



## PLANNING COMMISSION A G E N D A

**November 2, 2023**

Notice is hereby given of a **Public Meeting** to be held before the **City of Wheat Ridge Planning Commission** on **November 2, 2023** at **6:30 p.m.**

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

1. Provide comment in advance at [www.wheatridgespeaks.org](http://www.wheatridgespeaks.org) (comment by noon on November 1)
2. Virtually attend and participate in the meeting through a device or phone:
  - [Click here to join and provide public comment](#) (create a Zoom account to join)
  - Or call 1-669-900-6833 with Meeting ID 893 1724 7193 **and Passcode: 367014**
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.

- 
- 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 – October 19, 2023**
  - 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)**

(continued on next page)

**7. PUBLIC HEARING \***

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

**8. OLD BUSINESS**

**9. NEW BUSINESS**

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

**10. ADJOURNMENT**

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

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

*Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Amanda Harrison, Public Information Officer at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.*



**PLANNING COMMISSION  
Minutes of Meeting  
October 19, 2023**

**1. CALL THE MEETING TO ORDER**

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

**2. ROLL CALL OF MEMBERS**

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

Commission Members Absent: Kristine Disney  
Will Kerns  
Jonathan Schelke

Staff Members Present: Jana Easley, Planning Manager  
Stephanie Stevens, Senior Planner  
Rocky Macsalka, Engineering Manager  
Cole Haselip, Management Analyst  
Tammy Odean, Recording Secretary  
Gerald Dahl, City Attorney

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE ORDER OF THE AGENDA**

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

**5. APPROVAL OF MINUTES – September 21, 2023**

**It was moved by Commissioner QUINN and seconded by Commissioner LEO to approve the minutes of September 21, 2023, as written. Motion carried 4-0-1 with Commissioner Graeve abstaining.**

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

No one wished to speak at this time.

## 7. PUBLIC HEARING

- A. **Case No. WZ-22-07**: an application filed by Rocky Mountain Hardwood Processing for approval of a Specific Development Plan (SDP) to facilitate the construction of a 5,040 square-foot office/warehouse building for a tree service business on property zoned Planned Commercial Development (PCD) and located at 4877 Robb Street.

Chair DITULLIO opened the public hearing.

Ms. Stevens gave a short presentation regarding the SDP 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.

**CJ Kirst, Applicant Representative, Tahoe Consulting  
5730 E. Otero Ave, Centennial**

Mr. Kirst gave a brief background of the tree service business and the goal for the property at 4877 Robb Street.

### **Public Comment**

**Eric Duwe, Adjacent Business Owner  
8215 Eagle View Dr., Littleton**

Mr. Duwe is representative of Ear Science Systems LLC, a company that has been in business in the City of Wheat Ridge for two decades and currently occupying the building to the south of 4877 Robb Street and are in the process of expanding catty corner across the street. He mentioned that his main concern is the noise that will come from the tree service business and would like to know how the noise is controlled and measured.

Ms. Stevens said that per the noise ordinance the maximum decibels is 65 decibels for a commercial property which is measured from the receiving property line.

**Sean Imfeld, Applicant  
171 S. Wadsworth Blvd., Lakewood**

Mr. Imfeld gave a brief explanation of the business' day-to-day operations; trucks are loaded in the mornings and sent out to customer properties for tree trimming and grinding of stumps and logs. He added there are future opportunities for wood

milling on site, but it is not loud and would not be a daily occurrence. Mr. Imfeld said that if there is any mulch processing done that is only 3-4 times per year.

Commissioner LARSON asked why this property was not rezoned industrial and wanted the City's noise requirements explained.

Ms. Stevens explained all uses allowed within the ODP were taken from the City's commercial zone districts. She added the City's noise requirements are different from the State's and mentioned that noise is measured from the property line of the complainant and the allowance of decibels during the day is 65dbs and at night it is 60dbs.

In response to questions regarding the steep grade to the north of the property and drainage, Ms. Stevens explained that the applicant will be reestablishing the grade with soil and landscaping, and staff is reviewing civil construction drawings that confirm no issues. Mr. Imfeld added that all of the run-off will be directed to the detention pond and the stormwater from Robb Street will be diverted to a water pit and will percolate and dissipates within 3 days; he mentioned it has worked so far.

Commissioner QUINN inquired about the seepage from the ditch on the property.

Mr. Imfeld said there are 2 different ditches on the property and the Wadsworth Ditch staff is on top of how the ditch is maintained as opposed to the Swadley Ditch which has not been maintained in a few years, but they are working with the ditch company to address the issue. He added he was doing some work next to the ditch today to address the seepage and hopefully it will work.

Chair DITULLIO closed the public hearing.

**It was moved by Commissioner LARSON, and seconded by Commissioner GRAEVE to APPROVE Case No. WZ-22-07, a request for approval of a Specific Development Plan (SDP) on property zoned Planned Commercial Development (PCD) located at 4877 Robb Street for the following reasons:**

- 1. The specific development plan is consistent with the intent and purpose of a planned development, as stated in Section 26-301 of the City Code.**
- 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 codes and policies.**

**With the following conditions:**

- 1. Any development not shown on this SDP or any modification to this SDP shall require an amendment consistent with Section 26-307 of the municipal code.**
- 2. The technical corrections requested by Planning and Engineering related to labels, notes, and typos shall be addressed prior to SDP recording and prior to issuance of any building permit.**
- 3. Prior to commencing construction, civil construction drawings shall be approved, and appropriate permits shall be obtained.**
- 4. Building permit submittals shall be consistent with the SDP.**

**Motion approved 5-0.**

- B. Case No. ZOA-23-10:** an ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws concerning the City's billboard regulations and making conforming amendments therewith.

Chair DITULLIO opened the public hearing.

Ms. Easley gave a short presentation regarding the ordinance. She entered into the record the staff report as written.

**Public Comment**

No one wished to speak.

Commissioner QUINN asked if this ordinance will have any affect on the billboard case currently in court.

Ms. Easley said no and explained it is a separate process.

Commissioner LARSON inquired if there is a minimum size to be a billboard and wanted to know the difference between a billboard and a sign.

Ms. Easley explained that some of the signs along I-70 fall under the sign code regulations for the property owners and their businesses.

Commissioner LARSON mentioned he disagrees with the statement that the billboards provide no revenue to the City and does not think the City should reduce the number of billboards.

Commissioner GRAEVE asked for clarification on if it is more accurate to say a location of a billboard will be decommissioned once it is abandoned.

Ms. Easley stated that, although the city code does not use the word “decommissioned,” it would be similar. She also mentioned there is no intent to reduce the number of billboards, unless there is a voluntary abandonment, abandonment through non-maintenance, or abandonment through removal without notification. She agreed it is good revenue to the property owner and clarified there is no billboard fee paid to the City or special tax.

Commissioner DITULLIO asked why the lottery for billboard is going away.

Ms. Easley explained there will not be an opportunity to replace the billboard if one is abandoned; giving an example of the current billboard trying to find a location over the last nearly decade with no luck, and there is no expectation to have any viable new locations due to CDOT regulations and other constraints.

Commissioner QUINN if the property owner sells the land will the billboard stay.

Ms. Easley said it will be a private property decision between the land seller and the sign company.

Chair DITULLIO closed the public hearing.

**It was moved by Commissioner Quinn and seconded by Commissioner LEO to recommend approval of the proposed ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws, concerning the City’s billboard regulations.**

**Motion approved 4-1 with Commissioner LARSON voting against.**

## **8. NEW BUSINESS**

### **A. Resolution of Bylaws**

Mr. Haselip gave a summary of the changes to the Planning Commission Bylaws and to have the Commission adopt the amendments and a few changes, adding these bylaws have been approved by City Council.

Commissioner LEO commented that two absences per year seemed unreasonable.

Mr. Haselip explained that those would be unexcused absences only.

Commissioner LARSON ask that it be noted in Article II under regular commission meetings that the start time be change to 6:30 p.m. instead of 7 p.m.

Mr. Haselip mentioned the time and date of meetings will be eliminated in case the Commission ever wants to change them; it will be a majority vote instead of going to City Council.

Commissioner LARSON asked for clarification on the term limit.

Mr. Haselip said it will be two 3-year terms unless there is no one to replace the seat; adding an at-will term will be served until there is interest in the seat.

Commissioner QUINN gave kudos to Mr. Haselip and inquired about what happens if there is not a recommendation to adopt the Bylaws.

Mr. Haselip said he will make an appearance at the next meeting and have the discussion again.

In response to a question about absences in a calendar year, Mr. Haselip clarified that the definition of an unexcused absence is if the Commissioner does not call to confirm attendance or does not show up to a meeting.

Commissioner DITULLIO asked for clarification on the thought process behind term limits because this is a volunteer position.

Mr. Haselip explained that in addition to seeing more interest in serving on Boards and Commissions City Council had the opportunity to look at data on how long members have served over the last 30 years. He added that the median time served was 3 years and although the total amount of time served was disproportionately tilted to those who had served more than 9 years in length.

Mr. Dahl added that the term limit is something that City Council has adopted and is now a part of the Code and deviations from that would not be enforceable by the Commission.

Commissioner GRAEVE asked if there was any consideration to giving a commissioner a third term as opposed to at-will serving.

Mr. Haselip said a third term was considered, as well as one year at a time, but it was decided that if there is an interested person then City Council wanted to get them involved as soon as possible.

Commissioner LARSON mentioned he would like to see more study sessions for complex issues for Commission to decide on.

**It was moved by Commissioner GRAEVE and seconded by Commissioner QUINN to recommend approval to waive the requirement to review bylaws amendment twice before adoption and adopt the new Planning Commission bylaws presented by staff.**

**Motion approved 3-2 with Commissioners DITULLIO and LEO voting against.**



## B. Upcoming Dates

Ms. Easley mentioned the next Planning Commission meeting will be held November 2 and but is unsure of the November 16 meeting. She also asked the Commissioners to let us know about attendance for the December 21 meeting due to it being close to Christmas.

## C. Project and Development Updates

Ms. Easley mentioned the Certificate of Occupancy (CO) for Valvoline has been issued as well for Parallel Apartments by Ward Road Station. She added that there are currently 14 land use application in review with the City staff and 27 are with the developers awaiting resubmittal.

Ms. Easley informed the Commissioners that with regard to the Comprehensive Plan, interviews will be held on October 30 for two of six candidates who submitted proposals pursuant to the RFP, adding that interviews for the Sustainability Plan are on October 25.

Commissioner QUINN wished all a safe Halloween, to drive safe around the kids, and please vote on November 7.

## 9. OLD BUSINESS

## 10. ADJOURNMENT

**It was moved by Commissioner LEO and seconded by Commissioner QUINN to adjourn the meeting at 7:49 p.m. Motion carried 5-0.**

---

**Jerry DiTullio, Chair**

---

**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.



38TH AVE

YUKON CT

WADSWORTH BLVD

VANCE ST

UPHAM ST



36TH PL

36TH AVE

35TH AVE



N

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

**REVIEW DATES:** November 2, 2023 (Planning Commission) / December 11, 2023 (City Council)

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

**CASE NO. & NAME:** WZ-23-08 / 3650-3660 Wadsworth Rezone

**ACTION REQUESTED:** Approval of a zone change from Restricted Commercial (R-C) and Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (MU-N).

**LOCATION OF REQUEST:** 3650 and 3660 Wadsworth Boulevard

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

**APPROXIMATE AREA:** 3650 Wadsworth Boulevard: 21,208 square feet (.487 acres)  
3660 Wadsworth Boulevard: 26,880 square feet (.617 acres)

**PRESENT ZONING:** 3650 Wadsworth Boulevard: Restricted Commercial (R-C)  
3660 Wadsworth Boulevard: Neighborhood Commercial (N-C)

**COMPREHENSIVE PLAN:** Neighborhood Buffer Area, Primary Commercial Corridor

**ENTER INTO RECORD:**

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

**Location Map**



Site

## **JURISDICTION:**

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

### **I. REQUEST**

Batt Cave, LLC, as owner of the south parcel and as representative for RX Pharmacies Plus, Inc., owner of the north parcel, is requesting approval of a zone change from Neighborhood Commercial (N-C) and Restricted Commercial (R-C) to Mixed Use-Neighborhood (MU-N). The zone change will result in one zoning across both parcels, will provide a continuation of the MU-N zoning from the east, and reflects the transitional nature of this location and the character of the Wadsworth Corridor. The applicant is proposing to rezone the properties to allow more flexibility of uses on the land. Redevelopment is not proposed at this time.

### **II. EXISTING CONDITIONS**

The site is located on the east side of Wadsworth Boulevard between of W. 38<sup>th</sup> Avenue and W. 36<sup>th</sup> Avenue (*Exhibit 1, Aerial*). The property at 3660 Wadsworth Boulevard is zoned Neighborhood-Commercial (NC) and 3650 Wadsworth Boulevard is zoned Restricted-Commercial (RC). Properties to the north and east are zoned Mixed Use-Neighborhood (MU-N), Residential-Three (R-3) to the south, and Mixed Use-Commercial (MU-C) to the west (*Exhibit 2, Zoning*). All neighboring properties are predominantly commercial in nature with some higher density residential existing to the south.

According to the Jefferson County Assessor, the total site is approximately 48,088 sf (1.104 ac) in size and currently contains a 1,121 sf converted house built in 1953 used for offices at 3650 Wadsworth and 1,784 sf converted house built in 1947 used for offices at 3660 Wadsworth. The two lots that make up the site are currently unplatted.

Wadsworth Boulevard is one of Wheat Ridge's main north-south arterials. The Wadsworth Improvement Project began construction in November 2021. It will expand roadway capacity, improve safety for all users, and provide continuous sidewalks. Land for right-of-way dedication along the western property lines was required for this property as part of the project.

### **III. PROPOSED ZONING**

The applicant is requesting a zone change to MU-N. The MU-N zone district is generally located along neighborhood main streets and at neighborhood commercial centers, and was established to encourage medium density mixed use development. In addition to residential and civic uses, it allows for a more limited range of neighborhood-serving commercial and retail uses. The properties are currently zoned R-C and N-C which are some of the City's legacy commercial zone districts. The R-C zone district was established to accommodate various types of office uses performing administrative, professional and personal services, and to provide for a limited range of retail uses which are neighborhood oriented. The N-C zone district was established to provide for a reasonably compatible transition between residential and more intensive commercial land uses. It provides for residential scale, neighborhood-oriented professional offices and services.

The applicant is requesting to rezone the properties to allow a wider range of uses and to align the property's zoning with the Envision Wheat Ridge Comprehensive Plan (the "Comprehensive Plan"), the Wadsworth Corridor Subarea Plan (the "Corridor Plan"), and other properties on the corridor. (*Exhibit 3, Applicant Letter*).

Staff believes the zone change would bring the property into conformance with the adjacent mixed use zoning. Although no development for the site is proposed at this time, a zone change to MU-N would provide consistent zoning across both parcels, provide more consistent zoning in the area, allow a wider range of use options should it redevelop in the future, and bring the site into conformance with the long term goals for the corridor.

The current R-C and N-C zoning is reflective of long-standing commercial uses in the City. These districts date back to the City’s original 1972 zoning map. The MU-N and R-C and N-C districts have some similar development standards, with permitted uses being the most notable difference. The R-C and N-C zone districts allow for a very limited number of commercial land uses which include office, general business, and retail sales and service establishments. By contrast, MU-N would allow for a broader range of commercial uses, residential uses, or a mix of the two.

The City legislatively rezoned a portion of the Wadsworth Corridor to Mixed Use-Commercial (MU-C) in 2011. That boundary was generally from W. 35<sup>th</sup> Avenue to W. 45<sup>th</sup> Avenue in the commercial core. The boundary for the rezoning was coterminous with the boundaries of the urban renewal areas at the time. The legislative MU-C rezone did not include the subject properties which are outside of the Wadsworth Urban Renewal Area. A rezoning of the subject properties to MU-N would be appropriate based on the Comprehensive Plan, based on the original intent of the legislative zone change, based on the size of the properties, and to achieve more uniform zoning on the block.

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

	<b><u>PROPOSED ZONING</u></b> <b>Mixed Use-Neighborhood (MU-N)</b>	<b><u>CURRENT ZONING</u></b> <b><u>Restricted Commercial (R-C)</u></b> <b><u>Neighborhood Commercial (N-C)</u></b>
<b>Uses</b>	Allows residential, commercial, or mixed use – includes multi-family and live/work facilities	Allows limited 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>	35’ if the building contains residential uses 50’ if the building contains only commercial	R-C: 50’ N-C: 35’
<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>	0-12’ along primary and secondary frontages	n/a
<b>Setbacks</b>	Side: 0’ Rear: 5’	West (front): 50’ North (side): 5’ per story South (side): 5’ per story East (rear): 10’
<b>Residential Density</b>	Maximum of 21 dwelling units/acre	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 their decision on whether 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 along Wadsworth Boulevard, the MU-N zone district is more appropriate than R-C and N-C in terms of allowed land uses. The MU-N zoning is expected to add value to the subject properties by expanding development potential in terms of use and form. The mixed-use

development standards will support compatibility between any potential future redevelopment and existing land uses. In addition, design standards for MU-N are stricter than for other zones, including setbacks, landscaping buffers, and architecture. Finally, rezoning these two parcels to MU-N will create a more uniform zoning in the area. For these reasons, the zone change should not have an adverse effect on the surrounding area.

*Staff concludes that this criterion has been met.*

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

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

*Staff concludes that this criterion has been met.*

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

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

Wadsworth Boulevard is a primary north-south thoroughfare in the City, is classified as a major arterial, and is predominantly commercial in character from I-70 to W. 38th Avenue. From W. 38th Avenue south to W. 35th Avenue is a transition area. South of W. 35th Avenue is primarily residential. These parcels are within that commercial-to-residential transition area.

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

Additionally, these properties were identified as part of a Neighborhood Buffer Area, a designation reserved for sites located on the edges of neighborhoods and is intended to act as a transition between low intensity residential uses and higher intensity commercial uses. The Comprehensive Plan envisions the conversion of underutilized properties to serve as a mix of residential and small scale commercial developments.

A stated goal in the comprehensive plan is to promote reinvestment in property and to promote a mix of neighborhood supporting uses, including residential use and office use. This zone change request supports the comprehensive plan by enabling investment in the properties, by expanding the permitted uses, and by aligning the zoning with the City's mixed-use goals for this corridor.

*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 R-C and N-C zoning designations as they appear on the City zoning maps.

*Staff concludes that this criterion is not applicable.*

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

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

*Staff concludes that this criterion has been met.*

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

The proposed rezoning does not relate to an unanticipated need.

*Staff concludes that this criterion is not applicable.*

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

## V. PUBLIC NOTICING

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

A meeting for neighborhood input was held on April 18, 2023. This meeting was advertised and conducted as a virtual meeting on Zoom. No one from the public attended the virtual meeting in addition to the applicant and staff (*Exhibit 4, Neighborhood Meeting Notes*).

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

## VI. AGENCY REFERRAL

All affected service agencies were contacted for comment on the zone change request and regarding the ability to serve the property. Specific referral responses follow:

**Wheat Ridge Economic Development:** No comments.

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

**Wheat Ridge Public Works:** No comments.

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

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

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

**Comcast Cable:** No comments received.

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

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

## **VII. STAFF CONCLUSIONS AND RECOMMENDATION**

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

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-23-08.

## **VIII. SUGGESTED MOTIONS**

### **Option A:**

“I move to recommend APPROVAL of Case No. WZ-23-08, a request for approval of a zone change from Neighborhood Commercial (N-C) and Restricted Commercial (R-C) to Mixed Use-Neighborhood (MU-N). for properties located at 3650 and 3660 Wadsworth Boulevard for the following reasons:

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

### **Option B:**

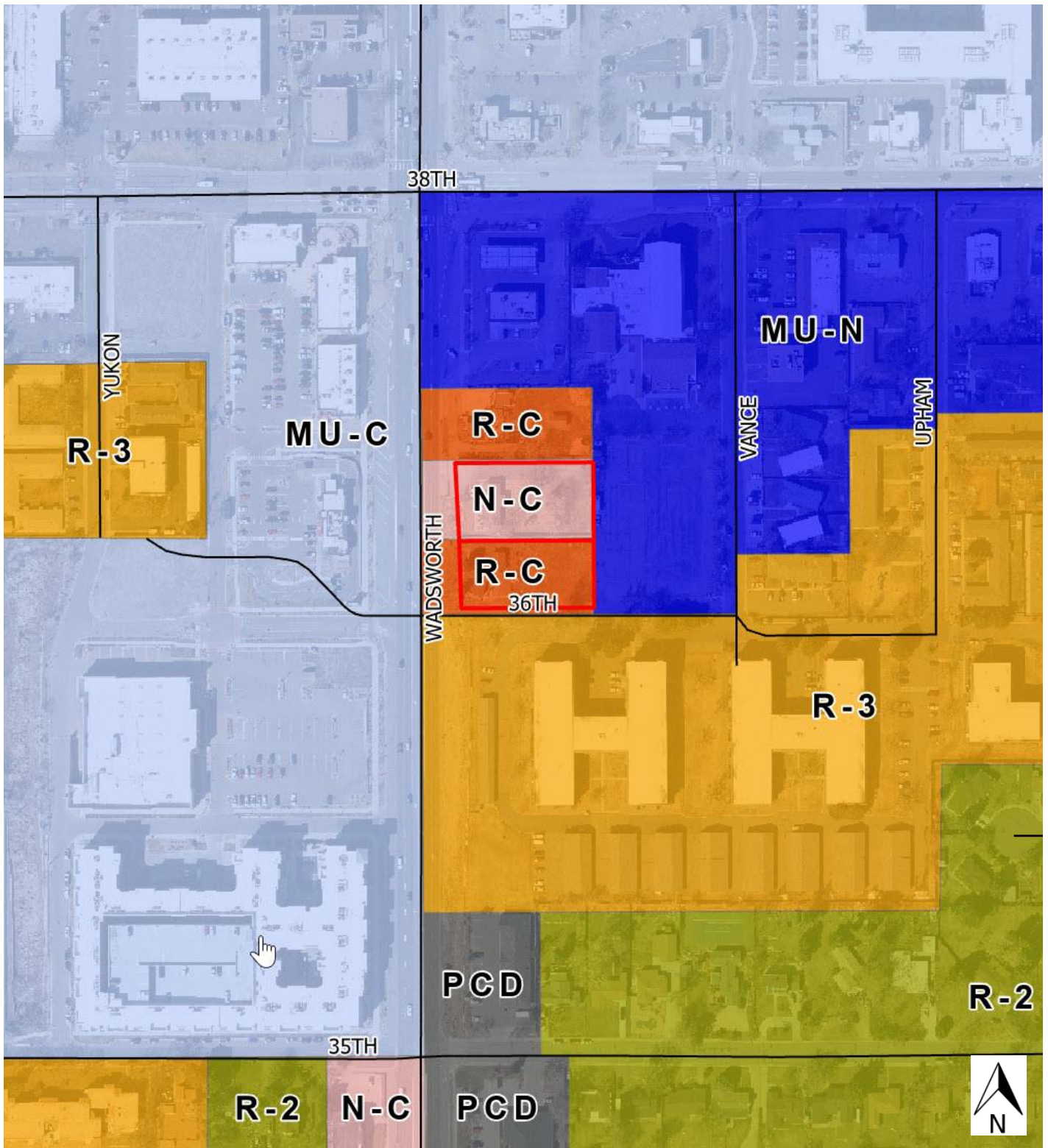
“I move to recommend DENIAL of Case No. WZ-23-08, a request for approval of a zone change from Neighborhood Commercial (N-C) and Restricted Commercial (R-C) to Mixed Use-Neighborhood (MU-N). for properties located at 3650 and 3660 Wadsworth Boulevard for the following reasons:

- 1.
2. ...”

# EXHIBIT 1: AERIAL



# EXHIBIT 2: ZONING MAP



# EXHIBIT 3: APPLICANT LETTER



Date: September 5, 2023

To: Alayna Olivas-Loera, Planner II  
Community Development Department  
City of Wheat Ridge

Re: Re-zone for 3650 and 3660 Wadsworth Blvd from R-C and N-c to Mixed Use  
Neighborhood

Written Request:

The redevelopment along Wadsworth Blvd and the different and old zoning classification for these 2 parcels warrant a zone change to better accommodate the redevelopment that is occurring in Wheat Ridge and specifically along the Wadsworth corridor.

The Wadsworth changes and the very busy traffic counts suggest that changing these parcels to Mixed Use Neighborhood will be in the interest of the property owners, any potential developers and the City of Wheat Ridge.

Current access to both parcels is via driveways off of Wadsworth Blvd. 3650 has access off of the one-way dirt road that is known as West 36<sup>th</sup> Place.

Both parcels currently have city water and sewer connections as well as Excel energy gas and electric and available comcast and CenturyLink phone and internet.

Any impact on public facilities such as police, fire, water, sanitation, roads, parks, schools is unknown as there are no specific redevelopment plans at this time.

We have been in contact with and have had several meetings with city staff and have held a neighborhood meeting. City staff have expressed their support for the zone change and there were no objections raised at the neighborhood meeting.

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read "Paul Battista", with a long horizontal line extending to the right.

Paul Battista  
Battista Design Group on behalf of Batt Cave LLC and RX Plus Pharmacies.

# EXHIBIT 4: NEIGHBORHOOD MEETING

## NEIGHBORHOOD MEETING NOTES

**Meeting Date:** April 18, 2023

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

**Location of Meeting:** Virtual

**Property Address:** 3650-3660 Wadsworth Boulevard

**Property Owner(s):** Batt Cave LLC and Rx Pharmacies Plus Inc.

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

**Applicant:** Kathy Muller and Paul Battista

**Applicant Present?** Yes

**Existing Zoning:** Restricted-Commercial (RC) and Neighborhood-Commercial (NC)

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

**Existing Site Conditions:** The site is located on the east side of Wadsworth Boulevard between of W. 38th Avenue and W. 36th Avenue. The property at 3660 Wadsworth Boulevard is zoned Neighborhood-Commercial (NC) and 3650 Wadsworth Boulevard is zoned Restricted-Commercial (RC). Properties to the north and east are zoned Mixed Use-Neighborhood (MU-N), Residential-Three (R-3) to the south, and Mixed Use-Commercial (MU-C) to the west. All neighboring properties are predominantly commercial in nature with some higher density residential existing to the south.

According to the Jefferson County Assessor, the total site is approximately 48,088 sf (1.104 ac) in size and currently contains a 1,121 sf converted house built in 1953 used for offices at 3650 Wadsworth and 1,784 sf converted house built in 1947 used for offices at 3660 Wadsworth. The two lots that make up the site are currently unplatted.

Wadsworth Boulevard is one of Wheat Ridge’s main north-south arterials. The Wadsworth Improvement Project began construction in November 2021. It will expand roadway capacity, improve safety for all users, and provide continuous sidewalks. Land for right-of-way dedication along the western property line was required for this property as part of the project.

**Applicant/Owner Preliminary Proposal:** The applicants are proposing to rezone the site from NC and RC to MU-N to allow for more flexibility in use in the future. No redevelopment is currently being proposed and the two properties will continue to function as offices.

---

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

- In addition to the applicant and staff, no members of the public attended the neighborhood meeting. The participant list is attached from Zoom, which serves as the virtual sign-in sheet.
- Staff discussed the site, its zoning and future land use.
- The applicant was informed of the process for the Zone Change.
- Staff discussed opportunity to make public comments during the process and at the public hearing, if required.

**No issues were discussed regarding the Zone Change request and proposed development.**

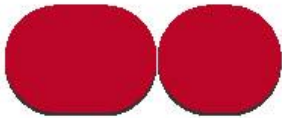
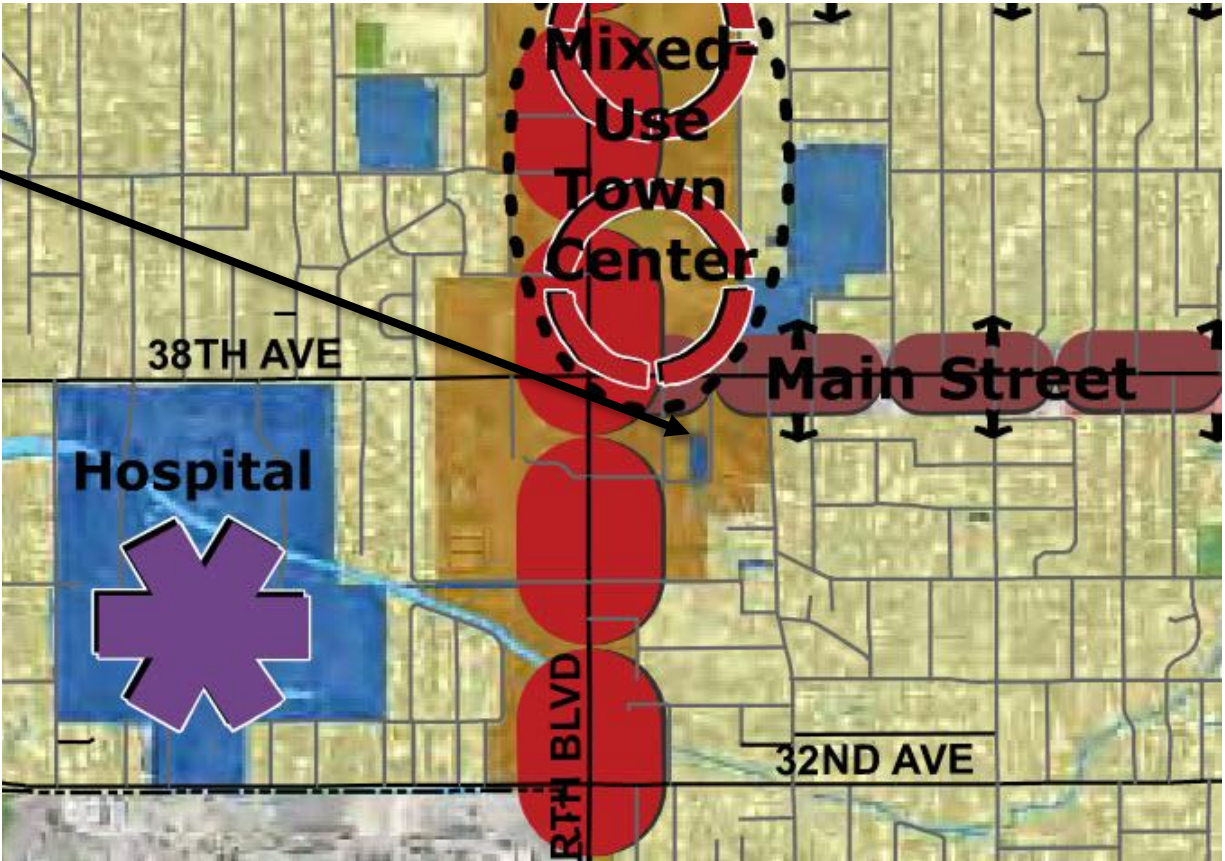
Zoom Attendee Report:

User Name (Original Name)
Stephanie Stevens - City of Wheat Ridge
Alayna Olivas-Loera – City of Wheat Ridge
Kathy Muller - Owner
Paul Battista - Owner

# EXHIBIT 5: COMPREHENSIVE PLAN

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

Subject Properties



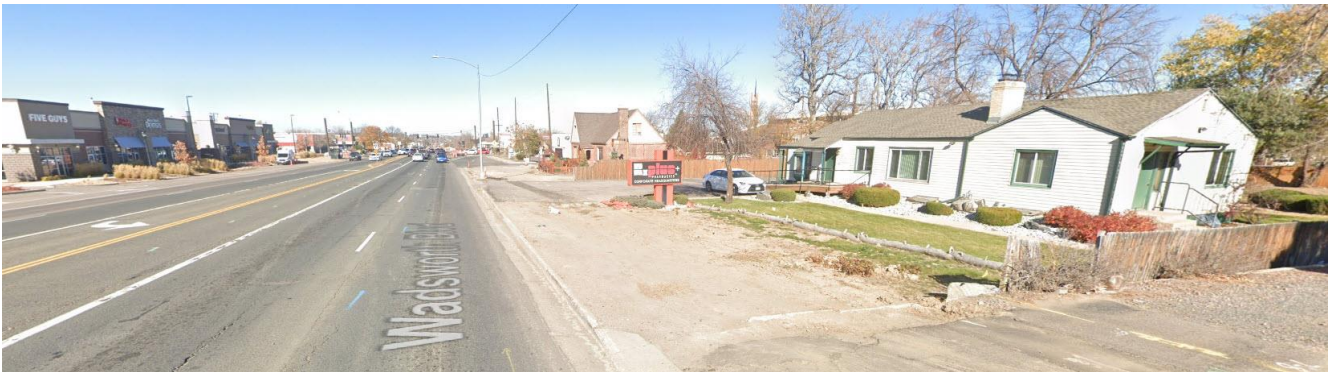
Primary Commercial Corridor  
(Wadsworth Boulevard)



## EXHIBIT 6: SITE PHOTOS



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



View of the 3660 Wadsworth looking north from Wadsworth Blvd.  
(Source: Google Maps, November 2022)



View of the 3650 Wadsworth looking south from Wadsworth Blvd.  
(Source: Google Maps, November 2022)