



PLANNING COMMISSION A G E N D A

July 20, 2023

Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on July 20, 2023 at 6:30 p.m.

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

1. Provide comment in advance at www.wheatridgespeaks.org (comment by noon on July 19)
2. Virtually attend and participate in the meeting through a device or phone:
 - [Click here to join and provide public comment](#) (create a Zoom account to join)
 - Or call 1-669-900-6833 with Meeting ID 896 0418 2868 **and Passcode: 562117**
3. View the meeting live or later at www.wheatridgespeaks.org, Channel 8, or YouTube Live at <https://www.ci.wheatridge.co.us/view>
4. Attend in person.

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- 1. CALL THE MEETING TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. APPROVE THE ORDER OF THE AGENDA**
 - 5. APPROVAL OF MINUTES – May 18, 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-23-05:** An application filed by Ville 4735, LLC for approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) on property located at 4735 Kipling Street.
- B. **Case No. ZOA-23-08:** An ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City’s subdivision review requirements. *This item was published but is not ready and will be rescheduled to a future date.*

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 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
May 18, 2023**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair DITULLIO at 6:31 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

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

Commission Members Absent: Will Kerns

Staff Members Present: Lauren Mikulak, Community Development Director
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

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

5. APPROVAL OF MINUTES – April 20, 2023

It was moved by it was moved by consensus to approve the minutes of April 20, 2023, as written.

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. ZOA-23-05:** An ordinance amending Article XI of Chapter 26 of the Wheat Ridge Code of Laws concerning requirements for mixed use zone districts.

Ms. Mikulak gave a short presentation regarding the ordinance.

In response to multiple questions from Commissioner LARSON, Ms. Mikulak confirmed the height and density will not change because there is a cap in the City Charter; the build-to standards will not change; and the quality of material used on buildings will have elevated standards.

Commissioner SCHELKE inquired about bicycle parking requirements.

Ms. Mikulak mentioned the City does not require much for bicycle parking and the goal is to make some quick amendments to existing code and then study the topic later more in-depth.

Commissioner SCHELKE asked for the walking path language to be explained.

Ms. Mikulak explained that the Mixed-Use code requires that a certain amount of open space be usable and functional, and staff has historically interpreted that to require sidewalks at least 5 feet wide.

Commissioner DITULLIO inquired if drive-thru structures will be more or less restrictive.

Ms. Mikulak said that the more restrictive component is that a drive-thru will not be allowed in the City's MU-C TOD zone district, to make sure it is pedestrian oriented.

Public Comment

No one wished to speak at this time.

It was moved by Commissioner STERN and seconded by Commissioner LEO to recommend approval of the proposed ordinance amending Article XI of Chapter 26 of the Wheat Ridge Code of Laws concerning requirements for mixed use zone districts.

Motion carried 7-0.

- B. **Case No. ZOA-23-06:** An ordinance amending Articles V and XI of Chapter 26 of the Wheat Ridge Code of Laws concerning parking requirements for deed-restricted affordable housing and making conforming amendments therewith.

Ms. Mikulak gave a short presentation regarding the ordinance.

Commissioner DITULLIO read an email he sent to Ms. Mikulak giving his opinion about lowering the parking standard for deed-restricted properties. He acknowledged a comment submitted by Foothills Regional Housing, and noted the problem he has with lowering the parking standard is that we would be telling people living in deed-restricted housing that they need to use mass transit which is not reliable or safe right now, and they really cannot own a vehicle. For those who own cars, parking would be limited, and they would have to use the street. He commented that this doesn't seem to be about parking but appears to be bypassing the zoning and allowing an increase in density, rather than focusing on quality of life. He expressed that he does not support the ordinance as written.

Commissioner QUINN shared his concern that lowering parking in affordable housing sites will hurt those with trade jobs that have tools. He expressed concerns about construction jobs having to rely on mass transit because of tools, shift schedules, job site locations, and the unreliability of transit. He expressed hesitation in supporting the ordinance.

Commissioner LARSON asked if this ordinance will apply to R-3 and Mixed-Use zone districts.

Ms. Mikulak confirmed the changes would apply in those districts only for deed-restricted affordable projects that serve income-qualified residents.

Commissioner DISNEY said she has concerns about reducing the parking because overflow parking will go into streets and neighborhoods. She inquired if there will be a lot of deed-restricted apartments in the future and mentioned she would like to maintain the character of the community with less street parking.

Ms. Mikulak clarified there is not a lot of deed-restricted affordable properties in the City, and it is not going to increase a lot. To the extent the City desires more deed-restricted affordable housing, staff is analyzing what the City can do to increase that supply of housing for people like nurses and teachers. Deed-restricted affordable units are unlikely to proliferate in established neighborhoods because of density limitations, lot size, and economy of scale. There are limits on what the City can do in the code to make it easier to build affordable units, but modifying parking requirements is one way to provide flexibility. Ms. Mikulak explained how developers establish parking supply for both market-rate and affordable projects.

Commissioner STERN mentioned she is a developer in her professional life and primarily works on deed-restricted affordable housing projects. She shared that Denver has changed their parking requirements for affordable housing to zero, but this does not mean projects are built without parking. She explained the process of review for affordable projects and the many agencies involved in setting parking requirements. She explained the requirements of the Colorado Housing Finance

Authority (CHFA) who is involved in most affordable projects and for whom parking studies are required to justify parking ratios below 0.8. She responded to earlier comments noting that a 0.25 ratio in Wheat Ridge would be unlikely to happen on most if any projects, and further that it would be unlikely that this single code amendment results in an influx of affordable projects to Wheat Ridge. She expressed support for the code amendment because it removes a small but real barrier. She added, that as a community the City has a responsibility to provide housing to all different kinds of people and parking can make a project very expensive to develop deed-restricted affordable housing.

Commissioner LEO commented that she believes a person with 60-80% AMI will most likely own a car even if they don't use it all the time and does not understand why the City will not provide parking.

Ms. Mikulak said the proposed change removes the assumption that every household owns a car, relies on data related to deed-restrictive housing, and provides flexibility to a parking lot can be right-sized for a project. The City is not the expert on parking supply and is trying to provide flexibility.

There was some discussion from Commissioners DITULLIO and STERN about whether or not affordability will proliferate because of this code amendment.

Commissioner LARSON asked if the minimums can be eliminated and go with the maximums.

Ms. Mikulak mentioned that will be tricky because the whole point of this ordinance is to change the minimum.

Commissioner DISNEY expressed that she is inclined to support the ordinance because she recognizes this ordinance is a tool for negotiation and will give the City flexibility to work with a developer to bring a project to fruition.

Ms. Mikulak explained procedural options including motions for approval, denial, or amendments to the motion.

It was moved by Commissioner DITULLIO and seconded by Commissioner QUINN to recommend denial of the proposed ordinance amending Articles V and XI of Chapter 26 of the Wheat Ridge Code of Laws, concerning parking requirements for deed-restricted affordable housing, and making conforming amendments therewith and would like City Council to reevaluate minimums and maximums for deed-restricted housing parking requirements.

Motion carried 4-3 with Commissioners DISNEY, SCHELKE and STERN voting against.

Commissioner QUINN agrees that this ordinance needs another look.

Commissioner SCHELKE thinks that the City needs to look forward and encourage affordable housing even if it means taking away some parking spaces.

- C. **Case No. ZOA-23-07:** An ordinance amending Articles I and II of Chapter 26 of the Wheat Ridge Code of Laws, concerning definitions and regulations for childcare facilities and making confirming amendments therewith.

Ms. Mikulak gave a short presentation regarding the ordinance.

Commissioner LARSON recognizes the need for childcare and inquired if a legislative rezone of NC and RC could be done.

Ms. Mikulak said that it had been considered in the past but did not move forward because MU-N is not an appropriate zone in all of those instances, but that a more comprehensive review of the use charts for NC and RC could be a valuable future project.

Commissioner QUINN thinks this is a good idea and necessary for the community.

Commissioner SCHELKE shared that the lack of daycares is a huge problem as is affordability of daycare and the City should do anything to help.

Commissioner DITULLIO inquired why there is low number of daycares in Metro Denver area, and Ms. Mikulak speculated as to why.

It was moved by Commissioner DISNEY and seconded by Commissioner SCHELKE to recommend approval of the proposed ordinance amending Articles 1 and II of Chapter 26 of the Wheat Ridge Code of Laws, concerning definitions and regulations for childcare facilities and making conforming amendments therewith.

Motion carried 7-0.

8. NEW BUSINESS

- A. Ms. Mikulak introduced Commissioner QUINN and mentioned a new Planning Manager, Jana Easley, has been hired and will be introduced at the next meeting.

- B. Upcoming Dates

No Planning Commission meetings in June.

Ms. Mikulak announced that on June 3 Gold's Marketplace will have a block party to introduce their tenants and on June 24 RidgeFest will be held.

C. Project and Development Updates

Ms. Mikulak mentioned a few new tenants in the City: Yawp! Cyclery, Get Right Bakery which she also mentioned there were a few challenges getting their permit, but they are now open for business.

Commissioner DISNEY inquired about a number of dead trees in Wheat Ridge and what the City plans to do.

Ms. Mikulak mentioned that the City now has a program and a full-time staff person to look into all landscaping in the City to meet code requirements. She also mentioned the Hazardous Tree Program and to reach out to Parks and Rec for more information.

9. OLD BUSINESS

Commissioner STERN asked if at the next meeting there can be an update on the Wadsworth Widening Project.

Commissioner LARSON asked about the new residential apartments by Safeway. He thought it was going to be market rate, but now hears Foothill Regional Housing now owns it.

Ms. Mikulak confirmed that upon completion the apartments went on the market and FRH was an interested buyer. She clarified that there is no differentiation in the City's zoning code of whether a residential project is market-rate, senior, or affordable so such a sale is permitted.

Commissioner QUINN says he is happy to be a part of the Planning Commission and for the opportunity.

10. ADJOURNMENT

It was moved by Commissioner QUINN and seconded by Commissioner LEO to adjourn the meeting at 7:58 p.m. Motion carried 6-0.

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

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

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

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

3. TO COMMENT IN PERSON

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

4. TO VIEW THE MEETING LIVE OR LATER

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

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

HELPFUL TIPS FOR A GOOD VIRTUAL MEETING EXPERIENCE

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

EXHIBIT 1: AERIAL



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

REVIEW DATES: July 20, 2023 (Planning Commission) / September 11, 2023 (City Council)

CASE MANAGER: Alayna Olivas-Loera, Planner I

CASE NO. & NAME: WZ-23-05 / Best Interstate Inn Rezone

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

LOCATION OF REQUEST: 4735 Kipling Street

APPLICANT / OWNER: Ville 4735, LLC (Applicant) / Keith Warburton (Owner)

APPROXIMATE AREA: 133,729 square feet (3.07 acres)

PRESENT ZONING: Commercial-One (C-1)

COMPREHENSIVE PLAN: Mixed-Use Commercial

ENTER INTO RECORD:

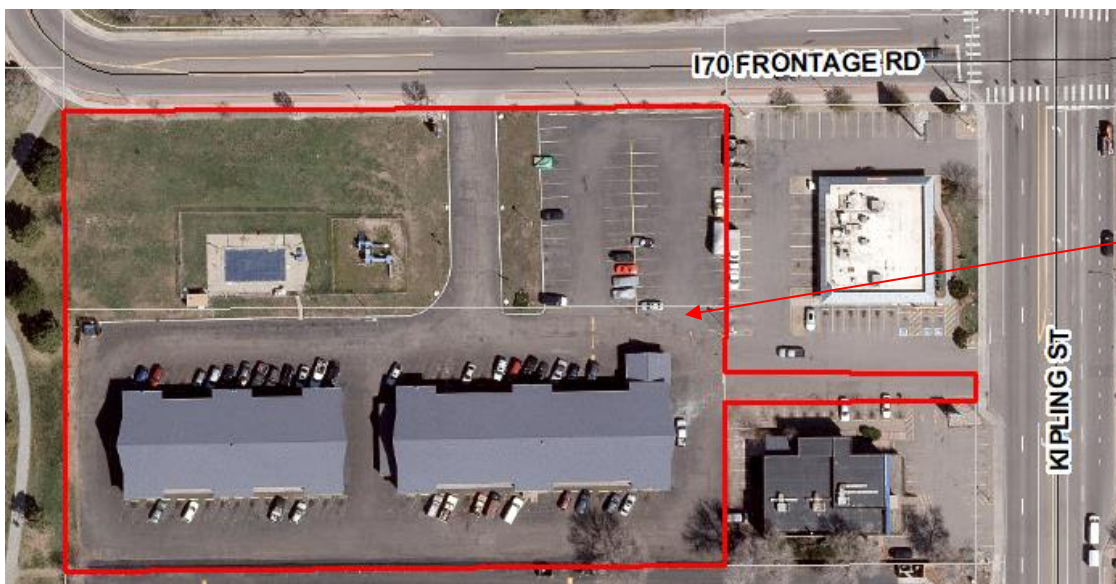
(X) CASE FILE & PACKET MATERIALS

(X) ZONING ORDINANCE

(X) COMPREHENSIVE PLAN

(X) DIGITAL PRESENTATION

Location Map



Site

JURISDICTION:

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

I. REQUEST

The 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 4735 Kipling Street. The applicant is the current owner of the property. The zone change will result in a zoning that encourages revitalization of the site and allows reuse of the existing buildings. The applicant intends to make improvements to the site and to convert the two existing motel buildings into multi-unit apartments.

II. EXISTING CONDITIONS

The property is located on the on the west side of Kipling Street, south of I-70 (*Exhibit 1, Aerial*). There are currently two access points onto the site from the I-70 Frontage Road and Kipling Street. The site is currently zoned Commercial-One (C-1) and is approximately 133,729 square feet (3.07 acres) in size. It currently contains the Best Interstate Inn, which is comprised of one 22,668-square foot building and one 18,260-square foot building, both built in 1971. The hotel is considered legally nonconforming because hotels are now considered Special Uses in the code in the C-1 zone, but the property was developed before that requirement was in place. The adjacent properties to the west and south are zoned Planned Residential Development (PRD). Adjacent properties to the east and north are zoned C-1. The area is predominantly commercial and residential in nature with a majority of the City's hotels concentrated in the vicinity. (*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, including hotels. 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 to allow for a greater variety of uses that would encourage revitalization of the site and 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. The previous owner obtained a Special Use Permit to allow for extended stays but did not complete the required improvements of the extended stay addendum with the Licensing Division and instead put the property on the market. The proposed use of the site 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 should the applicant choose to continue to operate the hotel or convert it for residential uses.

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 various commercial and residential uses, and just south of 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 decided 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.

	<u>PROPOSED ZONING</u> Mixed Use-Commercial Interstate (MU-C Interstate)	<u>CURRENT ZONING</u> Commercial-One (C-1)
Uses	Allows residential, commercial, or mixed use – includes multi-unit and live/work facilities	Allows commercial uses – includes office, general business, retail sales, and service establishments
Architectural Standards	Mixed-Use standards apply, including high quality architecture, standards related to articulation, variation, and materials	Architectural and Site Design Manual standards apply
Max. Building Height	6 stories (90’) if the building is single use 8 stories (118’) if the building is mixed use	50’
Max. Lot coverage	90% for mixed use 85% for single use	80%
Min. Landscaping	10% for mixed use 15% for single use	20%
Build-to Area	0-20’ along primary and secondary frontages	n/a
Setbacks	East (side): 0’ West (side): 0’	South (front): 50’ East (side): 30’ West (side): 30’ North (rear): 15’
Residential Density	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 their decisions 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 residential 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 any 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, Comprehensive Plan*). 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 April 4, 2023. This meeting was advertised and conducted as a virtual meeting on Zoom. Six individuals from the public attended the virtual meeting in addition to the applicant and staff (see *Exhibit 4, Neighborhood Meeting Summary*).

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. 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 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-23-05.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-23-05, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Commercial Interstate (MU-C Interstate) for property located at 4735 Kipling Street, for the following reasons:

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

Option B:

“I move to recommend DENIAL of Case No. WZ-23-05, a request for approval of a zone change from Commercial-One (C-1) to Mixed-Use Commercial Interstate (MU-C Interstate) for property located at 4735 Kipling Street, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL



EXHIBIT 2: ZONING MAP

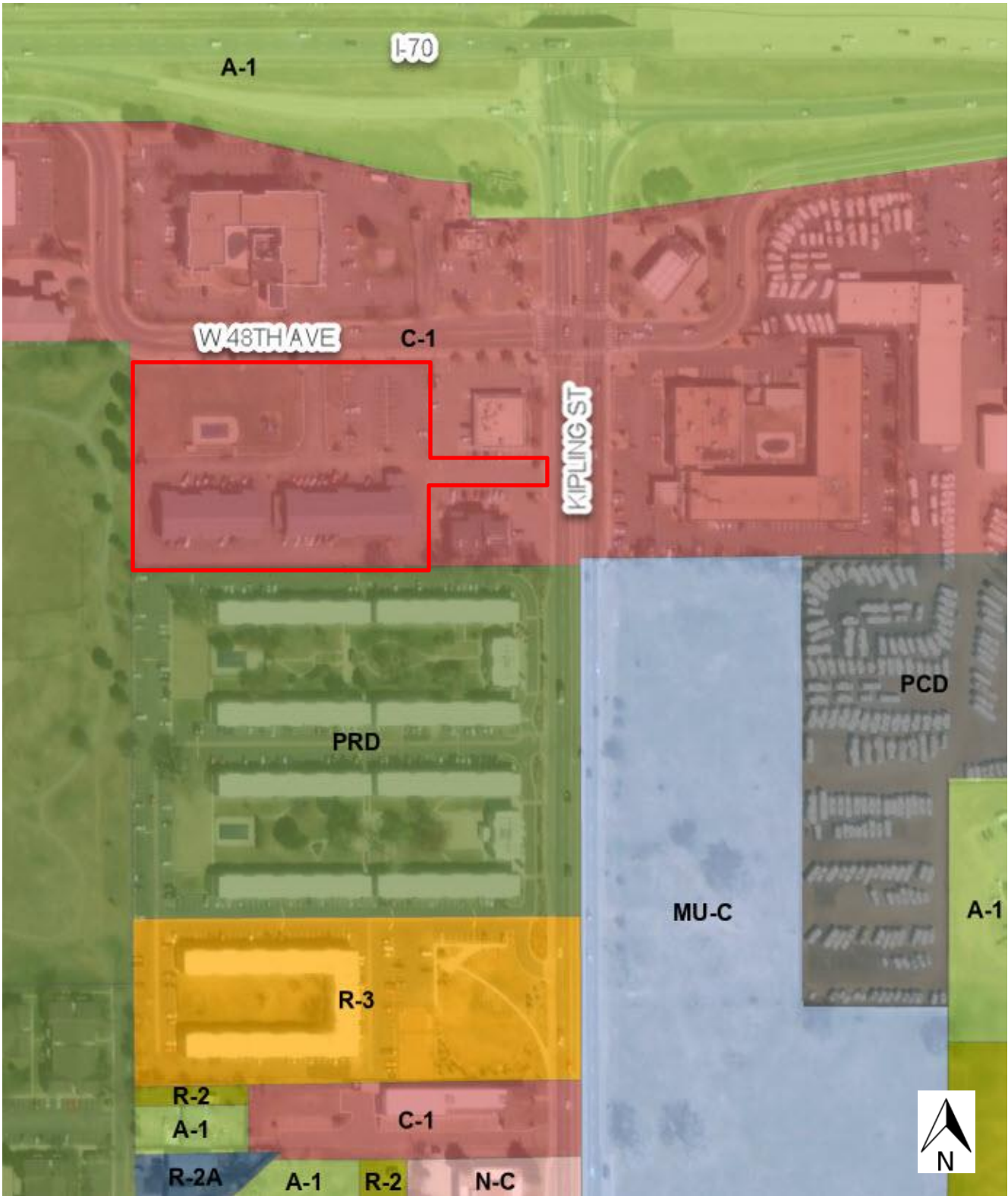


EXHIBIT 3: APPLICANT LETTER

Review Criteria: Zone Change

Staff uses the set of criteria listed below to critically evaluate all requests for a zone change to a straight zone district. Per section 26-112.E of the Wheat Ridge Municipal Code, the Planning Commission and City Council shall base their decision on the extent to which an 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; *and*
-The requested zone change to Interstate Mixed Use Commercial promotes the general welfare of the community by meeting the demand for multi-family housing near Denver. The zone change also increases the safety and stability of the community by decreasing the number of transients and increasing the number of long-term residents to the area.
 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*
-Yes, adequate infrastructure/facilities are available to serve the zone change, and we will upgrade and provide such where needed.
 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.
 - 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.
-When comparing the average rent in the area to the median household income in Wheat Ridge in 2021, one can see that rents have surpassed the recommended rent-to-income ratio. It is in the public interest to encourage affordable multi-family housing so that residents in Wheat Ridge can continue to call Wheat Ridge home. Our project encourages the growth of community and helps offset the rising cost of living and high demand for affordable housing.
 - 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.
-A zone change to Interstate Mixed Use Commercial would allow us to convert an existing hotel into long-term multi-family housing. We would be redeveloping a commercial property already served by existing infrastructure in a more sustainable way.
 - Present and future effect on the existing zone districts, development and physical character of the area.

-The physical character of the area would be improved, since the existing motel would be transformed into a vibrant community of long-term neighbors. We remodel our properties to be contemporary and aesthetically pleasing.

- Access to the area, traffic patterns and impact of the requested zone on these factors.

-The access to the area, traffic patterns, and impact of the requested zone will remain relatively similar as the use will change from a motel to long-term housing.

- Availability of utilities.

-Water, heat, electricity, and internet are already provided to the existing motel and can continue to provide the needs for the apartments.

- Present and future effect on public facilities and services, such as fire, police, water, sanitation, roadways, parks, schools, etc.

-Since the units will be studio apartments with only one bed, the units tend to be occupied by only 1-2 individuals, so there will not be a significant impact on schools. The impact on fire and police will likely decrease, as the community will be more stable with long-term residents who undergo background checks and an apartment application process, rather than having transients checking in nightly. Water use will likely increase as the residents will perform more activities of daily living than motel renters. There will likely be increased use of the nearby park, resulting in a more vibrant community.

- A discussion of the relationship between the proposal and adopted land and/or policies of the city.

-This project is in line with Wheat Ridge's policies and values, since the city is proud to promote a diversified housing stock. Wheat Ridge's website states that the city's guiding documents call for a diversity of housing types, especially since more housing options are necessary to support a strong and diversified economy. We are excited to help promote Wheat Ridge's vision and alleviate the high demand for affordable housing options.

EXHIBIT 4: NEIGHBORHOOD MEETING SUMMARY

NEIGHBORHOOD MEETING NOTES

Meeting Date:	April 4, 2023
Attending Staff:	Alayna Olivas-Loera, Planner I
Location of Meeting:	Virtual
Property Address:	4735 Kipling Street
Property Owner(s):	Annies Place Motel 1 LLC
Property Owner(s) Present?	No
Applicant:	Keith Warburton
Applicant Present?	Yes
Existing Zoning:	Commercial-One (C-1)
Existing Comp. Plan:	Neighborhood Buffer Area, Primary Commercial Corridor, near Primary Gateway

Existing Site Conditions: The property is located on the on the west side of Kipling Street, south of I-70. This property is zoned Commercial-One (C-1) and currently contains the Best Interstate Inn. The adjacent properties to the west and south are zoned Planned Residential Development (PRD). Adjacent properties to the east and north are zoned C-1. The area is predominantly commercial and residential in nature.

According to the Jefferson County Assessor, the site is approximately 133,729 square feet (3.07 acres). The property currently has one 22,668-square foot motel building and one 18,260-square foot motel building on the site, both built in 1971. A surface parking lot is located on the northern portion of the site with additional parking located at the perimeter of each building.

Applicant/Owner Preliminary Proposal: The applicant is proposing to rezone the site to Mixed Use-Commercial Interstate in order to convert the existing motel to 100 rental apartment units. No major changes to the site are proposed apart from façade improvements and general site cleanup.

The following is a summary of the neighborhood meeting:

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

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

- General concerns about CDOT interchange project and how it will impact the site.
City staff are working closely with CDOT to obtain updates on this ongoing proposal. Because there has not been a definitive answer or timeline given by CDOT on the timing of the potential improvements, nor a funding source secured, the City cannot preclude anyone from developing or improving their private property. Until CDOT presents to the City a solid plan, we will proceed with this process as we would any other site.
- What other projects has the applicant completed? What are some examples?
Projects primarily in Utah but of similar scope and concept. One notable one is located in Salt Lake City and also involved the conversion of a motel into apartment units. The applicant directed people to their website to check out their portfolio in more detail.
- Is another building on the site proposed?
Not at this time. Right now, we are focusing on the conversion of the existing hotel into studio apartments. Whether or not another building could be built would depend on timing, financials, and the CDOT project. An additional building would be years down the line, if even possible.
- What type of kitchens would be included in the units?
A kitchenette with a cooktop and microwave. The building would include a full community kitchen which can be reserved by residents for more substantial cooking. Staff reminded participants that these types of details would be reviewed much further on in the process and that the focus of the meeting was for the zone change.
- What will the traffic impacts be?
Staff discussed the potential need for a traffic impact study during the site planning phase which would enable staff to assess the potential impacts on internal site circulation, as well as on local roadways such as the Frontage Road and Kipling Street, and major nearby intersections. Staff reminded participants that these types of details would be reviewed much further on in the process and that the focus of the meeting was for the zone change.
- Is there sufficient parking on the site to accommodate residents?
Staff discussed that mixed use zoning requires one parking space per unit but that a parking analysis would be required during the site planning phase to ensure adequate parking is provided. Staff reminded participants that these types of details would be reviewed much further on in the process and that the focus of the meeting was for the zone change.
- Would the applicant be willing to meet with adjacent property owners to answer further questions or be open to general communication?
Yes. The applicant shared his email in the chat.

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.



EXHIBIT 6: SITE PHOTOS



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



View of the subject property looking west from Kipling Street.
(Source: Google Maps, August 2022)