



## PLANNING COMMISSION A G E N D A

**August 17, 2023**

Notice is hereby given of a **Public Meeting** to be held before the **City of Wheat Ridge Planning Commission** on **August 17, 2023 at 6:30 p.m.**

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

1. Provide comment in advance at [www.wheatridgespeaks.org](http://www.wheatridgespeaks.org) (comment by noon on August 16)
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 850 4548 1796 **and Passcode: 670326**
3. View the meeting live or later at [www.wheatridgespeaks.org](http://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 – July 20, 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-23-06:** An application filed by the City of Wheat Ridge for approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) for the property located at 7575 West 44<sup>th</sup> Avenue.
- B. **Case No. ZOA-23-08:** An ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City’s subdivision review requirements.
- C. **Case No. ZOA-23-09:** An ordinance amending section 11-561, 11-566 and 26-114 of the Wheat Ridge Code of Laws, concerning the City Hotel Licensing Program, in response to the City Council’s mandatory period review of the program.

**8. NEW BUSINESS**

- A. Upcoming Dates
- B. Comprehensive Plan Update
- 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.*



**PLANNING COMMISSION  
Minutes of Meeting  
July 20, 2023**

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair DITULLIO at 6:32 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

**2. ROLL CALL OF MEMBERS**

Commission Members Present: Jerry DiTullio  
Will Kerns  
Daniel Larson  
Janet Leo  
Patrick Quinn

Julianne Stern

Commission Members Absent: Kristine Disney  
Jonathan Schelke

Staff Members Present: Lauren Mikulak, Community Development Director  
Jana Easley, Planning Manager  
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.**

**5. APPROVAL OF MINUTES – May 18, 2023**

**It was moved by Commissioner LARSON and seconded by Commissioner LEO to approve the minutes of May 18, 2023, as written. Motion carried 5-0-1 with Commissioner KERNS 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-23-05:** an application filed by Ville 4735, LLC for approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) on property located at 4735 Kipling Street.

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.

Commissioner LARSON asked about the number of parking spaces required.

Ms. Olivas-Loera explained that the MU-C zone district requires 1 space per unit in residential areas. She added this site is over parked with more than 100 spaces currently.

In response to a question from Commissioner DITULLIO about the drive aisle between Larson's Ski and Sport and the Crab Shack, Ms. Olivas-Loera confirmed the drive aisle is owned by the motel and it is prescriptive easement for patrons of the 2 businesses to drive on. Ms. Mikulak added that the zoning will not impact the easement and will continue until modified.

Commissioner DITULLIO asked the applicant if he is aware of CDOT doing some redevelopment on the intersection at Kipling Street and West 48<sup>th</sup> Avenue.

**Keith Warburton, applicant**  
**244 E. Stonebridge Dr., Draper UT**

Mr. Warburton mentioned he is aware of future redevelopment by CDOT but still plans on building more units.

### **Public Comment**

**Pat Cervera, resident**  
**10721 W. 45<sup>th</sup> Ave.**

Ms. Cervera mentioned she had concerns about only 1 space of parking per unit which could lead to possible street parking, and she inquired about plans.

Ms. Mikulak explained there is no street parking allowed in the area and that will not be changing, and Ms. Olivas-Loera added that this is the rezone phase of the project, and the site plan will be reviewed at a later date. Commissioner DITULLIO closed the Public Comment.

Commissioner LARSON asked if the motel is currently occupied.

Mr. Warburton confirmed it was about 70% occupied at the time of purchase and staff is trying to clean up the site and get items into compliance. He added he has applied for a hospitality license so the property can continue to run as a motel through the rezone and building permit processes.

There was more discussion by Commissioner LARSON and the applicant not pertinent to the rezone case being looked at this evening and Mr. Warburton is committed to his vision moving forward.

Chair DITULLIO closed the public hearing and asked for a motion.

**It was moved by Commissioner LEO and seconded by Commissioner KERNS to recommend APPROVAL of Case No. WZ-23-05, a request for approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) for property located at 4735 Kipling Street, 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. ZOA-23-08:** An ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision review requirements.

**This item was published but is not ready and is being rescheduled to August 17, 2023**

## **8. NEW BUSINESS**

- A. Ms. Mikulak introduced Jana Easley as the new Planning Manager. Ms. Easley mentioned she is excited for the opportunity and looking forward to be back in a small community.

Ms. Mikulak also mentioned Jeff Hirt one of the City's Senior Planners has moved to Louisville to be their new Planning Manager and she wished him well. She also added that Steve Nguyen has decided to retire after 40 years with the City.

B. Project and Development Updates

Ms. Mikulak gave an update on the Wadsworth Widening Project and mentioned the north bound lanes will be moving to the new concrete soon and once the middle work is complete then the south bound lanes will shift there. She added that we are still about a year out from completion.

Commissioner LARSON inquired about the commercially zoned areas around the Kipling/I-70 interchange and asked if the City can rezone that area to allow more options of development.

Ms. Mikulak mentioned currently there is no subarea plan in this area and the City is hoping to explore this with property owners in the area. She also explained the extended stay licensing code.

Commissioner Quinn mentioned he is happy to be a part of the Commission and thanked staff for all the information given to him to prepare for tonight's meeting.

Commissioner LARSON said he is looking forward to the Comprehensive Plan update.

**9. OLD BUSINESS**

**10. ADJOURNMENT**

**It was moved by Commissioner Quinn and seconded by Commissioner LEO to adjourn the meeting at 7:19 p.m. Motion carried 6-0.**

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**Jerry DiTullio, Chair**

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**Tammy Odean, Recording Secretary**

## 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](http://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](http://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](http://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](http://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](http://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.





WADSWORTH BLVD

44TH AVE

VANCE ST

VANCE ST



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

**REVIEW DATES:** August 17, 2023 (Planning Commission) / September 11, 2023 (City Council)

**CASE MANAGER:** Alayna Olivas-Loera, Planner I

**CASE NO. & NAME:** WZ-23-06 / Bank of the West Rezone

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

**LOCATION OF REQUEST:** 7575 W. 44<sup>th</sup> Avenue

**APPLICANT / OWNER:** City of Wheat Ridge

**APPROXIMATE AREA:** 15,425 square feet (.35 acres)

**PRESENT ZONING:** Commercial-One (C-1)

**COMPREHENSIVE PLAN:** Primary Commercial Corridor

**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 City of Wheat Ridge, who owns property at 7575 W. 44<sup>th</sup> Avenue, is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial (MU-C). The zone change will result in a zoning that matches surrounding zoning designations in all directions, as well the character of the Wadsworth Corridor. The City will transfer the land to Foothills Regional Housing who intends to redevelop the property for residential use as an expansion of the Ives development, which is not permitted in C-1 but is a permitted use in the MU-C zone district.

### **II. EXISTING CONDITIONS**

The subject property is located on the east side of Wadsworth Boulevard between W. 44<sup>th</sup> Avenue and W. 45<sup>th</sup> Avenue (*Exhibit 1, Aerial*). The site is zoned Commercial-One (C-1) and is entirely surrounded by Mixed Use-Commercial (MU-C) zoning (*Exhibit 2, Zoning Map*). Surrounding land uses are non-residential in nature, including a propane business, the former Pep Boys building, and the office building owned by Foothills Regional Housing ("Foothills"). Recent development projects in the area include Foothills' underway Ives development to the north, and the Town Center and Town Center North Apartments to the southeast at 44<sup>th</sup> and Vance.

According to a survey submitted by the City, the property is 15,425 square feet (.35 acres) in size. The property contains a single-story bank building which dates to 1973, is approximately 6,625 square feet in size, and was most recently a Bank of the West. The City is currently utilizing the building as construction offices for the Wadsworth Improvement Project.

Wadsworth Boulevard is one of Wheat Ridge's main north-south arterials. The Wadsworth Improvement Project began construction in November 2021. It will expand roadway capacity, improve safety for all users, and provide continuous sidewalks. Land for right-of-way dedication along the western property line was required for this property as part of the roadway project. This site is part of the Wadsworth Corridor Urban Renewal Plan Area (URPA) and exempt from the City Charter height and density limitations, meaning it can exceed the Charter limits of 21 dwelling units per acre, 35 feet in height for residential uses, and 50 feet in height for nonresidential uses.

### **III. PROPOSED ZONING**

The City is requesting a zone change to MU-C. The MU-C zone district is generally located along major commercial corridors and at community and employment activity centers and was established to encourage medium to high-density mixed-use development. In addition to residential and civic uses, it allows for a wide range of commercial and retail uses. The property is currently zoned C-1 which is one of the City's legacy commercial zone districts. This district is established to provide for a wide range of commercial land uses which include office, general business, and retail sales and service establishments. The C-1 zone district does not allow residential development.

The City intends to rezone the property to allow a wider range of uses and to align the property's zoning with the Envision Wheat Ridge Comprehensive Plan (the "Comprehensive Plan"), the

Wadsworth Corridor Subarea Plan (the “Corridor Plan”), and other properties on the corridor. (*Exhibit 3, Applicant Letter*). The City believes the zone change would bring the property into conformance with the surrounding zoning designations, since most properties are zoned mixed use. The proposed use of the site for residential use is not allowed in C-1 which is emblematic of how the corridor has outgrown the C-1 zone district. The MU-C district would provide more flexibility and would help bring the site into conformance with long term goals for the corridor.

The current C-1 zoning is reflective of long-standing commercial uses in the City. The C-1 zoning dates back to the City’s original 1972 zoning map. The MU-C and C-1 districts have some similar development standards with permitted uses being the most notably different with MU-C allowing a wider range of uses. The C-1 zone district allows a wide range of commercial land uses which include office, general business, and retail sales and service establishments. In the C-1 district, residential uses are prohibited. By contrast, MU-C zoning allows residential uses, commercial uses, or a mix of the two, and the permitted retail uses are greater in number.

The City legislatively rezoned a portion of the Wadsworth Corridor to Mixed Use-Commercial (MU-C) in 2011. That boundary was generally from W. 35<sup>th</sup> Avenue to W. 45<sup>th</sup> Avenue in the commercial core. The boundary for the rezoning was coterminous with the boundaries of the urban renewal areas at the time. Property owners were allowed to “opt out” of the rezoning, and the only two parcels that opted out at that time were the subject property and the adjacent property (the Pep Boys and Bank of the West parcels). A rezoning of the subject property to MU-C would be appropriate based on the Comprehensive Plan, based on the original intent of the legislative zone change, and to achieve more uniform zoning on the block.

A summary of the MU-C zone district as it compares to C-1 is provided below.

	<b><u>PROPOSED ZONING</u></b> <b>Mixed Use-Commercial (MU-C)</b>	<b><u>CURRENT ZONING</u></b> <b>Commercial-One (C-1)</b>
<b>Uses</b>	Allows residential, commercial, or mixed use – includes multi-family and live/work facilities	Allows commercial uses – includes office, general business, retail sales, and service establishments
<b>Architectural Standards</b>	Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation, and materials	Architectural and Site Design Manual standards apply
<b>Max. Building Height</b>	6 stories (90’) if the building is mixed use 4 stories (62’) if the building is single use	50’
<b>Max. Lot coverage</b>	90% for mixed use 85% for single use	80%
<b>Min. Landscaping</b>	10% for mixed use 15% for single use	20%
<b>Build-to Area</b>	0-20’ along primary and secondary frontages	0-12’ along primary frontage
<b>Setbacks</b>	Side: 0’ Rear: 5’	West (front): 50’ North (side): 0’ South (side): 30’ East (rear): 10’
<b>Residential Density</b>	Exempt from density limitations	n/a

#### 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 existing character and land use patterns on Wadsworth Boulevard, the MU-C zone district is more appropriate than C-1 in terms of allowed land uses and intensity. For that reason, the zone change should not have an adverse effect on the surrounding area. Instead, the MU-C zoning is expected to add value to the subject property by expanding development potential in terms of use and form. The mixed-use development standards will support compatibility between future redevelopment and existing land uses. In addition, design standards for MU-C 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 any future major change of use, 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.**

Wadsworth Boulevard is a primary north-south thoroughfare in the City, is classified as a major arterial, and is predominantly commercial in character. Envision Wheat Ridge, the City's 2009 comprehensive plan, identifies this corridor as a Primary Commercial Corridor (*Exhibit 5, Comprehensive Plan*). This designation envisions a corridor with a broad mix of activities, accommodating multiple transportation modes and exemplifying high quality urban design and appearance over time. Specifically, for Wadsworth, the comprehensive plan notes the importance of improving the appearance and function of the corridor and working to redevelop outdated and underutilized properties.

A stated goal in the comprehensive plan is to promote reinvestment in property 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 investment in the property, by

expanding the permitted uses on the property, and by aligning the zoning with the City's mixed-use goals for this corridor.

The subject site is also part of the Wadsworth Corridor Urban Renewal Plan Area (URPA). The urban renewal plan for that URPA was adopted in 2001 and calls for a framework that encourages private development, development of uses that serve a regional market area while maintaining uses that serve specific local market demands, improvements to vehicular circulation and pedestrian movement, new development and redevelopment with superior urban design features, and the elimination of blight in the redevelopment area. This zone change request would support and would enable any redevelopment to meet these goals.

*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.**

The Wadsworth Corridor has evolved significantly since the original C-1 zoning and original development. The land uses along Wadsworth are evolving to be more compatible with the regional transportation purposes this street serves. Commercial and multifamily investments along the corridor continue and are expected to continue as the City invests in the road improvements and streetscape. The remaining C-1 zoning along Wadsworth does not reflect the reality of the corridor as a major regional arterial primarily because the list of permitted uses is unreasonably limited for this context, making it difficult to attract tenants or reinvest in the property. This reasoning was the basis for the legislative rezoning in 2011.

*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 July 26, 2023. This meeting was advertised and conducted as a virtual meeting on Zoom. Three individuals from the public attended the virtual meeting in addition to the applicant and staff (see *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 Economic Development:** No objections.

**Wheat Ridge Engineering Division:** No comments.

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

**Xcel Energy:** All existing easements must be maintained. Any future development would be referred to the district for review and approval.

**Century Link / Lumen:** No comments received.

**Comcast Cable:** No comments received.

**Wheat Ridge Water District:** No comments received. Any future development would be referred to the district for review and approval.

**Wheat Ridge Sanitation District:** No objections. 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-23-06.

## VIII. SUGGESTED MOTIONS

### **Option A:**

“I move to recommend APPROVAL of Case No. WZ-23-06, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Commercial (MU-C) for property located at 7575 W. 44<sup>th</sup> 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 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.”

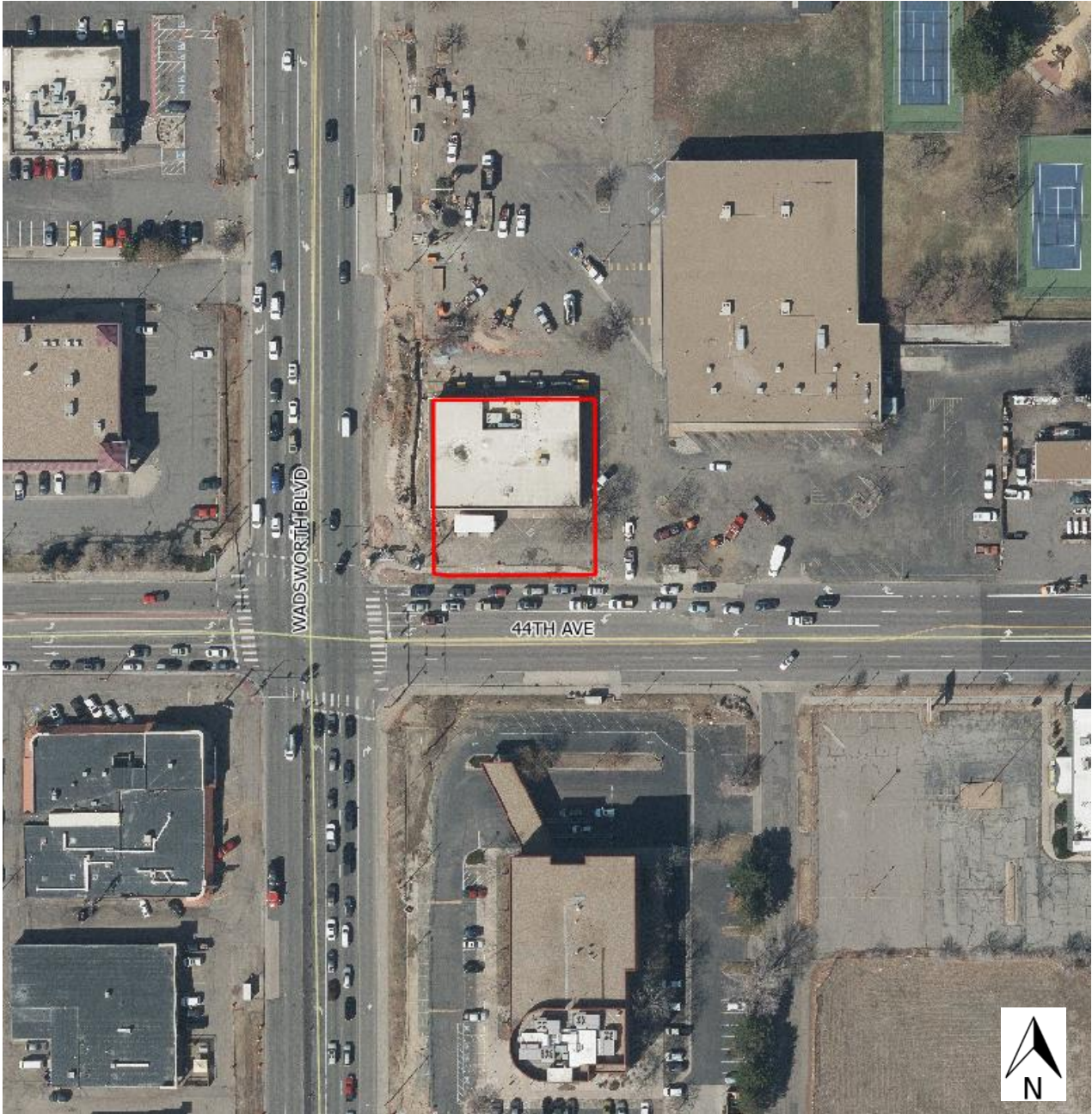
### **Option B:**

“I move to recommend DENIAL of Case No. WZ-23-06, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Commercial (MU-C) for property located at 7575 W. 44<sup>th</sup> Avenue for the following reasons:

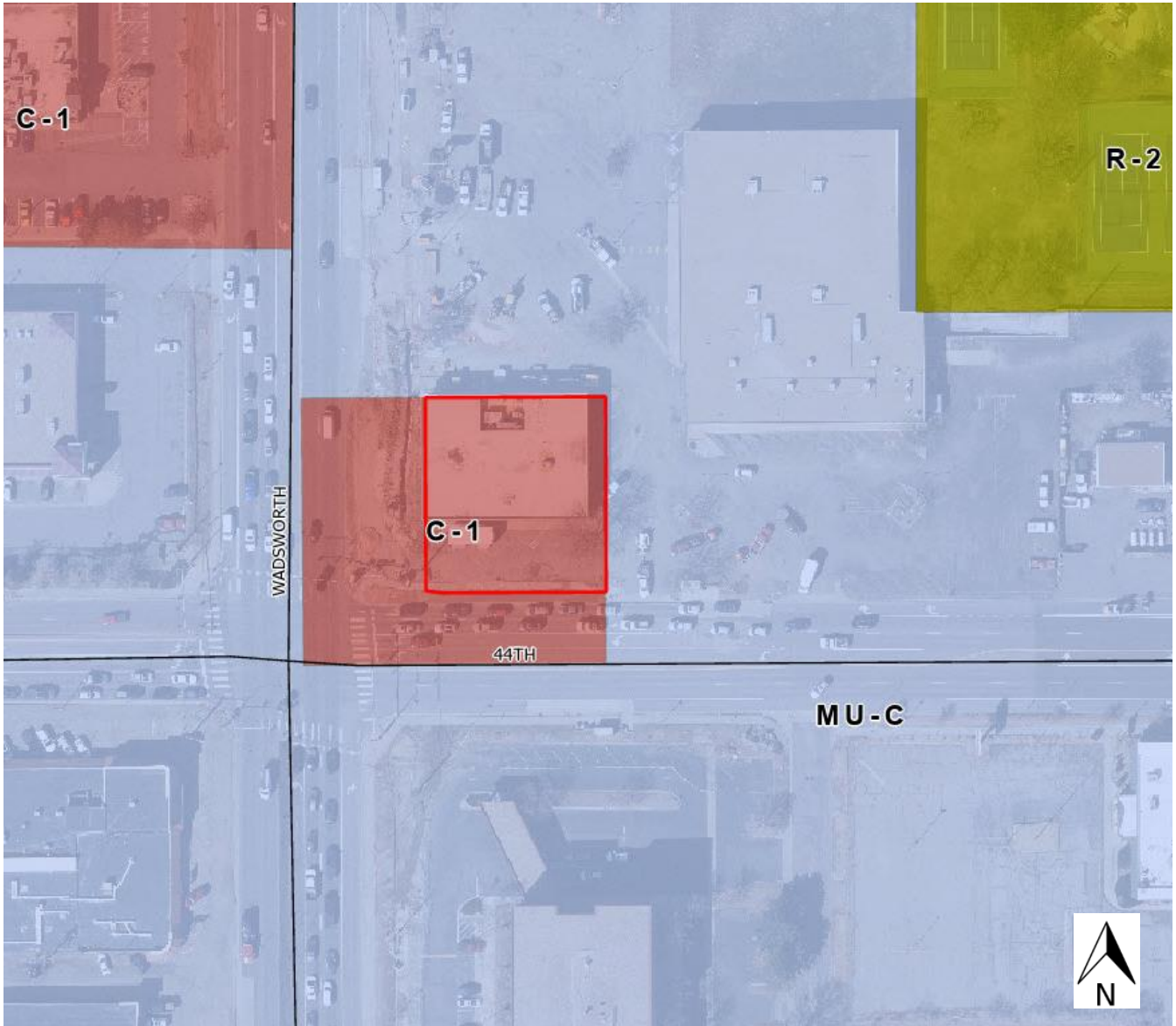
- 1.
2. ...”



# EXHIBIT 1: AERIAL



# EXHIBIT 2: ZONING MAP



# EXHIBIT 3: APPLICANT LETTER

## Request:

The City of Wheat Ridge, on behalf of Foothill Regional Housing (FHRH), is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) at property located at 7575 W. 44<sup>th</sup> Avenue. The purpose of the request is to enable FHRH to develop the property for multi-unit apartments as part of an expansion of the Ives housing development just adjacent to the north at 4470 Wadsworth Boulevard. FHRH owns adjacent properties on this block. The City, who currently owns the subject site, has agreed to transfer the land to FHRH. This property is currently the last remaining C-1 zoned property on the block and by rezoning to MU-C, the zoning on this block will become uniform. The incorporation of this site into the Ives development will enable a more cohesive site design and will provide better access and circulation overall.

## Criteria Responses:

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.

**The zone change does promote the health, safety, and general welfare of the community. It will allow the zoning to become uniform with other parcels on this block and will allow for a high quality development and expand the permitted uses. Additionally, the rezone will enable the improvement of the property which, in conjunction with the Wadsworth Improvement Project, will act as a catalyst for revitalization of the corridor.**

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.

**The property is served by West Metro Fire, Wheat Ridge Water, and Wheat Ridge Sanitation. Adequate infrastructure currently serves 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 any future major change of use, and will ensure compliance with current Building Codes, as well as the Fire Code.**

3. 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 city-approved policies or plans for the area.

**Wadsworth Boulevard is a primary north-south thoroughfare in the City, is classified as a major arterial, and is predominantly commercial in character. Envision Wheat Ridge, the City's 2009 comprehensive plan, identifies this corridor as a Primary Commercial**

**Corridor. This designation envisions a corridor with a broad mix of activities, accommodating multiple transportation modes and exemplifying high quality urban design and appearance over time. Specifically, for Wadsworth, the comprehensive plan notes the importance of improving the appearance and function of the corridor and working to redevelop outdated and underutilized properties.**

**A stated goal in the comprehensive plan is to promote reinvestment in property 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 investment in the property, by expanding the permitted uses on the property, and by aligning the zoning with the City's mixed-use goals for this corridor.**

**The subject site is also part of the Wadsworth Corridor Urban Renewal Plan Area (URPA). The urban renewal plan for that URPA was adopted in 2001 and calls for a framework that encourages private development, development of uses that serve a regional market area while maintaining uses that serve specific local market demands, improvements to vehicular circulation and pedestrian movement, new development and redevelopment with superior urban design features, and the elimination of blight in the redevelopment area. This zone change request would support and would enable any redevelopment to meet these goals.**

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

**The Wadsworth Corridor has evolved significantly since the original C-1 zoning and original development. The land uses along Wadsworth are evolving to be more compatible with the regional transportation purposes this street serves. Commercial and multifamily investments along the corridor continue and are expected to continue as the City invests in the road improvements and streetscape. The remaining C-1 zoning along Wadsworth does not reflect the reality of the corridor as a major regional arterial primarily because the list of permitted uses is unreasonably limited for this context, making it difficult to attract tenants or reinvest in the property. This reasoning was the basis for the legislative rezoning in 2011.**

- ~~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.~~

# EXHIBIT 4: NEIGHBORHOOD MEETING

## NEIGHBORHOOD MEETING NOTES

**Meeting Date:** July 26, 2023

**Attending Staff:** Scott Cutler, Senior Planner  
Alayna Olivas-Loera, Planner I  
Jana Easley, Planning Manager  
Patrick Goff, City Manager  
Jim Lorentz, Division Chief  
Kory Kolar, Homeless Navigator  
Amanda Harrison, Communications Manager

**Location of Meeting:** Virtual

**Property Address:** 7575 W. 44<sup>th</sup> Avenue

**Property Owner(s):** City of Wheat Ridge

**Property Owner(s) Present?** Yes

**Applicant:** City of Wheat Ridge on behalf of Foothills Regional Housing

**Applicant Present?** Yes

**Existing Zoning:** Commercial-One (C-1)

**Existing Comp. Plan:** Neighborhood Buffer Area, along Primary Commercial Corridor, along Neighborhood Commercial Corridor

### Existing Site Conditions:

The subject property is located on the east side of Wadsworth Boulevard between W. 44th Avenue and W. 45th Avenue. The site is zoned Commercial-One (C-1) and is largely surrounded by C-1 and Mixed Use-Commercial (MU-C) zoning. Other surrounding land uses are non-residential in nature, including the old Pep Boys building and the office building owned by Foothills Regional Housing. Recent development projects in the area include Town Center and Town Center North Apartments to the southeast at 44th and Vance.

According to the Jefferson County Assessor, the property is 16,263square feet (.373 acres) in size, though it may now be slightly smaller with the recent acquisition of right-of-way for the Wadsworth

Improvement project. The property contains a single-story bank building built in 1973, is approximately 6,625 square feet in size, and was most recently a Bank of the West.

Wadsworth Boulevard is one of Wheat Ridge's main north-south arterials. The Wadsworth Improvement Project began construction this month (in November 2021). It will expand roadway capacity, improve safety for all users, and provide continuous sidewalks. Land for right-of-way dedication along the western property line was required for this property as part of the project. This site is part of the Wadsworth Corridor urban renewal area (URA) and exempt from the City Charter height and density limitations, meaning it can exceed the Charter limits of 21 d.u./acre, 35 feet in height for residential uses, and 50 feet in height for nonresidential uses.

**Applicant/Owner Preliminary Proposal:**

The property was excluded from a 2011 City-initiated rezoning of the Wadsworth corridor. The City currently owns the property and will be transferring the land to Foothills Regional Housing. The City, on behalf of Foothills Regional Housing, is proposing to rezone the site from C-1 to MU-C to meet the original intent of the legislative rezoning and to be consistent with the surrounding parcels.

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**The following is a summary of the neighborhood meeting:**

- In addition to the applicant and staff, three members of the public attended the neighborhood meeting. The participant list is below, which serves as the virtual sign-in sheet.
- One member 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.

**The following issues/comments were discussed regarding the zone change request:**

- The Hartley Household spoke at the meeting.
  - Overall support for the project and affordable housing in this area
  - What is the plan for parking for the development? Do you anticipate parking overflow into the neighborhood?
    - *Foothills: The City has parking minimums that we must meet, and we do plan to at least meet the minimum and hopefully exceed what is required. We have multiple developments nearby and I often drive through them between 6pm and 10pm to do parking checks and more often than not, there is tons of leftover parking in the parking lots and parking garages provided so we don't anticipate parking will be an issue at this site either.*
  - Is there potential that you will purchase and take over the propane property to the east?
    - *Foothills: We have had conversations with the property owner and the land is not for sale. We do not have any plans in the near future to take it over but if it does become for sale, the owner knows he can contact us.*

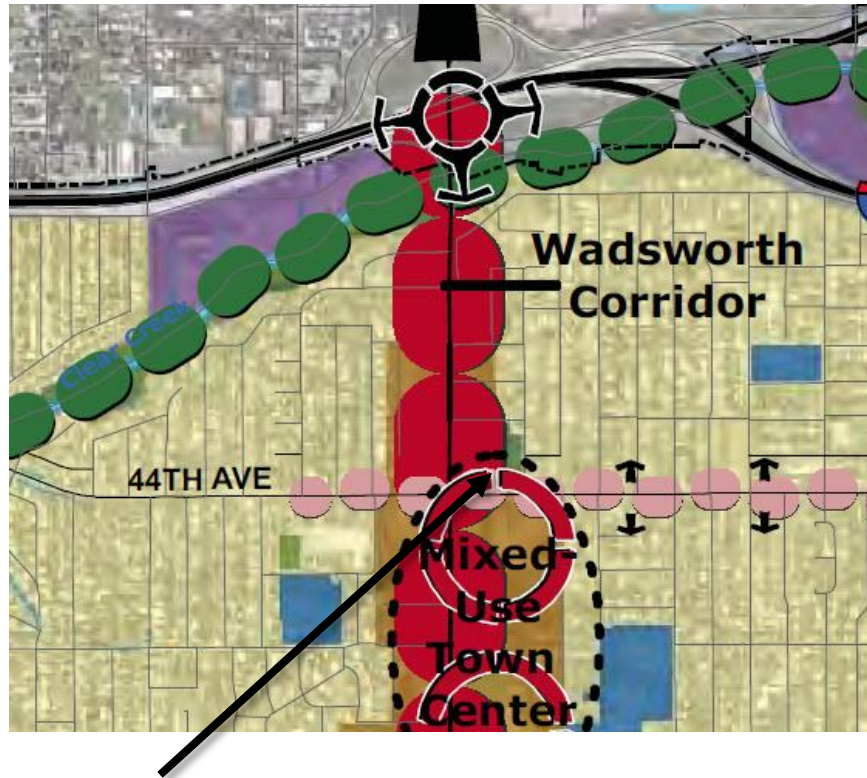
Zoom Attendees:

- Foothills Regional Housing

- Austin Meehan
- Lori Rosendahl
- Amy Case
- Hartley Household
- Phone number: 440-670-3192
- Yvette Seerden

# EXHIBIT 5: COMPREHENSIVE PLAN

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



## Subject Property



Primary Commercial Corridor  
(Wadsworth Boulevard)



## EXHIBIT 6: SITE PHOTOS



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



View of the subject property looking north from W. 44<sup>th</sup> Ave.  
(Source: Google Maps, November 2022)



**PLANNING COMMISSION  
LEGISLATIVE ITEM STAFF REPORT**

**MEETING DATE: August 17, 2023**

**TITLE: AN ORDINANCE AMENDING CHAPTER 2 AND CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE CITY'S SUBDIVISION AND DEVELOPMENT REVIEW REQUIREMENTS, AND MAKING CONFORMING AMENDMENTS THEREWITH**

**CASE NO. ZOA-23-08**

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PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Scott Cutler

Date of Preparation: August 10, 2023

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**SUMMARY:**

The proposed ordinance updates Chapter 2 and Chapter 26 of the Code of Laws to revise the City's subdivision and development review requirements. The ordinance accomplishes three main goals: 1) to prioritize meaningful public engagement and education intended to inform the public of impactful subdivision applications, 2) to reduce reliance on public hearings when the proposed uses and designs proposed are permitted by the underlying zoning, and 3) to reduce duplication and unnecessary cross-references within the Code to ensure it is easy to understand and administer.

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 from administering the code and navigating the subdivision approvals process. The subdivision code has been periodically updated since 2014 as other ordinances have been adopted, including the recent adoption of Ordinance 1762 in May 2023 (the "subdivision code cleanup" ordinance).

City Council gave consensus for this ordinance to proceed to public hearings at its April 17, 2023 study session and was supportive of the proposed list of updates discussed at that session.

As discussed with City Council, Wheat Ridge’s subdivision review procedures are increasingly out of alignment with other cities in the metro area and nationwide, are challenging to navigate, and do not rely on best practices of public engagement. Wheat Ridge is a rarity that many subdivisions are required to go to public hearings at Planning Commission and/or City Council, with few exceptions. Currently, subdivisions containing 3 lots or fewer are administrative (staff) review only, 4-5 lots require a Planning Commission hearing, and 6 or more lots require Planning Commission and City Council approval.

The current public hearing requirements for subdivisions are flawed, because we are asking for public engagement and feedback when such comment cannot impact a decision. Subdivisions are created for uses and developments which are already permitted on the property, so seeking public input on a plat is confusing when the proposed use or development is already allowed by the zoning. Public hearings create the impression that the proposed use or site plan of a property is up for debate or discretionary review. Public input is necessary and welcome for *discretionary* decisions, guiding documents, and legislative approvals; these include rezonings and planned developments, variances, special use permits, legislative code amendments, and long-range planning documents (such as a comprehensive plan). Subdivisions, however, are not changing proposed allowed uses or development standards; rather, they are designed to comply with the underlying zoning and standards. Subdivision approval is a ministerial action and there are no discretionary or subjective review criteria.

#### Best Practices of Public Engagement

Lessons learned from public engagement efforts and staff training include a more sophisticated understanding of how to engage or inform the public in a given situation. Council and staff have increasingly prioritized meaningful public engagement and clear public information, in keeping with national trends and best practices. For example, public hearings are now available online, letter notice for public hearings has been expanded to renters and the distance increased from 300 to 600 feet, posting signs have been updated, and an online “properties and projects” map is in development to help people learn about active developments and public projects with an anticipated launch date in Q4 of 2023.

At its strategic planning retreat on February 20, 2021, City Council identified new efforts of community engagement and education as a priority for the next two years. As a result, City staff established the Community Involvement Task Force (CITF) in early 2021 and established a Community Involvement Strategy as the guiding document, attached. Its framework is based on the principles of the International Association of Public Participation (IAP2), and it distinguishes between three types of involvement:

- Inform/Educate/Celebrate
- Consult
- Involve

Because a public hearing includes a request for public comment and testimony, it is considered consulting the public. The promise made to the community when consulting is that the community’s comments and feedback will be considered in the decision-making process. Consulting is best deployed when input or feedback from the community would be helpful in determining alternatives or there is the need to understand community desires.

From the public’s standpoint, public hearings invite comment that will be considered as part of the decision making; when comment is not considered (or able to be considered), the hearing process introduces division, confusion, frustration, and mistrust. From the developer standpoint, hearings introduce uncertainty, are inconsistent with other communities, lengthen the overall development process, and add cost and risk into the approvals process for subdivisions. From staff’s standpoint, we undermine public trust, expend significant resources, introduce liability if approvable subdivisions are not approved by decision makers, and put the City at a competitive disadvantage.

### Peer Communities and National Standards

Wheat Ridge’s subdivision review requirements put it out of alignment with other communities and best practice. Specifically, it is very rare for a City Council to review any subdivision application, generally with the exception of right-of-way vacations. Nearby peer communities have significantly reduced public hearing requirements for plats, and many do not have any public hearings at all, including Aurora, Boulder, Fort Collins, Thornton, Denver, and Commerce City. At a national level, public hearings for subdivisions are also used more sparingly than in Wheat Ridge, and not at all in many cases. Many cities and states are seeking to streamline their subdivision review processes to reduce barriers to developing permitted uses, as hearings introduce risk and lengthen the time from application to approval.

Recent presentations made to staff by other municipalities and the American Planning Association (APA) highlight subdivision processes as being a barrier to housing development and reinvestment. The APA [Equity in Zoning Policy Guide](#) recommendations include only requiring public hearings “when there is a genuine need to use discretion in applying zoning criteria and standards to the facts of a specific development proposal.” In the case of subdivision applications, there is no discretion because an application either meets the underlying zoning requirements or it doesn’t, and the subdivision is being proposed for a use or development type that is already allowed on the property.

### **PROPOSED ORDINANCE:**

The ordinance consists of several changes, which are outlined below, and are based on the consensus of City Council from the April 17, 2023 study session, with input from the City Attorney.

### Overall Process Changes

A significant change with this proposed ordinance is to remove public hearing requirements for most subdivision plats and to change the terminology associated with subdivisions. As stated above, administrative review is currently limited to subdivisions consisting of 3 or fewer lots (administrative subdivision). Planning Commission reviews and approves plats consisting of 4-5 lots (minor subdivision). City Council reviews and approves subdivisions of over 6 lots (major subdivision) after a Planning Commission recommendation hearing. Major subdivisions also include any subdivision continuing a waiver or variance, any subdivision dedicating a full street of right-of-way, and any subdivision containing right-of-way vacations. The removal of public hearing requirement for most subdivisions will be replaced by a public notice requirement for approved subdivisions over a certain size (see next section below).

The proposed ordinance creates the following subdivision types:

- Type I Subdivision: Includes all subdivisions of any number of lots/sizes that does not include a waiver/variance or right-of-way vacation. These are eligible for administrative review due to the non-discretionary nature of the application, because all requirements of the underlying zoning are being met (use, development standards, etc.).
- Type II Subdivision: Includes any subdivision that requires a waiver or variance for approval. Requires Planning Commission review due to the fact that waiver/variances contain discretionary review criteria (i.e., an applicant is attempting to get certain zoning development standards waived or modified).
- Right-of-Way Vacations: If accomplished by plat, ROW vacations will continue to require City Council review (after PC recommendation) due to the disposal of City property. ROW vacations may also occur by ordinance.

A large majority of subdivisions previously requiring public hearings will become eligible for administrative review (Type I Subdivisions). Subdivisions requiring variances or waivers (Type II Subdivisions) will no longer require City Council review, as this is atypical, but will retain the requirement for Planning Commission review due to their discretionary nature. The terms “administrative subdivision”, “minor subdivision”, and “major subdivision” will be removed from the code in favor of Type I and Type II.

As part of the proposed changes, Article IV (the subdivision code) will be simplified to reduce duplication with Section 26-106 (the review process chart) and Section 26-118 (right-of-way vacations). This requires the removal or modification of certain sections to simplify the code and to include the new subdivision terminology. It also clarifies existing processes on right-of-way dedication and vacations.

#### Public Notice for Certain Subdivision Approvals

In lieu of public hearings, the ordinance will require public notice upon subdivision approval for subdivisions over two (2) acres. Property owners and occupants within 600 feet of the subject property will be notified that a subdivision has been approved within 15 days of final approval. The letter will be in plain language and will include a description of the approved subdivision, zone district information, and information regarding construction hours and permit requirements. This strategy is consistent with the Community Involvement Strategy and is meant to inform the public with balanced, accurate, and objective information. A sample letter in draft form is attached.

The two (2) acre threshold for notice was based on the size of a half city block in Wheat Ridge more typical of larger-scale infill development. The purpose of the notice is to inform neighbors of development of a size that would be visually impactful and may have more substantial construction impacts. The notice will not apply to lot line adjustments where no new lots are being created, or to consolidation plats for existing developments which will not result in the creation of additional new lots for development.

#### Updates to Review Process Chart (26-106)

The review process chart in Section 26-106 is meant to be a summary of the required processes for all types of land use case approvals. The chart will be updated to include the new subdivision

terms described above. The ordinance will also add an appeals column which will allow for an easier understanding of the appeal body for certain land use cases eligible for appeals; previously the only reference to appeals were buried in the sections for each type of land use case. Lastly, the update removes the requirement for the Urban Renewal Authority to review some land use applications, including subdivisions, ROW vacations, and variances, as their bylaws, enabling statute, and intergovernmental agreements do not require this.

#### Cleanup of Chapter 2 – Responsibilities of the Planning Commission

Section 2-60 of the Code concerns responsibilities of the Planning Commission. It is generally duplicated by other section in Chapter 26, including the review process chart in 26-106. This ordinance removes some sections of this chapter to reduce duplication and relies on the language “as prescribed by chapter 26” to outline the review responsibilities of the Planning Commission. It also removes references to outdated language and subdivision terms. It is not necessary to have responsibilities of the Planning Commission in the Code multiple times.

#### Next Steps

The attached ordinance was drafted by the Planning Division, with input from the City Attorney. A public hearing before City Council is scheduled for September 11, 2023.

#### **RECOMMENDED MOTION:**

“I move to recommend approval of the proposed ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City’s subdivision and development review requirements.”

#### **Exhibits:**

1. Proposed Ordinance
2. City of Wheat Ridge Community Involvement Strategy
3. Sample notice letter

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

**TITLE: AN ORDINANCE AMENDING CHAPTER 2 AND CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE CITY'S SUBDIVISION AND DEVELOPMENT REVIEW 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 has prioritized meaningful public engagement and education including the implementation of the Wheat Ridge Speaks online engagement platform, the Let's Talk Neighborhood Engagement program, and the support of staff's efforts to create and implement the Community Involvement Strategy; and

**WHEREAS**, the Council recognizes that the current subdivision review processes and public hearing requirements often conflict with the desire to inform rather than consult the public regarding development activities when the proposed uses are already permitted by the underlying zoning; and

**WHEREAS**, the Council recognizes the need to reduce duplication and unnecessary cross-references within the Code of Laws to ensure codes are easy to understand and administer; and

**WHEREAS**, the Council recognizes that there is the need to inform the public of larger subdivision applications that will result in greater impacts to the community and to provide balanced information in plain language.

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

**Section 1.** Section 2-53 of the Wheat Ridge Code of Laws, concerning boards and commissions, is hereby amended as follows:

...

(d) Notwithstanding any other provision in this section, the following voting rules shall be in effect for all matters requiring decision by the board of adjustment, **or, where appropriate, the planning commission,** to grant any variance, waiver, temporary building or use permit, or any interpretation ~~(or for any matter requiring decision by the~~

planning commission or the city council under subsection 26-6(D) or the zoning ordinance of the city):

...

**Section 2.** Section 2-60 of the Wheat Ridge Code of Laws, concerning responsibilities of the planning commission, is hereby amended as follows in subsections (e), (h), (i), and (j):

...

(e) The planning commission shall hold a public hearing on all land use cases as prescribed by chapter 26. ~~The staff shall provide a written staff report to the planning commission prior to the meeting, which shall contain a staff recommendation on the case which will be based in part on how the requested change conforms to the adopted comprehensive plan. The planning commission shall pass a resolution which makes a recommendation to the city council.~~

...

(h) ~~After holding a public hearing on major subdivision plats, the planning commission shall make a recommendation to the city council, with final action taking place at the city council. Public hearings shall be conducted following procedures outlined in the subdivision regulations.~~

(i) ~~Minor subdivision plats shall be heard and approved by the planning commission at a public hearing. Public hearings shall be conducted following procedures outlines in the subdivision regulations.~~

(j) ~~Wherein the planning commission has denied a minor subdivision, an applicant may appeal that decision to city council.~~

**Section 3.** Section 26-106 of the Wheat Ridge Code of Laws, containing the review process chart for land use approvals, is hereby amended as follows, including a new column for appeal processes and new footnotes:

Approval Requested	Pre-Application		Final					Notes Reference	Appeal
	Staff	Neighborhood	Staff	PC	CC	BOA	URPC		
Site Plan	<sup>4</sup> X		A				A	§ 26-111	
Mixed Use Concept Plan	X	<sup>5</sup> X	A					§ 26-1116	
Mixed Use Conditional Use Permit	X		A					§ 26-1118	<b>BOA</b>
Major Subdivision	X			H	H		URA	ART IV	
Minor Subdivision <b>Type II Subdivision</b>	X			H			URA	Appeal to CG ART IV	<b>CC</b>



Administrative Subdivision <b><u>Type I Subdivision</u></b>	X		A					ART IV	
Planned Development: Outline Development Plan (ODP)	X	X		H	H		URA	<sup>2</sup> ART III	
Planned Development: Specific Development Plan (SDP)	X			H	H <sup>6</sup>		URA	ART III	<b><u>CC</u></b>
Planned Development: Outline Development Plan Amendment	X	X		H	H		URA	<sup>2</sup> ART III	
Planned Development: Specific Development Plan Amendment	X		A	H <sup>7</sup>			A	ART III	
Rezoning, Private	X	X		H	H		URA	<sup>2</sup> § 26-112	
Rezoning, City		X		H	H		URA	<sup>2</sup> § 26-113	
Special Use	X	X	A		H <sup>8</sup>		URA <b><u>A</u></b>	§ 26-114 Appeal to CC	<b><u>CC</u></b>
Variance— Administrative			A				A	Appeal to BOA § 26- 115.C	<b><u>BOA</u></b>
Variance— Non-administrative						H	URA	§ 26- 115.C	
Temporary Permit						H	A	§ 26- 115.D	
Interpretation			A					Appeal <sup>1</sup> to BOA § 26- 115.E	<b><u>BOA</u></b>
Administrative Adjustments to the Official Zoning Map			A					Appeal to CC § 26- 119.E	<b><u>CC</u></b>
Historic Designation					H		URA	ART IX	

Planned Bldg. Group	<sup>4</sup> X		A	H <sup>9</sup>			A	<sup>3</sup> § 26-116	<u>Varies</u> <sup>10</sup>
Floodplain Permit— Class I			A					§ 26-806 <del>8</del>	<u>BCAB</u>
Floodplain Permit— Class II	<sup>4</sup> X		A					§ 26-806 <del>8</del>	<u>BCAB</u>
Right-of-way Vacation, <u>by ordinance</u>	X			H	H		URA	§ 26-118	
<u>Right-of-way Vacation, by plat</u>	<u>X</u>			<u>H</u>	<u>H</u>			<u>§ 26-118</u>	

<sup>1</sup> Reserved.

<sup>2</sup> Right of protest applies: See section 5-10 of the Home Rule Charter and Code subsection 26-112.C.7.

<sup>3</sup> If four (4) or more buildings are proposed, planning commission review is required.

<sup>4</sup> A pre-application may not be required based on the complexity of the project.

<sup>5</sup> Neighborhood meetings for mixed use concept plan applications are required only for sites of ten (10) acres in size or larger. ~~hg0;~~

<sup>6</sup> City council review is required for a specific development plan only if ODP and SDP applications are submitted concurrently. Planning commission is the final authority for an SDP submitted separate from and subsequent to ODP approval.

<sup>7</sup> Planning commission review of SDP amendments only required in some circumstances. Refer to section 26-307.

<sup>8</sup> City council review for special use permits is only required upon appeal by an applicant of a decision of denial by the community development director, or the receipt of an objection by adjacent property owners. Refer to section 26-114.

<sup>9</sup> Planning commission review for planned building group only required in some circumstances. Refer to section 26-116.

<sup>10</sup> If reviewed administratively, appeal to PC. If reviewed by PC, appeal to Jefferson County District Court.

Key:

PC: Planning commission

CC: City council

BOA: Board of adjustment

X: Meeting required

H: Public hearing required

A: Administrative review

URPC: Urban Renewal Plan compliance required: If "A" is noted, administrative review; if "URA" is noted, review by Wheat Ridge Urban Renewal Authority is required — see section 26-226.

BCAB: Building Code Advisory Board

**Section 4.** Section 26-111.A of the Wheat Ridge Code of Laws, describing application of site plan review requirements, is hereby amended as follows:

- A. *Application.* The requirements of this section apply to site development on property for which the use proposed is a use by right, is other than a single-unit dwelling or two-unit dwelling, and for which ~~subdivision or~~ planned development district approval is not sought. The requirements for site plans required in planned development zone districts are found in those district regulations. This section establishes the purpose, graphic and informational requirements for site development review required in instances other than planned development districts, including all site development within any mixed use zone district established in article XI.

**Section 5.** Section 26-115.C of the Wheat Ridge Code of Laws, regarding variances, is hereby amended as follows with the insertion of a new subsection 4 and the appropriate renumbering of the current subsections 4 and 5 to 5 and 6:

...

**4. Variances and waivers for subdivision applications. The planning commission is empowered to hold public hearings to hear and decide upon subdivision applications which include variance or waiver requests as described in section 26-409 and defined herein as Type II Subdivisions.**

...

**Section 6.** Section 26-118 of the Wheat Ridge Code of Laws, concerning right-of-way vacations, is amended as follows:

Street right-of-way vacations can occur by ordinance or by final plat and can be initiated by either the City of Wheat Ridge or by a private party.

- A. *Vacation by plat.* When a **right-of-way** street is being vacated as part of the platting process it shall be graphically shown and shall be designated as being “hereby vacated **by this plat.**” The document for vacation in this instance shall follow the form and content of a final plat ~~and shall be processed as a major subdivision~~ in accordance with article IV. All submittal requirements of the platting process shall be provided by the applicant. ~~There shall not be an additional charge for processing of the vacation in this instance.~~ **When a right-of-way was previously dedicated by a plat, it shall be vacated by plat.**
- B. *Vacation by ordinance.* Applications for vacation by ordinance may also be originated by the City of Wheat Ridge or by a private property owner. **When a right-of-way was previously dedicated by separate instrument, it can be vacated by ordinance or by plat.** If a city-initiated vacation, the ~~engineering division~~ **city** shall prepare a legal description of the right-of-way proposed to be vacated attached to an administrative process application signed by the

mayor of the City of Wheat Ridge or his or her representative. The filing fee in this instance shall be waived. The city will provide all other supplemental information required to process the city-initiated application. If a private party is applying for the vacation, he or she will be responsible for the preparation and submittal of an application package including the following items:

1. ...

...

**Section 7.** Section 26-404 of the Wheat Ridge Code of Laws, concerning definitions for the subdivision regulations in Article IV, is amended as follows, with new definitions added in the appropriate alphabetical order:

...

~~Administrative subdivision: See subdivision, administrative.~~

...

~~Major subdivision: See subdivision, major.~~

~~Minor subdivision: See subdivision, minor.~~

...

~~Subdivision, administrative: Any subdivision, consolidation, or lot line adjustment that involves three (3) or fewer lots or parcels, conforms to all subdivision and zoning regulations, and does not include the dedication of a public street. See section 26-405.~~

~~Subdivision, major: Any subdivision, consolidation, or lot line adjustment that does not meet the definition of an administrative or minor plat, including any plat with a right-of-way vacation or the dedication of public streets. See section 26-405.~~

~~Subdivision, minor: Any subdivision, consolidation, or lot line adjustment that involves four (4) or five (5) lots or parcels, conforms to all subdivision and zoning regulations, and does not include the dedication of a public street. See section 26-405.~~

**Subdivision, Type I: Any subdivision, consolidation, or lot line adjustment that conforms to all subdivision and zoning regulations, and does not include right-of-way vacation, waiver, or variance. This subdivision type shall be reviewed and approved administratively.**

**Subdivision, Type II: Any subdivision, consolidation, or lot line adjustment that requires a waiver or variance for approval, and does not include right-of-way vacation. This type of subdivision requires planning commission approval.**

...

**Section 8.** Section 26-405 of the Wheat Ridge Code of Laws is hereby repealed and the section number reserved.

**Section 9.** Section 26-406 of the Wheat Ridge Code of Laws, regarding review procedures for subdivisions, is amended as follows, including the addition of new subsections G and H:

...

B. ~~Administrative plat review procedure.~~ **Type I Subdivision review procedure.**

1. *Application filing.* An application packet shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in section 26-410. If staff determines the application is not complete, it will be returned to the applicant and not further processed until the incomplete items have been supplied.
2. *Review and referral.* Upon receipt of a complete application packet the community development department will review the application and refer the application to affected departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents.
3. *Decision.* After the review period, staff will prepare written findings with a recommendation. The community development director shall review the plat and approve, approve with conditions, or deny the plat.

C. ~~Minor and major plat review procedure.~~ **Type II Subdivision review procedure.**

1. *Application filing.* An application packet shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in section 26-410. If staff determines the application is not complete, it will be returned to the applicant and not further processed until the incomplete items have been supplied.
2. *Review and referral.* Upon receipt of a complete application packet the community development department shall proceed with the following process:
  - a. Staff will review the application and refer the application to affected departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents.
  - b. After the review period, staff will give notice of scheduled public hearings on the application before the planning commission, ~~and if needed, the city council.~~ Notice shall be by publication, letter, and site posting in the manner provided in section 26-109.
  - c. Staff will prepare a written report to the planning commission which evaluates the proposal, makes findings, and makes a recommendation.
3. ~~Public hearing.~~ **Planning commission public hearing. The planning commission shall hold a public hearing to review the plat and to hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at the public hearing. The**

**decision shall be based upon the facts presented in the public hearing pursuant to the procedures and review criteria for variances and waivers in section 26-409 and/or 26-115, whichever is applicable.**

- ~~a. *Planning commission review.* The planning commission shall hold a public hearing to review the plat and to hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at the public hearing. Any recommendation or decision shall be based upon the facts presented in the public hearing and in consideration of the regulations and standards of this article and article II of this chapter.~~
- ~~i. *Minor subdivision.* The planning commission shall make a decision to either approve, approve with conditions, or deny the application. The decision by the planning commission is final for minor subdivisions.~~
- ~~ii. *Major subdivision.* The planning commission shall make a recommendation of approval, approval with conditions, or denial of the application. The recommendation shall be forwarded to city council for final action.~~
- ~~b. *City council review.* City council shall review and decide upon all major subdivision applications at a public hearing. Upon receipt of the final plat and accompanying recommendations, the city council shall either approve, approve with conditions, deny, or refer the plat back to planning commission for further review. City council shall base its decision upon all evidence presented, with due consideration of the regulations and standards of this article and article II of this chapter.~~

...

E. *Review considerations.* Decisions on subdivision applications are technical and non-discretionary in nature. The regulations and standards of this article shall be used by the city council, planning commission, and community development director in judging the merits of the application submitted for review. **Because variance and waiver applications are discretionary in nature, for Type II subdivisions the planning commission shall base its decision in consideration of the extent to which the review criteria within sections 26-115 and 26-409 have been met.**

F. *Appeal.* Because of the technical and non-discretionary nature of subdivision decisions, and appeal may be filed only when a decision is based in whole or in part on an incorrect finding of compliance with these regulations. **Type I subdivisions are not eligible for appeal because of their technical and non-discretionary nature. The planning commission's decision on Type II subdivisions may be appealed to the City Council at a public hearing in accordance with section 26-109 only as follows:**

1. Appeals may be filed **only** by the applicant or property owner.

2. A written appeal shall be submitted to the community development department within ten (10) days of a decision.
3. Any appeal of the community development director's decision shall be heard by the planning commission at a public hearing in accordance with section 26-109.
4. Any appeal of the planning commission's decision shall be heard by the city council at a public hearing in accordance with section 26-109.

**G. Notice of subdivision approval.**

- 1. Upon approval of a subdivision in which the total gross size is two (2) acres or greater, the community development department shall send by first class mail, a notice of subdivision approval to adjacent property owners and occupants within six hundred (600) feet of the subject property.**
- 2. The letter shall include a description of the approved subdivision, zone district information, and information regarding construction hours and requirements, in a form determined by the community development director.**
- 3. This notice of subdivision approval shall be mailed within fifteen (15) days of subdivision approval by the community development director.**
- 4. Failure of a property owner or occupant to receive a mailed notice shall not invalidate the approval of the subdivision and shall not be regarded as constituting inadequate notice.**
- 5. The notice requirements of this subsection G shall not apply to plats of any size that are described by one of the following: 1) lot line adjustments where only existing lot lines are shifting, including lot line adjustments for previously-approved townhouse plats; or, 2) consolidation plats for properties which contain existing and completed development for the sole purpose of eliminating unnecessary lot lines and which will not result in the creation of additional new lots for development.**

**H. Right-of-way vacation. Any plat containing a right-of-way vacation shall be processed as a right-of-way vacation by plat pursuant to the requirements in section 26-118.**

**Section 10.** Section 26-409 of the Wheat Ridge Code of Laws, regarding variances and waivers for subdivisions, is amended as follows:

- A. *Review procedure.* Any subdivision application that includes a request for a variance or waiver shall be processed as a major **Type II** subdivision and reviewed by planning commission and city council.

- B. *Variance*. Where a subdivider proposes a plat that does not fully comply with the development standards contained in these regulations or the zoning code, the subdivider must provide a written variance request as part of the application contents. The variance request shall be considered pursuant to the procedures, review criteria, and voting ratios set forth in sections 26-115 and 2-53(d).
- C. *Waiver*. A waiver is a permitted exemption or reduction from a design principle or required improvement based on the specific conditions, circumstances or design context of a development proposal. The burden of demonstrating that a waiver is justified falls on the applicant.
1. *Process*. The applicant shall submit to the community development department a letter requesting the waiver and providing justification addressing the review criteria in subsection 2. below. The waiver shall be considered concurrently with the review of the final plat. Final action on the request shall be made by planning commission~~city council~~. **The waiver request shall be considered pursuant to the voting ratios set forth in section 2-53(d).**

...

**Section 11.** Section 26-411.G of the Wheat Ridge Code of Laws, regarding easements and tracts, is amended as follows, by addition of a new subsection 7:

G. *Easements and tracts*.

...

**7. Easement removal.**

**a. Easements vacated by plat shall be noted as being “hereby vacated and released by this plat.”**

**b. Easements requested to be vacated or modified separately from a plat application may be processed as an affidavit of easement amendment or affidavit of easement vacation. The applicant shall include written and notarized approval from affected property owners and utility agencies.**

**c. Separate sheets for vacation and rededication may be necessary.**

**Section 12.** Section 26-415.A of the Wheat Ridge Code of Laws, regarding dedication of public streets, is amended as follows:

- A. *Dedication*. Street dedication requirements shall be based on the city’s adopted **and most current guiding documents, including, but not limited to, the Comprehensive Plan**, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.



1. *Full.* Dedication of a public street shall be by plat and shall be processed as a major a Type I subdivision, unless other proposed conditions qualify the subdivision as a Type II subdivision or right-of-way vacation.
2. *Partial.* A partial right-of-way dedication is acceptable if it is required to complete a substandard street already in existence.
  - a. *Half streets.* For streets on the perimeter of a subdivision, the subdivider may be permitted to dedicate sufficient right-of-way to provide an adequate street width for two (2) lanes of traffic in accordance with the city's standards and specifications. In such instances, the subdivider shall be required to construct one-half (1/2) of the street width plus six (6) feet or other design as determined and approved by the community development department. If on street parking is desired, ~~more~~ **additional** right-of-way will be required.
  - b. ~~Administrative or minor subdivision~~ **Type of dedication.** Where partial right-of-way dedication is required as part of ~~an~~ **an** administrative or minor subdivision application, the right-of-way **shall be dedicated to the city by plat.** ~~may be dedicated to the city by separate document. On the plat, the right-of-way to be designated shall be labeled as a tract~~ **hereby dedicated,** ~~and a plat note shall indicate that the dedication of the tract will be by separate instrument. An exhibit and deed shall be prepared, signed and sealed by the professional land surveyor of record and submitted to the community development department as part of the application packet.~~
  - c. **Where partial right-of-way is being dedicated apart from a plat, the city may accept the dedication by deed.**

...

**Section 13.** Section 26-416 of the Wheat Ridge Code of Laws is hereby repealed and the section number reserved.

**Section 14. 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 15. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided 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:

Published:  
Wheat Ridge Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)

## City of Wheat Ridge Community Involvement Strategy

City of Wheat Ridge City Council and staff are committed to a culture of meaningful public participation and community involvement. Effective public participation provides decision makers with perspectives and opinions shared by the community and seeks to ensure all voices are heard. The Community Involvement Strategy provides a framework to ensure active, consistent and balanced participation and public engagement in decision making processes.

### Guiding Principles

- Residents affected by an issue or initiative will have the opportunity to participate and have their say
- Residents can have their say in a manner that is convenient for them. This means barriers to participation should be removed to the greatest degree possible by meeting residents where they are; online, at existing gatherings and in places where they move as part of their daily lives, in addition to designated public forums
- Residents have various needs in order to be able to have their say. This means needs such as childcare, interpretation, nontraditional schedules and cultural norms must be considered as factors in the community involvement process
- Residents want to have their say in various ways. Not all residents are comfortable speaking in front of an audience and their opinions and perspectives are valid regardless of how they speak up

### Levels of Community Involvement

The Involve Wheat Ridge Community Involvement Strategy acknowledges three levels of participation:

#### 1. Inform/Educate/Celebrate

**Promise:** We will provide the community with balanced, accurate and objective information. We will answer questions and keep the community informed.

**Inform/Educate when:** Contemplating temporary changes in service or facilities, or when the change is unlikely to affect the quality of life of Wheat Ridge residents, when change is occurring as a result of a plan or strategy that has been adopted, to correct misperceptions or in the case of normal day-to-day business assigned to staff.

**Tools & Tactics:** Communication tools including City's website, social media, public notices, posters, press releases, announcements, e-newsletters, signage, videos and white papers. Can also include information tables, presentations to groups, engagement webpage for easy sharing of information and public open houses.

**Example A:** The 2020 Census is coming and Wheat Ridge is committed to educating and informing residents about the safety of taking the census, the significance of the census and the importance of being counted. The City's engagement practice could involve presentations in the community, signage, the dissemination of promotional material, promotion on social media and a page on the engagement site where residents can post questions and receive answers about the census.

**Example B:** Wadsworth is being widened. Wheat Ridge is committed to educating and informing residents about the lane shifts that will be in place, that businesses will be open and

how to use the new Continuous Flow Intersections. In addition to the tactics listed above, the City's engagement practice could involve a question and answer forum on the engagement site.

## 2. Consult

**Promise:** The community's comments and feedback will be considered in the decision making process.

**Consult when:** Input or feedback from the community would be helpful in determining alternatives, when the organization is considering a change in services or there is a need to understand community desires.

**Tools and Tactics:** Online engagement activities including surveys, polls and virtual public hearings, public meetings and open houses, interactive activities where the public can show a preference (i.e. Chips in a bucket, sticker dots on a picture)

**Example A:** The City is recruiting a new police chief and will consult with the public on the desirable qualities of the next chief. The City could conduct a survey, focus groups and develop an engagement site, asking questions about the qualities of the perfect chief for Wheat Ridge. Results will be considered throughout the interview process. The public may also be involved in the final interview stages by attending a forum with final candidates. A survey could be administered to seek the preference of attendees and feedback would be considered in the selection of the final candidate.

**Example B:** The City is designing a streetscape and will consult the public on their visual preferences. The City could conduct an open house and host similar activities online gather feedback on a variety of design options.

## 3. Involve

**Promise:** To work directly with the community throughout a process to ensure that the public's concerns, aspirations and desires are understood and considered. Feedback contributes broadly to the outcome.

**Involve when:** The issue affects or has the potential to affect a significant number of residents, has a lasting impact on property, community ownership is necessary, during the development of strategic or comprehensive plans, the initiative creates or significantly changes public amenities, the issue has the potential to significantly alter service levels.

**Tools and Tactics:** Convene a steering committee or task force that includes residents and community members, design charrettes, online engagement activities including forums, Q&A, storytelling.

**Example:** The City is updating the 44<sup>th</sup> Avenue subarea plan. Residents and other stakeholders will be invited to participate in a year long process involving multiple stages and milestones. The public will be invited to participate in wide range of on-going activities, including small group meetings, open houses, surveys, and scenario planning. In-person meetings will be complimented with online activities for those that choose to participate virtually.

### Polices and Guidelines for notification

Currently, the Wheat Ridge Charter and or Code of Laws specifies public notification and engagement in specific circumstances and within a certain proximity of the location of issue. By way of example, a neighborhood meeting is required prior to 1) a zone change, 2) a special use permit or 3) a concept plan

for land over 10 acres in size, the notification of which is mailed to land owners and tenants within 600 feet (Chapter 26). There are several other examples of specific cases in which notice is required to land owners and/or tenants, such as related to public hearings or street width designation. Important to the Community Involvement Strategy is the acknowledgement that engagement efforts will always satisfy those required by the Charter and Code. In order to best serve the public, a goal of the Community Involvement Strategy is to develop guidelines for notification and involvement that mirror best practices for City-driven initiatives.

### **Diversity, Inclusion and Equity (DEI)**

As referenced in the Guiding Principles, providing equitable access for residents to have their say is important. Guidelines must be developed based on Wheat Ridge's characteristics and attributes so that decisions around translation, interpretation, facilitation techniques, meeting locations, child care offerings, catering options etc. can be carefully considered per outreach initiative. This involves a deep dive into Wheat Ridge's demographics and training to understand typical behaviors, cultural norms and barriers.

### **Staffing Structure**

A recommendation of the 2019 Neighborhood Revitalization Strategy is the addition of two positions for the purpose of conducting a neighborhood planning and engagement effort. As community involvement transcends traditional departments and work groups, it is important that staff tasked with engaging on the neighborhood level understand the totality of the issues and initiatives that interest the community. Therefore, the neighborhood planning and engagement staff should lead a City-wide task force that includes members of each department along with the City's communications manager and digital communications specialist.

Members of the task force will act as liaisons to each department and workgroup. They will bring issues affecting the public to the task force for consideration of a public process. Each public process will be vetted by the task force, and an engagement plan will be developed to be led either by the neighborhood engagement staff or department representative. Communications staff will assist with the development and implementation of a communications strategy.

In the case of each issue or initiative, the task force will:

- Define the issue/problem/initiative
- Define the stakeholders
- Define the decision makers
- Determine the appropriate level of community involvement based on the spectrum (Inform/Educate, Consult, Involve) and how the involvement will affect the outcome
- Determine the engagement plan, assigning roles and responsibilities to members of the task force
- Launch the plan

### **Training and Educational Resources**

The [International Association of Public Participation \(IAP2\)](#) is a worldwide resource for training and development in the public engagement space. The three levels of engagement for Wheat Ridge are

based on IAP2's spectrum of public participation as is the online engagement tool, Engagement HQ. Members of the task force and others in the organization will benefit from IAP2's Foundations in Public Participation training where tools, techniques and strategies for engagement are covered in depth. As every employee in an IAP2 member organization has access to online resources, webinars and local events, it is recommended that the City become a member and members of the Task Force become actively engaged.

### **Online Community Engagement**

The City has selected two online solutions for community engagement.

**Wheat Ridge Speaks** provides residents the opportunity to review presentations and provide virtual comments on land use cases as if they were in attendance at a Planning Commission or City Council public hearing. Comments are entered into the public hearing record and elected officials must review all comments prior to voting on a land use case. Wheat Ridge Speaks is managed by Community Development staff. It would be possible, at Council's direction, to expand the use of Wheat Ridge Speaks in the future to allow public comment on all public hearing agenda items.

**What's Up Wheat Ridge** an online community engagement space owned by Bang the Table using the Engagement HQ platform. On this site, residents can contribute to a public process, much as if they were in attendance at a public meeting. Tools include the ability to ask and answer questions, provide input in narrative form, complete a survey, take a poll, drop pins on maps, upload videos and photographs and more. Involve Wheat Ridge will be managed by the Community Involvement task force, led by the neighborhood engagement specialist. This platform can be utilized for a variety of planning efforts and special projects.



City of Wheat Ridge Municipal Building 7500 W. 29<sup>th</sup> Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2846

**NOTICE OF SUBDIVISION APPROVAL**  
(As required pursuant to Code Section \_\_\_\_\_)

DATE, 2023

Dear Property Owner / Current Resident:

This is to inform you that Case No. \_\_\_\_\_, an application filed by \_\_\_\_\_ for approval of a subdivision at (*address*) has been **approved** by the City of Wheat Ridge Community Development Department. You are receiving this letter because the City of Wheat Ridge requires a notification to all property owners and residents within 600 feet of an approved subdivision application for sites over two (2) acres to inform the public about the project and potential impacts.

The property is zoned \_\_\_\_\_, a zone district which allows for \_\_\_\_\_. The subdivision (*description of project*). The purpose of a subdivision is to create or modify lots, tracts, and parcels for sale or development, for a use already permitted by the underlying zoning. A subdivision does not change the zoning or types of uses permitted on the property. The subdivision application has been found to be compliant with all appropriate subdivision design and zoning requirements.

Construction activity on private property, including construction of buildings or paving, is limited by City Code to the hours of 7:00 a.m. to 7:00 p.m., seven (7) days a week. Construction in the City Right-of-Way (i.e. public streets) is limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, with limited exceptions subject to the approval of the Public Works Department. Building and/or Site Work Permits are required prior to the start of any construction work on private property.

If you have questions, please contact the Planning Division at 303-235-2846 or [zoning@ci.wheatridge.co.us](mailto:zoning@ci.wheatridge.co.us).

Thank you,

City of Wheat Ridge Planning Division

Vicinity Map







**PLANNING COMMISSION  
LEGISLATIVE ITEM STAFF REPORT**

**MEETING DATE: August 17, 2023**

**TITLE: AN ORDINANCE AMENDING SECTIONS 11-561, 11-566, AND 26-114 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE CITY HOTEL LICENSING PROGRAM, IN RESPONSE TO THE CITY COUNCIL’S MANDATORY PERIOD REVIEW OF THE PROGRAM**

**CASE NO. ZOA-23-09**

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PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Lauren Mikulak, Community Development Director

Date of Preparation: July 31, 2023

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**SUMMARY:**

On October 25, 2021, City Council passed Ordinance 1723, adding a new Article XIV to Chapter 11 of the Wheat Ridge Code of Laws to establish a hotel licensing program and extended stay lodging regulations. The ordinance also updated the permitted use charts in Chapter 26.

Section 11-569 of the Code requires City Council to review the implementation of the ordinance on or before June 30, 2023, and every 18 months thereafter. Accordingly, staff presented a program update to City Council on June 12, 2023. As a result of that update and based on lessons learned, a few minor code amendments are being proposed in the attached ordinance. This includes a minor edit in Chapter 26 regarding the term length of a special use permit for a hotel. As an edit to the zoning code, this provision requires Planning Commission review.

**BACKGROUND:**

Hotels, motels, and extended stay lodging are included in the permitted use charts for the City’s commercial and mixed use districts. More specifically, in the Commercial-One (C-1), Commercial-Two (C-2) and Industrial-Employment (I-E) zone districts, hotels and extended stay lodging are allowed with approval of a special use permit (SUP). In the mixed use districts, hotels and extended stay are a permitted use by right.

The City currently has 8 hotels. Most of these are oriented to the I-70 corridor, including a cluster at the interchange of I-70 and Kipling Street. The intent of the 2021 ordinance was to address the significant public safety concerns associated with several hotels in the City. At the time that Council was considering the hotel licensing program, the City’s hotels represented less than 0.05% of the

total number of households and businesses in the City, yet they accounted for approximately 10% of the Police Department's total calls for service.

As a result of the 2021 ordinance, hotels in Wheat Ridge must now have a hotel-specific license in addition to their regular business license. Additionally, hotels must meet certain operating requirements which are included in the Chapter 11 licensing regulations. This includes:

- Achieve and maintain a specific call for service (CFS) rate,
- Participate in the City's certified crime free hotel/motel program,
- Make necessary corrective actions in response to the annual hotel/motel inspection coordinated by the Police and Community Development Departments,
- Comply with the City's landscape inspection program,
- Comply with applicable building codes, and
- Have a current and approved Wheat Ridge Police Department (WRPD) security plan on file with the City.

Additionally, for hotels wishing to operate extended stays (more than 29 days), the licensee must also obtain an extended stay addendum and meet additional operational requirements specific to the extended stay function. These include room size requirements and specific in-room and common area amenities.

Overall, the hotel licensing program is having the desired effect of reducing crime in Wheat Ridge, particularly in the area surrounding I-70 and Kipling. The Police Department reports that since the ordinance was enacted, they have recorded a 19% reduction in criminal complaints and criminal activity in the area within a ¼-mile of the I-70/Kipling corridor. Additionally, PD reports that hotels now account for only 5% of total calls for service (down from 10% before the licensing program).

Some of the City's hotels have long-term residents, but not all licensees are seeking the extended stay addendum. For those cases, City Council allocated \$500,000 of ARPA funds to help long-term residents in the City's hotels find permanent housing through an innovative partnership with Family Tree. As of April 2023, the City had expended approximately \$170,000 of this funding, and Family Tree had helped place 21 households (43 individuals) in housing.

#### *Zoning Code Implications*

Very little of the hotel licensing program relates to the zoning code. For those hotels which are seeking to obtain an extended stay license addendum in the C-1, C-2 or I-E zone districts, they would need to obtain a special use permit (SUP). A special use is a discretionary review that focuses on compatibility with surrounding uses, design of the property, and operation and management of the use. SUPs require a neighborhood meeting and are analyzed against a set of review criteria in Section 26-114.D of the code. A public posting period is required, and if no objections are received an SUP can be approved administratively; a written objection to the proposed use can trigger review by City Council at a public hearing.

Once approved, an SUP is valid so long as the conditions of approval are maintained. If an SUP ceases operation (or fails to start operating), it is deemed expired after a period of one year. The attached ordinance proposes to shorten this term to a period of 6 months for hotels. The reason for

this change is to help ensure that hotel operators are progressing toward compliance with the licensing program.

An SUP may be transferred to a new owner, and the proposed ordinance also specifies that such transfer is subject to City approval. The purpose of this change is to ensure compliance with the SUP conditions and licensing program.

**RECOMMENDATION:**

The Planning Commission is required to make a recommendation to City Council on any amendment to Chapter 26 (the zoning code). The amendments to Chapter 11 are not a part of the Planning Commission’s purview.

City Council is scheduled to review the ordinance at a public hearing on August 28.

**RECOMMENDED MOTION:**

“I move to recommend approval of a code amendment modifying Chapter 26 of the Wheat Ridge Code of Laws concerning special use permits for hotels.”

**Attachments:**

Draft Ordinance

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

TITLE: AN ORDINANCE AMENDING SECTIONS 11-561, 11-566, AND 26-114 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE HOTEL LICENSING PROGRAM

WHEREAS, the City of Wheat Ridge (the “City”) 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, in the exercise of this authority the Council has previously adopted hotel licensing regulations, codified as Wheat Ridge Code of Laws (“Code”) Article XVI of Chapter 11, to regulate hotel businesses in order to reduce illegal and criminal activity in hotel establishments and ensure they are operated in a manner compatible and consistent with other City licensed businesses; and

WHEREAS, the Code requires the Council to conduct a review of the implementation of the hotel licensing program and consider any amendments deemed appropriate in response to the review; and

WHEREAS, the Council conducted the Code required review of the hotel licensing program at the June 12, 2023 Special Study Session; and

WHEREAS, the Council finds and determines that amendments to the Code to properly enforce the hotel licensing program’s extended stay provisions, better define the calls for service rate, and reduce the time an extended stay special use permit remains in effect are necessary to the continued success of the City’s hotel licensing program.

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

**Section 1.** The below definitions in Code Section 11-561 are amended to read as follows:

**Sec. 11-561. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Calls for service* are public initiated dispatched calls for police assistance that are generated by the community, through a call or text to 911 or the non-emergency line. CALLS FOR SERVICE INCLUDES COMMUNITY CALLS FOR ANY POLICE RESPONSE SUCH AS NON-CRIMINAL ACTIVITY, DISTURBANCES, SUSPICIOUS VEHICLES OR PERSONS, AND CRIME REPORTS. CALLS FOR SERVICE DOES NOT INCLUDE CALLS FOR FIRE OR MEDICAL ASSISTANCE WITHOUT POLICE RESPONSE, CALLS INITIATED BY THE WHEAT RIDGE POLICE DEPARTMENT, OFFICER INITIATED TRAFFIC STOPS, ROUTINE PATROL, OR 911 HANG UPS WITHOUT POLICE RESPONSE.

*Calls for service rate* is equal to the total calls for service at the licensed premises divided by the total number of hotel rooms in the applicable period. CALLS FOR SERVICE RECEIVED ON SEVERE WEATHER DAYS, AS DECLARED BY THE SEVERE WEATHER SHELTER NETWORK, ARE NOT INCLUDED IN A HOTEL'S CALLS FOR SERVICE RATE CALCULATION.

**Section 2.** Section 11-566(a) is amended by the addition of a new subsection (10) to read as follows:

**Sec. 11-566. - Suspension or revocation of license: grounds.**

(a) The treasurer may suspend or revoke a hotel license upon the treasurer's finding of any of the following facts in the treasurer's reasonable discretion, based upon available information. It is not required that any criminal conviction be obtained to support the treasurer's administrative action.

(10) THE LICENSEE HAS PERMITTED EXTENDED STAY LODGING WITHOUT AN APPROVED EXTENDED STAY LICENSE ADDENDUM ISSUED PURSUANT TO SECTION 11-568.

(1) FOR PURPOSES OF THIS SECTION, THE LENGTH OF A GUEST'S STAY AT ANY LICENSED PREMISES SHALL BE MEASURED BY CONSECUTIVE OVERNIGHT STAYS AT ANY LOCATION WITHIN THE LICENSED PREMISES. ADDITIONALLY, THE DURATION OF EXTENDED STAY LODGING ON A LICENSED PREMISES SHALL CONTINUE TO ACCRUE UNLESS THE GUEST VACATES THE LICENSED PREMISES FOR SIXTY (60) CONSECUTIVE DAYS.

**Section 3.** Section 26-114(g) is amended to read as follows:

g. Term.

1. A special use permit is valid so long as the conditions of approval are maintained by the applicant, unless a specific time limit for the use or development is set forth as part of the permit approval by the community development director or city council. Except as otherwise provided herein, if an approved special use ceases operation for any reason for a period of one (1) year, the special use permit shall be deemed expired, unless

otherwise provided in the permit itself. If an approved special use for a medical marijuana center, retail marijuana store, HOTEL AS DEFINED BY SECTION 11-561, or colocated center and store ceases operation for any reason for a period of six (6) months, the special use permit shall be deemed expired, unless otherwise provided in the permit itself.

2. If the conditions of a special use permit become the responsibility of a person or entity other than the applicant, the community development department shall be notified in writing, identifying the new person or entity responsible for maintaining the conditions of the permit. Until such notice is received, the applicant shall remain responsible for maintaining those conditions. The notice shall be attached to the permit on file with the community development department. A special use permit for a medical marijuana center, a retail marijuana store, A HOTEL AS DEFINED BY SECTION 11-561, or a colocated center and store may be transferred to a person or entity other than the original applicant only upon the review and approval of the community development director. It shall be the burden of the proposed new permit holder to demonstrate that its continuation of the special use shall meet the special use review criteria set forth in section 26-114.D.

**Section 4. 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 5. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided 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 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> 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.

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Bud Starker, Mayor

ATTEST:

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Stephen Kirkpatrick, City Clerk

Approved as to Form

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Gerald E. Dahl, City Attorney

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Jeffco Transcript  
Effective Date:

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