



**PLANNING COMMISSION
A G E N D A
December 19, 2019**

Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on December 19, 2019 at 7:00 p.m., in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**Agenda packets and minutes are available online at <http://www.ci.wheatridge.co.us/95/Planning-Commission>*

- 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 – October 17, 2019**
- 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 HEARING ****
 - A. Case No. WZ-19-08: An application filed by Jefferson County for approval of initial zoning for the north half of 52nd Avenue between Ward Road and Tabor Street currently in unincorporated Jefferson County and proposed to be annexed (case # ANX-19-01) by the City of Wheat Ridge.**
 - B. Case No. ZOA-19-05: An ordinance amending the Wheat Ridge Code of Laws to amend references to the Public Works and Community Development Directors, Departments, Divisions and Staff.**

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



8. OLD BUSINESS

9. NEW BUSINESS

- January 2, 2020 Planning Commission Meeting - Cancelled

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
- d. Staff/applicant response
- e. Close public hearing
- f. Commission discussion and decision

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**PLANNING COMMISSION
Minutes of Meeting
October 17, 2019**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair OHM at 7:02 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Melissa Antol
Daniel Larson
Janet Leo
Scott Ohm
Jahi Simbai
Vivian Vos

Commission Members Absent: Will Kerns
Richard Peterson

Staff Members Present: Kenneth Johnstone, Community Development
Director
Scott, Cutler, Planner II
Zareen Tasneem, Planner I
Jordan Jefferies, Civil Engineer II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner SIMBAI and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 6-0.

5. APPROVAL OF MINUTES – September 5, 2019

It was moved by Commissioner LARSON and seconded by Commissioner VOS to approve the minutes of September 5, 2019, as written. Motion carried 4-0-2 with Commissioners ANTOL and LEO 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 Nos. WS-18-01 and WZ-18-13:** an application filed by Wonderland Homes for approval of a 57-lot subdivision and for approval of a Specific Development Plan for property zoned Planned Residential Development (PRD) and located at 5372-5392 Quail Street.

Mr. Cutler gave a short presentation regarding the subdivision, Specific Development Plan (SDP) and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner ANTOL wanted confirmed that the zoning that is in place approves the density and we are not looking at that in this case.

Mr. Cutler confirmed that is true and this plan is in conformance with the ODP.

Commissioner Simbai asked about the purchasing of the other property on the top of page 3.

Mr. Cutler explained that the lot to the south will get a little smaller but will still be in compliance with Agricultural-One standards. He explained it is getting smaller because part of it will become City right-of-way and part will become the detention facility for the HOA.

Commissioner Simbai inquired about the different specs for Quail Street as it pertains to Arvada and Wheat Ridge.

Mr. Cutler mentioned that each City has different width requirements for their streets. He explained that the only part of the street in the City of Wheat Ridge is the sidewalk so there will be a 5-foot attached sidewalk, but there will also be a bit of detached sidewalk to allow for on-street parking and landscape buffer; the rest will be built to Arvada's standards.

Commissioner Simbai also asked about the owners being responsible for water taps.

Mr. Cutler explained that this will allow each owner to be responsible for their own water taps instead of it being shared. The developer will pay for the cost of installation.

Commissioner Larson asked if Pierson Court will extend to Ridge Road.

Mr. Cutler explained that if the plat is approved then Pierson Court will be dedicated to the City and if at a future date the property to the south decides to develop then the connection of Pierson Court could be made all the way to Ridge Road.

Commissioner VOS asked if the utilities will be under ground.

Mr. Cutler confirmed the utilities will be buried.

Commissioner VOS asked how the traffic will exit the community and will there be traffic backup issues.

Mr. Cutler explained the traffic will exit onto Quail Street and will either go south to Ridge Road or North to 54th Avenue and there were no issues per the trip generation study.

Commissioner VOS asked if there are parkland fees in lieu or will there be parks in this community.

Mr. Cutler said yes, parkland fees will be approximately \$2500 per unit because there will not be any City parks in this community, although there will be private park like amenities that will be used by the residents and maintained by the HOA.

Commissioner OHM inquired about the minimum driveway length of 15 feet and asked if this will be an issue if cars are parked on the driveways and sidewalks.

Mr. Cutler explained the driveways will be 15 to 18 feet, depending on the house and there will be on street parking as well.

Commissioner OHM then inquired about some of the streets being excluded from the tree requirement chart.

Mr. Cutler explained that the tree requirement shown is for the detached sidewalk on Quail Street and the other streets all have attached sidewalks and City Code requires one tree per 70 feet of street frontage so one tree per single family lot. This will be reviewed and approved during the time of permitting.

Commissioner OHM also asked why there are trees in the detention pond, and if they can cause issues.

Mr. Jefferies explained the trees are out of the high water surface elevation.

Commissioner OHM asked about the maximum building height and how it is measured.

Mr. Cutler said that per the City's code the roof maximum is measured at mid-roof so the center peak might be higher than 35 feet depending on the pitch of the roof.

Commissioner LARSON asked about Haskins Station and the homes backing up to Quail Street.

Mr. Cutler deferred to the applicant but thought those homes are alley loaded.

Commissioner ANTOL asked how many homes might be in Haskin's Station.

Mr. Cutler said he is not sure because it is the City of Arvada's project, but knows it is much bigger than this project.

**Kolby O'Herron, representative of applicant
Wonderland Homes**

Mr. O'Herron gave a brief history of Wonderland Homes which was founded in 1956 in Boulder. He mentioned they have built homes from Ft. Collins to Douglas County and pride themselves on building homes for communities.

Commissioner ANTOL asked if there is any information on Haskin's Station.

Mr. O'Herron said there will be 477 units at Haskin's Station and their plat was just approved.

Commissioner LARSON asked if there are any concerns with traffic once Haskin's Station is developed.

Mr. O'Herron explained that most of the traffic will go directly south out of their project to Ridge Road and don't expect to see a lot of traffic on Quail Street. He added there will be parking on both sides of Quail Street.

Commissioner OHM asked about the maximum height on the single family attached.

Mr. O'Herron said the pitch of the roofs will be 4/12 which will add only two feet to the 35-foot to the peak of the roof, which is allowed by how the City measures building height.

**Ken Fay, resident
5393 Parfet Street**

Mr. Fay mentioned he has concerns about the development being approved before Quail Street has been constructed. He also has concerns about the landscaping and wonders if the detention pond is being considered open space which people cannot access. His 3rd concern is adequate parking due to smaller driveways.

**Summer Clark, resident
5392 Quail Street**

Ms. Clark gave a background of her family's estate and how the farming desire has become obsolescent. She believes this development will add value to the surrounding communities.

**Angela King, resident
5353 Parfet Street**

Ms. King said she will live behind the detention pond and has concerns that her HOA has not approved the drainage. She is also concerned about traffic on Ridge Road. She would also like to see longer driveways and is also sad to see the existing trees being lost.

**Bernie Ames, resident
5363 Parfet Street**

Ms. Ames has concerns for traffic driving down Parfet Street due to trains and multiple cars and does not believe this area is designed for high density and would like to see larger lots. She also has concerns for the height of the homes and for drainage.

Commissioner OHM asked staff to address the traffic concerns and parking issues and open space requirements.

Mr. Cutler explained that this development is not allowed to start construction until Quail Street is complete as part of the Subdivision Improvement Agreement. Regarding parking, the plans require two car garages for each unit and there will be on street parking for this development, more than is required by Code. Mr. Cutler also mentioned that Quail Street will connect to Ridge Road to the South which will alleviate congestion on Parfet Street. He also added that the development will provide more than the 30% open space requirement in the townhome area.

Commissioner OHM also asked staff about the existing trees in the detention pond and if they can stay. He also asked if the drainage will affect the neighboring properties.

Mr. Jefferies said the trees cannot stay because it has to be regraded and added the drainage will not affect the adjacent properties because the detention pond will be oversized.

**Travis Frazier, Civil Engineer with Redland
1500 West Canal Court, Littleton**

Mr. Frazier explained that the detention pond is designed with conformance to Skyline Estates drainage and will release at the historic rate and there will be no negative impact downstream and there is a letter from the Skyline Estates HOA approving the detention pond. He also explained in detail how everything will drain. Mr. Jefferies added the detention pond will reduce the flows of storm water.

Commissioner VOS asked what parking will look like if nobody parks in their garages.

Mr. Johnstone commented that the standard is to have 2 off street parking spots (either on a driveway or the street) per unit and this project exceeds the standards.

Ms. King asked about the covering of the drainage area with things people have in their yards.

Mr. Jefferies added that there is a drainage easement and nothing can be built in that easement and the flows will be less not more because of the way it is constructed. Mr. Frazier added that when a site is developed there will be more runoff and that is why a detention pond is created to hold the runoff and release it at historic rates so there is no negative impact downstream.

Commissioner VOS mentioned her concerns of the HOA not having feedback.

Mr. Frazier said they have tried to have conversations but have not heard back from them. Ms. Clark added there is a letter from the HOA and they have approved the detention pond.

Commissioner OHM then asked about the additional condition for the WS-18-01 motion.

Mr. Cutler said it regards the completion of Quail Street and 53rd Avenue which will be reconstructed to a T intersection instead of an offset intersection.

Commissioner OHM asked about a condition for street trees, making sure they are all planted before CO. He wants to make sure there are assurances.

Mr. Cutler said it is at the Commission's discretion but staff tracks requirements like this through the building permit process. He added landscaping is tied to the SDP which will be decided on tonight and the other conditions are associated with the plat and that goes on to City Council for approval.

Commissioner OHM also asked if the letter for the HOA needs to be a Condition of Approval.

Mr. Johnstone said the HOA letter is not a requirement because this is a platted drainage easement and when Skyline Estates was platted 15 years ago it was anticipated to be used for exactly this purpose, so there does not need to be a formal approval from the HOA. He confirmed the letter will be part of the case file.

It was moved by Commissioner ANTOL and seconded by Commissioner LEO to APPROVE Case No. WZ-18-13, a request for approval of a Specific Development Plan for property zoned Planned Residential Development (PRD) located at 5372 and 5392 Quail 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 condition:

- 1. To ensure that the minimum quantity of trees are put in on Quail Street and meet the landscaping requirements before a CO is issued on the property.**

Motion passed 6-0.

It was moved by Commissioner LARSON and seconded by Commissioner VOS to recommend APPROVAL of Case No. WS-18-01, a request for approval of a major subdivision for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) located at 5372 and 5392 Quail Street, for the following reasons:

- 1. All agencies can provide services to the property with improvements installed at the developer's expense.**
- 2. The plat will result in a logical layout consistent with the future development proposed by the specific development plan.**

3. The requirements of Article IV of the zoning and development code have been met.

With the following conditions:

1. The reception number of the Quail Street right-of-way in Arvada will be filled in prior to recordation of the SDP and plat.
2. The developer shall enter into a subdivision improvement agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner's association covenants for review by staff.
4. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
5. Reconfiguration of the intersection of West53rd Avenue and Quail Street shall be completed to the satisfaction of the City.
6. All minor corrections to plat shall occur prior to recordation.

Motion carries 6-0.

- B. Case No. ZOA-19-04:** An ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the development standards for minor accessory structures in the Residential-One (R-1) zone district.

Ms. Tasneem gave a short presentation regarding the ordinance and accessory structures in the R-1 zone district.

Commissioner SIMBAI wondered if this ordinance is really needed if only 8 variance have been processed in the last 10 years and also wondered if the maximum height should be changed as well for a minor structure.

Commissioner ANTOL asked why only 8 variances have been processed within the las 10 years and if this ordinance is really needed.

Ms. Tasneem said staff might hear from more R-1 residents regarding variances, but only 8 have carried through with them. Mr. Johnstone added that when the City amended all the residential zone districts a few years back the City decided not to touch the R-1 zone district and the reasoning was that when the Comprehensive Plan was adopted and it said revitalization was encouraged on the commercial corridors it also placed a high value on established residential communities.

Commissioner LARSON wondered if there is a pressing need to change the ordinance, but thinks this would normalize the setback within all residential zone districts.

Commissioner VOS asked if there is notification to adjacent neighbors for shed variance and if the height will be 35 feet of the structure.

Mr. Johnstone replied yes to the notification question and Ms. Tasneem said the height will be a maximum of 10 feet at mid roof.

Commissioner VOS thinks it should still be a variance process and agrees that neighbors should be notified if a tall structure is going to be placed close to the property line.

Mr. Johnstone then explained that an individual who was given the option of a variance, and didn't think the development regulation made sense and City Council thought that a policy change should be made.

Commissioner VOS wondered why a 1st reading has already been done at City Council and Planning Commission hasn't see it yet.

Mr. Johnstone explained that he doesn't know for certain the reason for setting the 1st reading on this City Council agenda item, and added there is nothing codified as to the timing of 1st reading as relevant to the Planning Commission meeting.

Commissioner LEO asked if this pertains to permanent structures.

Ms. Tasneem said yes and property owners wonder why it has to be setback 15 feet for such a small structure. Mr. Johnstone added that any structure 120 square feet does not need a building permit, but does need to follow the development standards.

Ms. Tasneem then gave an overview of the development standards for major and minor accessory structures in other residential zone districts.

Commissioner OHM said he thinks this makes sense for a small structure under 200 square feet and will save people money because they do not have to go through the variance process.

Commissioner SIMBAI asked if staff knows the history behind why a 15-foot setback was set years ago.

Mr. Johnstone mentioned he did not know why because it was set 50 years ago when the City incorporated.

Commissioner OHM then asked about a structure stepping back as it goes up.

Mr. Johnstone and Ms. Tasneem explained a bulk plane regulation, but is it for structures usually above 2 stories.

There was then discussion amongst the Commissioners about the different development standards.

Ms. Tasneem gave some research findings about neighboring communities per Commissioner OHM's request.

It was moved by Commissioner SIMBAI and seconded by Commissioner LEO to recommend APPROVAL of the proposed ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the regulation of minor accessory structures on the Residential-One zone district.

Motion carries 5-1 with Commissioner VOS voting against.

8. OLD BUSINESS

Mr. Johnstone mentioned that City Council is in support of People Speak, the budget for it has been approved and will be implemented in January 2020.

9. NEW BUSINESS

Commissioners ANTOL and VOS questioned if there is a way to get the agenda packets digitally and where to find on the website.

Mr. Johnstone mentioned the agenda packet can be downloaded from the website, but have to use a hard copy for the Commissioners because they are not supplied with Surface Pros to look at during meetings. Ms. Odean added there is two places on the website and will send the Commissioners a link.

10. ADJOURNMENT

It was moved by Commissioner LARSON and seconded by Commissioner SIMBAI to adjourn the meeting at 9:22 p.m. Motion carried 6-0.

Scott Ohm, Chair

Tammy Odean, Recording Secretary

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

TO: Planning Commission **MEETING DATE:** December 19, 2019

CASE MANAGER: Lauren Mikulak

CASE NO. & NAME: WZ-19-08 / 52nd Avenue

ACTION REQUESTED: Approval of zoning designations for two segments of W. 52nd Avenue to be zoned Industrial Employment, Mixed Use-Commercial Transit Oriented Development, and Mixed Use-Neighborhood

LOCATION OF REQUEST: 52nd Avenue between Ward Road and Tabor Street

APPLICANT (S): Jefferson County

OWNER (S): Jefferson County

APPROXIMATE AREA: 49,457 square feet (1.14 acres)

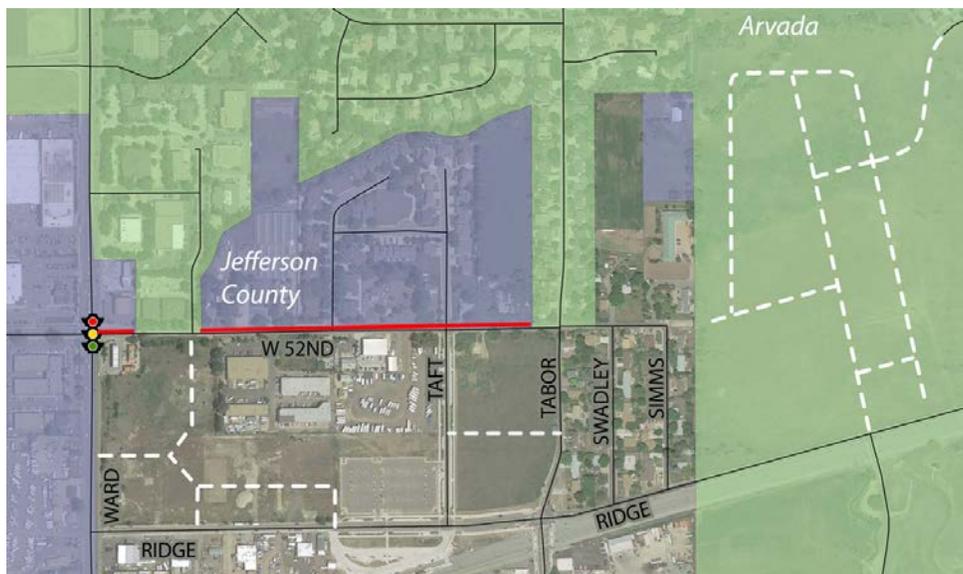
PRESENT ZONING: N/A

COMPREHENSIVE PLAN: Mixed Use Employment / TOD Site

ENTER INTO RECORD:

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

Location Map



JURISDICTION:

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

I. REQUEST

Jefferson County has requested that Wheat Ridge annex the right-of-way (ROW) along 52nd Avenue that is currently in Jefferson County's jurisdiction. State law requires that annexed property be assigned a zoning designation within 90 days. This application, if approved, will assign zoning to the street which corresponds to the zoning of adjacent properties within Wheat Ridge: Industrial Employment (IE), Mixed Use-Commercial Transit Oriented Development (MU-C TOD), and Mixed Use-Neighborhood (MU-N).

The process for annexation is outlined in state statute, and the Planning Commission does not review annexation requests. The proposed annexation (Case No. ANX-19-01) and this zoning assignment will be reviewed by City Council on January 13, 2020.

II. EXISTING CONDITIONS

The Wheat Ridge · Ward Station area is one of four projects in the City's *Investing 4 the Future* bond program; the station area receives \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. Improvements to 52nd Avenue have been identified and prioritized as an infrastructure project for the Wheat Ridge · Ward Station area and were specifically listed in the ballot language for the 2016 2E sales tax bond measure.

At the far northwest portion of the City, W. 52nd Avenue is the northern boundary of the Wheat Ridge · Ward Station area. The street extends through three jurisdictions: Wheat Ridge owns the southern portion of the street and the northern portion is within the City of Arvada and Unincorporated Jefferson County (*Exhibit 1, Aerial*). The street currently functions as a two-lane road with intermittent curb, gutter, and sidewalk.

Partnership with neighboring jurisdictions has been critical for street improvements in the station area, and in early 2018, the City Managers of Arvada and Wheat Ridge along with the County Manager of JeffCo signed a memorandum of understanding (MOU) agreeing to coordinate and cooperate on designing and funding mutually beneficial road improvements in the area surrounding the Wheat Ridge · Ward station area. In early 2019, Jefferson County notified both cities that they would no longer be participating in funding the 52nd Avenue project. More recently and due to ongoing budget issues, the County requested that the City own and maintain the 52nd Avenue improvements, and annexation proceedings were initiated in October 2019.

The road will be reconstructed in 2020 to include street, sidewalk, and storm sewer improvements between Ward Road and Tabor Street. The reconstructed roadway will include:

- a center turn lane,
- continuous curb and gutter,
- upgraded and continuous storm sewer,
- a continuous 6-foot wide buffered sidewalk on the north side, and

- an 8-foot wide detached sidewalk with streetscape on the south side.

The road will serve a variety of existing and proposed residential and commercial uses. All improvements will be located within existing right-of-way; no private property is being acquired, annexed or zoned on 52nd Avenue.

III. PROPOSED ZONING

While zoning designations only affect the use and development of private property, it is customary for zoning boundaries to extend to the centerline of a street. When a property is at the edge of the City, the zoning designation extends to the City boundary. In this case, the zoning designations for the two road segments are proposed to correspond to the existing zoning on the adjacent properties in Wheat Ridge, including Industrial Employment (IE), Mixed Use-Commercial Transit Oriented Development (MU-C TOD), and Mixed Use-Neighborhood (MU-N). This is shown in *Exhibit 2, Zoning Map*. While there are adjacent planned developments (PCD), the boundaries of those property-specific zoning designations cannot be changed.

IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-112.E. The Planning Commission shall base its recommendation 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.

The annexation and associated zoning assignment will not result in significant adverse effects. The approvals enable the road improvements to proceed which ultimately promote the health, safety, and welfare of the community including long overdue pedestrian and storm sewer improvements.

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.

The proposed zoning will not affect private property development, nor does the zoning designation affect the design of the roadway. As part of the project, upgrades are being made to the street, storm, and water infrastructure.

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.**

The annexation and zoning designation enables the roadway improvements to proceed. The upgrades meet the goals of the comprehensive plan, subarea plan, and bicycle and pedestrian master plan by improving multimodal facilities in the area of the commuter rail station.

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 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.**

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.**

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, a neighborhood input meeting is required in accordance with the requirements of section 26-109.

A meeting for neighborhood input was held on October 2, 2019. Fifteen members of the public attended the meeting in addition to the applicant and staff. In general, the attendees were supportive of the request and had minimal questions related to zoning; questions related predominantly to the status of the roadway construction (*Exhibit 3, Neighborhood Meeting Notes*).

As of the date of distribution of this staff report, December 10, 2019, 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 Public Works Department: No concerns.

Arvada Fire District: No concerns.

Xcel Energy: No concerns.

Valley Water District: No concerns.

Fruitdale Sanitation District: No concerns.

Century Link: No comments.

Comcast Cable: No comments.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zoning designation 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 infrastructure is appropriate and the zoning designation is consistent with adopted plans. Ultimately, zoning is required to be assigned by state statute subsequent to annexation and the three zoning designations are appropriate.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-19-08.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-19-08, a request for approval of zoning designation for two segments of W. 52nd Avenue to be zoned Industrial Employment, Mixed Use-Commercial Transit Oriented Development, and Mixed Use-Neighborhood, for the following reasons:

1. A zoning designation is required by state statute in association with the proposed annexation.
2. The proposed zoning will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
3. Utility and transportation infrastructure being improved subsequent to the annexation and zoning.
4. The proposed zone change is consistent with the City’s Comprehensive Plan and subarea plan.
5. The zoning designation is appropriate and compatible with the adjacent designations on private property.”

Option B:

“I move to recommend DENIAL of Case No. WZ-19-08, a request for approval of zoning designation for two segments of W. 52nd Avenue to be zoned Industrial Employment, Mixed Use-Commercial Transit Oriented Development, and Mixed Use-Neighborhood, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL

The portions of W. 52nd Avenue to be annexed and zoned are shown in red. These two segments are the northern half of the road which are currently within Jefferson County's jurisdictions (shown in purple). The portions of roadway within Arvada's jurisdiction (shown in green) are not being annexed or zoned.



EXHIBIT 2: ZONING MAP

The colors of the dotted line correspond to the zoning designations to be assigned to the annexed segments of roadway: Industrial-Employment (IE) in purple, Mixed Use-Commercial TOD (MU-C TOD) in light blue, and Mixed Use-Neighborhood (MU-N) in royal blue.

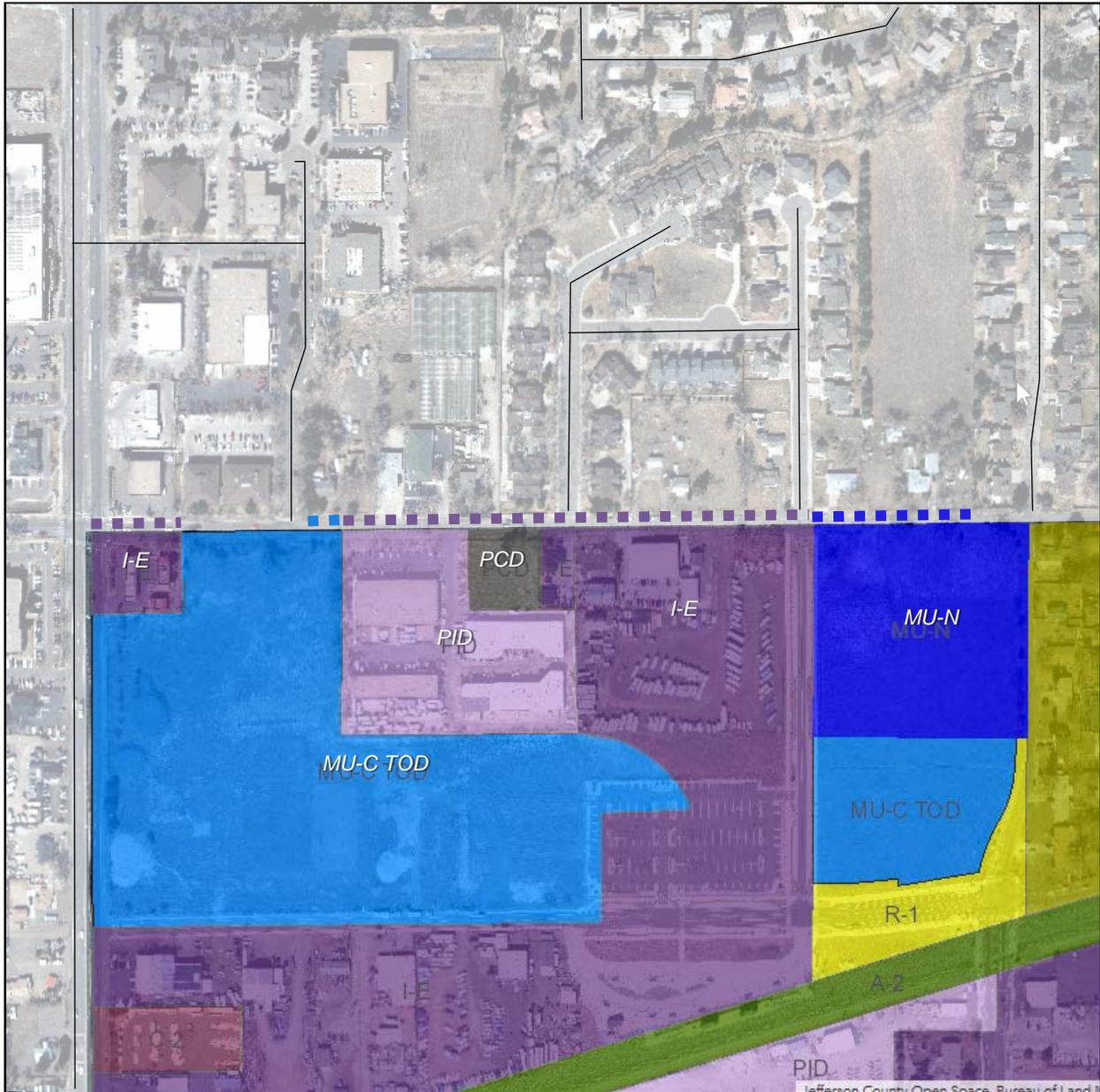


EXHIBIT 3: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	October 3, 2019
Attending Staff:	Lauren Mikulak, Planning Manager Mark Westberg, PW Projects Supervisor
Location of Meeting:	Wheat Ridge Recreation Center
Property Address:	52 nd Avenue between Ward Road and Tabor Street
Property Owner(s):	Jefferson County
Property Owner(s) Present?	Yes
Applicant:	Jefferson County
Applicant Present?	Yes, Steve Durian, Director of Transportation and Engineering Division on behalf of Jeffco
Existing Zoning:	N/A (not currently in Wheat Ridge)
Existing Comp. Plan:	N/A (not currently in Wheat Ridge)

Existing Site Conditions: The subject property are two segments of the north side of W. 52nd Avenue in Jefferson County between Ward Road and Tabor Street. The western segment is approximately 180 feet in length extending east from Ward Road. The eastern segment is approximately 1,468 feet in length.

Applicant/Owner Preliminary Proposal: Wheat Ridge voters approved a temporary sales tax increase to fund four priority projects, including providing \$12M to fund projects in the Wheat Ridge Ward Station area. The City of Wheat Ridge, City of Arvada, and Jefferson County have partnered to complete roadway improvements near the station, including adding sidewalks and a center turn lane to W. 52nd Avenue between Ward Road and Tabor Street. In order to facilitate this investment, Jefferson County has requested that the City of Wheat Ridge annex two segments of the existing right-of-way along the north side of W. 52nd Avenue that are within the project area and are currently in Jefferson County's jurisdiction. There is no change to private property and no annexation of private property.

The required process for annexation is established by state law and requires that in addition to annexing, Wheat Ridge must also assign a zoning designation to those street segments. The proposed zoning will be consistent with the zoning of the adjacent parcels in Wheat Ridge.

The following is a summary of the neighborhood meeting:

- In addition to Wheat Ridge and Jefferson County staff, 15 members of the public attended the neighborhood meeting. Neighbors included residents of Wheat Ridge, Arvada, and Jefferson County many of whom have attended prior meetings regarding the proposed roadway investments and design of 52nd Avenue.
- Staff discussed the reason and process for the annexation as well as the reason and rationale for the assignment of zoning designations.
- 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 annexation and zoning designation:

- Why does the road need to be zoned and will it affect private property development?
State statute compels the City to assign a zoning designation to any land that is annexed. In the City's zoning map, all roadways are assigned the zoning designation of adjacent private properties, typically extending to the centerline of the road or to the City boundary. These segments will be zoned I-E, MU-C TOD, and MU-N based on the zoning of adjacent parcels but the zoning designation of the road will have no impact on the design of the road nor any change or impact to private property.
- Why is the street being annexed and will Jefferson County still participate in the roadway project?
The County is not in a financial position to be able to retain or maintain the proposed roadway improvements. Annexing the roadway into Wheat Ridge will simplify and expedite the construction of improvements and long term maintenance. Wheat Ridge and Arvada will share the cost of 52nd improvements equally (50/50). Jefferson County may be able to contribute a one-time lump sum, to be determined through the annexation agreement.
- The roadway improvements have been delayed already; will the annexation and zoning delay the project further?
Construction has been delayed, but the designs are now complete and ready to bid. The project will be put to bid while the annexation and zoning are in process, so a contract could be awarded on the same night that the annexation and zoning are reviewed. With that overlapping schedule, the added delay is about six weeks.

The majority of questions were not related specifically to the annexation and zone change and rather to the proposed design and construction of the roadway improvements and to nearby development:

- Will the 52nd design include on street parking?
No, in order to fit within existing right-of-way, the design between the curbs includes one travel lane in each direction and a center turn lane but no on-street parking. The street will function like a collector. On-street parking is included in the new and upgraded local streets on the Wheat Ridge side.
- Where will parking be accommodated? Will RTD expand their parking lot?
On-street parking is included in the new and upgraded local streets on the Wheat Ridge side. Agreements between Wheat Ridge and RTD obligate RTD to add 150 spaces to the surface

parking lot if it meets certain utilization thresholds. The City and RTD will be meeting to discuss short and long term solutions, including potentially a parking garage. There is no known timing for parking lot expansion.

- How does a continuous center turn lane function? Will people drive on it the whole length?
A continuous center turn lane is also called a two-way left-turn lane. It provides a center lane exclusively for left turning vehicles coming from either direction. You can also turn into it from a side street until you merge into the through lane. It is beneficial on roads with closely spaced driveways and streets. It is unlikely that anyone will travel in the center lane because of the frequency of driveways and streets. It will function similar to W. 38th Avenue between Wadsworth and Sheridan, where the majority of the street has a two-way left-turn lane.
- What is a bulb out and why are they proposed on the north side of the street (eg at Tabor, Taft and Union)?
A bulb out is a curb extension where the curb is extended in towards the centerline to narrow the street at an intersection. It shortens the crossing distance for pedestrians and slows traffic. Bulb outs are specifically designed at the intersections on the north side of street to deter traffic from entering or cutting through the residential neighborhoods. Often the visual narrowing is a deterrent, particularly once W. 52nd Avenue is improved to function as a more desirable option. [There was some discussion from a Tabor Street resident in Arvada who did not prefer the bulb out design. The design has been collaborative and Wheat Ridge staff have followed Arvada staff requests in terms of the intersection design in their jurisdiction.]
- Will school buses and fire trucks be able to fit through bulb outs?
Yes, the turning radii will accommodate larger trucks and vehicles, such as buses and fire trucks.
- Will the construction be coordinated with adjacent development, will Hance Ranch build their portion?
Yes, construction will be coordinated. Hance Ranch will construct the sidewalk adjacent to the townhomes but paid fees to the City. Toll Brothers will also pay fees for their portion of 52nd Avenue so the City can construct the roadway improvements at one time and not incrementally by three different contractor teams.
- Will access along 52nd Avenue to driveways, homes, and businesses be maintained?
Yes, the goal is always to maintain access even if it may be limited. The contractor that is hired will be responsible for proposing the phasing and will be responsible for communicating with neighbors and businesses the schedule for access changes or closures.
- Will the sewer be changed?
No, the sewer is deep enough that there will be no change.
- Can the overhead lines be undergrounded?
No, it is too expensive to be included in this scope of work.
- What are the construction hours? Is work allowed at night and on weekends?
Hours of construction are limited by permit type: generally a window of 7am to 7pm for building permits (vertical construction and site work) and a window of 7am to 5pm (sometimes

shorter depending on the road) for right-of-way permits. Road work is limited to weekdays. Any exceptions to these, such as longer hours or weekend work in the road, have to be approved by the City. [Subsequent to the meeting, Public Works field staff confirmed night work was authorized on Ridge Road to reduce daytime impact on businesses and because no residences are adjacent.]

- There was discussion of noise violations and RV camping and a request for more police patrols in the area.
Wheat Ridge staff will advise the Police Department of these observations and request added patrol.

Aside from the neighbors at the meeting, staff received one written inquiry from a property owner in the area; they did not express any objections.

October 2, 2019 – 6 PM
Neighborhood Meeting

Please
sign in!

52nd Avenue –
Annexation & Zoning of
Segments between Ward and Tabor

PLEASE PRINT

	<u>Name</u>	<u>Address</u>
1.	Kathy Robert	5263 Union Ct, Unit 2, Arvada, CO 80002
2.	Tony Rubin	5203 Glimon Ct. #6 ((((((
3.	Charlotte & Becky Mayo	11415 W 52 nd Ave Wheatridge CO 80033
4.	Michael Ricks & Patrick O'Connor	11855 W 52 nd Ave 80033
5.	Terry Fouke	5274 Taft Ct. Arvada CO 80002
6.	Tom Pettker	5202 Union Ct Unit 3 Arvada 80002

Name

Address

- 7. Marie Feltenstein 5320 Tabor St Arvada
- 8. Inove DRABEK 5230 TABOR STREET Arvada, 80002
- 9. Harry Shriver 5230 Tabor St, Arvada
- 10. Jeff Warrington 5265 Taffel St. Arvada, 80002
- 11. Dennis Duman 5355 WILD WYR Arvada CO 80002
- 12. Frank ~~Shae~~ Taylor 124555th Ave Arvada, ~~80002~~
- 13. _____
- 14. _____
- 15. _____
- 16. _____
- 17. _____
- 18. _____



**PLANNING COMMISSION
LEGISLATIVE ITEM STAFF REPORT**

MEETING DATE: December 19, 2019

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO AMEND REFERENCES TO THE PUBLIC WORKS AND COMMUNITY DEVELOPMENT DIRECTORS, DEPARTMENTS, DIVISIONS, AND STAFF

CASE NO. ZOA-19-05

PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Lauren Mikulak

Date of Preparation: December 11, 2019

SUMMARY:

On November 25, 2019, City Council approved Ordinance 1677 which modified Chapter 2 of the Code of Laws and effectively modified the City's organizational chart moving the Engineering Division from the Public Works Department into the Community Development Department. Moving that division transfers certain responsibilities and duties to the Community Development Department, and this ordinance updates affected code sections to reflect the City's current organizational structure.

Notice for this public hearing was provided as required by the Code of Laws.

BACKGROUND:

The City operated without a Director of Public Works from December 2018 to November 2019. During that time, and while management attempted to recruit a leader to fill the role, duties were shared among others in the organization. That period of time provided City leadership the opportunity to reevaluate how various functions within the Public Works Department were organized.

Based on internal discussions and a review of other municipal organizations, the engineering functions were determined to best be managed by the Community Development Director, and this change was finalized with City Council's approval of Ordinance 1677 on November 25, 2019.

This organizational change results in improved internal and external communication, enhanced collaboration, stronger information sharing among staff, and streamlined processes for external partners. The Community Development Department is now comprised of three divisions:

Building, Planning, and Engineering. The Engineering Division retains their responsibilities of engineering and design, specifically for development review, roadway design, traffic and drainage engineering, floodplain administration, stormwater management, and management of the Capital Improvement Program. The Public Works Department will retain responsibility for the City's right-of-way construction, operations, inspection, and maintenance.

Proposed Code Amendment

Staff has reviewed all code references to the Public Works and Community Development departments, divisions, directors and staff. The enclosed ordinance proposes amendments to various chapters to ensure that responsibilities in the code up are updated to correspond with the recently updated organizational chart. Affected chapters include the following:

- Chapter 2 – regarding the Board of Adjustment
- Chapter 3 – regarding sexually-oriented businesses
- Chapter 5 – regarding the building code
- Chapter 13 – regarding the traffic code and parking permits
- Chapter 20 – regarding stormwater management
- Chapter 21 – regarding right-of-way construction permits and street access permits
- Chapter 26 – regarding site plan applications, right-of-way vacations, the streetscape design manual, planned development applications, subdivisions, parking and access, landscape and open space, mobile home parks, sight triangles, grading permits, vehicle sales lots, signs, and floodplains

While there are numerous changes proposed in the enclosed ordinance, the extent of changes does not suggest significant functional changes to existing processes. The same staff will complete the same tasks. The Community Development Department absorbs some additional responsibilities by virtue of absorbing the Engineering Division into the department.

Next Steps

The Planning Commission has jurisdiction over Chapter 26, and therefore is compelled to review this ordinance to the extent it affects that chapter. The Commission's recommendation will be forwarded to City Council. This ordinance is scheduled for a first reading at City Council on January 13 and a public hearing at City Council on January 27.

RECOMMENDED MOTION:

“I move to recommend approval of the proposed ordinance amending the Wheat Ridge Code of Laws to amend references to the public works and community development directors, departments, divisions, and staff.”

Exhibits:

1. Proposed Ordinance

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. _____
ORDINANCE NO. _____
Series 2020

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO AMEND REFERENCES TO THE PUBLIC WORKS AND COMMUNITY DEVELOPMENT DIRECTORS, DEPARTMENTS, DIVISIONS, AND STAFF

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

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Wheat Ridge Charter §3.5 provides that the Council may, by ordinance, establish, consolidate and/or merge City departments and that each such department shall be under the supervision of a department head appointed by the city manager; and

WHEREAS, on November 25, 2019 and pursuant to Ordinance 1677 the Council approved changes to Chapter 2 of the Code of Laws and the City’s organizational chart placing the engineering division and city engineer within the community development department; and

WHEREAS, moving the engineering division transfers certain responsibilities and duties to the community development department; and

WHEREAS, several code sections require updating to clarify those responsibilities and to correspond appropriately to the changes made by Ordinance 1677

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

Section 1. Section 2-61(d)(5) of the Wheat Ridge Code of Laws, regarding the Board of Adjustment, is amended to replace all references to “planning director” with “community development director.”

Section 2. Sections 3-7 to 3-28 of the Wheat Ridge Code of Laws, regarding licensing of sexually-oriented businesses, is amended to replace all references to “planning director” with “community development director.”

Section 3. Section 5-2 of the Wheat Ridge Code of Laws, regarding building code definitions, is amended to read:

Department of community development: The city department consisting of the planning division, ~~code enforcement~~ **ENGINEERING** division and the building inspection division. The department is headed by the director of community development.

Department of public works: The city department consisting of the ~~engineering division and street maintenance division~~ **RIGHT-OF-WAY CONSTRUCTION, INSPECTION, OPERATIONS, AND MAINTENANCE FUNCTIONS**. The department is headed by the director of public works.

Section 4. Section 5-35(a) of the Wheat Ridge Code of Laws, regarding building permit applications, is amended to read:

- (a) [...] Building permits will not be issued unless such development plan has received the approvals subject to additional engineering **AND/OR ZONING** requirements by the ~~department of public works~~ **ENGINEERING** and/or the planning divisions, **RESPECTIVELY**.

Section 5. Section 5-41(a) of the Wheat Ridge Code of Laws, regarding building permit review fees, is amended to read:

- (a) All fees related to ~~public works~~ building permit review and processing under this chapter shall be established by council resolution. Building permit fees shall not include cost of land or public improvements associated with purchase of land for construction of the structure.

Section 6. Section 5-45 of the Wheat Ridge Code of Laws, regarding required public improvements, is amended to read:

- (a) Applications for building permits shall be reviewed by the **COMMUNITY DEVELOPMENT** ~~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 improvements as may be required by this section or the subdivision regulations.

[...]

- (e) Any owner, contractor or developer who is aggrieved by a decision of the **COMMUNITY DEVELOPMENT** ~~director of public works~~ requiring installation of such public improvements or payment of funds in lieu of construction shall have the right to appeal the director's determination to the board of adjustment pursuant to section 2-61.

(f) The **COMMUNITY DEVELOPMENT** director of ~~public works~~ shall have the authority to close any escrow held by the city under the prior version of this section, for commercial or industrial projects and refund the monies to the original depositor, upon satisfaction of the following conditions:

Section 7. Section 13-1(a) of the Wheat Ridge Code of Laws, regarding the City's adopted traffic manual, is amended to read:

(a) *Adopted.* The city does hereby adopt, by reference, the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways," and other related standards issued or endorsed by the federal highway administrator, except as specifically amended hereby. Copies of such manual shall be available from the ~~department of public works~~ **ENGINEERING DIVISION**, which shall maintain in its offices no less than three (3) current copies, any of which may be purchased by members of the general public for a price to be established by the ~~department of public works~~ **ENGINEERING DIVISION**.

Section 8. Section 13-61 of the Wheat Ridge Code of Laws, regarding parking permits, is amended to read:

The **COMMUNITY DEVELOPMENT** director of ~~public works~~ is hereby authorized to issue parking permits in accordance with the provisions of this section to allow the on-street parking of motor vehicles by residents of blocks designated by the **COMMUNITY DEVELOPMENT** director of ~~public works~~ as restricted parking areas. **FOR THE PURPOSE OF THIS ARTICLE, THE DIRECTOR SHALL REFER TO THE COMMUNITY DEVELOPMENT DIRECTOR OR HIS OR HER DESIGNEE.**

Section 9. Sections 13-62 to 13-69 of the Wheat Ridge Code of Laws, regarding parking permits, are amended to replace all references to "public works director" with "director."

Section 10. Section 20-2 of the Wheat Ridge Code of Laws, regarding stormwater quality and control definitions, is amended to read:

Director. The City of Wheat Ridge ~~Public Works~~ **COMMUNITY DEVELOPMENT** Director or designee.

Section 11. Section 21-104 of the Wheat Ridge Code of Laws, regarding termination of right-of-way use permits, is amended to read:

Any permit issued under this article may be terminated upon ninety (90) days' notice from the ~~city engineer~~ **DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE**. The city shall not be liable for any costs incurred by the permittee resulting from such termination.

Section 12. Section 21-181 of the Wheat Ridge Code of Laws, regarding street access permits, is amended to read:

The number, spacing, type and location of vehicular access have a direct and often significant effect on the capacity, speed and safety of public streets. The ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR, IN CONSULTATION WITH THE CITY ENGINEER**, is hereby authorized to regulate vehicular access to or from any public street within the city to or from property adjoining such street in order to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain right-of-way drainage, and to protect the functional level of public streets. [...]

Section 13. Sections 21-183, 21-184, 21-185, and 21-186 of the Wheat Ridge Code of Laws, regarding street access permits, is amended to replace all references to the “public works director” or “director of public works” with “community development director.”

Section 14. Section 26-111.D of the Wheat Ridge Code of Laws, regarding site plan application requirements, is amended to read:

- D. *Site plan application requirements.* All applications shall include at a minimum the following information. Additional information may be requested by the ~~community development department or the public works department~~ **PLANNING AND/OR ENGINEERING DIVISIONS** at the preapplication conference.

Section 15. Section 26-115.E.3 of the Wheat Ridge Code of Laws, regarding board of adjustment interpretations, is amended to read:

3. Administrative decisions taken by the ~~director of public works~~ **CITY ENGINEER** 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 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 16. Section 26-118.B of the Wheat Ridge Code of Laws, regarding right-of-way vacations, is amended to read:

- B. *Vacation by ordinance.* Applications for vacation by ordinance may also be originated by the City of Wheat Ridge or by a private property owner. If a city-initiated vacation, the ~~department of public works~~ **ENGINEERING DIVISION** shall prepare a legal description of the right-of-way proposed to be vacated attached to an administrative process application signed by the mayor of the City of Wheat Ridge or his or her representative. [...]

Section 17. Section 26-224.B of the Wheat Ridge Code of Laws, regarding design manuals, is amended to read:

- B. *Streetscape Design Manual*. The community development and public works directors ~~are~~ **IS** hereby authorized and directed to promulgate regulations that encourage quality streetscape design. Such regulations, when promulgated, shall be fully enforceable with respect to all site development. The City of Wheat Ridge Streetscape Design Manual dated March 2011, is hereby adopted and shall apply as one such regulation.

The manual may be amended and updated as a regulation from time to time by the director of community development, **IN CONSULTATION WITH THE CITY ENGINEER** and the director of public works. Copies of the manual shall be available for inspection and purchase in the office of the department of community development.

Section 18. Section 26-304.A.10 of the Wheat Ridge Code of Laws, regarding outline development plan application contents, is amended to read:

10. Additional information may be required dependent upon the size and complexity of impact of the proposal, as determined by the ~~community development director and the public works director~~ **PLANNING AND/OR ENGINEERING DIVISIONS**. This includes, but is not limited to, drainage study and plan, traffic impact report, grading plan, geological stability report, floodplain impact report, or general environmental impact report. This information will be required in hard copy and in electronic file format.

Section 19. Section 26-407.A.11 of the Wheat Ridge Code of Laws, regarding error correction of subdivision plats, is amended to read:

11. Other items or circumstances to be determined by the community development director ~~and/or the director of public works~~.

Section 20. Section 26-410.C of the Wheat Ridge Code of Laws, regarding subdivision plat contents, is amended to read:

1. *Project information* [...]

- b. A surveyed metes and bounds legal description of the platted boundary, 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 shall be consistent with the City of Wheat Ridge current city datum, and are available from the ~~public works department~~ **ENGINEERING DIVISION**.

[...]

2. *Graphical information* [...]

- e. Monument information, including:

- 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~~ **ENGINEERING DIVISION**.

Section 21. Section 26-411 subsections B and G of the Wheat Ridge Code of Laws, regarding subdivision design, are amended to read:

B. *Blocks* [...]

- 2. In blocks over one thousand (1,000) feet long, mid-block pedestrian crosswalks may be required as determined by the ~~department of public works~~ **COMMUNITY DEVELOPMENT DEPARTMENT IN CONSULTATION WITH THE CITY ENGINEER**.

[...]

G. *Easements*

- 1. Utility. Utility easements shall be designed to minimize the encumbrance to the lot, to minimize maintenance problems, and to avoid anticipated locations of buildings or street trees. For new streets, utilities may be located within the right-of-way as approved by the ~~public works~~ **COMMUNITY DEVELOPMENT** department.

[...]

- 3. Sidewalk. Sidewalk and landscape easements may be required when the sidewalk or streetscape improvements required by the Streetscape Design Manual or Bicycle and Pedestrian Master Plan are not within a dedicated street right-of-way. The width of this easement shall be determined by the ~~public works~~ **COMMUNITY DEVELOPMENT** department.

[...]

- 5. Other easements may be required by the community development ~~or public works~~ departments.

[...]

Section 22. Section 26-412 subsections B and D of the Wheat Ridge Code of Laws, regarding street design, are amended to read:

B. *Access.* [...]

2. Whenever possible, residential lots shall not front on arterials (Class 3) or collectors (Class 4). Access to a freeway, arterial or collector shall occur only at intersections approved by planning commission and city council. Such design shall be reviewed by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR** in consultation with the city ~~traffic~~ engineer.

[...]

D. *Design.*

1. *Right-of-way standards.*

- a. Street and alley rights-of-way shall conform to the city's current standards for width, grade, and design as determined by the ~~public works department~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER.**

2. *Cul-de-sacs.* [...]

- d. Surface drainage on cul-de-sacs shall be directed toward the accompanying street or where necessary to a natural watercourse or natural drainage basin if approved by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER.** Drainage easements may be required through abutting lots where no alternative is capable of carrying drainage.

[...]

4. *Intersections.* [...]

- b. Additional right-of-way or pavement width may be required at intersections. The design of intersections shall be determined by the ~~public works director~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER**, or when applicable, the Colorado Department of Transportation.

[...]

4. *Grade and topography.* [...]

- b. The maximum grade by street classification shall not be exceeded; maximum grade is determined by the ~~public works department~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER.**

Section 23. Section 26-413.B.2 of the Wheat Ridge Code of Laws, regarding dedications and exactions, is amended to read:

2. Dedications required at the time of issuance of a building permit for development, redevelopment, expansion or change of use shall include up to a half-width street dedication and/or construction based on street standards in the subdivision regulations, comprehensive plan, Bicycle and Pedestrian Master Plan, and Streetscape Design Manual. These construction improvements could include street reconstruction, paving, curb, gutter, sidewalk or other improvements deemed necessary by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR.** See section 5-45.

Section 24. Section 26-415.A.2.a of the Wheat Ridge Code of Laws, regarding dedication of public streets, is amended to read:

- a. *Half streets.* For streets on the perimeter of a subdivision, the subdivider may be permitted to dedicate sufficient right-of-way to provide an adequate street width for two (2) lanes of traffic in accordance with the city's standards and specifications. In such instances, the subdivider shall be required to construct one-half ($\frac{1}{2}$) of the street width plus six (6) feet or other design as determined and approved by ~~public works~~ **COMMUNITY DEVELOPMENT** department. If on street parking is desired, more right-of-way will be required.

Section 25. Section 26-417 subsections B, C, D and E of the Wheat Ridge Code of Laws, regarding required public improvements, are amended to read:

B. Compliance with city standards.

1. Specifications for all public improvements are to be determined by the ~~public works department~~ **ENGINEERING DIVISION**, or in the case of utilities, by other reviewing agencies.
2. No public improvements shall be made until all engineering plans and specifications have been reviewed and approved by the ~~department of public works~~ **ENGINEERING DIVISION** and all applicable permits have been obtained.

C. Types of public improvements:

1. Street and/or streetscape improvements. [...]
- h. Other improvements as specified by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR** or other reviewing agencies.

[...]

D. *As-built plans upon completion.* [...]

3. As-built drawings shall be provided in hard copy and electronic format. Hard copy drawings shall be signed and sealed by the engineer-of-record. Electronic files shall be an appropriate file format as determined by the ~~public works department~~ **ENGINEERING DIVISION.**

[...]

E. *Required street improvements.* [...]

2. *Construction or payment-in-lieu.* [...]

b. *Multifamily residential and non-residential.* [...]

- ii. In the event that construction of required improvements would be impractical and if it is recommended by the ~~director of public works and the community development director~~ **IN CONSULTATION WITH THE CITY ENGINEER**, the applicant may be required to pay a fee-in-lieu of construction. [...]

c. *Single- or two-family residential.* [...]

- ii. An applicant may choose to install the improvements or pay a fee in lieu of construction, however in the event that construction of improvements would be impractical and if it is recommended by the ~~director of public works and the community development director~~ **IN CONSULTATION WITH THE CITY ENGINEER**, then an applicant may be required to pay a fee in lieu of construction.

- iii. If fees are paid in lieu of construction, the fee shall be based on the linear frontage of the lot and the prevailing cost of curb, gutter, and sidewalk as determined by the ~~public works department~~ **ENGINEERING DIVISION.**

Section 26. Section 26-418 subsections B and C of the Wheat Ridge Code of Laws, regarding agreement and financial security for required public improvements, are amended to read:

B. *Requirement for financial security.* [...]

4. Form of guarantee:

- a. The guarantee shall be for one hundred twenty-five (125) percent of the estimated costs of the required public improvements as computed by the

subdivider and approved by ~~the director of public works and/or~~ the community development director.

[...]

5. Release of guarantee:

- a. Guarantee shall be held in perpetuity until released by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR**.
- b. The city may release portions of the letter of credit in increments of no less than twenty-five (25) percent at the discretion of the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR** upon written request of the subdivider. In such case, an amended letter of credit shall be required.

C. *Deferred construction/development covenant.*

1. Where prior construction of required improvements under section 26-417 would be impractical and if it is recommended by ~~the director of public works and~~ the community development director **IN CONSULTATION WITH THE CITY ENGINEER**, a development covenant may be entered into by the City of Wheat Ridge and the owner.
2. The development covenant shall be signed by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR** and attested by the city clerk and shall be recorded in the office of the Jefferson County Clerk and Recorder.
2. The development covenant shall be in a format provided by the community development ~~and public works~~ departments.

Section #. Section 26-501 subsections B and C of the Wheat Ridge Code of Laws, regarding off-street parking and loading, are amended to read:

E. *Standards.* [...]

8. *Off-street loading.* [...]

- b. The typical dimensions of an off-street loading space are twelve (12) feet wide by forty (40) feet long, with a minimum vertical clearance of fourteen (14) feet. A minimum maneuvering aisle width of forty (40) feet shall be provided behind the off-street loading space. These dimensions may be altered by the ~~public works~~ **COMMUNITY DEVELOPMENT** director based on the specific needs of the business and anticipated volumes of use.

[...]

12. *Miscellaneous.* [...]

- c. *Back-out parking.* Except for one- and two-family dwellings, all parking areas shall be designed so that vehicles exiting from the parking area will not be required to back out across any public sidewalk or public right-of-way, unless an exception has been granted by the ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER.**

[...]

E. *Vehicular access.* [...]

2. *Spacing of vehicle access.* [...]

- d. The ~~public works director~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER** may approve a modification or waiver to the vehicle access standards and requirements stated in this subsection 2-, **PURSUANT TO SECTION 21-181 ET SEQ AND** based upon consideration of traffic characteristics, both on and off of the site, with the primary purpose of preserving public safety.

3. *Curb cut widths.* [...]

- c. [~~Modification or waiver.~~] The ~~public works director~~ **THE COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER** may approve a modification or waiver to the vehicle access standards and requirements stated in this subsection 3-, **PURSUANT TO SECTION 21-181 ET SEQ AND** based upon consideration of traffic characteristics, both on and off of the site, with the primary purpose of preserving public safety.

4. *Number of access points.* [...]

- b. In cases where it is possible to provide one (1) access point which will serve adjacent properties or where adherence to these requirements would leave a parcel of property without vehicular access, curb cut setback or spacing requirements may be reduced or enlarged so as to permit a single vehicular access point if approved by the ~~public works director~~ **THE COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER.**

[...]

- d. The ~~public works director~~ **THE COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER** may approve a modification to or waiver to the vehicle access standards and requirements stated in this subsection 4-, **PURSUANT TO SECTION 21-181 ET SEQ AND** based upon

consideration of traffic characteristics, both on and off of the site, with the primary purpose of preserving public safety.

Section 27. Section 26-502.D of the Wheat Ridge Code of Laws, regarding landscaping requirements, is amended to read:

D. *District requirements.* [...]

Nothing contained in this section shall prohibit any landowner from landscaping in excess of the minimum requirements stated herein, either on their property or within public right-of-way, if approved by the ~~public works director and/or~~ the community development director; however, offsite landscaping cannot reduce the onsite requirements.

Section 28. Section 26-506.F of the Wheat Ridge Code of Laws, regarding mobile home park design standards, is amended to read:

F. *Pads, mats or platforms.* Each mobile home lot shall be provided with a gravel pad acceptable to the ~~department of public works~~ **COMMUNITY DEVELOPMENT DEPARTMENT** for each location and shall be treated to prevent the growth of weeds, or a concrete pad, mat or platform not less than four (4) inches in thickness, or of equal bearing strength if reinforced concrete is used.

Section 29. Section 26-603.B.2.d of the Wheat Ridge Code of Laws, regarding obstructions to view in the sight triangle clear zone, is amended to read:

d. *Exceptions.* Certain obstructions may be approved by the ~~director of public works (or his/her designee)~~ **COMMUNITY DEVELOPMENT DIRECTOR IN CONSULTATION WITH THE CITY ENGINEER** to be located within the clear zone. [...]

Section 30. Section 26-609 of the Wheat Ridge Code of Laws, regarding access to public streets, is amended to read:

[...] Commercial and industrial uses will be permitted such private easements or roadways only after review and approval by the ~~public works director,~~ community development director and fire district. [...]

Section 31. Section 26-623.B of the Wheat Ridge Code of Laws, regarding grading permits, is amended to read:

B. *Grading permits.* Dumping, landfill, grading, and/or extraction operations which disturb an area of one (1) acre or more in size may be allowed by a permit issued by the ~~engineering manager~~ **CITY ENGINEER** after reviewing an application and supporting information submitted to the ~~public works department~~ **ENGINEERING DIVISION**. Such deposit or extraction of earth, sand, gravel, rock, minerals, concrete or asphalt pavement, or other similar materials, and/or storage thereof, are subject

to the following conditions. A grading permit may be issued for a period of time not to exceed one (1) year and may be renewed upon written request:

1. *Application.* An application for grading permit shall be submitted to the ~~public works department~~ **ENGINEERING DIVISION** and shall be accompanied by the appropriate fee and by engineered plans and drawings which illustrate the following minimum information:

[...]

- c. A grading and erosion control plan showing the location and extent of areas to be filled and/or excavated, existing and proposed contour lines using elevations consistent with the current city datum drawn at a scale acceptable to the ~~engineering manager~~ **CITY ENGINEER**, and any erosion control items required per the stormwater management plan.

[...]

2. *Performance standards.*

[...]

- e. *Site stabilization.* All grading permits shall contain provisions to stabilize the site as near or closely as is practicable to its prior natural state or condition or in such state or condition as the ~~engineering manager~~ **CITY ENGINEER** may approve. Methods of site stabilization shall adhere to all BMPs per the approved stormwater management.

[...]

6. *Hours of operation.* All activities shall operate from 7:00 a.m. to 5:00 p.m. Operations shall not be permitted on Saturdays, Sundays or holidays, unless otherwise approved by the ~~engineering manager~~ **CITY ENGINEER**.

Section 32. Section 26-628.E of the Wheat Ridge Code of Laws, regarding vehicle sales, rental and storage lots, is amended to read:

- E. There shall be a minimum ten (10) foot landscape buffer adjacent to any public street, with such buffer to be completely within the property boundaries, although the owner may additionally landscape that area between the front property line and the street improvements if approved by the ~~public works~~ **COMMUNITY DEVELOPMENT** director. There shall be no waivers of this landscape buffer requirement.

Section 33. Section 26-707.D.2 of the Wheat Ridge Code of Laws, regarding sign interference, is amended to read:

2. No sign is allowed which, even though in general conformance with the standards and requirements of this sign code, is judged by the chief of police, **COMMUNITY**

DEVELOPMENT DIRECTOR and public works director as a dangerous sign due to interference with a traffic control device by being in direct line between the control device and oncoming traffic or otherwise in visual competition with a traffic control device.

Section 34. Section 26-711.G.3 of the Wheat Ridge Code of Laws, regarding temporary signs carried by persons, is amended to read:

3. Location: permitted along any public right-of-way, provided there is no negative impact to vehicular, bicycle, or pedestrian safety as determined by the director of public works, **COMMUNITY DEVELOPMENT DIRECTOR** or chief of police or their designee. [...]

Section 35. Section 26-802 of the Wheat Ridge Code of Laws, regarding floodplain control definitions, is amended to read:

Floodplain administrator. The ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR** or designee who is assigned the responsibility to coordinate and deal with all aspects of these regulations.

Section 36. Section 26-808.A of the Wheat Ridge Code of Laws, regarding floodplain control administration, is amended to read:

- A. Floodplain administrator. The ~~director of public works~~ **COMMUNITY DEVELOPMENT DIRECTOR** of the City of Wheat Ridge or designee shall be the floodplain administrator. The duties of the administrator shall include, but not be limited to:

1. *Coordination between departments and divisions:*

[...]

- b. All applications and certifications shall be submitted to the ~~department of public works~~ **COMMUNITY DEVELOPMENT DEPARTMENT** from which further routing to other departments and divisions and utility companies shall occur.

[...]

3. *Information to be obtained and maintained:*

[...]

- c. All records required by these regulations shall be maintained with the associated development permits in the ~~department of public works~~ **COMMUNITY DEVELOPMENT DEPARTMENT**.

Section 37. Section 26-809.D of the Wheat Ridge Code of Laws, regarding floodplain certificate of compliance, is amended to read:

- D. [...] Said submitted certification, along with a copy of the certificate of compliance, shall be kept on record in the ~~department of public works~~ **COMMUNITY DEVELOPMENT DEPARTMENT**.

Section 38. Section 26-1004.B.3 of the Wheat Ridge Code of Laws, regarding Chapter 26 violations, is amended to read:

3. Any class I floodplain permit or excavation and deposit control permit issued by the ~~public works~~ **COMMUNITY DEVELOPMENT** department.

Section 39. Section 26-1110.E.4 of the Wheat Ridge Code of Laws, regarding usable open space requirements, is amended to read:

4. Drainage ways, ponds, and other areas required for stormwater quality or detention may qualify as usable open space if such areas are designed for passive or active use and are landscaped with grass, shrubs, and/or trees. A list of recommended plants for stormwater detention areas is available through the ~~public works~~ **COMMUNITY DEVELOPMENT** department.

Section 40. 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 41. Effective Date. This Ordinance shall take effect upon adoption and signature of the Mayor, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 13th day of January 2020, 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 January 27, 2020 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ___ to ___, this _____ day of _____, 2020.

SIGNED by the Mayor on this _____ day of _____, 2020.

Bud Starker, Mayor

ATTEST:

Steven James Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

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