE NORTH ALONG THE WEST LINE OF SAID TRACT 13, 36 FEET; THENCE EAST ON LINE PARALLEL TO SOUTH LINE OF TRACT 13, JUCHEM'S GARDEN PLACE, TO THE CENTER LINE OF THIRD STREET; THENCE SOUTH ALONG CENTER LINE OF THIRD STREET 66 FEET TO CENTER LINE OF FLORA STREET; THENCE WEST ALONG CENTER LINE OF FLORA STREET TO A POINT WHICH IS 30 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID TRACT 13; THENCE NORTH OF SOUTHWEST CORNER OF SAID TRACT 13, WHICH IS THE PLACE OF BEGINNING INTENDING TO CONVEY THE SOUTH 36 FEET OF TRACT 13, JUCHEM'S GARDEN PLACE, TOGETHER WITH 1/2 OF THE VACATED STREETS ADJOINING THERETO, ALL SITUATE IN SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST, EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 88080612, AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 8, 1969 IN BOOK 2130 AT PAGE 552 OF JEFFERSON COUNTY RECORDS.

DESCRIBED AS A WHOLE AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST ONE-QUARTER, N00°09'23"W, A DISTANCE OF 815.22 FEET;

THENCE N89°50'37"E, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY FOR KIPLING STREET AND THE WEST BOUNDARY OF CHADO SUBDIVISION RECORDED AT RECEPTION NO. 91016826;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SAID EAST RIGHT-OF-WAY:
1. N00°09'23"W, A DISTANCE OF 516.93 FEET;
2. S89°36'37"W, A DISTANCE OF 15.00 FEET;
3. N00°09'24"W, A DISTANCE OF 659.87 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2018094049;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL, N89°36'37"E, A DISTANCE OF 285.36 FEET TO THE NORTHWEST CORNER OF KETELSEN ADDITION MINOR SUBDIVISION PLAT RECORDED AT RECEPTION NO. F1724000;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE WEST AND SOUTH BOUNDARY OF SAID SUBDIVISION:
1. S00°09'49"E, A DISTANCE OF 665.44 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID CHADO SUBDIVISION;
2. ALONG SAID NORTH BOUNDARY, N89°32'37"E, A DISTANCE OF 220.30 FEET TO THE NORTHEAST CORNER OF SAID CHADO SUBDIVISION;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EASTERN BOUNDARY OF SAID CHADO SUBDIVISION:
1. S00°10'13"E, A DISTANCE OF 355.00 FEET;
2. N89°32'37"E, A DISTANCE OF 110.66 FEET TO THE NORTHWEST CORNER OF 44TH AVENUE BUSINESS PARK MINOR SUBDIVISION RECORDED AT RECEPTION NO. F1034906;
3. ALONG THE WEST BOUNDARY OF SAID SUBDIVISION, S00°10'44"E, A DISTANCE OF 372.68 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY FOR WEST 44TH AVENUE;

THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID NORTH RIGHT-OF-WAY:
1. S89°58'36"W, A DISTANCE OF 201.65 FEET;
2. N45°09'23"W, A DISTANCE OF 15.58 FEET;
3. S89°50'37"W, A DISTANCE OF 188.96 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, CHADO SUBDIVISION;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE SOUTHWESTERLY BOUNDARY OF SAID LOT 1, BLOCK 1:
1. N00°09'23"W, A DISTANCE OF 202.00 FEET;
2. S89°50'37"W, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 542,360 SQUARE FEET OR 12.4509 ACRES, MORE OR LESS.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF STATION SUBDIVISION, A SUBDIVISION IN THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORM WATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

4600 KIPLING, LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: _____
NAME: RICH GEBELE
TITLE: AGENT

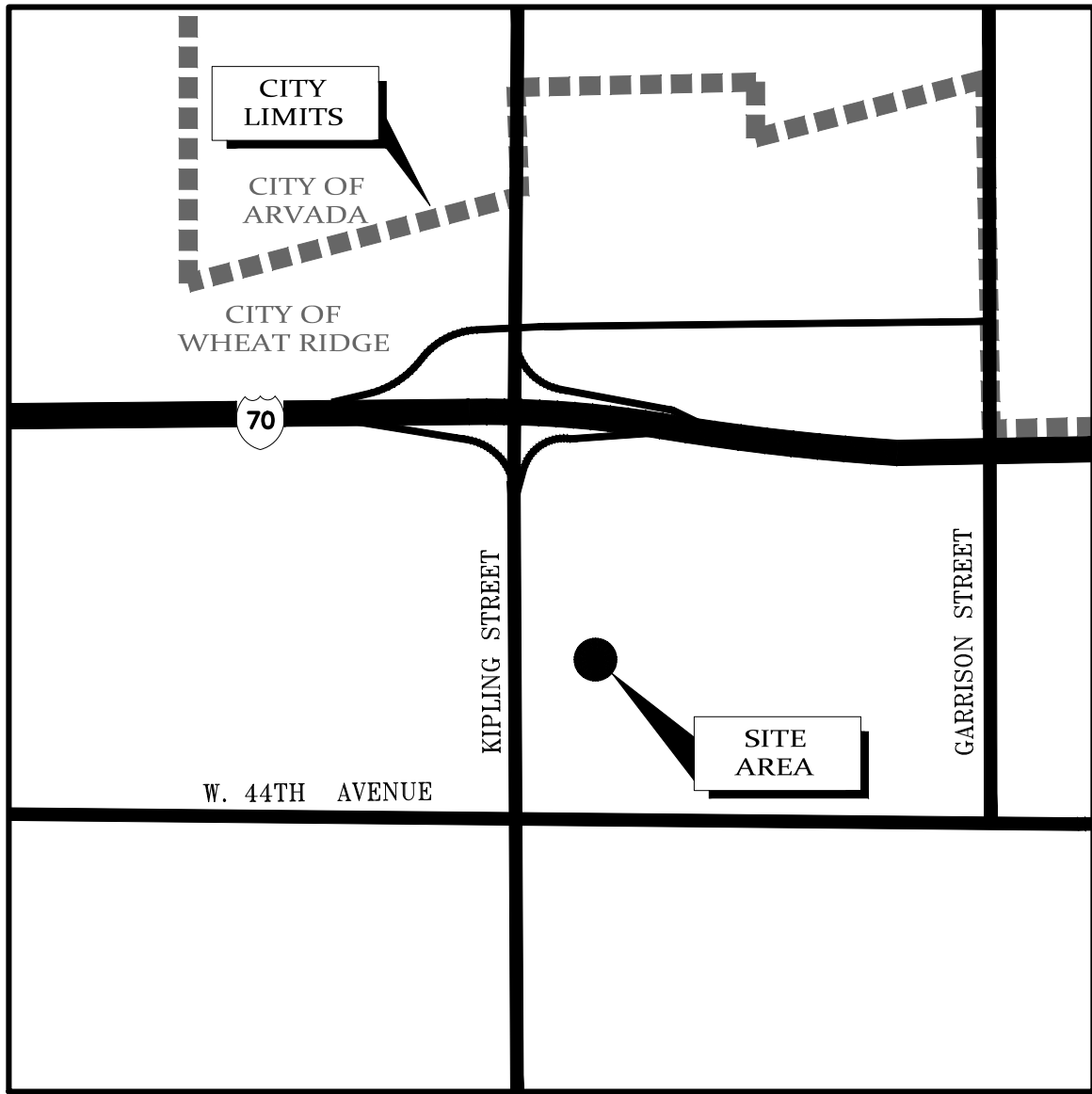
STATE OF COLORADO)
)SS
COUNTY OF JEFFERSON)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__.

BY _____.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC _____



VICINITY MAP
1" = 1000'

SURVEYOR'S CERTIFICATE:

I, CAMERON M. WATSON, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF STATION SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENTS SAID SURVEY.

CAMERON M. WATSON, PLS
COLORADO LICENSE NUMBER 38311
FOR AND ON BEHALF OF POINT CONSULTING, LLC
8460 W KEN CARLY AVE, #101
LITTLETON, CO 80128
(720) 258-6836
cwatson@pnt-llc.com

PLANNING COMMISSION CERTIFICATION:

RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____, 20__, BY THE WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON _____

CITY CERTIFICATION:

APPROVED THIS ____ DAY OF _____, 20__, BY THE CITY OF WHEAT RIDGE.

ATTEST

CITY CLERK _____ MAYOR _____

COMMUNITY DEVELOPMENT DIRECTOR _____

COUNTY CLERK AND RECORDERS CERTIFICATE:

STATE OF COLORADO)
)SS
COUNTY OF JEFFERSON)

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO,

AT ____ O'CLOCK ____ M. ON THE ____ DAY OF _____, 20__ A.D.,

IN BOOK _____, PAGE _____, RECEPTION NO. _____.

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

SURVEYOR'S NOTES:

- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY POINT CONSULTING, LLC. FOR INFORMATION REGARDING BOUNDARY, EASEMENTS AND TITLE, POINT CONSULTING, LLC RELIED UPON THE FOLLOWING TITLE COMMITMENT PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY:

FILE NO. 515-F0708636-171-MSK, EFFECTIVE DATE OF APRIL 6, 2021.
- BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, ASSUMED TO BEAR N00°09'23"W BETWEEN THE MONUMENTS FOUND AND SHOWN HEREON
- FLOOD ZONE DESIGNATION: ACCORDING TO FLOOD INSURANCE RATE MAP (F.I.R.M.) NUMBER 08059C0213F, WITH AN EFFECTIVE DATE OF FEBRUARY 5, 2014, THE ENTIRE PROPERTY LIES ENTIRELY WITHIN THE FOLLOWING ZONE DESIGNATION:

ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- UNIT OF MEASURE: PER COLORADO REVISED STATUTES SEC. 38-51-106 (L), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- THE SUBJECT PROPERTY CONTAINS 542,360 SQUARE FEET OR 12.4509 ACRES, MORE OR LESS.
- ZONING: MIXED USE COMMERCIAL (MU-C).
- TRACT A SHOWN AS DEPICTED HEREIN IS A NON-BUILDABLE TRACT FULLY ENCUMBERED BY A STORMWATER DRAINAGE EASEMENT TO THE BENEFIT OF THE CITY OF WHEAT RIDGE.
- STREET RIGHT-OF-WAY MONUMENTS SHALL BE SET PRIOR TO FINAL LIFT OF ASPHALT PAVEMENT. MONUMENT HARDWARE AND RANGE BOXES WILL BE PROVIDED BY THE CITY OF WHEAT RIDGE UPON REQUEST (303.205.7615).

WHEAT RIDGE GEODETIC INFORMATION:

- THE CURRENT CITY DATUM COORDINATE SYSTEM USED IS A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502.
- VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- GROUND TO GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1-NORTHING: 1701258.75, EASTING: 3118217.58, ELEVATION: 5471.62.

STATEMENT OF ACCURACY:

THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM, AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE (FGDC-STD-007.2-1998).

CROSS-ACCESS:

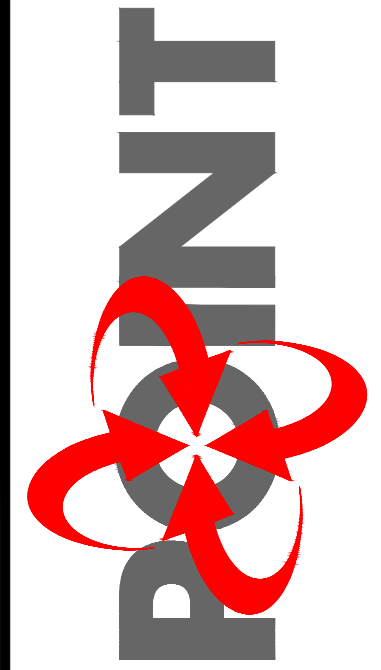
CROSS-ACCESS IS REQUIRED TO BE PROVIDED WITH FUTURE DEVELOPMENT AND PLATS CONSISTENT WITH THE INTENT OF THE 44TH & KIPLING CONCEPT PLAN RECORDED IN JEFFERSON COUNTY AT RECEPTION NO. 2021048289.

STORMWATER DRAINAGE EASEMENT:

THE STORMWATER QUALITY AREAS SHOWN HEREIN AS A "STORMWATER DRAINAGE EASEMENT" SHALL BE MAINTAINED BY THE OWNERS, ANY SUBSEQUENT OWNERS, THEIR HEIRS, SUCCESSORS, AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNERS, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREA AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNER, HEIRS, SUCCESSORS, AND ASSIGNS AGREES TO PAY. NO BUILDING OR STRUCTURE SHALL BE CONSTRUCTED WITHIN THE STORMWATER DRAINAGE EASEMENT AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC CHARACTERISTICS OF SAID STORMWATER QUALITY AREA SHALL BE MADE WITHOUT THE APPROVAL OF THE COMMUNITY DEVELOPMENT DIRECTOR.

STORMWATER DETENTION & DRAINAGE EASEMENT:

ALL STORM SEWER AND DETENTION FACILITIES LYING WITHIN ANY AREAS SHOWN HEREIN AS "DRAINAGE EASEMENT" SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER AND SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNER, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREAS AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNER, HEIRS, SUCCESSORS, AND ASSIGNS AGREES TO PAY. NO BUILDING OR PERMANENT STRUCTURE WILL BE CONSTRUCTED ACROSS OR WITHIN SAID DRAINAGE EASEMENTS AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC CHARACTERISTICS OF THE STORM SEWER AND DETENTION FACILITIES WILL BE MADE WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.



POINT CONSULTING, LLC
8460 W KEN CARLY AVE #101
LITTLETON, CO 80128
720-258-6836
www.pnt-llc.com
PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

PREPARED UNDER
THE DIRECT
SUPERVISION OF
CAMERON M.
WATSON
COLORADO
LICENSE NO. 38311
FOR AND ON
BEHALF OF POINT
CONSULTING, LLC

SUBDIVISION PLAT

STATION SUBDIVISION

WHEAT RIDGE, COLORADO

JOB NO. 21.016

DATE	DESCRIPTION	NO.	NO.
04.16.21	ORIGINAL PREPARATION	1	WS-21-05
01.19.23	TECHNICAL REVISIONS	2	WCP-20-01
		3	

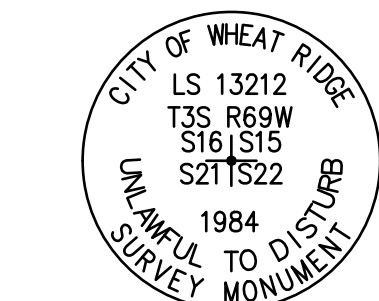
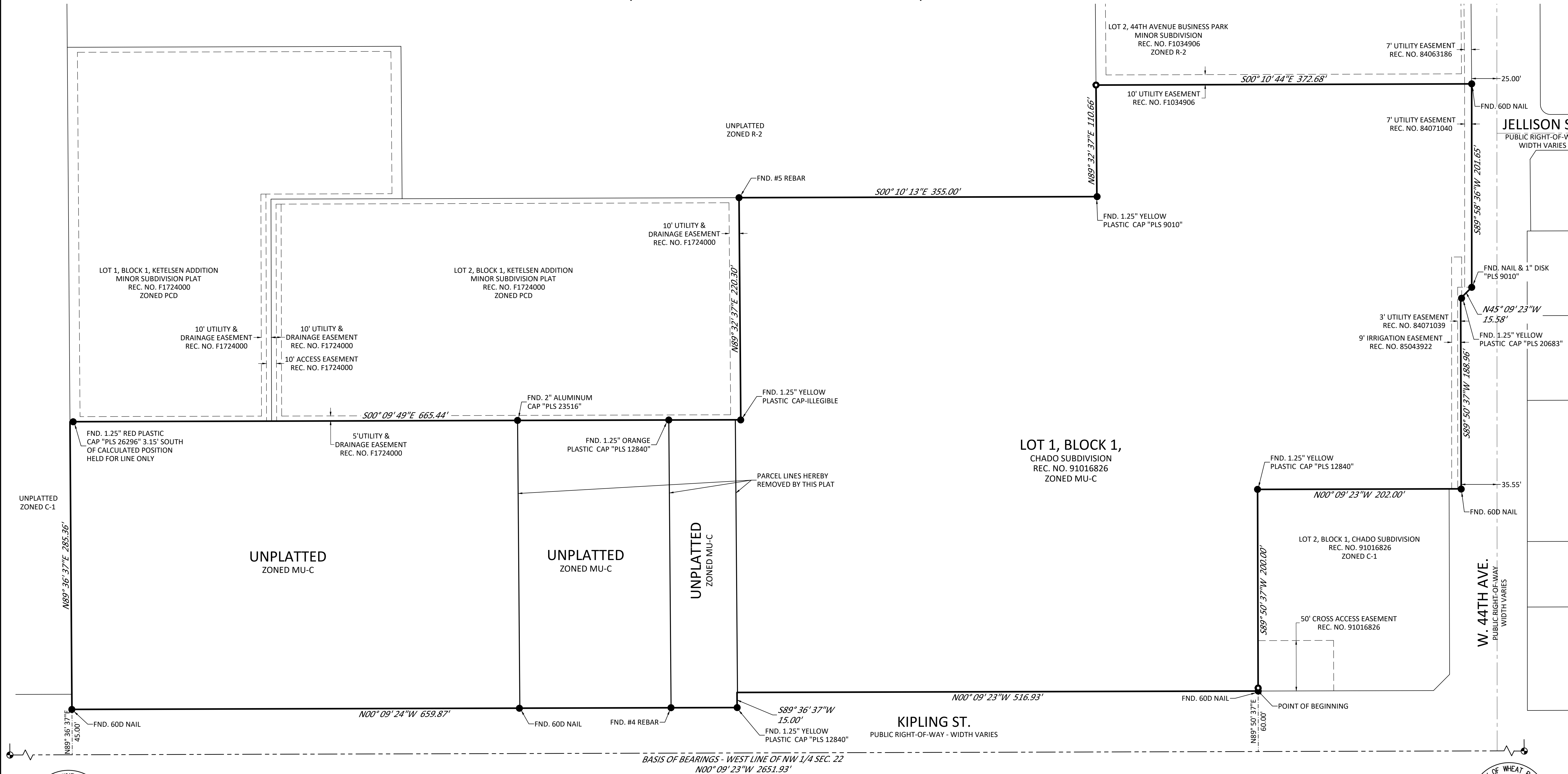
SHEET INDEX	CASE HISTORY
DESCRIPTION _____ NO. _____	DESCRIPTION _____ NO. _____
COVER SHEET _____ 1 _____	EXISTING CONDITIONS _____ 2 _____
EXISTING CONDITIONS _____ 2 _____	NEW LOT CONFIGURATION _____ 3 _____
NEW LOT CONFIGURATION _____ 3 _____	

COVER SHEET

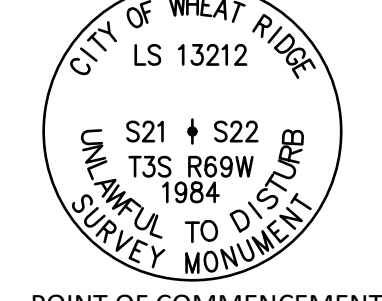
STATION SUBDIVISION

PORTIONS OF JUCHEM'S GARDEN PLACE

SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO



FOUND 3.25" BRASS CAP IN MONUMENT
WELL ACCEPTED AS NW CORNER NW 1/4
SEC 22, T. 3 S., R. 69 W.
WHEAT RIDGE POINT #13409



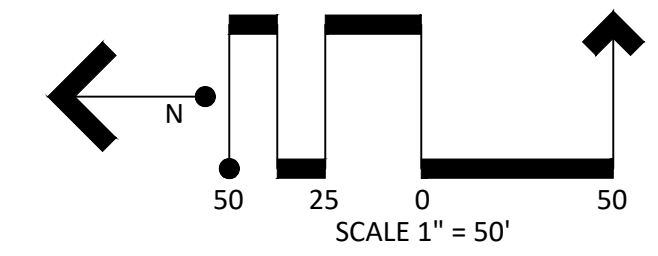
POINT OF COMMENCEMENT
FOUND 3.25" BRASS CAP IN MONUMENT
WELL ACCEPTED AS SW CORNER NW 1/4
SEC 22, T. 3 S., R. 69 W.
WHEAT RIDGE POINT #14409


MAP LEGEND:

- SET R.O.W. CENTER LINE MONUMENT
- 24" #5 REBAR WITH 2" ALUMINUM CAP CAP STAMPED "R.O.W. CL LS 38311"
- SET 24" #5 REBAR WITH RED PLASTIC CAP STAMPED "POINT LLC LS 38311"
- SECTION LINE
- STREET CENTER LINE
- ADJACENT BOUNDARY LINE
- BOUNDARY LINE
- LOT/PARCEL LINE
- EASEMENT LINE
- CITY BOUNDARY

ABBREVIATIONS:

- SEC. SECTION
- COR. CORNER
- R.O.W. RIGHT OF WAY
- N. NORTH
- E. EAST
- S. SOUTH
- W. WEST
- FT. U.S. SURVEY FOOT
- SQ. FT. SQUARE FOOT
- AC. ACRE
- TYP. TYPICAL





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CIVIL ENGINEERING
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PREPARED UNDER THE DIRECT SUPERVISION OF
CAMERON M. WATSON
COLORADO LICENSE NO. 38311
FOR AND ON BEHALF OF POINT CONSULTING, LLC

STATION SUBDIVISION
WHEAT RIDGE, COLORADO

DATE: 04.16.21
01.19.23

DESCRIPTION: ORIGINAL PREPARATION
TECHNICAL REVISIONS

EXISTING CONDITIONS

JOB NO. 21.016

SUBDIVISION PLAT

SHEET 2/3

STATION SUBDIVISION

PORTIONS OF JUCHEM'S GARDEN PLACE

SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 22,
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

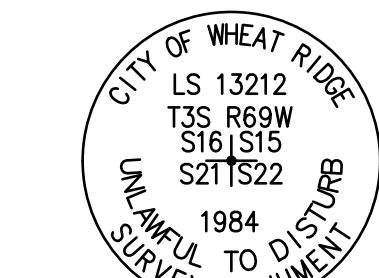
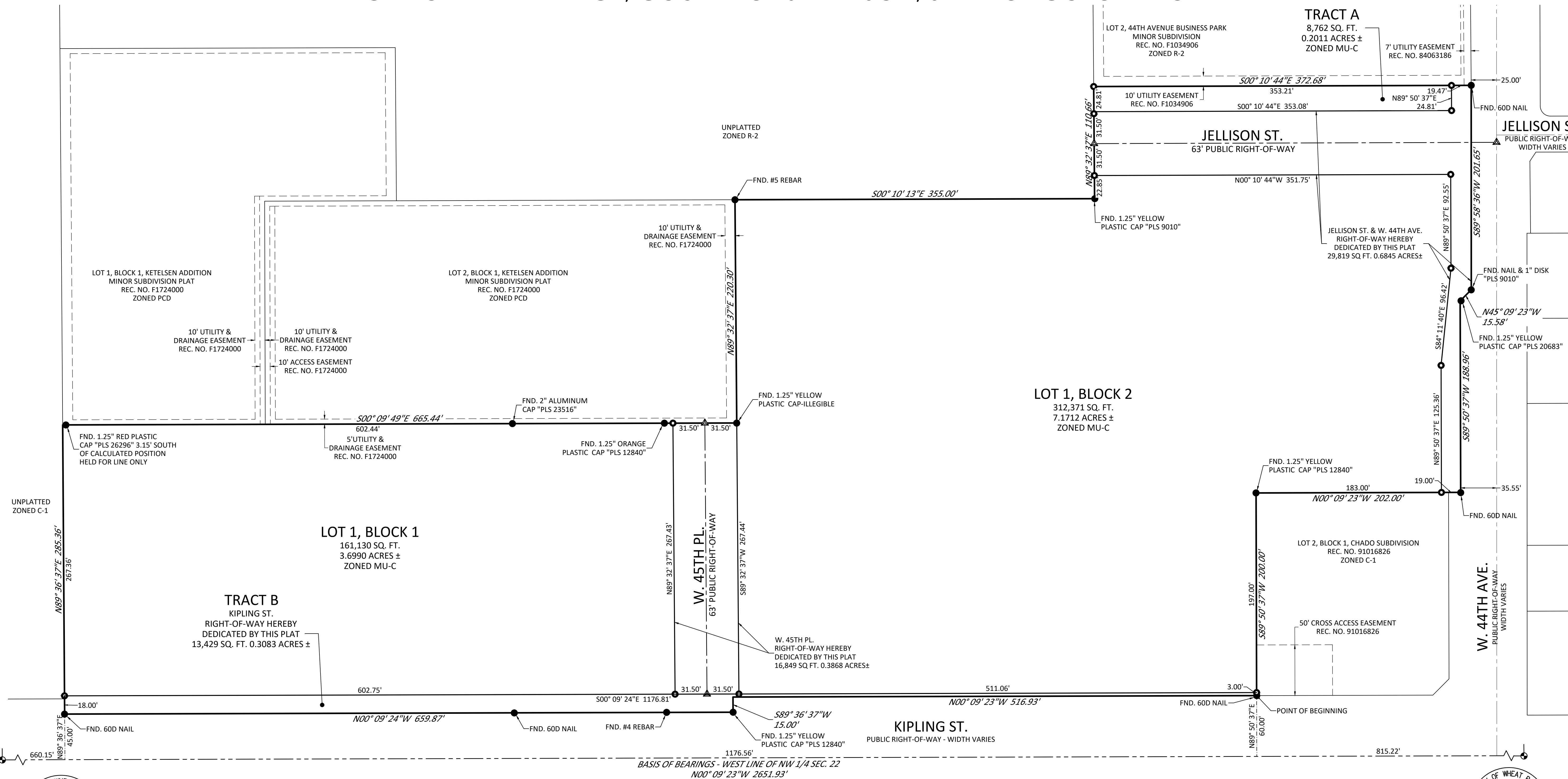


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SUBDIVISION PLAT
STATION SUBDIVISION
WHEAT RIDGE, COLORADO

DESCRIPTION
ORIGINAL PREPARATION
TECHNICAL REVISIONS
DATE
04.16.21
01.19.23
NEW LOT CONFIGURATION
JOB NO. 21.016
SHEET 3/3



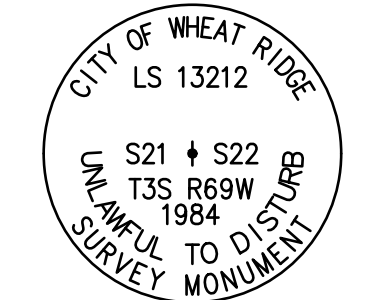
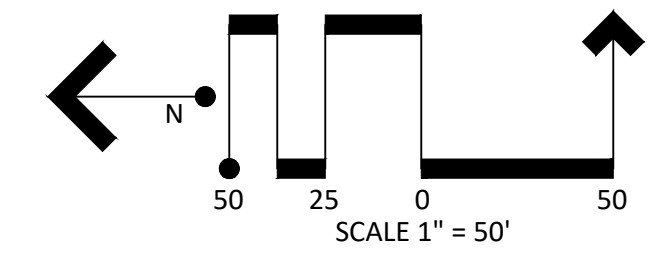
FOUND 3.25" BRASS CAP IN MONUMENT
WELL ACCEPTED AS SW CORNER NW 1/4
SEC 22, T. 3 S., R. 69 W.
WHEAT RIDGE POINT #13409

- MAP LEGEND:**
- 9400 SET R.O.W. CENTER LINE MONUMENT
24" #5 REBAR WITH 2" ALUMINUM CAP
CAP STAMPED "R.O.W. CL LS 38311"
 - SET 24" #5 REBAR WITH RED PLASTIC
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 - SECTION LINE
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- ABBREVIATIONS:**
- SEC. SECTION
 - COR. CORNER
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 - FT. U.S. SURVEY FOOT
 - SQ. FT. SQUARE FOOT
 - AC. ACRE
 - TYP. TYPICAL

AREA TABLE:

LOT/BLOCK	AREA (SF)	AREA (AC)
1/1	161,130	3.6990
1/2	312,371	7.1712
TRACT A	8,762	0.2011
TRACT B	13,429	0.3083
JELLISSON & 44TH R.O.W.	29,819	0.6845
45TH R.O.W.	16,849	0.3868
TOTAL	542,360	12.4509



FOUND 3.25" BRASS CAP IN MONUMENT
WELL ACCEPTED AS SW CORNER NW 1/4
SEC 22, T. 3 S., R. 69 W.
WHEAT RIDGE POINT #14409

170 FRONTAGE RD

LEE ST

KIPLING ST

44TH AVE

JELLISSON ST

IRIS ST





**PLANNING COMMISSION
LEGISLATIVE ITEM STAFF REPORT**

MEETING DATE: April 20, 2023

TITLE: AN ORDINANCE AMENDING ARTICLES I AND IV OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING GENERAL MODERNIZATION AND CLEANUP OF THE CITY'S SUBDIVISION REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH

CASE NO. ZOA-23-04

PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Scott Cutler

Date of Preparation: April 7, 2023

SUMMARY:

The proposed ordinance makes necessary updates to Articles I and IV of Chapter 26 of the Code of Laws specifically to modernize and clean up portions of the City's subdivision requirements. The proposed code updates include updating incorrect or outdated cross-references, adding modern terminology, clarifying existing requirements, updating application requirements, and removing sections of the code that conflict with the current subdivision regulations. The ordinance clarifies when Homeowners Associations are required and the obligations of those associations. Lastly, it clarifies requirements for drainage and irrigation facilities.

Notice for this public hearing was provided by the Code of Laws.

BACKGROUND:

The City's subdivision requirements are found in Article IV of Chapter 26 and were last comprehensively updated in 2014 when Ordinance 1547 repealed an older subdivision code and replaced it with a new version. Since 2014, 125 subdivision applications have been processed by the City. This ordinance includes changes based on lessons learned and the need to clarify or provide greater detail about requirements in the code. The subdivision code has been periodically updated since 2014 as other ordinances have been adopted, but the code has not been reviewed in whole since 2014. From time to time, staff recommends updating the zoning code as it relates to lessons learned, updated policies and processes, and to clarify code language.

City Council gave consensus for this ordinance to proceed to public hearings at its February 6, 2023 study session and was supportive of the proposed list of updates discussed at that session. At

that time staff presented the need to update and modernize several sections of the zoning code; this is the first to proceed to ordinance.

This ordinance consists of several general cleanup parts, which are outlined below, and are based on the consensus of City Council:

- *Property Merger Covenants & Consolidation Plats*: Building codes prohibit construction of building on top of a lot line, so often a consolidation plat is used to merge lots under one ownership. A property merger covenant can fulfill the same goal and is discussed in Section 26-117.B and alluded to 26-120.B. This proposed ordinance clarifies when a property merger covenant can be used in lieu of a consolidation plat. East Wheat Ridge has many properties originally platted in the late 1800s that consist of two or more lots that are individually 25 feet wide. This unique circumstance can be cleaned up through the use of a property merger covenant, but there needs to be more clarity as to the circumstances in which it can be deployed to hold the lots as one property of record (i.e. under one ownership and not able to be sold off separately). The property merger covenant is a common tool for this situation in the metro area, which allows the lots to be held as one without the need for a consolidation plat which is a more expensive and time-consuming process. Codifying this allowance is more appropriate than relying upon a policy, and will allow for easier processing of building permit applications of single-unit homes or duplexes for these specific conditions.
- *Review Process & Conflicting Provisions*: The current subdivision code requires public hearings for 4-5 lots (PC only) and 6+ lots (PC and CC), however 26-117.C says that any consolidation plat for multi-unit residential shall be reviewed by Planning Commission and City Council, regardless of the number of lots. This does not align with the current subdivision requirements in Article IV and also has outdated references to Planned Building Group site plans being reviewed by City Council, which is incorrect. Because of this, the ordinance removes the entirety of Section 26-117.C. Not doing so in 2014 was an oversight, and this is an older code section that has not been enforced since the 2014 ordinance.
- *Definition of a Tract*: The review process of a subdivision currently depends on the size of the subdivision in terms of “lots or parcels.” Tracts are unbuildable portions of land often used for detention ponds or open space, and it has been the City’s interpretation for many years that tracts are not considered buildable lots and do not count towards the total. This ordinance clarifies the definition of tract in Section 26-404 such that tracts are to be excluded from the total number of lots or parcels when determining the total number of lots/parcels involved in a subdivision. Adding this interpretation to the code is necessary as the code implies this but it is not clearly stated.
- *Administrative Review for Some Consolidation Plats*: For sites with existing or completed site development, the ordinance proposes creating a narrow exception allowing consolidation plats of any number of lots to be reviewed administratively. These consolidation plats do not result in any new site development or pending development, and are intended only to establish legal descriptions, clean up title, or in some cases allow each building on its site to be placed on its own lot. For example, the Spallone Replat reviewed by the Commission and approved by City Council in 2021 involved 21 substandard lots of record being consolidated into 3 lots (for the 3 existing buildings on site and to clean up title work). The code required that plat to be reviewed by City Council despite it being a

routine consolidation to clean up ownership issues. Because of this, staff is recommending this exception only in cases similar to the Spallone site.

- *Timing of Payment for Parkland Fees:* The proposed ordinances updates 26-406.D.4 to state parkland dedication fees are due at time of building permit, not at time of recordation. This was missed during Ordinance 1693 which made the parkland fees due at time of building permit, and needs to be updated.
- *Application contents:* The proposed ordinance updates the application requirements to clarify the following:
 - When HOA covenants should be provided for staff review;
 - Clarifying that staff assigns addresses to new buildings;
 - Removal of requirement to show adjacent zoning on plat maps (as zoning can change over time resulting in plat maps that are inaccurate)
- *Easements and tracts:* The proposed ordinances refines requirements related to easements and tracts. This codifies standards that staff is already requiring of subdivisions and for which a code basis would be helpful for negotiations with applicants:
 - Update 26-411.G.2 to require stormwater detention facilities in subdivisions consisting of fee-simple lots (single-unit detached, duplex, or townhouse) to be placed in a tract owned and maintained by the HOA. This has been a policy of the City for the last few years to help prevent these ponds from being placed on a single homeowner's lot, and to require the HOA to maintain these common elements. However, a specific code section will be helpful.
 - Update 26-411.G.4 to reference emergency access easements as requested by the fire department.
 - Update 26-411.G.6, which already requires owner's associations in some cases, to include obligations of the HOA to maintain common area easements and tracts, where required, in perpetuity. It is helpful to have a code basis to rely upon if a developer or HOA does not wish to set up an HOA or to have them maintain all common elements.
 - Because of the increased references to HOAs, creating a new definition of "owners' association" in 26-123 that covers HOAs, property owners' associations, and metro districts.
- *Internet:* The code lists a variety of utility requirements for new subdivisions, and the proposed ordinance adds an overdue reference to the internet to Section 26-417.3.b.

The attached ordinance was drafted by the Planning Division, with input from the City Attorney. A public hearing before City Council is scheduled for May 22, 2023.

RECOMMENDED MOTION:

"I move to recommend approval of the proposed ordinance amending Articles I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning general modernization and cleanup of the City's subdivision requirements, and making conforming amendments therewith."

Exhibits:

1. Proposed Ordinance

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. _____
ORDINANCE NO. _____
Series 2023

TITLE: AN ORDINANCE AMENDING ARTICLES I AND IV OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE CITY'S SUBDIVISION REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council recognizes that from time to time the City's zoning Code needs to be updated to include modern terminology, update cross-references, remove conflicts within the Code, and to provide clarity to City staff and the public; and

WHEREAS, the Council recognizes that the City's subdivision review requirements should be contained within Article IV of Chapter 26 to the greatest extent feasible;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-117.B of the Wheat Ridge Code of Laws is hereby amended as follows to provide clarity regarding property merger covenants and consolidation plats on nonconforming lots of record:

B. *Property merger covenant.* Nonconforming lots of record may be merged as a condition of a permit or other development approval by a property merger covenant, **IN LIEU OF A CONSOLIDATION PLAT**. A property merger covenant may be used in the event that **BY** an owner of two (2) or more adjacent lots which contain an existing residential use **OR ARE VACANT AND RESIDENTIALLY ZONED, PRIOR TO OBTAINING** wishes to obtain a building permit for **THE FOLLOWING TYPES OF DEVELOPMENT**: an accessory structure on the property, or an addition to the existing structure, **OR DEVELOPMENT OF ONE (1) NEW SINGLE-UNIT OR DUPLEX DWELLING AND CUSTOMARY ACCESSORY STRUCTURES.**

The covenant shall ensure that the property be held as one (1) parcel and shall restrict any portion from being sold separately. The covenant shall be in a form approved by the city attorney, recorded in the office of the Jefferson County Clerk and Recorder, and shall run with the land. The community development director

shall have the authority to execute any such covenant and release of the covenant on behalf of the city.

Section 2. Section 26-117.C of the Wheat Ridge Code of Laws is hereby amended as follows to be consistent with review requirements for subdivisions in Article IV of Chapter 26:

C. All consolidation plats for multi-unit dwelling development shall be accompanied by a site plan, as set forth by section 26-111. ~~Such consolidation plats, together with the site plan, shall be subject to review by the planning commission and city council following the same application procedures, notice requirements and approval procedures and standards for review as for a planned building group. The purpose of these provisions is to avoid the construction of overly large buildings which may negatively impact surrounding neighborhoods by increasing traffic, creating congestion by ingress/egress points, obstructing light and air and by making access for fire protection difficult, and to prevent construction of one (1) large building to avoid compliance with the subdivision regulations, and to encourage the construction of smaller buildings which could give opportunities for better design of setbacks, landscaping, parking, vehicular and pedestrian circulation and drainage facilities.~~

Section 3. Section 26-120.B of the Wheat Ridge Code of Laws is hereby amended as follows to provide clarity regarding property merger covenants and consolidation plats on nonconforming lots of record:

B. *Nonconforming lots of record.* In any district in which single-unit dwellings are permitted, a single-unit dwelling and customary accessory buildings may be erected on any single lot of record, provided that the lot is in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though the lot fails to meet the requirements of the district in which it is located for the area, width, or both; provided however that the requirements for the district for **SETBACKS** ~~minimum yard dimensions~~ and **BUILDING** ~~lot coverage~~ **FOR NEW DEVELOPMENT** shall be met.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record, and part or all of the lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the lands shall be considered to be an undivided parcel and no portion of the parcel shall be sold or used in a manner which diminishes compliance with minimum lot width and area requirements. **A PROPERTY MERGER COVENANT AS DESCRIBED IN SECTION 26-117.B SHALL BE SUBMITTED AS PART OF A BUILDING PERMIT APPLICATION FOR DEVELOPMENT OF SINGLE-UNIT OR DUPLEX DWELLINGS AND CUSTOMARY ACCESSORY BUILDINGS ON NONCONFORMING LOTS OF RECORD IN SINGLE OWNERSHIP.**

Section 4. Section 26-123 (Definitions) of the Wheat Ridge Code of Laws is hereby amended as follows by adding the following definitions, in appropriate alphabetical order:

OWNERS' ASSOCIATION. A COMMUNITY ASSOCIATION WHICH IS ORGANIZED WITHIN A DEVELOPMENT IN WHICH INDIVIDUAL OWNERS SHARE COMMON INTERESTS AND RESPONSIBILITIES FOR COMMON AND/OR LIMITED PUBLIC OPEN SPACE, LANDSCAPING, TRACTS, OR FACILITIES AND WHICH SHALL HAVE THE AUTHORITY TO RAISE REVENUE AND OWN REAL PROPERTY. OWNERS' ASSOCIATION INCLUDES HOMEOWNERS' ASSOCIATIONS, PROPERTY OWNERS' ASSOCIATIONS, AND SPECIAL DISTRICTS OR METROPOLITAN DISTRICTS.

OWNERS' ASSOCIATION DECLARATION OR AGREEMENT. A DECLARATION OR AGREEMENT SIGNED BY OR ON BEHALF OF AN OWNERS' ASSOCIATION FOR THE PURPOSES OF ESTABLISHING THE RIGHTS AND RESPONSIBILITIES OF THE ASSOCIATION WITH RESPECT TO A DEVELOPMENT AND THE OWNERS AND REAL PROPERTY CONTAINED THEREIN.

Section 5. Section 26-404 (Definitions) of the Wheat Ridge Code of Laws is hereby amended as follows:

Tract: A portion of land that is part of a subdivision which is designated for some purpose other than a building site or lot, sometimes known as an outlot. **TRACTS ARE NOT COUNTED AS LOTS OR PARCELS WHEN DETERMINING THE NUMBER OF LOTS OR PARCELS INVOLVED IN A SUBDIVISION.**

Section 6. Section 26-405.A of the Wheat Ridge Code of Laws, regarding types of plats, is amended with the insertion of a new subsection 3 and renumbering the section accordingly.

A. *Administrative plat.*

...

3. A CONSOLIDATION PLAT SUBMITTED FOR PROPERTIES CONTAINING EXISTING AND COMPLETED SITE DEVELOPMENT, FOR THE SOLE PURPOSE OF ELIMINATING UNNECESSARY LOT LINES, REGARDLESS OF THE NUMBER OF LOTS INVOLVED. THIS SHALL NOT INCLUDE ANY CONSOLIDATION PLAT SUBMITTED FOR THE PURPOSE OF PREPARING THE SITE FOR DEVELOPMENT, UNLESS THAT CONSOLIDATION PLAT IS OTHERWISE ELIGIBLE FOR ADMINISTRATIVE REVIEW.

Section 7. Section 26-406.D.4 of the Code, concerning when parkland fees in lieu are due, is hereby amended as follows to comply with the requirements from Ordinance 1693:

4. Fees in lieu of parkland dedication, if required by section 26-414, shall be paid ~~at time a recordable document is submitted~~ **PRIOR TO BUILDING PERMIT ISSUANCE.**

Section 8. Section 26-410 of the Code, concerning application contents for subdivisions, is hereby amended as follows:

A. *Application contents.* A complete subdivision application shall include:

1. Complete and notarized application form.
2. Appropriate fee.
3. Proof of ownership, such as copies of deeds.
4. Written authorization from property owner(s) where an agent acts on behalf of the owner(s).
5. A written description of the request.
6. Mineral rights certification form, **IF APPLICABLE.**
7. Commitment for title insurance, if applicable.
8. Geodetic surveying requirements checklist, completed and signed by surveyor.
9. Closure sheet(s) for the exterior boundary and all individual lots, with the area rounded to the nearest square foot and acreage to four (4) decimal places.
10. Final plat. The application shall include the appropriate number of copies and electronic files, as determined at the pre-application conference. All final plats shall comply with C.R.S. Article 51, Title 38. All form and content requirements shall be met, as described below in subsections B. and C.
11. Supplemental reports. ~~In addition to the information contained on the final plat supportive information may be required in the format of hard copies, electronic files, or both.~~ These may include, but are not limited to:
 - a. Trip generation or traffic report;
 - b. Final drainage report and plan;
 - c. Grading, drainage, and erosion control plan;
 - d. Stormwater management plan (SWMP);
 - e. Stormwater operations and maintenance manual (O&M Manual);
 - f. Civil construction plans;
 - g. Subdivision improvement agreement or development covenant agreement;
 - h. Exhibit and deed for partial right-of-way dedications;

- i. Homeowner's association declaration or agreement (**REQUIRED IF COMMON ELEMENTS ARE INCLUDED IN THE SUBDIVISION, TO BE DETERMINED BY THE COMMUNITY DEVELOPMENT DEPARTMENT**).
- B. *Form of final plat.*
1. Maps of the subdivision plat shall be drawn at not less than a scale of one (1) inch equals one hundred (100) feet.
 2. Outer dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches with the following minimum margins: at least one (1) inch along the top and at least one-half ($\frac{1}{2}$) inch on the bottom and right sides.
 3. Once a plat is approved, the plat shall be **PRINTED ON MYLAR MEETING JEFFERSON COUNTY CLERK AND RECORDER REQUIREMENTS.** ~~photographically reproduced or computer plotted on four millimeter (0.004) thick mylar. No sticky backs, transfer lettering, or labels shall be used on the mylar. All signatures must be permanent black ink. No ball point pens shall be used.~~
 4. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet and each sheet shall be numbered (e.g. sheet 1 of 3).
- C. *Content of final plat.*
1. *Project information.*
 - a. Title of document. The title of the subdivision shall not duplicate another subdivision plat title in the records of the Jefferson County Clerk and Recorder's office.
 - b. A surveyed metes and bounds legal description of the platted boundary, with section ties to two (2) section corners in conformance with city geodetic surveying requirements. Coordinates for all section corners, and quarter-section corners, and PHAC points used shall be consistent with the City of Wheat Ridge current city datum, and are available from the engineering division.
 - c. Basis of bearing statement, consistent with current city datum.
 - d. Small scale location map, with north arrow and scale.
 - e. Name, address, and phone number of architect, engineer, or surveyor associated with the project.
 - f. Appropriate signature and certification blocks as determined by the community development department, such as for owners, lenders, and city officials.
 - g. Signature and seal of the Colorado licensed professional land surveyor along with a statement that the survey was performed by him/her or under his/her direct responsibility, supervision, and checking, and in accordance with all City of Wheat Ridge requirements and applicable Colorado Statutes, current revised edition, as amended.

- h. Release of areas dedicated to public use by mortgage or lien holder.
- i. Standard easement notes as determined by the community development department.
- j. Dedicatory statement, if applicable.
- k. Case history box with reference case numbers; and
- l. Plat note in the form of, and if required by, Code section 26-421 declaring race or religion-based covenants on the subject property, if any, to be illegal and unenforceable.

2. *Graphical information.*

- a. All items on the City of Wheat Ridge geodetic surveying requirements for final plats shall be adhered to and provided on the plat.
- b. Graphical representation of property boundary consistent with legal description.
- c. Lot areas and dimensions for each lot, tract, and parcel.
- d. Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features.
 - i. Distance and bearings shall be on current city datum.
 - ii. All curves shall be circular arcs and shall be defined by all of the following: the radius, central angle, arc length, chord length, and chord bearing.
 - iii. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of at least one (1) in fifty thousand (50,000).
 - iv. No final plat showing plus or minus dimensions will be approved.
 - v. Total area shall be rounded to the nearest square foot and acreage to four (4) decimal places.
- e. Monument information, including:
 - i. A description of all monuments that mark the boundaries of the property, both found and set, and a description of all control monuments used in conducting the survey.
 - ii. Right-of-way survey monuments shall be established per City of Wheat Ridge standard specifications for all new roadways or relocation of existing roadways, at all new road right-of-way centerline intersections, center of radius for cul-de-sacs, and at the end of the centerline for dead end streets. Right-of-way survey monuments may also be required at roadway centerline points of curvature, points of reverse or compound curvature, and points of tangency, as determined by the engineering division.

- iii. Coordinates for all control monuments used shall be consistent with the current city datum.
- f. Identification of all proposed lots, blocks, and street names. ~~Tentative~~ **Addresses** for each lot shall be provided by the city.
- g. Identification of existing streets, alleys, parks, and other public facilities.
- h. Identification of all easements within and abutting the subject property, including the purpose and dimensions. If any easement already of record cannot be definitely located, a statement of its existence and its recorded reference shall appear on the plat title sheet.
- i. Identification of adjacent property by subdivision name, lot, and block. If adjoining land is unplatted, it shall be identified as such.
- ~~j. Identification of zoning within and adjacent to subject property.~~
- k. Identification of areas reserved for future public acquisition.
- l. Extent of 100-year floodplain and floodway, if applicable.
- m. Legend, north arrow, and scale (not to exceed one (1) inch = one hundred (100) feet).

Section 9. Section 26-411.G of the Code, concerning subdivision design, is hereby amended as follows:

G. Easements AND TRACTS.

...

2. Drainage and irrigation facilities. All proposed on-site stormwater detention facilities shall lie within a stormwater detention easement. **THE COMMUNITY DEVELOPMENT DIRECTOR, IN CONSULTATION WITH THE CITY ENGINEER, SHALL HAVE AUTHORITY TO REQUIRE THAT STORMWATER DETENTION FACILITIES SHALL BE PLACED IN AN UNBUILDABLE TRACT WHICH SHALL BE OWNED AND MAINTAINED IN PERPETUITY BY THE OWNERS' ASSOCIATION.** Where a subdivision is traversed by an irrigation ditch or channel, natural creeks or streams, an easement sufficient for drainage and to allow for maintenance of the ditch shall be provided. The width and location of this easement shall be approved by the controlling irrigation ditch company or lateral ditch users. When off-site detention, retention or conveyance is required, a recorded easement from the affected off-site property owner is required at the time of plat recordation.

...

4. Access. When it is required to have circulation between adjacent properties **OR PROPERTIES WITHIN A SUBDIVISION**, cross access/ingress-egress easements **AND EMERGENCY ACCESS**

EASEMENTS IF REQUESTED BY THE FIRE DEPARTMENT shall be provided on the plat.

...

6. All easement areas shall be maintained by the underlying fee simple property owner or appropriate owners' association. **THE COMMUNITY DEVELOPMENT DIRECTOR SHALL HAVE AUTHORITY TO REQUIRE THAT AN OWNERS' ASSOCIATION BE ESTABLISHED TO MAINTAIN COMMON AREA EASEMENTS AND TRACTS IN PERPETUITY.** All improvements located in, on, over or under the easements shall be maintained by the applicable and/or designated agency. Other improvements provided by the fee simple property owner shall not interrupt nor in any way interfere with the designated and continued use of the easements and improvements located thereon. The city shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the ~~city council~~ **COMMUNITY DEVELOPMENT DIRECTOR IN THE FORM OF A SUBDIVISION IMPROVEMENT AGREEMENT OR DEVELOPMENT AGREEMENT.**

Section 10. Section 26-417.3.b of the Code, concerning utility requirements for new subdivisions, is hereby amended as follows:

b. The following utilities shall be provided:

....

iv. **INTERNET**, ~~t~~Telephone, cable, and other similar utility services

Section 11. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 12. Effective Date. This Ordinance shall take effect immediately upon adoption at second reading and signature by the Mayor, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this ___ day of _____, 2023, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for _____, 2023 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ___ to ___, this ___ day of _____, 2023.

SIGNED by the Mayor on this _____ day of _____, 2023.

Bud Starker, Mayor

ATTEST:

Stephen Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

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