



## PLANNING COMMISSION A G E N D A

**June 2, 2022**

Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on June 2, 2022 at 7:00 p.m.

This meeting will be conducted as a virtual meeting and in person at 7500 W. 29<sup>th</sup> Avenue, Municipal Building, if allowed to meet on that date per COVID-19 restrictions. Members of the Planning Commission and City staff will be physically present at the Municipal Building for this meeting if allowed by health guidelines. The public may participate in these ways:

1. Provide comment in advance at [www.wheatridgespeaks.org](http://www.wheatridgespeaks.org) (comment by noon on May 18)
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 823 1937 4331 **and Passcode:** 779866
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 (meeting will be in-person unless prohibited by COVID-19 restrictions).

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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 – May 19, 2022**
  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-22-05**: an application filed by Anthony Sherman for approval of a zone change from Commercial-One (C-1) to Mixed Use Commercial Interstate (MU-C Interstate) on a property located at 10101 West I-70 Frontage Road North.
- B. **Case No. ZOA-22-03**: an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of Accessory Dwelling Units and making conforming amendments therewith.

**8. NEW BUSINESS**

- A. Upcoming Dates
- B. 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 Sara Spaulding, 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  
May 19, 2022**

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Vice Chair DITULLIO at 7:02 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, the City previously approved this meeting format in order to continue with normal business amid the COVID-19 pandemic and the related public emergency orders promulgated by the State of Colorado and the Wheat Ridge City Council. The Chair stated the rules and procedures necessitated by this virtual meeting format.

**2. ROLL CALL OF MEMBERS**

Commission Members Present: Kristine Disney  
Jerry DiTullio  
Will Kerns  
Daniel Larson  
Janet Leo  
Jonathan Schelke  
Julianne Stern

Commission Members Absent: Melissa Antol

Staff Members Present: Lauren Mikulak, Planning Manager  
Stephanie Stevens, Senior Planner  
Rocky Macsalka, Civil Engineer II  
Tammy Odean, Recording Secretary

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE ORDER OF THE AGENDA**

**It was moved by Commissioner DISNEY and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 7-0.**

**5. APPROVAL OF MINUTES – April 21, 2022**

**It was moved by Commissioner LARSON and seconded by Commissioner SCHELKE to approve the minutes of April 21, 2022, as written. Motion carried 7-0.**

**6. PUBLIC FORUM**

Vice Chair DITULLIO invited anyone to speak either on a subject not appearing on the agenda or on the 44<sup>th</sup> Avenue Subarea Plan update. No one wished to speak at this time.

**7. PUBLIC HEARING**

- A. Case No. WZ-20-01:** an application filed by Brandt Hospitality Group, Inc. for approval of a Specific Development Plan (SDP) for a Hampton Inn hotel on a property zoned Planned Mixed-Use Development (PMUD) and located at 4025 Clear Creek Drive (Planning Area 7 of Clear Creek Crossing).

Ms. Stevens gave a short presentation regarding the Specific Development Plan 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.

**John Heiberger, Applicant  
720 Vista Verde, Monument**

Mr. Heiberger gave a brief presentation regarding the history of Brandt Hospitality in Colorado and nationwide and about the proposed Hampton Inn & Suites building and amenities.

Commissioner KERNS inquired about the internal circulation and possible connection on the south side of the property.

Mr. Heiberger confirmed the intent is to have cross vehicular connectivity with adjacent developments and it will be the same on the northwestern side of the property as well.

Commissioner STERN asked for an explanation on the development vision with regards to the resident's comment on Wheat Ridge Speaks.

**Christine McRight, Evergreen Devco  
1873 S Belaire, Denver**

Ms. McRight explained Evergreen's intention and vision for the Clear Creek Crossing development. She continued by saying the challenge has been the economy associated with COVID, but Evergreen has not shifted direction in regard to the envisioned tenant lineup although the order of development has been

reshuffled. She added the pedestrian connectivity is very important and the hopes are for a strong 2022 leading into 2023.

Commissioner STERN also inquired about the grade differences between the parking lot, trail, and the natural environment beyond for this development.

Ms. McRight confirmed there is a tapered grade difference to the north and mentioned a tiered walling system will be created and landscaped. She added there will be pedestrian connectivity to the Prospect Trail and the Clear Creek Trail.

Commissioner LARSON asked if the market will be saturated with 7 Hampton Inns in the Denver area.

**John DuBois, Brandt Hospitality  
2864 Rivers Bend Dr., West Fargo, ND**

Mr. DuBois mentioned a lot of research goes into the location of a property and expressed his confident in this location.

In response to grading and lighting questions from Commissioner LARSON, Mr. Heiberger confirmed the finished level of the hotel's ground floor will be a little above the street for drainage purposes. He added the biggest challenge was the grade on the west side between the trail and the site. Mr. Heiberger added the site was designed with enough lighting to provide a safe environment for the patrons and mentioned the trail will also have lighting without light spillage across the property line.

Commissioner SCHELKE asked how close the Clear Creek Trail is to this development.

Ms. Stevens said there is a connection to Clear Creek Trail from Clear Creek Drive and from the SCL site. She clarified the trail being referred to for this development is the Prospect Trail which runs along the west side of the property and runs south to the residential neighborhood and golf course and will also connect to Clear Creek Trail to the north. Ms. Stevens added the Prospect Trail will be a 10-foot multi-use path.

**Public Comment**

No one wished to speak at this time

Commissioner LARSON asked what the next steps are for this development; he also noted this will be a suitable anchor for Clear Creek Crossing.

Ms. Stevens confirmed that Brandt Hospitality is working through the review process for civil construction plans, then approval of the plat and building permit and finally construction.

Commissioner DITULLIO thanked Community Development and applicant teams for succinct presentations and believes the hotel will be an asset to the community.

Commissioner KERNS thinks there is good opportunity to have some way-finding signage throughout the development directing users to the Clear Creek Trail and he is looking forward to having the hotel in the community as well.

Commissioner DISNEY believes this will be a lovely addition to Clear Creek Crossing. She also wanted to encourage people to take a walk around the entire development and believes the intent of the developer is shining through now that trails and sidewalks have opened for public use.

**It was moved by Commissioner DISNEY and seconded by Commissioner LEO to APPROVE Case No. WZ-20-01, a request for approval of a Specific Development Plan for a Hampton Inn hotel on property located within Planning Area 7 of the Clear Creek Crossing Planned Mixed Use Development at approximately 4025 Clear Creek Drive, for the following reasons:**

- 1. The specific development plan is consistent with the purpose of a planned development, as stated in Section 26-301 of the Code of Laws**
- 2. The specific development plan is consistent with the intent and purpose of the outline development plan.**
- 3. The proposed uses are consistent with those approved by the outline development plan.**
- 4. All responding agencies have indicated they can serve the property with improvements installed at the developer's expense.**
- 5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan and with the City's adopted design manuals.**

**With the following condition:**

- 1. The developer shall enter into a development agreement with the City to be recorded with the County Clerk & Recorder, and associated financial guarantee shall be provided, prior to issuance of building permits.**

**Motion approved 7-0.**

## **8. OLD BUSINESS**

## 9. NEW BUSINESS

### A. 44<sup>th</sup> Avenue Subarea Plan Update

Ms. Stevens gave a brief introduction to the 44<sup>th</sup> Avenue Subarea Plan, also introducing the MIG consultants Jay Renkins and Mark De La Torre.

**Jay Renkins, MIG**  
**518 17<sup>th</sup> St., Denver**

**Mark De La Torre, MIG**  
**4345 Brentwood St., Wheat Ridge**

Mr. Renkins gave a brief presentation regarding the scope and schedule, next steps, and the engagement timeline; Mr. De La Torre gave a brief presentation about the existing conditions around 44<sup>th</sup> Avenue and he summarized the engagement process and public feedback received to date.

Commissioner LARSON asked when the next public meeting will be held and wondered if enough people are being asked their opinions about 44<sup>th</sup> Avenue.

Mr. De La Torre confirmed the next public meeting will be held on July 6 at the Wheat Ridge Recreation Center. He also mentioned that businesses and residents have been engaged through focus groups, Let's Talk, cold calling to businesses and to larger apartment complexes, as well as taking part in a business walk with Steve Art on June 14. Ms. Mikulak noted that the 44<sup>th</sup> project is seeing a similar pattern as Let's Talk with slightly lower engagement in the project area compared to other parts of the City, but the engagement effort is using a variety of tools and outreach methods. Staff has budgeted for direct mailing to all addresses within the project boundary to capture as many voices as possible.

Commissioner KERNS inquired about the outreach to the non-English speaking part of the community.

Mr. De La Torre confirmed there were no request for translation. Ms. Mikulak added the postcards mailed at the start of the project included a contact option for Spanish speakers and she mentioned the City subscribes to an on-demand translation service accessible through tablets brought to public meetings which can help with translation as well.

In response to a question from Commissioner KERNS about pedestrian safety along 44<sup>th</sup> Avenue, Mr. De La Torre mentioned it is a bit too early to elaborate on safety, but it has been raised as a concern and will be looked at.

Commissioner KERNS observed the notable lack of tree canopy along the corridor.

Commissioner STERN appreciates the use of nodes and gateways and encouraged the team to be bold about what can be done in this part of the city. She observed how uncomfortable it can be to walk along segments of 44<sup>th</sup> particularly when accessing Anderson Park from the east, and she emphasized the need for connectivity be an important part of the 44<sup>th</sup> Avenue subarea plan.

Commissioner LARSON asked what happens if not everyone supports the plan.

Mr. De La Torre said there will always be compromises and trade-offs through the process. Mr. Renkins added there will be a little bit of something in the plan for everyone.

Commissioner SCHELKE inquired about the truck stop which is a defining feature on 44<sup>th</sup> Avenue.

Ms. Mikulak said the truck stop is a long-standing business, and we are transitioning to the more technical analysis phase that will inform the plan. There are no plans to relocate existing businesses, but staff will study the land use and the impact of the truck traffic. Ms. Stevens added that the community input so far is generally not opposed to the truck stop as a use but wants to address safety concerns.

Commissioner DITULLIO reminded all that the 38<sup>th</sup> Avenue corridor plan was also a 50/50 split on opinions and wonders if property owners of multi-family properties have been contacted.

Ms. Mikulak confirmed that the City is trying to equally engage property owners, tenants and business owners; adding that lessons have been learned from 38<sup>th</sup> Avenue. She also mentioned that the west side of Wheat Ridge has not experienced as much rapid change like the east side; staff and MIG are trying to find the balance between people not wanting dramatic change, but still wanting some change and visual improvements.

Commissioner DISNEY asked about the geographic scope of the subarea plan and why it doesn't extend all the way to Sheridan.

Ms. Stevens clarified that this was the recommendation from the Neighborhood Revitalization Strategy (NRS).

B. Upcoming Dates

Ms. Mikulak informed the Commission that there will be June 2<sup>nd</sup> meeting, but not a June 16<sup>th</sup> meeting.

C. Project and Development Updates

Ms. Mikulak mentioned that International Paper will be moving into the Axis 70 warehouse building at 4990 Parfet.

Commissioner LARSON said the International Paper building is an attractive addition to I-70 in that location and recommended people drive by there and the Ward Station area because the developments are looking good there as well.

Ms. Mikulak also announced that the Parks and Recreation Department is currently in the process of hiring summer staff and if weather permits there will be paint drop-off at Anderson Park on Saturday, May 21.

Commissioner DISNEY inquired who designed the westbound Ward Rd onramp onto I-70 because she does not agree with it.

Ms. Mikulak clarified it was a CDOT project.

Commissioner LEO added she is also not happy with the new on and off ramps at 32<sup>nd</sup> and Youngfield and Clear Creek Crossing because of u-turning movements that occur west of the interstate.

Ms. Mikulak said she will forward the comment to Public Works.

Commissioner DITULLIO asked about the timeline for the rezoning of the Lutheran Campus.

Ms. Mikulak said that Lutheran Campus is not listed for sale yet and it still could be a couple years.

**10. ADJOURNMENT**

**It was moved by Commissioner KERNS and seconded by Commissioner LEO to adjourn the meeting at 8:30 p.m. Motion carried 7-0.**

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**Melissa Antol, 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.

**Legend**

 Subject Property



**10101 W. I-70 Frontage Road North**  
Case No. WZ-22-05

0 100 200 300 400 Feet
   
 State Plane Coordinate Projection
   
 Colorado Central Zone
   
 Datum: NAD83
   


**DISCLAIMER NOTICE**

This is a pictorial representation of geographic and demographic information. Reliance upon the accuracy, reliability and authority of this information is solely requestor's responsibility. The City of Wheat Ridge, in Jefferson County, Colorado - a political subdivision of the State of Colorado, has compiled for its use certain computerized information. This information is available to assist in identifying general areas of concern only. The computerized information provided should only be relied upon with corroboration of the methods, assumptions, and results by a qualified independent source. The user of this information shall indemnify and hold free the City of Wheat Ridge from any and all liabilities, damages, lawsuits, and causes of action that result as a consequence of his reliance on information provided herein.

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

**REVIEW DATES:** June 2, 2022 (Planning Commission) / July 11, 2022 (City Council)

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

**CASE NO. & NAME:** WZ-22-05 / American Motel Rezone

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

**LOCATION OF REQUEST:** 10101 W. I-70 Frontage Road North

**APPLICANT / OWNER:** MJB Motels, LLC (Owner) (Liz Newman, Representative)

**APPROXIMATE AREA:** 230,650 square feet (5.295 acres)

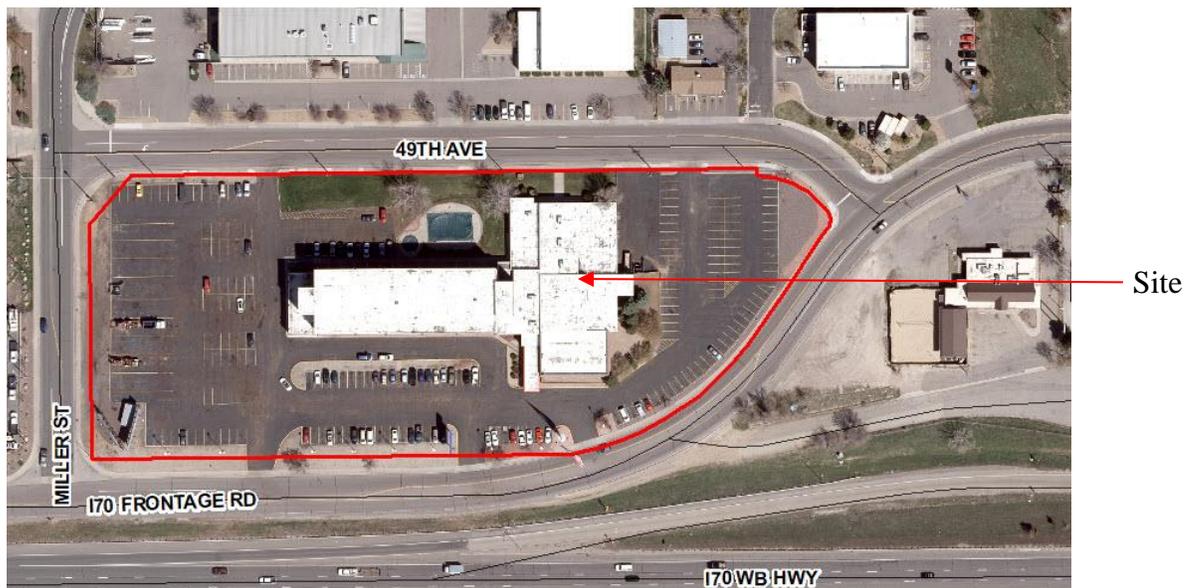
**PRESENT ZONING:** Commercial-One (C-1)

**COMPREHENSIVE PLAN:** Mixed-Use Commercial

**ENTER INTO RECORD:**

<input checked="" type="checkbox"/> CASE FILE & PACKET MATERIALS	<input checked="" type="checkbox"/> COMPREHENSIVE PLAN
<input checked="" type="checkbox"/> ZONING ORDINANCE	<input checked="" type="checkbox"/> DIGITAL PRESENTATION

**Location Map**



## **JURISDICTION:**

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

### **I. REQUEST**

The applicant is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) for the property at 10101 W. I-70 Frontage Road North. The applicant is the prospective buyer and is currently under contract. The zone change will result in a zoning that encourages revitalization and redevelopment of the site. The applicant intends to redevelop the site for multi-story residential apartments and potential commercial pad sites.

### **II. EXISTING CONDITIONS**

The property is located on the north side of Interstate-70 on the I-70 Frontage Road, between Miller Street and Kipling Street. (*Exhibit 1, Aerial*). There are currently five access points into the site from the I-70 Frontage Road and W. 49<sup>th</sup> Avenue. Land on all sides of the property has been dedicated as public right-of-way.

The property is currently zoned Commercial-One (C-1). The property is approximately 230,650 square feet (5.295 acres) and contains the 91,571-square foot American Motel built in 1975. The hotel is considered legally nonconforming because hotels are now considered Special Uses in the code, but the property was developed before that requirement was in place. Adjacent properties include a mix of zoning designations and land uses. To the north is a property zoned Planned Industrial Development (PID) including an industrial building with a plumbing supply company. To the northeast is the Blue Grass Terrace Shopping Center including an auto parts store, salon, and a variety of quick serve restaurants. Immediately east of the site is Hopper's Sports Grill, zoned C-1. To the west is a used car dealership and properties zoned C-1 and Agricultural-One (A-1). The property is adjacent to I-70 to the south. (*Exhibit 2, Zoning Map*).

### **III. PROPOSED ZONING**

The applicant is requesting the property be rezoned to MU-C Interstate, a zone district established to accommodate a wide range of uses from residential to commercial. This sub-district is intended for properties that are generally within five hundred (500) feet of I-70 and that are located on a commercial corridor with direct access to I-70. It follows the MU-C framework but is intended for highway-adjacent sites that may require variation in design or land use due to direct proximity to the interstate. The highway-adjacency allows for more auto-oriented uses than compared to other mixed use districts.

The applicant has proposed to rezone the property in order to support a greater number of uses that would encourage revitalization of the site and to provide greater benefit to the neighborhood (*Exhibit 3, Applicant Letter*). The applicant has stated they believe the zone change will provide a renewal of the property which was constructed in the 1970s, is aging, and has been identified as a property with disproportionately high calls for service to the Police Department. The City adopted extended stay lodging licenses in late 2021, but the current owner of the American Motel has not sought that license and instead put the property on the market. The applicant currently owns the Holiday Inn Express on the south side of the interstate, but does not intend to develop a new hotel on the current site due to

saturation of hospitality uses in the area. The proposed use of the site for mixed use and residential apartments would not be permitted in C-1 which limits potential options to revitalize the site. The MU-C Interstate district would provide more flexibility.

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 Interstate and C-1 districts have some similar development standards with permitted uses being the most notably different with MU-C Interstate 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 hotels are a special use and residential uses are prohibited. By contrast, MU-C Interstate zoning allows residential uses, commercial uses, or a mix of the two, and the permitted retail uses are greater in number. The MU-C Interstate zone district was created in 2010 as part of four mixed use districts, and it is specifically intended for sites like the subject property which are highway-oriented.

The property is currently one of many C-1 zoned parcels in the area, located near retail and office uses, and adjacent to I-70. The MU-C Interstate zone district would allow for continuity of these uses, allow for more auto-oriented uses catering to any highway traffic, and allow for additional uses, such as residential. The proposed zone district would allow the existing hotel as a permitted use if the applicant decides to maintain it. The subject property is part of the I-70/Kipling Urban Renewal Area and part of the voter-approved area exempted from the charter’s height and density limits. The proposed zoning would enable reinvestment by allowing a wide range of uses, encouraging a better utilization of land, and ensuring high quality urban design.

A summary of the MU-C Interstate zone district is provided below.

	<b><u>PROPOSED ZONING</u></b> <b>Mixed Use-Commercial Interstate (MU-C Interstate)</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>	4 stories (62’) if the building is single use 6 stories (90’) if the building is mixed 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	n/a
<b>Setbacks</b>	East (side): 0’ West (side): 0’	South (front): 50’ East (side): 30’ West (side): 30’ North (rear): 15’
<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 in the area, the MU-C Interstate zone district is appropriate in terms of allowed land uses and intensity. With surrounding properties including commercial and industrial uses and based on proximity to the interstate, the zone change should not have an adverse effect on the surrounding area. Instead, the MU-C Interstate zoning is expected to add value to the subject property. The mixed-use development standards will support high quality design and compatibility between future redevelopment and existing land uses. The age and disinvestment of the subject property have contributed to a perception that it is blighted and associated with disproportionately high calls for service from the Police Department. The zone change would allow the applicant to make the desired investment and contribute to the welfare of the community.

*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 review and building permit review will be required for any future major change of use or redevelopment, and will ensure compliance with current Building Codes, as well as the Fire Code.

*Staff concludes that this criterion has been met.*

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

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

A stated goal in the comprehensive plan is to promote reinvestment in property, particularly in high priority areas. 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 area. In the Comprehensive Plan, the Structure Plan designates the property as Mixed-Use Commercial (*Exhibit 5*). The designation is used for existing commercial areas mixed with office and employment. Focus in these areas is on long-term infill and redevelopment, reinvestment, and high-quality urban design and landscaping for vacant or underutilized properties, with "centers" being the primary emphasis.

Goals for this designation include making Wheat Ridge a “community of choice” in which to live, work, shop, and recreate, attracting quality retail development and actively retaining existing retailers to locate in Wheat Ridge, increasing the diversity of land uses, revitalizing key redevelopment areas, increasing housing options, and establishing and maintaining a resilient and sustainable tax base. The area surrounding the I-70 and Kipling interchange, including the subject site, is specifically noted as a priority area for infill and redevelopment (Economic and Land Use Policy 5.1). Policy 5.2 calls for high quality redevelopment, and the proposed rezoning fulfills these policy goals by delivering the most appropriate zoning designation for the site. The Comprehensive Plan recognizes the need for more housing options (Neighborhood and Housing Goal 2). Given the sensitivity of the community to density and the classification of the surrounding roadways, the subject site is ideally situated to meet the community’s need for multiunit options.

The subject site is also part of the I-70/Kipling Urban Renewal Area (URA). The urban renewal plan for that URA was adopted in the same year as the Comprehensive Plan and calls for high quality architecture and design, the incorporation of new and existing uses into a mixed-use format, stabilization of existing neighborhoods, and improved connections for vehicles, pedestrians, bicycles, and other modes of transportation. 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 proposed rezoning does not relate to a change of character in the area.

*Staff concludes that this criterion is not applicable.*

**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 March 30, 2022. This meeting was advertised and conducted as a virtual meeting on Zoom. One person 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, May 20, 2022, 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. Agencies are advised that no comments received shall be inferred to mean there are no concerns. Specific referral responses follow:

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

**Wheat Ridge Economic Development:** No concerns, this proposal does not conflict with the I-70/Kipling Corridor Urban Renewal Plan.

**City of Arvada Planning Division:** No comments received.

**CDOT:** No comments received.

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

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

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

**Comcast Cable:** No comments received.

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

**Clear Creek Valley Sanitation District:** No concerns. Any future development would be referred to the district for review and approval.

## VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zone change promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area. Staff further concludes that utility infrastructure adequately serves the property, and the applicant will be responsible for upgrades, if needed in the future. Finally, staff concludes that the zone change is

consistent with the goals and objectives of the Comprehensive Plan. The Mixed Use-Commercial Interstate zoning designation is appropriate for the subject property allowing the existing land to become conforming and enabling the possibility of future redevelopment which aligns with the City's adopted goals and policies.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-22-05.

## **VIII. SUGGESTED MOTIONS**

### **Option A:**

"I move to recommend APPROVAL of Case No. WZ-22-05, 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 10101 N. I-70 Frontage Road, for the following reasons:

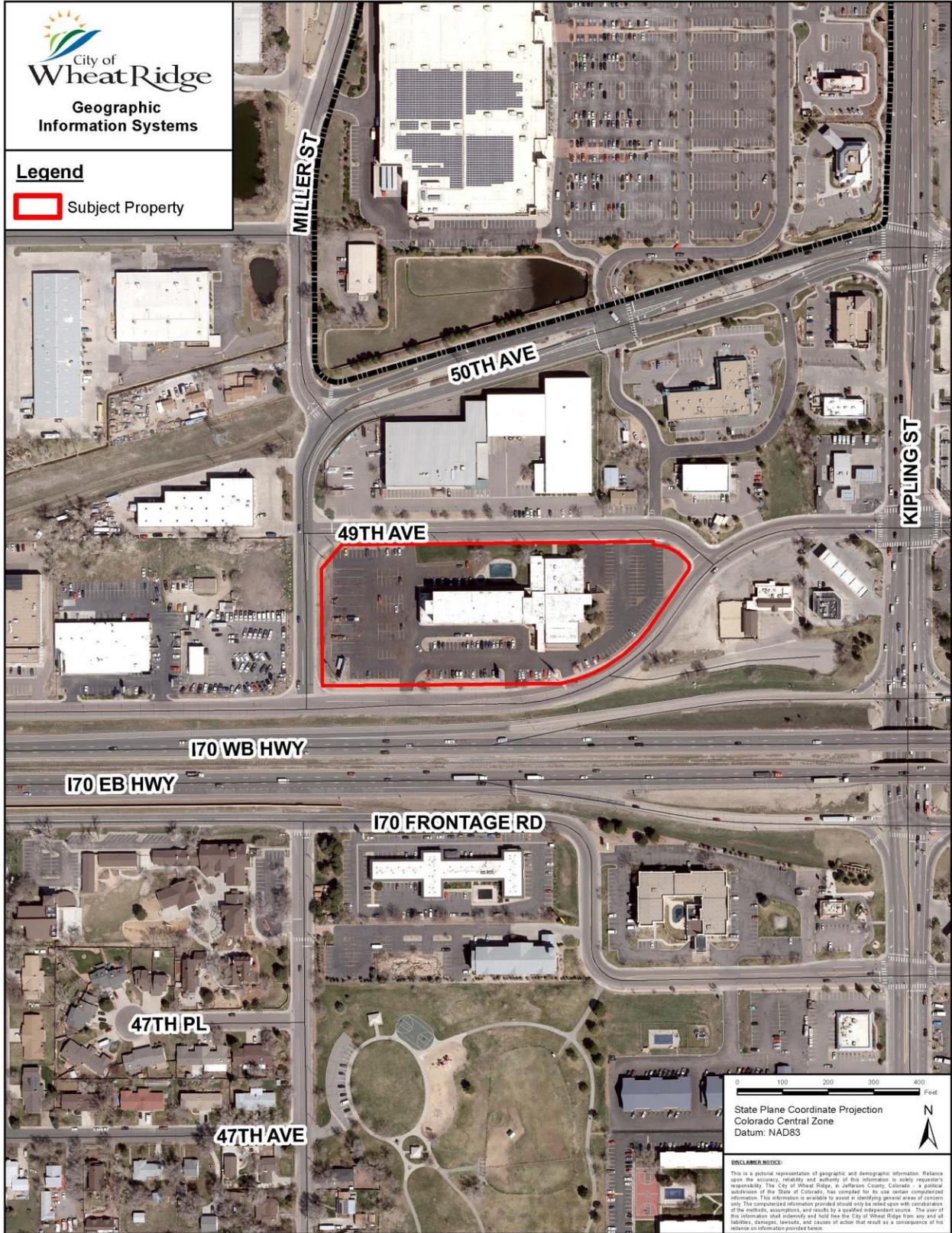
1. The proposed zone change will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
2. Utility infrastructure adequately services the property.
3. The proposed zone change is consistent with the goals and objectives of the City's Comprehensive Plan.
4. The zone change will provide additional opportunity for reinvestment in the area.
5. The criteria used to evaluate a zone change supports the request."

### **Option B:**

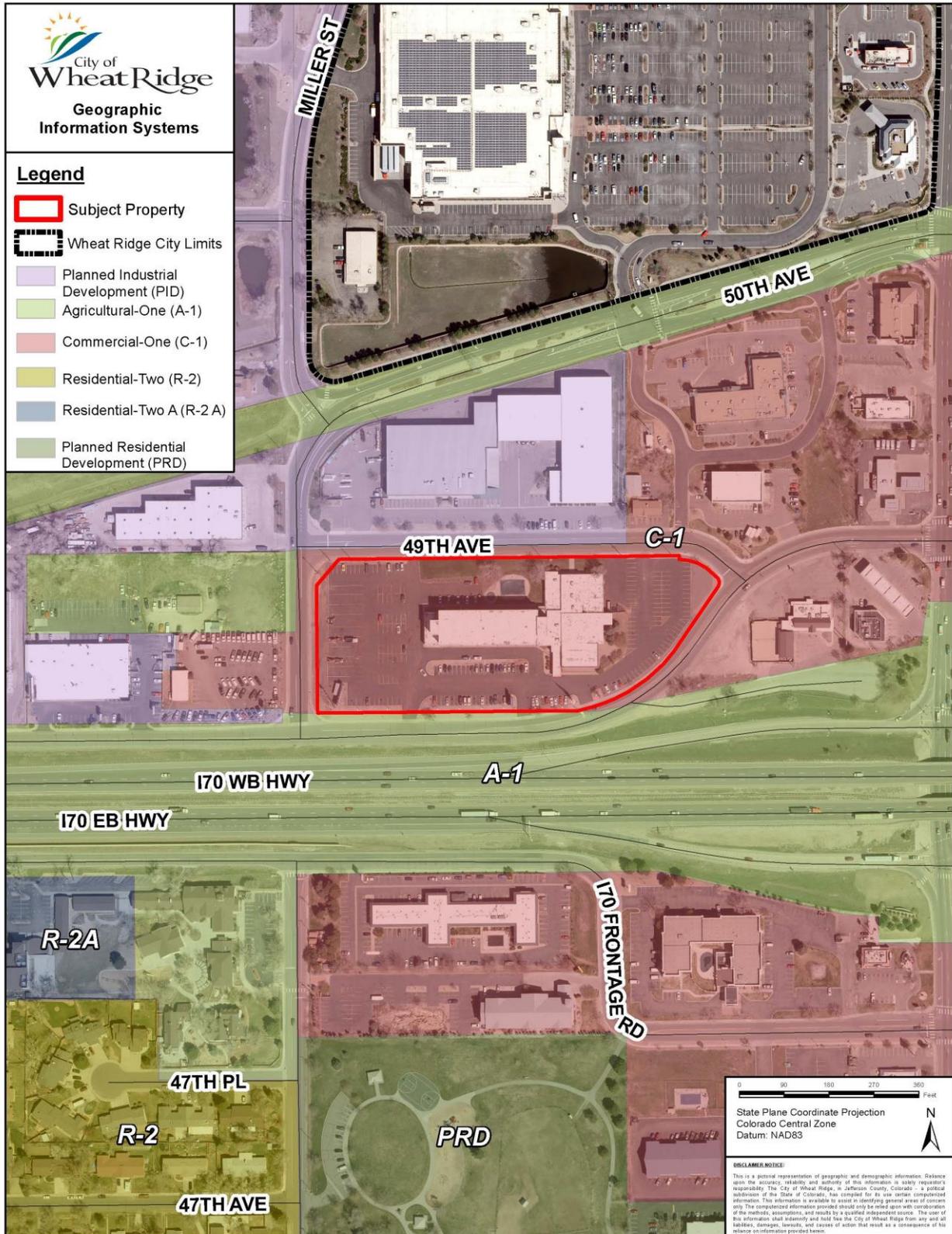
"I move to recommend DENIAL of Case No. WZ-22-05, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Commercial Interstate (MU-C Interstate) for property located at 10101 N. I-70 Frontage Road, for the following reasons:

- 1.
2. ..."

# EXHIBIT 1: AERIAL



# EXHIBIT 2: ZONING MAP



# EXHIBIT 3: APPLICANT LETTER

## WRITTEN REQUEST, DESCRIPTION AND JUSTIFICATION OF THE PROPOSAL

The property is located on the north side of Interstate-70 on the I-70 Frontage Road, between Miller Street and Kipling Street. There are currently five access points into the site from the I-70 Frontage Road and W. 49th Avenue. Land on all sides of the property has been dedicated as public right-of-way.

The property is currently zoned Commercial-One (C-1). The property is approximately 230,650 square feet (5.295 acres) and contains the 91,571-square foot American Motel built in 1975. Adjacent properties include a mix of zoning designations and land uses. To the north is a property zoned Planned Industrial Development (PID) including an industrial building with a plumbing supply company. To the northeast is the Blue Grass Terrace Shopping Center including an auto parts store, salon, and a variety of quick serve restaurants. Immediately east of the site is Hopper's Sports Grills, zoned C-1. To the west is a used car dealership and properties zoned C-1 and Agricultural-One (A-1). The property is adjacent to I-70 to the south.

### Applicant/Owner Preliminary Proposal:

The applicant has proposed to rezone the property from C-1 to Mixed Use-Commercial Interstate (MU-C Interstate) in order to support a greater number of uses that would encourage revitalization of the site, and to provide greater benefit to the neighborhood. The applicant is currently in escrow to purchase the property with the intention of redeveloping the site with a mix of uses, including multi-story residential apartments and potentially some commercial pad sites, or a remodel of a portion of the existing hotel for a mix of hospitality and new residential apartment uses.

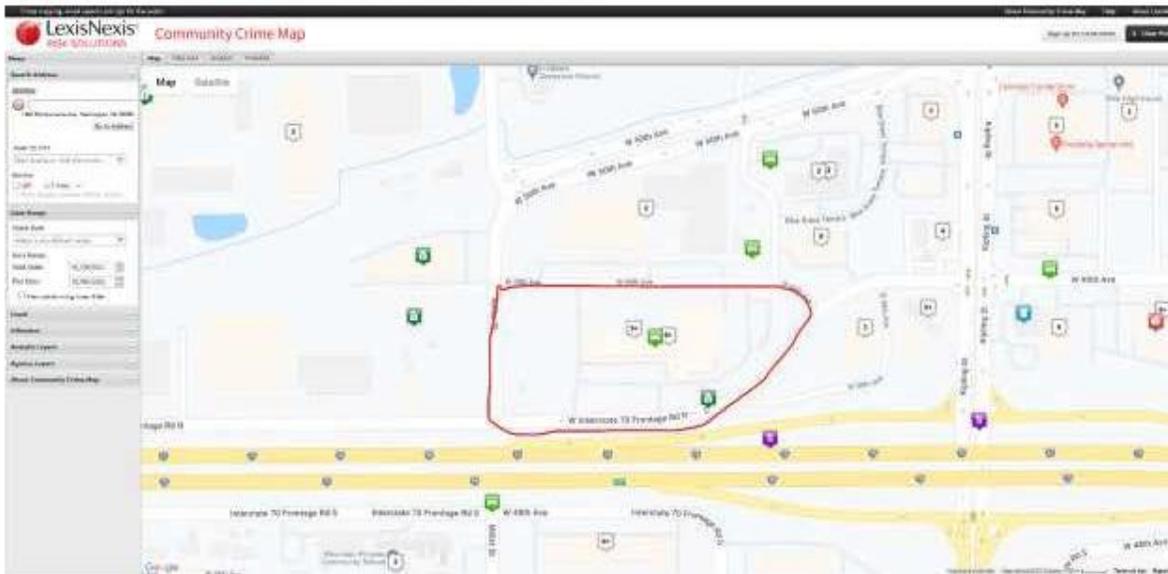
\_\_\_ INCLUDE A RESPONSE TO THE ZONE CHANGE REVIEW CRITERIA—THESE ARE FOUND IN SECTION 26-112 OF THE MUNICIPAL CODE (Section 26-112.E)

E. *Criteria for review.* The planning commission and city council shall base its decision in consideration of the extent to which the applicant demonstrates 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;

**Applicant Response:** The change of zone will promote the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area for the following reasons:

- i. The change of zone will provide a renewal of the property which was constructed in the 1970's and is considered by the applicant as a low-cost motel, which has historically been an area of high crime rates, with over 20 reported crimes at this location from Jan 2021 to Jan 2022. It is inferred by the applicant that the lower motel room pricing attracts unwanted criminal behavior and drug activity. See graphic below from the LexisNexis crime map:



- ii. The MU-C Interstate district was established to accommodate a wide range of uses from residential to commercial and would allow for more auto-oriented uses such as drive-thrus. This sub-district is intended for properties that are generally within five hundred (500) feet of Interstate-70 and that are located on a commercial corridor with direct access to Interstate-70. It follows the MU-C framework but is intended for highway-adjacent sites that may require variation in design or land use due to direct proximity to the interstate.
- iii. City of Wheat Ridge Planning staff has recommended via the pre-application meeting to rezone the property to MU-C Interstate based on the location of the site and its relationship to I-70. The zone change would allow for revitalization of the property and help to meet the goals of the City's Comprehensive Plan. Hotels, apartments and commercial uses are all permitted in MU-C Interstate.

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; and

**Applicant Response:** The existing property is currently served by water, sewer, electrical, gas and communication utilities. The providers are listed below:

- Arvada Fire Protection District, phone: 303-424-3012
- Valley Water District, phone: 303-424-9661
- Clear Creek Valley Sanitation District, phone: 303-424-4194

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.

- i. **Applicant Response: City of Wheat Ridge Planning staff has recommended via the pre-application meeting to rezone the property to MU-C Interstate based on the location of the site and its relationship to I-70. The zone change would allow for revitalization of the property and help to meet the goals of the City's Comprehensive Plan. Hotels, apartments and commercial uses are all permitted in MU-C Interstate. The change of zone will provide a renewal of the property which was constructed in the 1970's and is considered by the applicant as a low-priced motel, which has historically been an area of high crime rates, with over 20 reported crimes at this location from Jan 2021 to Jan 2022. It is inferred by the applicant that the lower motel room pricing attracts unwanted criminal behavior and drug activity.**

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.

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.

\_\_\_ INCLUDE A JUSTIFICATION OF WHY THE ZONE CHANGE IS APPROPRIATE ADDRESSING THESE ISSUES:

· THE NEED FOR THE ZONE CHANGE.

- i. **Applicant Response: City of Wheat Ridge Planning staff has recommended via the pre-application meeting to rezone the property to MU-C Interstate based on the location of the site and its relationship to I-70. The zone change would allow for revitalization of the property and help to meet the goals of the City's Comprehensive Plan. Hotels, apartments and commercial uses are all permitted in MU-C Interstate.**

· PRESENT AND FUTURE EFFECT ON THE EXISTING ZONE DISTRICTS, DEVELOPMENT AND PHYSICAL CHARACTER OF THE AREA.

**Applicant Response: Compliment to existing zone districts and increase value of surrounding zone districts and surrounding areas.**

· ACCESS TO THE AREA, TRAFFIC PATTERNS AND IMPACT OF THE REQUESTED ZONE ON THESE FACTORS.

**Applicant Response: The applicant will work with CDOT and City of Wheat Ridge to address any traffic impacts and proposed improvements on the I-70 Frontage road, Miller Street, 49<sup>th</sup> St,**

and the addition/planning for adding a bike lane along 49<sup>th</sup>/Miller St to comply with City's regional bike path route adjacent to the site.

- AVAILABILITY OF UTILITIES.

Applicant Response: The existing site is served by water, sewer, electrical, gas and communication utilities. The providers are listed below:

- Arvada Fire Protection District, phone: 303-424-3012
- Valley Water District, phone: 303-424-9661
- Clear Creek Valley Sanitation District, phone: 303-424-4194

- PRESENT AND FUTURE EFFECT ON PUBLIC FACILITIES AND SERVICES, SUCH AS FIRE, POLICE, WATER, SANITATION, ROADWAYS, PARKS, SCHOOLS, ETC.

It is anticipated the change of zone will improve the future effect on public facilities by reducing crime activity on the property and the surrounding area, reducing drug activity within the area, and reduce the number of emergency services dispatch calls to the property. It is anticipated that the zone change would allow for complete or partial redevelopment of the property, and depending on the development density, may require additional fire hydrants or water system improvements within the property, which would be an improvement to the health and safety of the property. It was discussed during the pre-application meeting that a proposed project just south of the site at 44<sup>th</sup> and Kipling will be improving the sanitary sewer system and the applicant will coordinate with the developer and their engineering team with Jim Shipman to coordinate sewer improvements.

- A DISCUSSION OF THE RELATIONSHIP BETWEEN THE PROPOSAL AND ADOPTED LAND AND/OR POLICIES OF THE CITY.

- i. Applicant Response: City of Wheat Ridge Planning staff has recommended via the pre-application meeting to rezone the property to MU-C Interstate based on the location of the site and its relationship to I-70. The zone change would allow for revitalization of the property and help to meet the goals of the City's Comprehensive Plan. Hotels, apartments and commercial uses are all permitted in MU-C Interstate.

# EXHIBIT 4: NEIGHBORHOOD MEETING

## NEIGHBORHOOD MEETING NOTES

**Meeting Date:** March 30, 2022

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

**Location of Meeting:** Virtual

**Property Address:** 10101 N. I-70 Frontage Road

**Property Owner(s):** MJB Motels LLC

**Property Owner(s) Present?** No

**Applicant:** Tony Sherman

**Applicant Present?** Yes

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

**Existing Comp. Plan:** Mixed Use Commercial

**Existing Site Conditions:** The property is located on the north side of Interstate-70 on the I-70 Frontage Road, between Miller Street and Kipling Street. There are currently five access points into the site from the I-70 Frontage Road and W. 49<sup>th</sup> Avenue. Land on all sides of the property has been dedicated as public right-of-way.

The property is currently zoned Commercial-One (C-1). The property is approximately 230,650 square feet (5.295 acres) and contains the 91,571-square foot American Motel built in 1975. Adjacent properties include a mix of zoning designations and land uses. To the north is a property zoned Planned Industrial Development (PID) including an industrial building with a plumbing supply company. To the northeast is the Blue Grass Terrace Shopping Center including an auto parts store, salon, and a variety of quick serve restaurants. Immediately east of the site is Hopper’s Sports Grills, zoned C-1. To the west is a used car dealership and properties zoned C-1 and Agricultural-One (A-1). The property is adjacent to I-70 to the south.

**Applicant/Owner Preliminary Proposal:** The applicant has proposed to rezone the property from C-1 to Mixed Use-Commercial Interstate (MU-C Interstate) in order to support a greater number of uses that would encourage revitalization of the site, and to provide greater benefit to the neighborhood. The applicant is currently in escrow to purchase the property with the intention of redeveloping the site

with a mix of uses, including multi-story residential apartments and potentially some commercial pad sites.

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

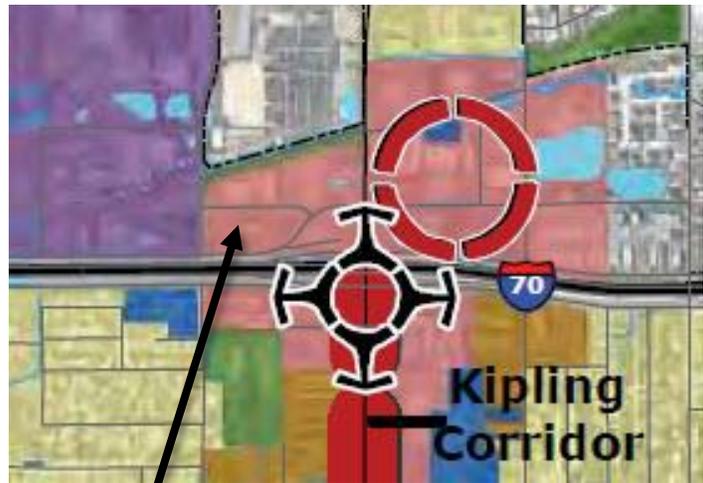
- In addition to the applicant, the applicant's team and staff, one member of the public attended the neighborhood meeting. The participant list is attached from Zoom, which serves as the virtual sign-in sheet.
- One member of the public, Nicholas Chin, spoke at the meeting.
- Staff discussed the site, its zoning and future land use.
- The applicant and members of the public were informed of the process for the Zone Change.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing, if required.

**The following issues were discussed regarding the Zone Change request and proposed development:**

- What are the plans for the site and how might it affect the Bluegrass Shopping Center?  
*The applicant is wanting to demolish it all and start over with a nice apartment complex, this may help in revitalizing the area and bringing more patronage to the shopping center.*

# EXHIBIT 5: COMPREHENSIVE PLAN

The following is an excerpt from the Structure Map within the Comprehensive Plan. The subject property is designated Mixed Use Commercial.



**Subject Property**

 <b>Mixed-Use Commercial</b> 	<b>Community Commercial Center</b>  	 <b>Primary Gateway</b> 
 <b>Employment</b> 		

## EXHIBIT 6: SITE PHOTO



View of the subject property looking northwest from the N. I-70 Frontage Road.  
(Source: Google Maps, February 2022)

**MEETING DATE: June 2, 2022**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS AND MAKING CONFORMING AMENDMENTS THEREWITH**

**CASE NO. ZOA-22-03**

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PUBLIC HEARING

CODE CHANGE ORDINANCE

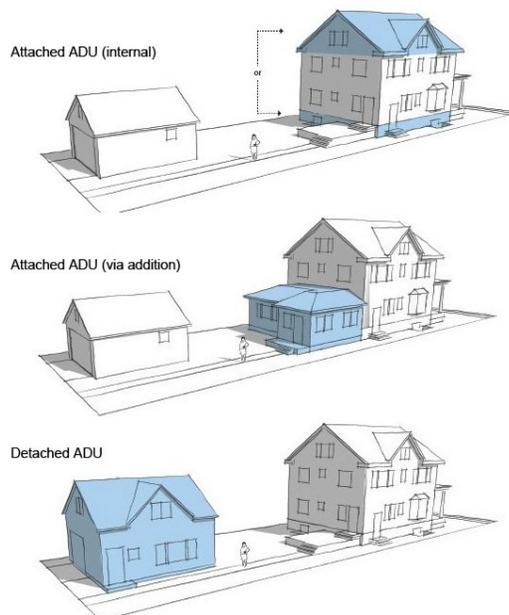
Case Manager: Scott Cutler

Date of Preparation: May 20, 2022

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**SUMMARY:**

An Accessory Dwelling Unit (ADU) is a smaller, independent residential dwelling unit located on the same property as a single-unit home. ADUs can be converted portions of existing homes or additions to new or existing homes (attached ADUs), or they can be new or converted stand-alone accessory structures (detached ADUs). These ADU typologies are shown in the graphic below.



Source: City and County of Denver.

At a study session in November 2021, City Council gave specific policy direction and made a consensus for staff to begin drafting an ordinance allowing ADUs. In April 2022, staff returned to City Council at a study session to present an ordinance framework and received final consensus to move forward with an ordinance as represented within this staff report and the attached draft ordinance. The content of the proposed ordinance is based on the ordinance framework presented to Council in April 2022 as well as additional policy direction given at that meeting.

**BACKGROUND:**

*Current Regulations*

The City’s zoning code (Chapter 26) does not specifically define Accessory Dwelling Units but does have a definition for “dwelling unit.” A dwelling unit is defined in Section 26-123 as:

*A building or any portion of a building designed for occupancy as complete, independent living quarters for one (1) or more persons, having direct access from the outside of the building or through a common hall, and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.*

Section 26-625 (Accessory buildings and structures) provides regulations on accessory buildings, which are buildings incidental or subordinate to the principal use and structure on a property. Section 26-625.C.1.c.iv specifically prohibits dwelling units to be located within accessory buildings “except as otherwise expressly allowed.” No other portions of the code expressly allow dwelling units in accessory buildings, so effectively detached ADUs are not permitted in the City of Wheat Ridge.

Where multiple units are permitted by virtue of the zoning, lot size, and lot width; then the code requires they be attached units. For example, a duplex is required to be two attached units. Because the multiple dwelling units are each considered a primary use, they are required to have their own utility taps and can be sold separately. A Planned Building Group (Section 26-116) can be reviewed to allow multiple primary structures on a property, but these are rare in a residential context and do not relate to accessory structures.

ADUs, attached or detached, are intended to be subordinate to the principal dwelling unit on the property, so they differ from the existing forms of multiple units already allowed in the City. They differ from other housing types already considered within the code.

*Public Process*

ADUs have long been included in public processes and discussions in Wheat Ridge. Discussions began in November 2015 with two public input meetings and multiple study sessions. At that time, City Council chose to table the discussion indefinitely. However, the public has been consistently in support of allowing ADUs in some capacity. The Neighborhood Revitalization Strategy (NRS) completed in July 2019 acknowledged public support of ADUs but at that time recommended prioritizing other projects over ADUs and to see if ADUs were still important in 2021. The bi-annual resident surveys over the past several years show that at least two-thirds of residents support or strongly support allowing and regulating existing and new ADUs. These survey results have been consistent over time, showing sustained majority support for allowing ADUs in Wheat Ridge. The Let’s Talk Resident Engagement program launched in 2020, and a wide range of public input has been received; addressing ADUs was largely supported in neighborhood outreach programs, although some neighborhoods felt more strongly than others that the City should allow more flexibility for ADUs.

The two-year waiting period recommended by the NRS has passed, and all of the other recommendations from the NRS report regarding ADUs have been fulfilled. The Let's Talk program and resident surveys still show support for ADU legislation in 2021. Communities nearby and nationwide have continued to adopt and refine ADU ordinances. The City Council and staff have concluded it is the appropriate time for the City to adopt an ADU ordinance.

**PROPOSED CODE AMENDMENT:**

The proposed amendments to the zoning code are based on the consensus of City Council from the November 2021 and April 2022 study sessions. At those sessions, staff presented to Council a variety of considerations including national best practice and the common practice of peer communities. City Council gave staff specific direction to draft an ordinance based on the following policy direction.

*Proposed Regulation of ADUs*

- *Location Permitted:* ADUs are permitted in all residential, agricultural, new PRD/PMUD, and MU-N zone districts as an accessory use to a single-unit home.
- *Types of ADUs permitted:* Detached and attached.
- *Review required:* ADUs are subject to administrative review through review of a building permit application.
- *Minimum lot size for ADU:* None. Existing building coverage and setback requirements already limit size/location of ADUs. ADUs are exempt from any density restrictions because they are not primary dwellings and cannot be sold separately.
- *Owner occupancy requirement:* The primary dwelling unit or ADU must be occupied by the property owner. The ADU cannot be sold separately from the primary dwelling unit. This will be enforced through a deed restriction signed and recorded prior to Certificate of Occupancy. Some exceptions will be made for properties which currently exist as rental properties (i.e. both the primary unit and ADU are being rented).
- *Size restrictions:*
  - Not to exceed 50% of the gross floor area of the primary dwelling unit or 1,000 square feet, whichever is more restrictive.
  - Exception for attached ADUs in basement: The above size requirements do not apply, but an attached ADU in a basement may not exceed the area of the first floor of the same structure.
- *Height:* Not to exceed 25 feet (for a detached ADU), and bulk plane regulations apply. For attached ADUs, the height requirements of the primary structure apply (typically 35 feet in all residential zone districts).
- *Maximum number of ADUs per lot:* One (1).
- *Parking:* No additional off-street parking requirement beyond what is required for a single-unit home.
- *Nonconforming and existing ADUs:* The City will allow owners of property with existing ADUs (nonconforming or unsanctioned) to apply for legal ADU status. Zoning requirements will not have to be met for existing structures, but building code requirements may apply in order to address life safety concerns, electrical upgrades, and fire separation. A grace period will allow for property owners to come forward without fear of penalty. This approach has been a high priority for City Council who has provided specific policy direction to staff on this topic.

### *Additional Components of Ordinance*

- *Short-term rentals:* An ADU may be a short-term rental (STR) provided the host continuously resides on the same property. Because the ADU ordinance requires a property owner to live in the primary or accessory dwelling unit, this will allow an ADU to be an STR and considered an owner-occupied (or partial) short-term rental. This code update does not change the regulatory approach for STRs, but it provides additional clarification on the relationship between ADUs and STRs.
- *New and updated definitions:* Definitions for ADU, detached ADU, and attached ADU will be added to the code. Existing definitions for single-family, duplex, and multifamily will be revised so that all terminology within the code is consistent (see next bullet point).
- *Replacement of housing terms:* The zoning code contains discrepancies in the definitions of housing types. The Mixed Use code (Article XI of Chapter 26) was adopted in 2010 to create mixed use districts and to modernize use categories. This resulted in different terms being used in the rest of Chapter 26 to define the same housing type, which results in confusion and multiple parallel definitions. City Council supported changing instances of “one-family”, “two-family”, and “multifamily” in the code to “single-unit” or “single detached dwelling”, “duplex” or “two-unit”, and “multi-unit” or “multiple dwellings”, respectively. This will help modernize the code and create consistency throughout Chapter 26. Per the City Attorney, this is considered a conforming amendment since existing definitions are already being revised and new ones being added for the ADU ordinance.

### *Purpose*

As stated above, the content of the ordinance is based on the consensus provided by City Council at two study sessions in the past year. The ordinance is intended to permit ADUs in residential areas citywide and provide flexibility for homeowners in terms of design and location. ADUs are one component of the “missing middle” which helps increase housing options in Wheat Ridge. Most peer communities in the metro area already allow ADUs, and nationwide the American Planning Association (APA) and American Association of Retired Persons (AARP) continue to advocate for ADUs which can play a central role in broadening housing options.<sup>1</sup>

### *Public Notice*

Notice for this public hearing was provided as required by the Wheat Ridge Code of Laws (“Code”).

### *Next Steps*

The Planning Commission’s recommendation will be forwarded to City Council after the June 2 public hearing. This ordinance is scheduled for first reading at City Council on June 27, 2022 and scheduled for public hearing at City Council on July 11, 2022.

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<sup>1</sup> The American Planning Association (APA) periodically publishes policy guides representing the organization’s official position on critical planning issues. The APA’s 2019 Housing Policy Guide recognizes ADUs as helping communities to age in place and to broaden housing options:

[https://planning-org-uploaded-media.s3.amazonaws.com/publication/download\\_pdf/Housing-Policy-Guide-rev.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Housing-Policy-Guide-rev.pdf)

The AARP is a well-established advocate for ADUs, and also in 2019 released a policy guide called *The ABCs of ADUs* which outlines best practices for ADU legislation and explains why ADUs can benefit a community by addressing affordability and intergenerational living: <https://www.aarp.org/content/dam/aarp/livable-communities/livable-documents/documents-2019/ADU-guide-web-singles-071619.pdf>

**RECOMMENDED MOTION:**

“I move to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of Accessory Dwelling Units and making conforming amendments therewith.”

**Exhibits:**

1. Proposed Ordinance (Draft)

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_**  
**COUNCIL BILL NO. \_\_\_\_\_**  
**ORDINANCE NO. \_\_\_\_\_**  
Series 2022

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT  
RIDGE CODE OF LAWS CONCERNING THE REGULATION OF  
ACCESSORY DWELLING UNITS AND MAKING CONFORMING  
AMENDMENTS THEREWITH**

**WHEREAS**, the City of Wheat Ridge, Colorado is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of 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 comprehensive plan for the City of Wheat Ridge, *Envision Wheat Ridge*, contains goals for increasing the types of housing options available in the community; and

**WHEREAS**, public input over the last six years has indicated consistent support for accessory dwelling units (ADUs) among community members; and

**WHEREAS**, the Council recognizes ADUs can play an important role in addressing housing need, affordability, and intergenerational households; and

**WHEREAS**, the Council finds that it is necessary to adopt regulations allowing ADUs within the City of Wheat Ridge;

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

**Section 1.** Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to Chapter 26 of the Code concerning zoning, is hereby amended by revision of certain definitions and the addition of the following new definitions in the appropriate alphabetical location, as follows:

**Accessory dwelling unit. A dwelling unit located on the same lot with a single detached dwelling and subordinate in size and purpose to the primary dwelling.**

**Accessory dwelling unit, attached. An accessory dwelling unit that is a distinctly separate unit from the primary dwelling unit but is**

physically attached to or is integrated within the same structure as the primary dwelling unit, including a basement, addition, floor, or portion of a floor.

*Accessory dwelling unit, detached.* An accessory dwelling unit that is located within an accessory structure on the same lot as the primary dwelling unit.

...

*Building, accessory.* A subordinate building or portion of a main building the use of which is incidental to that of the main building or use on the same lot. These accessory buildings shall include, but are not limited to, private storage sheds, detached garages, detached carports, detached accessory dwelling units, membrane structures that meet current building code requirements, chicken coops, gazebos, greenhouses and barns. An urban garden use may but is not required to have a main building. Except for urban garden uses, an accessory building must be clearly subordinate to a main building located on the same lot and an accessory structure shall not be located on a vacant lot devoid of a main building.

...

~~*Dwelling, one-family*~~ *Dwelling, single detached.* A building designed for occupancy by not more than one (1) family. **A single dwelling unit in a single building not attached to other buildings other than those accessory to the dwelling. Also referred to as single-unit dwelling.**

~~*Dwelling, two-family*~~ *Dwelling, duplex.* A building designed for occupancy by two (2) families living in separate dwelling units as tenants from month to month or for a term longer than one (1) month. **A building containing two (2) separate primary dwelling units attached by one (1) or more common walls either in a stacked configuration or side-by-side configuration. Also referred to as two-unit dwelling.**

~~*Dwelling, multiple.* A building or group of buildings designed for occupancy by three (3) or more families living in separate dwelling units as tenants from month to month or for a term longer than one (1) month. **Three (3) or more dwelling units where each unit is attached to the other units either in a stacked configuration or a side-by side configuration. Also referred to as multi-unit dwelling.**~~

**Section 2.** The “Table of Uses – Residential” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in residential zone districts, is hereby amended as follows:

<i>Accessory Uses for Residential Zone Districts</i>	<i>Notes</i>
<b><u>Accessory dwelling unit (ADU)</u></b>	<b><u>See § 26-646, allowed as an accessory use to a single detached dwelling</u></b>

**Section 3.** The “Table of Uses – Agricultural and Public Facilities” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in agricultural and public facility zone districts, is hereby amended as follows:

<i>Agricultural and Public Facilities Districts Accessory Uses</i>	<i>Notes</i>
<b><u>Accessory dwelling unit (ADU)</u></b>	<b><u>See § 26-646, allowed as an accessory use to a single detached dwelling</u></b>

**Section 4.** Section 26-205.B (Residential-One District (R-1)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (a)	Minimum Side Yard Setback (b)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	30' (c)	15'	15'
	Minor	10'	200 sf	N/A	N/A	30' (c)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b> (f)	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>30'</u></b> (c)	<b><u>15'</u></b>	<b><u>15'</u></b>

...

**(f) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 5.** Section 26-206.B (Residential-One A District (R-1A)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (a)	Minimum Side Yard Setback (b)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	25' (c)	5' if ≤10' in height, 10' if >10' in height	5' if ≤10' in height, 10' if >10' in height
	Minor	10'	400 sf	N/A	N/A	25' (c)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b> (f)	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>25'</u></b> (c)	<b><u>5' if ≤ 10' in height, 10' if &gt; 10' in height</u></b>	<b><u>5' if ≤ 10' in height, 10' if &gt; 10' in height</u></b>
...								

**(f) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 6.** Section 26-207.B (Residential-One B District (R-1B)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								

Accessory Buildings (f)	Major	15'	600 sf	N/A	N/A	25' (d)	5'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	300 sf	N/A	N/A	25' (d)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b> (h)	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>25'</u></b> (d)	<b><u>5'</u></b>	<b><u>5' if ≤ 10' in height, 10' if &gt; 10' in height</u></b>

...

**(h) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 7.** Section 26-208.B (Residential-One C District (R-1C)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
Accessory Buildings (e)	Major	15' (f)	600 sf	N/A	N/A	20' (d)	15'	15'
	Minor	10' (f)	300 sf	N/A	N/A	20' (d)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b> (f)	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>20'</u></b> (d)	<b><u>5'</u></b>	<b><u>5'</u></b>

**Section 8.** Section 26-209.B (Residential-Two District (R-2)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
Accessory Buildings (f)	Major	15'	1,000 sf per unit	N/A	N/A	25' (d)	5'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	400 sf	N/A	N/A	25' (d)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25' (h)</u></b>	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>25' (d)</u></b>	<b><u>5'</u></b>	<b><u>5' if ≤ 10' in height; 10' if &gt; 10' in height</u></b>
...								

**(h) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 9.** Section 26-210.B (Residential-Two A District (R-2A)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
	Major	15'	600 sf (per unit)	N/A	N/A	25' (d)	15'	5' if ≤10' in height;

Accessory Buildings (g)								10' if >10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (d)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b> (i)	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>25'</u></b> (d)	<b><u>5'</u></b>	<b><u>5' if ≤ 10' in height; 10' if &gt; 10' in height</u></b>

...

**(i) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 10.** Section 26-211.B (Residential-Three District (R-3)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
...								
Accessory Buildings (g)	Major	15' (h) (i)	600 sf (per unit)	N/A	N/A	25' (e)	5'	5' if ≤10' in height; 10' if >10' in height
	Minor	10' (h) (i)	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b> (i)	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>25'</u></b> (e)	<b><u>5'</u></b>	<b><u>5' if ≤ 10' in height; 10' if &gt; 10' in height</u></b>

...

**(i) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 11.** Section 26-212.B (Residential-Three A District (R-3A)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
...								
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (e)	15'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25' (i)</u></b>	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>25' (e)</u></b>	<b><u>5'</u></b>	<b><u>5' if ≤ 10' in height; 10' if &gt; 10' in height</u></b>

...

**(i) Bulk plane regulations shall apply in accordance with section 26-642.**

**Section 12.** Section 26-213.B (Agricultural-One District (A-1)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (d)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
...								

Accessory Buildings (e)	Major	35'	25%	N/A	N/A	30' (c)	15'	5'
	Minor	35'	25%	N/A	N/A	30' (c)	15'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b>	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>30'</u></b> (c)	<b><u>15'</u></b>	<b><u>5'</u></b>

**Section 13.** Section 26-214.B (Agricultural-Two District (A-2)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

*B. Development standards:*

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (e)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (f)	Major	35'	25%	N/A	N/A	30' (c)	15'	15'
	Minor	35'	200 sf	N/A	N/A	30' (d)	5'	5'
	<b><u>Accessory dwelling unit, detached</u></b>	<b><u>25'</u></b>	<b><u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>30'</u></b> (c)	<b><u>15'</u></b>	<b><u>5'</u></b>

**Section 14.** Section 26-312 of the Wheat Ridge Code of Laws, concerning planned residential development (PRD) district regulations, is hereby amended by the addition of a new subsection L, as follows:

**L. Any planned residential development approved on and after August 1, 2022, which allows single detached dwelling units as a primary use shall allow accessory dwelling units as an accessory use.**

**Section 15.** Section 26-316.B of the Wheat Ridge Code of Laws, concerning planned mixed use development (PMUD) district regulations, is hereby amended as follows:

B. *Permitted uses.* Permitted uses shall be a mixture of residential and commercial uses governed by approval of the outline development plan. Extended stay lodging shall be permitted only in planned mixed use districts and planned commercial districts, and only as a special use subject to the standards in chapter 11, article XVI. **Any planned mixed use development approved on and after August 1, 2022 which allows single detached dwelling units as a primary use shall allow accessory dwelling units as an accessory use.**

**Section 16.** Section 26-625 of the Wheat Ridge Code of Laws, concerning accessory buildings and structures, is hereby amended by deletion of subsection C.1.c.iv as follows:

~~iv. *Dwelling unit restriction.* Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory.~~

**Section 17.** Section 26-626 of the Wheat Ridge Code of Laws, concerning residential uses in commercial zones; conditions, is hereby amended by the deletion of subsection D, revision of subsection E, and appropriate re-lettering of the remaining subsections:

~~D. Residential dwelling units shall be no less than five hundred (500) square feet each.~~

~~DE. Parking shall be supplied at the rate of one (1) space per three hundred (300) square feet of floor area.~~ **Parking shall be supplied at the rate of one (1) space per dwelling unit.**

**Section 18.** Section 26-646.C of the Wheat Ridge Code of Laws, concerning allowances for short-term rental hosts, is hereby amended as follows:

C. *Maximum number per short-term rental host:* A short-term rental host, as defined in Section 26-123 (“short-term rental host”), may operate a short-term rental in up to one (1) dwelling unit not occupied by the host (**a “whole-home” rental**), and in up to one (1) dwelling unit occupied by the host (**a “partial-home” rental**) where a portion of the dwelling unit, such as a room or rooms, functions as a short-term rental, so long as the host continuously resides in the dwelling unit **or on the same property in either the primary or accessory dwelling unit**

through the duration of the rental. This maximum shall apply to all types of dwelling units in all zone districts, except for the following:

1. *Apartments and mixed use developments:* A short-term rental host, as the owner of an apartment or mixed-use development in the Mixed Use – Neighborhood (MU-N), Mixed Use – Commercial (MU-C) series, and Commercial-One (C-1) zone districts, may operate a maximum of four (4) dwelling units as short-term rentals within that development. For apartment and mixed-use developments with greater than forty (40) dwelling units in these zone districts, additional short-term rentals are permitted at a rate of five (5) percent of the total number of dwelling units, in addition to the four already permitted by this section. For the purposes of this subsection, an apartment or mixed-use development shall mean one or multiple contiguous properties under one ownership with one or more multifamily or mixed-use buildings.
2. *Condominium developments:* For condominium developments (those which have a recorded condominium plat allowing for individually-owned dwelling units) in any zone district, each individual dwelling unit owner is eligible, as a short-term rental host, to operate a short-term rental as provided by subsection C of this section, provided that the maximum number of such rentals allowed by subsection C.1 is not exceeded in the development.
3. **Accessory dwelling units: A short-term rental shall be permitted to operate within an accessory dwelling unit and shall be considered an owner-occupied or partial-home short-term rental.**

**Section 19.** A new Section 26-646 (Accessory dwelling units) is hereby adopted within Chapter 26, Article VI, Supplementary Regulations, to read as follows:

**Sec. 26-646. – Accessory dwelling units**

Accessory dwelling units, as defined in Section 26-123, are subject to the following requirements:

- A. *Eligible zone districts:* An accessory dwelling unit (ADU) shall be permitted as an accessory use to single detached dwellings in all residential and agricultural zone districts and in the mixed use-neighborhood (MU-N) zone district. New planned residential developments and planned mixed use developments that are approved on and after August 1, 2022 and that allow single detached dwelling units as a primary use shall also allow ADUs as an accessory use.
- B. *Development standards:*
  - a. Detached accessory dwelling units shall be subject to the accessory building development standards for the zone district in which they are located, set forth in sections 26-205 to 26-214.
  - b. Attached accessory dwelling units shall be subject to the principal building development standards for the zone district in which they are located, set forth in sections 26-205 to 26-214.

- c. *Size:* The floor area of an accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the primary dwelling unit, or one thousand (1,000) square feet, whichever is more restrictive. As an exception to this rule, an attached accessory dwelling unit in a basement or second floor may exceed this allowance, provided the area does not exceed the area of the first floor of the same structure.
      - d. *Height:* A detached accessory dwelling unit may not exceed 25 feet in height. The bulk plane regulations set forth in section 26-642 shall apply to all detached accessory dwelling units in residential zone districts.
  - C. *Parking:* No additional parking spaces shall be required. Parking requirements for short-term rentals may apply if the ADU is being operated as a short-term rental, subject to the standards in section 26-645.D.6.
  - D. *Maximum number:* A maximum of one (1) accessory dwelling unit shall be permitted per property.
  - E. *Owner occupancy:*
    - a. The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the primary dwelling unit or the ADU.
    - b. *Deed restriction:* As a condition of and prior to issuance of building permit for the ADU (or at a later time if determined by the director as appropriate for the proposed initial or later use of the property), the property owner shall be required to execute a declaration of restrictions, binding upon successors and assigns, in a form approved by the City Attorney, to be recorded by the City with the Jefferson County Clerk and Recorder, which requires that:
      - 1. The ADU shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of this Code;
      - 2. The primary dwelling unit or the ADU shall be occupied by the property owner; and
      - 3. Failure to continuously comply with deed restrictions may subject the owner of the property to penalties provided for in this Code, including the revocation of the certificate of occupancy or completion.
    - c. *Removal of deed restriction:* In the event the ADU is demolished or modified such that it no longer functions as an ADU, the community development director shall record appropriate documentation releasing such encumbrance.
  - F. *Nonconforming properties:*
    - a. Owners of property containing ADUs shall apply to the City for approval of the same on or before August 1, 2024. Upon review and approval of such applications by the City, the deed restriction requirement of subsection E

shall apply. Development standards of subsection B do not apply. A building permit shall be required for any construction or modification of the ADU to bring the structure into compliance with applicable building codes, unless an ADU is determined to be legally nonconforming pursuant to Section 26.120 as documented by proof provided by the owner and to the satisfaction of the community development director.

- b. If a property contains more than one (1) ADU, deemed lawful pursuant to subsection F.a by August 1, 2024, those ADUs shall be allowed to remain until voluntarily demolished or converted to other uses, consistent with the provisions of Code Section 26-120.C: *Nonconforming structures and uses*.
- c. The owner occupancy requirement of this section shall not apply to properties which, on August 1, 2022 (as documented by proof provided by the owner and to the satisfaction of the community development director), contain a primary dwelling and ADU, neither of which are occupied by the owner. In the event the property is sold or the owner commences occupancy of either the primary dwelling or ADU, this exemption from the application of the owner occupancy requirements of this section shall expire.

G. *Existing development on lot.* A single detached dwelling unit must exist as a primary dwelling unit on the lot or parcel or be constructed simultaneously with the ADU. A certificate of occupancy or completion for an ADU will only be issued after or coincident with issuance of the same for the primary dwelling unit.

**Section 20.** The “Permitted Uses” Chart set forth in Section 26-1111 of the Wheat Ridge Code of Laws, concerning permitted uses in mixed use zone districts, is hereby amended by inserting a new row concerning ADUs as follows:

<i>Permitted Uses</i>				
Use Group	<i>MU-C</i>	<i>MU-C Int</i>	<i>MU-C TOD</i>	<i>MU-N</i>
Ancillary Uses				
<b><u>Accessory dwelling unit (see § 26-646), as an accessory use to a single detached dwelling</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>NP</u></b>	<b><u>P</u></b>

**Section 21.** The following definitions within Section 26-1119 of the Wheat Ridge Code of Laws, defining certain terms applicable to Article XI of Chapter 26 of the Code concerning mixed use zoning, are hereby amended, as follows:

*Dwelling, duplex.* ~~A building designed for occupancy by two (2) families living in separate dwelling units as tenants from month to month or for a~~

term longer than one (1) month. **A building containing two (2) separate primary dwelling units attached by one (1) or more common walls either in a stacked configuration or side-by-side configuration. Also referred to as two-unit dwelling.**

...

*Dwelling, single detached.* A single dwelling unit in a single building not attached to other buildings other than those accessory to the dwelling. **Also referred to as single-unit dwelling.**

**Section 22.** All references to the terms “single-family,” “two-family,” and “multi-family” within Chapters 21 and 26 are hereby replaced with the terms “single-unit” or “single detached”, “duplex,” and “multi-unit” as enumerated in the attached Exhibit 1.

**Section 23. 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 24. Effective Dates; Compliance Required.** This Ordinance shall take effect on August 1, 2022, as permitted by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of X to X on this 27th day of June, 2022, 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 July 11, 2022 at 7:00 p.m., as a virtual meeting.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of \_\_\_ to \_\_\_, this 11<sup>th</sup> day of July, 2022.

SIGNED by the Mayor on this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bud Starker, Mayor

**ATTEST:**

\_\_\_\_\_  
Stephen Kirkpatrick, City Clerk

**Approved as to Form:**

---

Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript  
Effective Date:

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Jeffco Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)

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## Exhibit 1

The terms “single-family”, “two-family”, and “multi-family” are hereby replaced in the listed sections, as follows:

26-103.B	Replace "single and two-family" with "single detached and duplex"
26-103.E	Replace "single-family" with "single-unit dwelling"
26-111.A	Replace "single-family dwelling or one-duplex dwelling" with "single-unit dwelling or two-unit dwelling"
26-117.C	Replace "multifamily" with "multi-unit"
26-117.D	Replace "multifamily" with "multi-unit" (three instances)
26-117.D	Replace "single-family or two-family" with "single-unit or two-unit"
26-120.B	Replace "single-family" with "single-unit" and “single-family residence” with “single-unit dwelling”
26.120.C.1	Replace "one- or two-family" with "single- or two-unit"
26-123	Definition of Bed and breakfast rooms: Replace "one-family" with "single detached" (both instances)
26-123	Definition of Manufactured Home: Replace "single-family" with "single-unit or accessory"
26-204 (Residential Table of Uses)	Replace "One-family dwelling" with "Single detached dwelling"
	Replace "Two-family dwelling" with "Duplex dwelling"
	Replace "Three-family dwelling" with "Three-unit dwelling"
	Replace "Four-family dwelling" with "Four-unit dwelling"
	Replace "Multifamily dwelling" with "Multi-unit dwelling"
	For Farmers' markets use, update notes: Replace "single- or two-family home" with "single- or two-unit dwelling"
26-204 (Agricultural and Public Facilities Table of Uses)	In Accessory Uses table, for Farmers' markets, update notes: "Replace "single- or two-family home" with "single- or two-unit dwelling"
	Replace "One-family dwelling" with "Single detached dwelling"
26-205.B (R-1)	Replace "One-family dwelling" with "Single detached dwelling"
26-206.B (R-1A)	Replace "One-family dwelling" with "Single detached dwelling"
26-207.B (R-1B)	Replace "One-family dwelling" with "Single detached dwelling"
26-208.A (R-1C)	Replace "single-family" with "single-unit"
26-208.B (R-1C)	Replace "One-family dwelling" with "Single detached dwelling"
26-209.B (R-2)	Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling"
26-210.B (R-2A)	Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling" and “Multifamily” with “Multi-unit dwelling”
	Footnote d: Replace "one- or two-family" with "single- or two-unit"
	Footnote e: Replace “multifamily” with “multi-unit”
	Footnote h: Replace “multifamily dwelling units” with “multi-unit dwellings”
26-210.C (R-2A)	Replace "single- or two-family homes" with "single- or two-unit dwellings"

26-211.B (R-3)	<p>Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling" and replace "Multifamily" with "Multi-unit dwelling"</p> <p>Footnote e: Replace "one- or two-family" with "single- or two-unit"</p> <p>Footnote f: Replace "multifamily" with "multi-unit"</p> <p>Footnote i: Replace "one-family" with "single detached"</p> <p>Footnote i (after bulk plane line): Replace "multifamily dwelling units" with "multi-unit dwellings"</p>
26-211.C (R-3)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-212.B (R-3A)	<p>Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling" and "Multifamily" with "Multi-unit dwelling"</p> <p>Footnote e: Replace "one- or two-family" with "single- or two-unit"</p> <p>Footnote f: Replace "multifamily" with "multi-unit"</p> <p>Footnote h: Replace "multifamily dwelling units" with "multi-unit dwellings"</p>
26-212.C (R-3A)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-213.A (A-1)	Replace "single-family" with "single-unit"
26-213.B (A-1)	<p>Replace "One-family dwelling" with "Single detached dwelling"</p> <p>Footnote c: Replace "one-family or two-family dwelling" with "single-unit dwelling"</p>
26-213.C (A-1)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-214.B (A-2)	<p>Replace "One-family dwelling" with "Single detached dwelling"</p> <p>Footnote c: Replace "one-family or two-family dwelling" with "single-unit dwelling"</p>
26-214.C (A-2)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-215.C (PF)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-307.D	Replace "single- and two-family" with "single- and two-unit dwelling"
26-412.D.2.b	Replace "in a single family area" with "in an area predominately consisting of single detached dwellings"
26-417.E.2.b	Replace "Multifamily" in title with "Multi-unit" and in subset "i"
26-417.E.2.c	Replace "Single- or two-family" in title with "Single- or two-unit", in title and in subset "i"
26-420	<p>Replace "multi-family" with "multi-unit residential" in the section heading.</p> <p>Replace all instances of "multi-family" throughout following the instructions below (in order of appearance):</p> <ul style="list-style-type: none"> <li>• A, 1<sup>st</sup> para: Replace "multi-family dwelling units" with "multi-unit dwellings"</li> <li>• A, 1<sup>st</sup> para: Replace "multi-family" with "multi-unit"</li> <li>• A, 1<sup>st</sup> para: Replace "multi-family" with "multi-unit"</li> <li>• A, 2<sup>nd</sup> para: Replace "MULTI-FAMILY DWELLING UNITS" with "MULTI-UNIT DWELLINGS"</li> <li>• A: 2<sup>nd</sup> para: Replace "MULTI-FAMILY" with "MULTI-UNIT" (both instances)</li> <li>• A, 3<sup>rd</sup> para: Replace all instances of "MULTI-FAMILY" with "MULTI-UNIT"</li> <li>• A, 4<sup>th</sup> para: Replace "MULTI-FAMILY" with "MULTI-UNIT"</li> <li>• A, 6<sup>th</sup> para: Replace all instances of "MULTI-FAMILY" with "MULTI-UNIT"</li> <li>• B, 1<sup>st</sup> para: Replace "multi-family" with "multi-unit"</li> </ul>
26-501.B	Replace "single-family" with "single detached dwelling"
26-501.B.7	Replace "single and two-family" with "single- and two-unit"
26-501.E.1.c.iv	Replace "Multifamily" with "Multi-unit dwelling" (both instances)
26-501.E.2, Table 6	(Summary Chart)
	In Multifamily elderly housing... category, replace "Multifamily" with "Multi unit"

	In Multifamily residential category, replace "Multifamily" with "Multi unit"
	Replace "New single- and two-family residential" category with "New single- and two-unit dwellings"
	In Residential group homes category, replace "single-family residential" in requirements column with "single-unit"
26-501.E.4.a.i	Replace "multifamily" with "multi-unit dwelling"
26-501.E.4.b, Table 7	Replace "multifamily" with "multi-unit dwelling"
26-501.E.5	Replace "single-family" with "single detached", Replace "one- or two-family" with "single- or two-unit"
26-501.E.9	Replace "one- and two-family" with "single- and two-unit"
26-501.E.12.b	Replace "one- and two-family" with "single- and two-unit"
26-501.E.12.c	Replace "one- and two-family" with "single- and two-unit"
26-501.E.12.k	Replace "multifamily" with "multi-unit dwelling" (both instances)
26-501.E.12.l	Replace "one- and two-family" with "single- and two-unit"
26-501.F.1	Replace "one- or two-family" with "single- or two-unit"
26-501.F.2.a	Replace "one- and two-family" with "single- and two-unit"
26-501.F.2.b	Replace "one- and two-family" with "single- and two-unit"
26-501.G.3.d.iii	Replace "multi-family" with "multi-unit dwelling", replace next "multi-family" with "multi-unit", and replace "multifamily" with "multi-unit"
26-501.H.10	Replace "one- or two-family" with "single- or two-unit" (both instances)
26-502.B	Replace "multi-family" with "multi-unit dwelling"
26-502.C.5	Replace "single-family" with "single-unit"
26-502.D.1	Replace "Single- and two-family" with "Single detached and duplex"
26-502.D.1.c	Replace "single family and two family residences" with "single detached and duplex dwellings"
26-502.D.2	Replace "Multifamily" with "Multi-unit"
26-502.D.2.e	Replace "multi-family" with "multi-unit dwelling"
26-503.C.3, 8, and 9	Replace "multifamily" with "multi unit" (3 instances in Sec. 26-503)
26-603.B.2.c.v	Replace "single and two family homes" with "single- and two-unit dwellings"
26-608	Replace "one-family" with "single detached"
26-608.B.3	Replace "one-family" with "single detached"
26-614.A.2	Replace "one- or two-family" with "single- or two-unit"
26-614.B	Replace "One- and two-family" with "One- and two-unit"
26-614.D	Replace "multi-family" with "multi-unit dwelling"
26-615.D.7.b	Replace "single- or two-family" with "single- or two-unit"
26-615.D.7.d	Replace "multi-family with "multi-unit dwelling"
26-616.F.1.b	Replace "multifamily" with "multi-unit dwelling"
26-621.l	Replace "multi-family" with "multi-unit" and "multifamily" with "multi-unit"
26-638.A	Replace "one-family, two-family, or multi-family" with "single-unit, two-unit, or multi-unit"
26-639.C.7	Replace "family" with "unit" (both instances)
26-645.C.1	Replace "multifamily" with "multi-unit dwellings"

26-645.E.1	Replace "single- and two-family" with "single- and two-unit", Replace "single-family attached townhomes" with "single attached townhome"
26-709.B.1	Replace "single-family and duplex units" with "single detached and duplex dwellings"
26-709.B.2	Replace "Multifamily" with "Multi-unit"
26-709.C, Table 1	Replace "Multifamily" with "Multi unit"
26-709.C, Table 2	Replace "Multifamily" with "Multi unit"
26-710.J.6	Replace "multifamily" with "multi-unit dwelling"
26-711.I.3	Replace "multifamily" with "multi-unit dwellings" (both instances)
26-1104.G	Replace "single- or two-family" with "single- or two-unit"
26-1105.C	Replace "single- or two-family" with "single- or two-unit" (in table)
26-1106.H.1	Replace "single- or two-family" with "single- or two-unit"
26-1106.H.2	Replace "single- or two-family" with "single- or two-unit"
26-1109.J.2	Replace "multifamily" with "multi-unit"
26-1301.A	Replace "multi-family" with "multi-unit residential" in subsections 1 and 2.
26-1302	In "association", replace "multi-family" with "multi-unit" (both instances) In "homeowner", replace "multi family" with "multi-unit" and "multifamily" with "multi-unit residential"
26-1303	Replace "multi-family" with "multi-unit" and "multifamily" with "multi-unit residential"
21-124.a(3)	Replace "Multifamily" with "Multi-unit dwellings"
21-124.b	Replace "single family residential homes" with "single detached dwellings"
21-182.2	Replace "single-family residence" with "single detached" and replace "two-family" with "duplex"