



**PLANNING COMMISSION  
A G E N D A  
September 1, 2011**

**Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on September 1, 2011, at 7:00 p.m., in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.**

*Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Heather Geyer, Public Information Officer at 303-235-2826 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.*

- 1. CALL THE MEETING TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVE THE ORDER OF THE AGENDA (Items of new and old business may be recommended for placement on the agenda.)**
- 5. APPROVAL OF MINUTES – August 4, 2011**
- 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.)**
- 7. PUBLIC HEARINGS**
  - A. Case No. ZOA-11-07: An ordinance amending the Wheat Ridge Code of Laws concerning annexation of real property to the City.**
  - B. Case No. ZOA-11-08: An ordinance concerning appeals from decisions of the Director of Public Works.**
  - C. Case No. ZOA-11-09: An ordinance concerning grading and fill permits.**  
**Case No. ZOA-11-10: An ordinance concerning land use document submittals.**  
**Case No. ZOA-11-11: An ordinance concerning required public improvements associated with subdivisions.**
- 8. OTHER ITEMS**
  - A. 38<sup>th</sup> Avenue Corridor Plan Update**
- 9. ADJOURNMENT**



**PLANNING COMMISSION  
Minutes of Meeting  
August 4, 2011**

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair BUCKNAM at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL OF MEMBERS**

Commission Members Present: Anne Brinkman  
Alan Bucknam  
Marc Dietrick  
Tracy Guildner  
Dick Matthews  
Scott Ohm  
George Pond  
Steve Timms

Staff Members Present: Meredith Reckert, Sr. Planner  
Tim Paranto, Director of Public Works  
Ann Lazzeri, Recording Secretary

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE THE ORDER OF THE AGENDA**

**It was moved by Commissioner MATTHEWS and seconded by Commissioner TIMMS to approve the order of the agenda. The motion carried 8-0.**

**5. APPROVAL OF MINUTES – June 16, 2011**

**It was moved by Commissioner MATTHEWS and seconded by Commissioner TIMMS to approve the minutes of June 16, 2011 as presented. The motion carried 6-0 with Commissioners Dietrick and Guildner abstaining.**

**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)**

No members of the public wished to speak at this time.

## 7. PUBLIC HEARINGS

- A. **Case No. MS-11-02:** An application filed by Weston Solutions for a 3-lot minor subdivision plat with dedications on property zoned Mixed Use Commercial (MU-C) and located at approximately 7340 West 44<sup>th</sup> Avenue.

This case was presented by Meredith Reckert. She entered all pertinent documents into the record and advised the Commission there was jurisdiction to hear the case. She reviewed the case file and digital presentation. Staff recommended approval for reasons, and with a condition, as outlined in the staff report.

**Steve Art**

**Economic Development and Urban Renewal Manager**

Mr. Art stated that Renewal Wheat Ridge, the city's urban renewal authority, has reviewed the subdivision and fully concurs with staff recommendations.

Chair BUCKNAM opened the public hearing and asked to hear from members of the public.

**Rebecca Zachmeier**

**4200 Upham**

Ms. Zachmeier wanted to know what drainage will look like and expressed concern about above-ground detention. She expressed concern about the senior housing project and stated that she would like to see more home ownership properties in the city.

**Joseph Sadar**

**4355 Teller**

Ms. Sadar wanted to know more details about the senior housing project. Ms. Reckert explained that the plans are presently under administrative review and citizens may come to the Community Development Department to see them.

**Judy Capra**

**4290 Teller**

Ms. Capra stated that she was surprised to hear the senior housing project had been approved. She believed Lot 2 is not large enough to accommodate 88 units and should be larger. She was opposed to a waiver of park land dedication.

**Myrna Shaw**

**4195 Teller**

Ms. Shaw expressed concern about street allotments that would encourage drivers to speed. Also, increased traffic in the area would affect safety of children in the

area. She was opposed to placing a median on Wadsworth to Vance Street because it would have a negative impact on existing businesses.

**Lorraine Neumann**

**4281 Upham**

Ms. Neumann stated that she is now landlocked and asked if she would have a curb cut to allow access to her property from 43<sup>rd</sup> Avenue. She also asked if the existing trees would remain.

**Gay Ann Fey**

**4320 Upham**

Ms. Fey expressed concern about 43<sup>rd</sup> Avenue going through that would result in increased traffic. Drivers already speed in this area. A light at Vance will cause drivers to cut through on 43<sup>rd</sup>.

**Andy Horn**

**7175 West 42<sup>nd</sup> Avenue**

Mr. Horn expressed opposition about that 88-unit living complex for limited income seniors because Wheat Ridge already has a glut of low-income rentals. He understood that the use for this area would be mixed use with commercial and believed this was a “bait and switch” by the city. The senior living complex will not bring strong families to Wheat Ridge. He was also opposed to a median on 44<sup>th</sup> Avenue that will increase traffic congestion at Vance, Teller and Upham. A signal at Vance will not help traffic congestion. 44<sup>th</sup> Avenue could be backed up as far as Teller. His neighborhood already gets cut-through traffic on Teller. He did not believe open space requirements can be met by some tables and patio space. He expressed concern about a subdivision being approved before development for the property is planned.

**Craig Ailero**

**4200 Upham**

He stated that he was not aware that the senior housing project had been approved. He believed that a library and DMV building was promised for the area. He was also concerned about storm water flushing through the remediation area for the demolished transmission shop.

**Suzanne Capra**

**7070 West 43<sup>rd</sup> Avenue**

She didn't understand why the city is buying rentals to convert to home ownership when this housing project will add to rental property in the city. She expressed concern about increased traffic on Upham Street.

Steve Art reminded those present that the matter before the Commission is the subdivision and not the ultimate development. However, he described the proposed development that is presently under administrative review. The apartments will not abut 43<sup>rd</sup> but will be in an L-shape that will run

along Vance street and the other along the northern border of the property. Only a portion of the project that is counted toward open space is patio and open space. An area at the north end of the property is planned for a garden area. A public space will be required for Lot 1 when it is developed.

Ms. Reckert commented that development of the property is market-driven. The City was working with Renewal Wheat Ridge and Jefferson County to find a public use for the property but Jeffco decided to locate their building elsewhere. Another development proposal was a medical clinic that also decided to locate elsewhere. It is not known at this time who the users will be for Lots 1 and 3. There is also a need for affordable multiple housing in the City.

**John Reisma**  
**Weston Solutions**

In response to a question from Commissioner GUILDNER, Mr. Reisma stated that the ground has been tested for contamination and everything is coming back clean. There is also ongoing monitoring and there is no need to expedite that monitoring before construction of a detention pond takes place. The pond will meet all EPA standards.

In response to a question from Commissioner OHM, Mr. Paranto stated that different scenarios have been examined for the detention pond and it was determined that it would be placed in the northeast corner. It will initially be an earthen pond to give the future owner of Lot 1 the right to change the configuration if so desired. It could possibly be put underground.

For clarification, Commissioner TIMMS commented that Planning Commission is voting on the subdivision plat and cannot make a recommendation about the apartment plans. Further, the Commission has no jurisdiction over the proposed 44<sup>th</sup> Avenue median. Lot 2 meets minimum standards of MU-C zoning in terms of lot size and frontage.

In response to a question from Commissioner BRINKMAN regarding Ms. Neumann's landlocked situation, Mr. Paranto stated that she can have a curb cut when the street is constructed. He also commented that traffic engineers have predicted morning and evening hour peak traffic should be eleven cars onto Upham from the proposed project. The light at Vance and 44<sup>th</sup> will provide an easy access to 44<sup>th</sup>. The intent of this light and a median on 44<sup>th</sup> is to make it a safer street. There are presently many accidents at this location.

In response to a question from Commissioner BUCKNAM regarding the drainage easement over a remediation site, Mr. Paranto stated that while he has not reviewed the plans, Renewal Wheat Ridge is aware of what needs to be done regarding stabilization of the earth to meet State Health Department requirements. There is very little contamination dissipating today and there will be no undue burden on future owners of the site

Commissioner TIMMS stated that he would vote in favor of the application based upon the criteria set before the Commission. He encouraged Renewal Wheat Ridge to conduct extensive outreach to the neighborhood about whatever occurs in the area.

**It was moved by Commissioner TIMMS and seconded by Commissioner MATTHEWS to approve Case No. MS-11-02, a request for approval of a three-lot minor subdivision plat with right-of-way dedication on MU-C zoned property located at 7340 West 44<sup>th</sup> Avenue, for the following reasons:**

- 1. All requirements of Article IV of the zoning and development code have been met.**
- 2. The utility providers can serve the property.**
- 3. It will facilitate development of the site in compliance with the approved Concept Plan.**

**With the following condition:**

- 1. The applicant continue to work with the Department of Public Works on technical drainage requirements.**

Commissioner MATTHEWS stated that he would support the subdivision plat. He expressed concern that this project looks like “piecemeal” redevelopment.

**Motion carried 8-0.**

## **8. OTHER MATTERS**

### **A. 38<sup>th</sup> Avenue Corridor Plan Update**

Ms. Reckert encouraged Commission members to attend the third and final public meeting on the 38<sup>th</sup> Avenue Corridor Plan to be held on August 9 at the Wheat Ridge Recreation Center.

## **9. ADJOURNMENT**

**It was moved by Commissioner MATTHEWS and seconded by Commissioner GUILDNER to adjourn the meeting at 8:22 p.m. The motion carried 8-0.**

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**Alan Bucknam, Chair**

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**Ann Lazzeri, Secretary**

**MEETING DATE: September 1, 2011**

**TITLE: AN ORDINANCE CONCERNING APPEALS FROM DECISIONS OF THE  
DIRECTOR OF PUBLIC WORKS**

**CASE NO. ZOA-11-07**

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PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Kenneth Johnstone, AICP, Director of Community Development

Date of Preparation: August 18, 2011

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**SUMMARY:**

The attached ordinance proposes an amendment to the zoning code to establish a provision for appealing certain decisions of the Public Works Director to the Board of Adjustment. The ordinance was initiated at the request of City Council. The ordinance amends Section 26-115 of the municipal code and as such, requires review by the Planning Commission, with the Commission's recommendation on the ordinance to be forwarded to City Council for consideration.

**BACKGROUND:**

The ordinance was initiated at the request of City Council and has been reviewed by City Council at a study session. The ordinance was introduced on 1<sup>st</sup> reading at City Council on July 25, 2011, with a City Council public hearing set for September 12, 2011. The intent of the ordinance is to give private property owners the right to appeal decisions of the Public Works Director, which are made after a project has been through any required Planning Commission and City Council approval. Those appeals would be made to the Board of Adjustment and would require the Board to find that the requirements being imposed constitute a "particular and unique hardship...as distinguished from a mere inconvenience." This new appeal process mirrors the ability that a private party has to appeal decisions of the Building Official to the Building Code Advisory Board. The new appeal process is also very similar to the ability a private party has to appeal administrative requirements that are imposed through Article IV of Chapter 26 – Subdivisions.

**RECOMMENDED MOTION:**

"I move to recommend approval of Case No. ZOA-11-07, an ordinance amending code section 26-115 concerning appeals of decisions of the Director of Public Works. "

**Exhibits:**

1. Proposed ordinance

**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER REINHART  
Council Bill No. 24  
Ordinance No. \_\_\_\_\_**

**Series 2011**

**TITLE: AN ORDINANCE CONCERNING DECISIONS OF THE DIRECTOR  
OF PUBLIC WORKS**

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

**WHEREAS**, in the exercise of these powers, the City Council has adopted Chapter 26 of the Wheat Ridge Code of Laws ("Code") concerning zoning and development, and Chapter 13 concerning motor vehicles and traffic; and

**WHEREAS**, the City Council wishes to provide for a right of appeal from certain decisions of the Director of Public Works as authorized by said Chapter 26 and to delete an obsolete provision of Chapter 13 in connection therewith.

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

**Section 1.** Section 26-115 of the Wheat Ridge Code of Laws, pertaining to the authority of the Board of Adjustment, is hereby amended by the addition of a new subsection E.3, to read as follows:

E. *Interpretations.* The board of adjustment is empowered to hold public hearings to decide upon requests for interpretation of certain provisions of this chapter in such a way as to carry out their intent and purpose. This authority shall extend only to the following:

1. The basic intent and purpose of words, phrases or paragraphs as applied to a specific proposal or instance.
2. Use of property as an "other similar use;" however in no instance shall the board make an interpretation that a particular use may be permitted in a zone district where that use is specifically enumerated in a higher, that is a more intensive, zone district.
3. ADMINISTRATIVE DECISIONS TAKEN BY THE DIRECTOR OF PUBLIC WORKS FOLLOWING FINAL APPROVAL BY THE PLANNING COMMISSION OR CITY COUNCIL, AS APPROPRIATE, MAY BE APPEALED TO THE BOARD, WHICH IS EMPOWERED TO REVERSE OR MODIFY SUCH DECISIONS, IN WHOLE OR IN PART, UPON A SHOWING BY THE APPLICANT THAT THE EFFECT OF THE DIRECTOR'S DECISION

**EXHIBIT 1**



WOULD IMPOSE A PARTICULAR AND UNIQUE HARDSHIP UPON THE OWNER OF THE SUBJECT PROPERTY, AS DISTINGUISHED FROM MERE INCONVENIENCE, AND WHICH HARDSHIP HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN INTEREST IN THE SUBJECT PROPERTY.

**Section 2.** Section 13-1 of the Wheat Ridge Code of Laws, entitled "Standard manual," is amended by the deletion of reference in subsection (c) thereof to the "Street Committee of the City Council," as follows:

(c) *Review for compliance; requests for placement or removal; appeals.* All traffic regulatory signs and control devices shall be reviewed by the director of public works or his designee for compliance with the warrants stated in subsection (b) above. Any requests for placement or removal of regulatory signs (being defined as stop or yield signs) shall be completed by any person requesting review, and review shall be made by the public works director, or his designee, indicating what criteria or warrants as specified above have been met, or not met, which review shall contain a recommended action to be taken. ~~All such recommendations shall be submitted to the street committee of the city council, which shall review and discuss the recommendation. Any person aggrieved by the decision of the city council's street committee to approve or disapprove said recommendation may appeal such decision to the city council for the purpose of obtaining a final decision from the city council. It is expressly stated herein that the appeal process shall relate only to Warrant No. (5) specified in subsection (b).~~

**Section 3. 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 4. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 25th day of July, 2011, 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 August 8, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_ to \_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**SIGNED** by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
Jerry DiTullio, Mayor

\_\_\_\_\_  
Michael Snow, City Clerk

Approved as to Form

First Publication: July 28, 2011  
Second Publication:  
Wheat Ridge Transcript  
Effective Date:

\_\_\_\_\_  
Gerald E. Dahl, City Attorney



**PLANNING COMMISSION  
LEGISLATIVE ITEM STAFF REPORT**

**MEETING DATE: September 1, 2011**

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CONCERNING ANNEXATION OF REAL PROPERTY TO THE CITY**

**CASE NO. ZOA-11-08**

PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Kenneth Johnstone, AICP, Director of Community Development

Date of Preparation: August 18, 2011

**SUMMARY:**

The attached ordinance proposes an amendment to Chapter 26 of the municipal code, adding a new article, Article XII, pertaining to annexation. The ordinance was initiated at the recommendation of the City Attorney’s office and is consistent with State statutes regarding annexation. The ordinance amends Chapter 26 of the municipal code and as such, requires review by the Planning Commission, with the Commission’s recommendation on the ordinance to be forwarded to City Council for consideration.

**BACKGROUND:**

The ordinance was initiated at the recommendation of the City Attorney. The ordinance was introduced on 1<sup>st</sup> reading at City Council on August 8, 2011, with a City Council public hearing set for September 12, 2011. As proposed, the ordinance requires that all requests for disconnection (also referred to as de-annexation) of real property from the City shall follow all required Statutory rules and additionally, no such disconnection can be initiated or completed unless City Council first adopts an ordinance approving such disconnection.

**RECOMMENDED MOTION:**

“I move to recommend approval of Case No. ZOA-11-08, an ordinance amending the Wheat Ridge Code of Laws concerning annexation of real property into the city.”

**Exhibits:**

- 1. Proposed ordinance

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_**  
**Council Bill No. 27**  
**Ordinance No. \_\_\_\_\_**  
Series 2011

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS  
CONCERNING ANNEXATION OF REAL PROPERTY TO THE CITY**

**WHEREAS**, the City of Wheat Ridge is a home rule municipality operating under the constitution and laws of the state of Colorado and a home rule charter adopted pursuant to the authority granted by Article XX of the Colorado Constitution; and

**WHEREAS**, the Wheat Ridge City Council (the "Council") is empowered by the Wheat Ridge Home Rule Charter and the Colorado Constitution to adopt ordinances on matters of local concern; and

**WHEREAS**, the Council finds that it is necessary to specify the applicability of the Colorado Revised Statutes to annexation of property to the City.

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

**Section 1.** Chapter 26 of the Wheat Ridge Code of Laws is amended by the addition of a new Article XII, entitled "Annexation," to read in its entirety as follows:

**ARTICLE XII ANNEXATION**

**Sec. 26-1201. Reserved.**

**Sec. 26-1202. Annexation procedure.**

All annexations of real property to the city shall follow the requirements of Article 12 of Title 31 of the Colorado Revised Statutes, as amended.

**Sec. 26-1202. Disconnection procedure.**

All requests for disconnection of real property from the city shall follow the applicable requirements of Article 12 of Title 31 of the Colorado Revised Statutes, as amended, provided, however, no such disconnection shall be initiated or completed unless and until the city council, acting in its sole and exclusive discretion, adopts an ordinance approving such disconnection.

**Section 2. 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 3. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of \_\_\_ to \_\_\_ on this \_\_\_ day of \_\_\_\_\_, 2011, 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 \_\_\_\_\_, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_ to \_\_\_, this \_\_\_ day of \_\_\_\_\_, 2011.

SIGNED by the Mayor on this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Jerry DiTullio, Mayor

ATTEST:

\_\_\_\_\_  
Michael Snow, City Clerk

Approved as to Form

\_\_\_\_\_  
Gerald E. Dahl, City Attorney

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

## Memorandum

**TO:** Planning Commission

**FROM:** Meredith Reckert, Senior Planner

**DATE:** August 24, 2011

**SUBJECT:** Zoning code amendments

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The following are four proposed code amendments prepared by the City Attorney and the Public Works Department. Three of the language changes impact Chapter 26 so Planning Commission recommendation is required prior to public hearing at City Council. A fourth code change impacts Section 5-45 of the Municipal Code and relates to installation of public improvements associated with a building permit. Planning Commission will take no action on this one.

All four of the code amendments have been grouped together in a single ordinance attached as **Exhibit A**. The specific code section modifications are as follows:

**Exhibit B:** Section 5-45 code change (Section 1 of proposed ordinance)

**Exhibit C:** Case No. ZOA-11-09/Grading and Fill requirements (Section 11 of the proposed ordinance)

**Exhibit D:** Case No. ZOA-11-10/Technical Submittal Requirements (Sections 2 -7 of the proposed ordinance)

**Exhibit E:** Case No. ZOA-11-11/Public Improvements Installation with Subdivisions (Section 8-10)

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_**  
**Council Bill No. \_\_\_\_**  
**Ordinance No. \_\_\_\_\_**  
Series 2011

**TITLE: AN ORDINANCE AMENDING CHAPTERS 5 AND 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING GENERAL CODE REVISIONS AND CLARIFICATION RELATED TO BUILDINGS, DEVELOPMENT AND IMPROVMENTS AND REQUIRED SUBMISSION AND PERMITS FOR THE SAME**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution and the City's home rule charter ("Charter"); and

**WHEREAS**, pursuant to this power, the City Council has previously adopted Chapters 5 and 26 of the City of Wheat Ridge Code of Laws ("Code") concerning business licenses and taxes, respectively; and

**WHEREAS**, Chapter 5 controls buildings and building regulations in the City; and

**WHEREAS**, Chapter 26 controls zoning and development in the City; and

**WHEREAS**, the City Council finds it is in the best interest of the City to, from time to time, update said Chapters to provide for greater ease of administration and to reflect both the practical and new technology facing both the City and applicants for development.

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

**Section 1.** Chapter 5, Section 5-45 of the Code is hereby amended (with appropriate re-numbering and re-lettering) as follows:

**Sec. 5-45. Public improvements required.**

(a) Applications for building permits shall be reviewed by the ~~department~~ DIRECTOR of public works to determine whether the proposed construction will require the installation or construction of public improvements including, but not limited to, street paving, curbs, gutters, sidewalks, drainage facilities, or other public improvements as may be required by THIS ordinance or the subdivision regulations.

(b) If it is determined by the ~~department~~ DIRECTOR of public works that any such public improvements (INCLUDING, BUT NOT LIMITED TO, DRAINAGE, TRAFFIC, STREET CONTINUITY, CURB, GUTTER AND SIDEWALK, RELOCATION OR UNDERGROUNDING OF UTILITIES, STREET LIGHTING, OR ROADWAY

**EXHIBIT A**

Sec.  
5-45

CONSTRUCTION) are necessitated by the proposed construction based upon the specific adverse effects created by the proposed construction, including, but not limited to, drainage, traffic, street continuity, curb, gutter and sidewalk, relocation or undergrounding of utilities, street lighting, roadway construction), the department DIRECTOR of public works shall so inform the building official, and in such event a condition shall be inserted in the building permit which shall require the construction of such public improvement or public improvements by the property owner and the dedication thereof to the city. All such improvements are to be constructed in full compliance with the city's engineering division regulations, design standards and construction specifications. The cost of any such improvements shall be borne by the property owner, and the construction thereof shall be at the sole cost, risk and expense of the property owner, subject to the provisions of any applicable city ordinance, regulations or policies. Subject to the requirements of paragraph (c) below THIS SECTION, failure to construct any such required public improvements shall entitle the city to withhold any certificate of occupancy.

(c) SIDEWALKS SHALL ONLY BE REQUIRED ON STREETS IDENTIFIED AS PEDESTRIAN ROUTES IN THE CITY OF WHEAT RIDGE BICYCLE AND PEDESTRIAN MASTER PLAN AND ON COLLECTOR AND ARTERIAL STREETS AS IDENTIFIED IN THE CITY OF WHEAT RIDGE STREETScape DESIGN MANUAL. ~~If it is determined by the department of public works, after consideration of the factors set forth below that such public improvements may be placed at a later date. An escrow amount equalling one hundred (100) percent of the estimated cost of the required public improvements shall be deposited with the city. The cost estimate will be prepared by the engineering division, based upon current construction costs prior to issuance of a building permit.~~

~~(1) The installation of curbs, gutters and sidewalks and related roadway improvements may not be required where less than half of the properties on the street extending five hundred (500) feet from the lot lines of the property in question, on both sides of the fronting street, have in existence curbs, gutters and sidewalks.~~

(d) THE INSTALLATION OF CURBS, GUTTERS AND SIDEWALKS AND RELATED ROADWAY IMPROVEMENTS SHALL ONLY BE REQUIRED IF SUCH IMPROVEMENTS ARE PRE-EXISTING ADJACENT TO ANY PROPERTY ON EITHER SIDE OF THE STREET BLOCK ON WHICH THE PROPERTY IS LOCATED.

~~(2)~~

(e) No curbs, gutters and sidewalks shall be required for a remodeling of an existing building.

~~(3) Installation of curbs, gutters and sidewalks would be impractical or economically unfeasible or not in the best interest of the city at the time of issuance of the certificate of occupancy.~~

(f) In no event shall installation of curbs, gutters or sidewalks be required if the cost of installation of such curbs, gutters, sidewalks and other improvements exceeds ten (10) percent of the cost of the building permit value. ~~In this case, an escrow in the~~



amount of ten (10) percent of the value of the building permit shall be deposited with the city by the property owner prior to issuance of a building permit for the improvements. In addition, the installation of curbs, gutters and sidewalks shall neither be required nor allowed upon any street designated as an exempt local street in the city's comprehensive plan nor shall the department require an escrow for public improvements.

(e) — In any such event, a development agreement shall be signed by the owner of the property, pursuant to the subdivision regulations of the city, which development agreement shall remain in full force and effect for ten (10) years from the date of execution by the property owner, unless sooner released of record by the city.

(g)(e) If it is determined by the department DIRECTOR of public works, after consideration of the factors set forth below that INSTALLATION OF such public improvements WOULD BE IMPRACTICAL OR ECONOMICALLY UNFEASIBLE OR NOT IN THE BEST INTEREST OF THE CITY AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT, THE ESTIMATED COST OF THE PUBLIC IMPROVEMENTS SHALL BE PAID TO THE CITY AS CONDITION OF APPROVAL TO BE USED TO CONSTRUCT PUBLIC IMPROVEMENTS IN AN AMOUNT AND LOCATION ROUGHLY PROPORTIONAL TO THOSE IN LIEU OF WHICH THE PAYMENT IS REQUIRED. ~~may be placed at a later date. An escrow amount equaling one hundred (100) percent of the estimated cost of the required public improvements shall be deposited with the city. The cost estimate will be prepared by the engineering division, based upon current construction costs prior to issuance of a building permit.~~

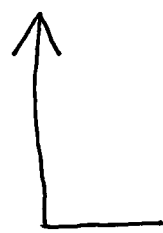
(h)(f) Any owner, contractor or developer who is aggrieved by a decision of the department DIRECTOR of public works requiring installation of such public improvements or escrowing PAYMENT of funds in lieu of construction shall have the right to appeal the department's DIRECTOR'S determination to the board of adjustment pursuant to section 2-61 of the city's Code of Laws.

**Section 2.** Chapter 26, Section 26-111, Subsection D.1.m of the Code is hereby amended as follows:

m. In addition to the information included on the site plan document, the following supportive information may be required IN HARD COPY, IN ELECTRONIC FILE FORMAT, OR BOTH:

- (1) FINAL Drainage REPORT AND Pplan;
- (2) Elevations and perspective drawings;
- (3) Traffic Impact Report;-
- (4) CIVIL CONSTRUCTION PLANS;
- (5) STORMWATER MANAGEMENT PLAN (SWMP);
- (6) STORMWATER OPERATIONS & MAINTENANCE MANUAL (O & M MANUAL).

Sec. 5-45



ZOA-11-09



**Section 3.** Chapter 26, Section 26-308, Subsection C.2.p of the Code and Subsection D.2.a are hereby amended as follows:

- p. METES AND BOUNDS ~~Legal description (metes and bounds)~~ OF THE TOTAL SITE INCLUDING AREA IN SQUARE FEET, WITH SECTION TIES ON THE CURRENT CITY DATUM, IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENTS. ~~of total site, including area.~~

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- a. METES AND BOUNDS ~~Legal description~~ WITH SECTION TIES ON THE CURRENT CITY DATUM, IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENTS, of the entire planned development, and if the final development plan is for only a portion of the site, a legal description of that portion of the site included within the final development plan.

**Section 4.** Chapter 26, Section 26-403 of the Code is hereby amended as follows:

*City datum:* Those three-dimensional coordinate values established during the ~~city monumentation program~~ STATE PLANE COORDINATE CONVERSION PROGRAM for all quarter corners, and SECTION CORNERS, AND PERMANENT HIGH ACCURACY CONTROL (PHAC) POINTS within and adjacent to the City of Wheat Ridge.

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*GEODETIC SURVEYING:* "GEODETIC SURVEYING" MEANS THE PERFORMANCE OF SURVEYS IN WHICH MEASURE OR ACCOUNT IS TAKEN OF THE SHAPE, SIZE, AND GRAVITATIONAL FORCES OF THE EARTH TO DETERMINE OR PRE-DETERMINE THE HORIZONTAL OR VERTICAL POSITIONS OF POINTS, MONUMENTS, OR STATIONS FOR USE IN THE PRACTICE OF PROFESSIONAL LAND SURVEYING OR FOR STATING THE GEODETIC POSITION OF CONTROL POINTS, MONUMENTS, OR STATIONS BY USING A COORDINATE SYSTEM OR DERIVATIVE THEREOF RECOGNIZED BY THE NATIONAL GEODETIC SURVEY.

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*PHAC POINTS:* PERMANENT HIGH ACCURACY CONTROL POINTS ESTABLISHED DURING THE CITY OF WHEAT RIDGE STATE PLANE COORDINATE CONVERSION PROGRAM BY AND FOR USE IN GLOBAL POSITIONING SURVEYS.

**Section 5.** Chapter 26, Section 26-407, Subsection C.1 is hereby amended as follows:

1. Maps of the subdivision plat shall be drawn at not less than a scale of one (1) inch equals one hundred (100) feet with the use of black, waterproof drawing ink and the outer dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches with a margin of at least two (2) INCHES to be reserved along the narrow left

side of each drawing, A MARGIN OF AT LEAST ONE (1) INCH ALONG THE TOP MARGIN, and a margin of at least one-half (1/2) inch shall be reserved around the balance of the drawing.

**Section 6.** Chapter 26, Section 26-407, Subsections D.2, D.6, D.8 and D.9 of the Code are hereby amended as follows; further, new Subsections D.17 and 18 are added:

2. Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features. All curves shall be circular arcs and shall be defined by at least three (3) of the following: the radius, central angle, tangent, ARC LENGTH, CHORD LENGTH, AND CHORD BEARING. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of at least one (1) in fifty thousand (50,000). No final plat showing plus or minus dimensions will be approved.

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6. Total acreage and a surveyed METES AND BOUNDS legal description of the area, with SECTION ties to two (2) section corners IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENTS. Coordinates for all section corners, and, QUARTER-SECTION CORNERS, AND PHAC POINTS used will SHALL be consistent with the CURRENT City of Wheat Ridge Datum and are available from the public works department.

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8. MONUMENTS:
- i. A description of all monuments THAT MARK THE BOUNDARIES OF THE PROPERTY, both found and set, and a description of all control monuments used in conducting the survey.
  - ii. RIGHT-OF-WAY SURVEY MONUMENTS SHALL BE ESTABLISHED PER CITY OF WHEAT RIDGE STANDARD SPECIFICATIONS FOR ALL NEW ROADWAYS OR RELOCATION OF EXISTING ROADWAYS, AT ALL NEW ROAD RIGHT-OF-WAY CENTERLINE INTERSECTIONS, CENTER OF RADIUS FOR CUL-DE-SACS, AND AT THE END OF THE CENTERLINE FOR DEAD END STREETS. RIGHT-OF-WAY SURVEY MONUMENTS MAY ALSO BE REQUIRED AT ROADWAY CENTERLINE POINTS OF CURVATURE, POINTS OF REVERSE OR COMPOUND CURVATURE, AND POINTS OF TANGENCY, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
  - iii. Coordinates for all control monuments used will SHALL be consistent with the CURRENT City of Wheat Ridge datum.

9. A statement by ~~the land surveyor~~ A COLORADO LICENSED PROFESSIONAL LAND SURVEYOR that the survey was performed by him or under his direct responsibility, supervision, and checking, and in accordance with all CITY OF WHEAT RIDGE REQUIREMENTS AND applicable Colorado Statutes, current revised edition, as amended. THE PROFESSIONAL LAND SURVEYOR SHALL PROVIDE A

STATEMENT OF ACCURACY WHICH CERTIFIES THE ACCURACY AND CONFORMANCE OF THE FINAL PLAT DOCUMENT TO ALL APPLICABLE STATE LAWS AND REQUIREMENTS SET FORTH HEREIN.

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17. ALL ITEMS ON THE CITY OF WHEAT RIDGE *GEODETIC SURVEYING REQUIREMENTS FOR FINAL PLATS* SHALL BE ADHERED TO AND PROVIDED ON THE PLAT.

18. THE PURPOSE, WIDTH, LENGTH, AND LOCATION OF ALL EASEMENTS AND ALL ABUTTING EASEMENTS SHALL BE CLEARLY LABELED AND IDENTIFIED. IF ANY EASEMENT ALREADY OF RECORD CANNOT BE DEFINITELY LOCATED, A STATEMENT OF ITS EXISTENCE AND ITS RECORDED REFERENCE SHALL APPEAR ON THE PLAT TITLE SHEET.

**Section 7.** Chapter 26, Section 26-407, Subsections E.3 and E.13 of the Code are hereby amended as follows; further, new Subsections E.18 and 19 are added:

3. Complete engineering plans and specifications SHALL BE SUBMITTED IN **HARDCOPY** AND MAY BE REQUIRED IN AN ELECTRONIC FILE FORMAT ACCEPTABLE TO THE CITY for all public facilities to be installed, i.e., water and sewer utilities, traffic control devices, traffic calming features, streets, street lights, street signs and related public improvements, bridges, and storm drainage, including design analysis when required.

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13. A computer readable drawing OF THE FINAL PLAT SHALL BE SUBMITTED ~~may be required to be submitted on a floppy disk~~ CD-ROM, DVD-ROM, OR OTHER ELECTRONIC FILE FORMAT ACCEPTABLE TO THE CITY. The information shall be ON THE CURRENT CITY OF WHEAT RIDGE DATUM IN CONFORMANCE WITH CITY GEODETIC SURVEYING REQUIREMENT STANDARDS AS ESTABLISHED BY THE PUBLIC WORKS DEPARTMENT, be compatible with the current Autocad release CITY MAPPING SOFTWARE AND LAYERING STANDARDS, and include, but not limited to, SECTION TIES, ties to a minimum of two (2) section (land) corners, CONTROL MONUMENTS, exterior boundaries, interior lot lines, easements, rights-of-way (existing and proposed), all to include bearings and distances.

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18. A CLOSURE REPORT FROM THE PROFESSIONAL LAND SURVEYOR CONTAINING THE CLOSURE CALCULATIONS AND ERROR OF CLOSURE WITH AREA (ROUNDED TO THE NEAREST SQUARE FOOT) FOR THE SUBDIVISION BOUNDARY.



19. A COPY OF THE CITY GEODETIC SURVEYING REQUIREMENTS CHECKLIST, COMPLETED AND INITIALED BY THE PROFESSIONAL LAND SURVEYOR CERTIFYING THE PLAT.

**Section 8.** Chapter 26, Section 26-412, Subsection C.1.b of the Code is hereby amended as follows:

*ZOA-11-10*

b. ~~Concrete curbs, gutters, and sidewalks.~~ CURBS, GUTTERS AND SIDEWALKS SHALL BE PROVIDED FOR ALL SUBDIVISIONS THAT REQUIRE NEW STREETS. SUBDIVISIONS OF PROPERTY LOCATED ADJACENT TO EXISTING STREETS WILL REQUIRE CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS IF THE EXISTING STREETS ARE DESIGNATED AS PEDESTRIAN OR TRAIL ROUTES IN THE CITY OF WHEAT RIDGE BICYCLE AND PEDESTRIAN MASTER PLAN OR ARE COLLECTOR OR ARTERIAL STREETS AS IDENTIFIED IN THE CITY OF WHEAT RIDGE STREETScape DESIGN MANUAL.

**Section 9.** Chapter 26, Section 26-412, Subsection H of the Code is hereby amended as follows:

1. In conjunction with the required drainage certification, the owner will furnish the city, free of charge, A HARDCOPY, SIGNED AND SEALED BY THE ENGINEER OF RECORD, OF THE drawings and specifications, including supplemental drawings, relating to improvements, showing them in their as-built locations ON THE CURRENT CITY OF WHEAT RIDGE DATUM.
2. The as-built's shall be prepared and certified by a registered professional engineer in accordance with the requirements of Wheat Ridge and prior to the city's issuance of the first certificate of occupancy in the subdivision.
3. AN ELECTRONIC FILE CONTAINING THE AS-BUILTS SHALL ACCOMPANY THE SIGNED AND SEALED HARDCOPY, AND BE FURNISHED IN A FORMAT COMPATIBLE WITH THE CITY MAPPING SOFTWARE AND LAYERING STANDARDS ON CD-ROM, DVD-ROM, OR OTHER ELECTRONIC MEDIA ACCEPTABLE TO THE CITY.

*ZOA-11-10*

**Section 10.** Chapter 26, Section 26-413, Subsection B of the Code is hereby amended as follows:

1. The ~~public works department~~ COMMUNITY DEVELOPMENT DEPARTMENT and the subdivider shall prepare an agreement in substantially the form of Appendix B [on file in the office of the city clerk], which details the obligations of the city and the subdivider, the estimated costs of public improvements to the property and the amount of letter of credit to be supplied by the subdivider.

**Section 11.** Chapter 26, Section 26-623 of the Code is hereby amended (and re-lettered) as follows:

- ZOA-11-11*
- A. *Generally.* FOR OPERATIONS WHEREBY A BUILDING PERMIT IS NOT REQUIRED PURSUANT TO THE UNIFORM CODES ADOPTED BY THE